**Idaho Association of Counties**

**Legislative Committee Meeting Minutes**

IAC Washington Office, In-Person| 700 W. Washington St., Boise, Idaho | February 21, 2018| 10:30 am

**Call In: 208-717-1950**

Members Present:

Chair: Chris Goetz, Clearwater Sheriff

Vice-Chair: Pat Vaughan, Latah Assessor

IACA: Justin Baldwin, Gooding Assessor

IACC: Terry Kramer, Twin Falls Commissioner

IACRC: Carrie Bird, Clearwater Clerk

IACT: Donna Peterson, Payette Treasurer

IACT Alt.: Tracie Lloyd

IPAA: Bryan Taylor, Canyon Prosecutor

IPAA Alt.: Holly Koole, Ada Deputy Prosecutor

District 1: Dan Dinning, Boundary Commissioner

District 3: Gordon Cruickshank, Valley Commissioner

District 3 Alt.: Vicky McIntyre, Ada Treasurer

District 4: Helen Edwards, Gooding Commissioner

District 5: Craig Rowland, Bingham Sheriff

District 6: Abbie Mace, Fremont Clerk

Members Not Present:

ISA: Kieran Donahue, Canyon Sheriff

ISA Alt.: Vaughn Killeen, ISA Executive Director

ISACC: Dotti Owens, Ada Coroner

ISACC Alt.: Pam Garlock, Boise Coroner

District 1 Alt.: Phil Lampert, Benewah Commissioner

District 2:

District 2 Alt.:

District 4 Alt.: Larry Schoen, Blaine Commissioner

District 5 Alt.: Ladd Carter, Bingham Commissioner

District 6 Alt.: Shelly Shaffer, Butte Clerk

Guests:

Seth Grigg, Executive Director, Idaho Association of Counties

Kelli Brassfield, Idaho Association of Counties

Kristin Cundiff, Idaho Association of Counties

Lorna Jorgensen, Ada County

Phil McGrane, Ada County

10:30 am **I.** **Call to order** - Chair Chris Goetz

1. Roll Call
2. Approval of February 14, 2018 Minutes.

Larry Schoen was present.

***Gordon Cruickshank made a motion to approve the minutes from February 14, 2018. Donna Peterson seconded. Motion carried.***

10:35 am **II. IAC Package (Update)**

1. Justice Levy #14 – [H0555](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2018/legislation/H0555.pdf)
	* Increase levy from .02% to .025%

Seth Grigg stated that H555 passed the House Revenue and Taxation Committee by one vote. IAC will be asking for support from the whole membership. All members need to focus on their legislators. The committee hearing was a little heated. Rep. Moyle came out against the bill and stated this is a tax increase on taxpayers. We need continuous communication with all legislators because this will be a close vote on the floor.

The Representatives that opposed H555 were: Rep. Hartgen, Rep. Nate, Rep. Moyle, Rep. Collins, Rep. Anderst, Rep. Dailey.

1. Records Retention for LE #15 – [H0499](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2018/legislation/H0499.pdf)
	* Update required retention timeframes

Seth Grigg stated H499 would be in committee February 21, 2018. Terry Derden will help IAC present this bill.

1. Delinquent Tax Payments #11 – [S1230](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2018/legislation/S1230.pdf)
	* Clean up requirement payment of delinquent taxes

Seth Grigg stated that Donna Peterson presented S1230 in House Revenue and Taxation and passed.

1. Electronic Notice #1 – [H0420](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2018/legislation/H0420.pdf)
	* Option to post public notices on county websites

Seth Grigg stated that H420 may not get a hearing; however, there is another proposal (H611) that addresses this.

1. Interest for Supplemental and Missed Property Rolls #10 - [S1231](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2018/legislation/S1231.pdf)
	* Apply interest to sup. and missed property rolls the same as all other taxes

Seth Grigg stated that Donna Peterson presented S1231 in House Revenue and Taxation and passed.

1. Early Voting Plan #5 - [S1229](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2018/legislation/S1229.pdf)
	* Allow for annual plans unless plan is modified
2. Election Age #6 – [S1228](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2018/legislation/S1228.pdf)
	* Reduce student poll worker age from 17 to 16
3. Federal Lands – Conservation #13
	* Provides a yearly payment of a fee in lieu of taxes for property that is accepted as a donation

Seth Grigg spoke with Commissioner Wayne Butts and he is willing to make changes that would allow for this proposal to move forward.

10:45 am **III. Update and Monitor**

1. Magistrate Court Funding

Seth Grigg stated that all parties are on board and are now working to get an RS so it can be introduced. This proposal almost inverts the liquor fund formula. The cities will receive 49%, 17% will go to the courts, and counties would receive 34%. This bill also carves out $6 of district court fees that will be dedicated to magistrate court.

11:00 am I**V.** **Other Legislative Items (Action)**

1. Personal Property Tax Exemption – [H0556](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2018/legislation/H0556.pdf)

Seth Grigg mentioned that H556 is in limbo. The Idaho Association of Commerce and Industry wants to work with IAC to talk about this issue. IACI and IAC would create a workgroup to bring all topics to the table. This would not bind any association. It will only be discussion. I would recommend that we engage in this topic.

***Terry Kramer made a motion to create a subcommittee to work with IACI. Justin Baldwin seconded. Motion carried.***

1. Building Codes Pre-Emption – [H0547](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2018/legislation/H0547.pdf)

Kelli Brassfield stated that H547 removed the ability for local jurisdictions to adopt building codes other than those that the state has adopted. It also changes the language to state that locals may adopt building codes, other than those adopted by the state, if there is an “immediate threat to human life and safety exists.”

Gordon Cruickshank stated that counties are responsible for looking after the safety and health of our citizens. Justin Baldwin stated that this is a local control issue. It limits what local communities can do. Mike Kane mentioned that one reason cities are adopting the 2015 standards is because the state is slow moving.

Gordon Cruickshank asked what is the intent of this legislation is. Seth Grigg stated that the City of Boise adopted the updated standards and the contractors in Boise do not like it. Seth also mentioned that software would be an issue as it is based around the new codes. Terry Kramer also mentioned that mortgage companies might require the updated standards in the future.

***Terry Kramer made a motion to oppose H547. Carrie Bird seconded. Motion carried***.

1. Public Records – [S1274](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2018/legislation/S1274.pdf)

Seth Grigg stated that Senator Souza made a change that allows the counties to designate custodians in each department if they so choose. This proposal is on the amending order.

Pat Vaughn stated that elected officials are the custodian and are unable to delegate that authority. Seth Grigg commented that this does not remove your authority but would allow you to designate a contact to process the request. Gordon Cruickshank asked if counties will we have to give an actual person or a position. Gordon mentioned that turnover within counties could be an issue. Seth Grigg stated that this would be a designated a position and that it may be a good idea to have an alternate just in case that position ends up vacant.

***Committee did not take a position at this time.***

1. Driving w/o Privileges – [H0599](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2018/legislation/H0599.pdf)

Mike Kane stated that the Idaho Sheriff’s Association has not taken a position and would recommend that we not take a position. Holly Koole stated that the Idaho Association of Prosecuting Attorneys have not taken either and don’t plan on taking a position.

Vaughn Killeen mentioned that the fiscal impact states that the state is going to take the hit and the counties are not going to lose money. Vaughn stated that this proposal might not address the problem. Chris Goetz stated that Rep. Chaney wants our support because he is looking at keeping people out of jail and court. Sheriffs have usually been ok with removing the mandatory jail time.

***Committee did not take a position at this time.***

1. Non-Profits/Church Property Taxes – [H0593](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2018/legislation/H0593.pdf)

Seth Grigg stated that a church approached Rep. Anderst about their low-income housing and managing this property. The church is exempt from taxation if they maintain the property themselves. They would like to hire a property management to maintain the property for them. The statute says that if they do not maintain the property themselves, they would lose their exemption.

Mike Kane asked what does the term “bona fide church” mean. Seth Grigg stated that there wasn’t an answer for that question and that concern has been brought to the sponsor’s attention. Justin Baldwin stated that if these churches have enough money to hire a property manager, they are essentially a business because they are making money. These are meant for worship, not making money. Pat Vaughn stated that providing housing should not be modified just because it is a church.

Donna Peterson stated that this could open up the door for all kinds of things: church farms, canneries, etc. It changes it to a business aspect.

***Gordon Cruickshank made a motion to oppose H593. Pat Vaughn seconded. Motion carried.***

1. Property Tax Exemption for Hop Crops – [H0594](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2018/legislation/H0594.pdf)

Seth Grigg stated that this proposal amends the Ag exemption section of Idaho Code (63-602EE) to add hop equipment and machinery. Justin Baldwin stated that this is a slippery slope. If it starts here, where do we end? Helen Edwards stated that she is worried about all the exemptions that are currently in place.

***Justin Baldwin made a motion to oppose H594. Helen Edwards seconded. Motion carried.***

1. Public Funds Utilization – [H0600](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2018/legislation/H0600.pdf)

Seth Grigg stated that the intent of H600 is if there is a ballot proposal, public money shouldn’t be used to promote that ballot proposal.There has been some concern about how some of the cities and schools have approached their levy ballot proposals. We want to make sure that this doesn’t affect the 1st amendment rights and will still allow officials can still speak to the ballot measures. There is clarifying language that would allow classes to debate the merits of the proposals.

Gordon Cruickshank stated that elected officials need to be able to talk about levies. Valley County has been discussing creating a special levy. There is concern that this proposal would limit the county from providing information to citizens. Seth Grigg said that counties would only be able to give the facts and it would be crossing the line when you start saying “you should” vote for this proposal because of a, b, and c.

Phil McGrane stated that the current law isn’t clear and case law has been driving this proposal. The sponsor is trying to codify the case. It is a good public policy to clarify what is and isn’t allowed. It isn’t just the message, but it is also how the message is conveyed. Information in regard to levies and bonds needs to be given to everyone and not certain groups that would advocate and vote for the ballot measure.

Vaughn Killeen mentioned that his concern is that certain groups will use this to prevent ballot measures. We already have a hard time getting to the super majority and I see this as another way to keep our proposals at bay. Seth Grigg stated that the locals have been driving this proposal with Rep. Monks this year and it is watered down from last year and local concerns have been addressed.

***Carrie Bird made a motion to support H600. Donna Peterson seconded. Motion carried.***

1. Conflict Disclosure – [H0609](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2018/legislation/H0609.pdf)

Seth Grigg stated that Idaho is one of two states that don’t have disclosure requirements. Rep. Loertscher tried to move a bill earlier in the session. This proposal would require you to disclose if you have a potential conflict of interest. Phil McGrane said that individuals would disclose their employers and direct owned interest in any company over $5,000.

Terry Kramer asked if someone owned more than $5,000 in say Idaho Power, it would have to be disclosed. The answer is yes, if it is a direct ownership. Mike McDowell stated that the local paper is constantly pointing out disclosure that being put out there. Officials are already starting to do this on their own.

Gordon Cruickshank stated that individuals could have stocks with values that may be under $5,000 at one point but then it may be over at a later time. Seth Grigg stated that this proposal would make this an annual report to the SOS and so if information changes, individuals are able to update their disclosure forms.

***Committee did not take a position at this time.***

1. Open Meeting Law – [H0611](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2018/legislation/H0611.pdf)

Seth Grigg stated that H611 would require governmental entities to post notices to their website as well as the current paper requirement. The other changes would require agendas to designate items as “action” if a vote is going to occur. If you are going to or have a potential to vote you need to put “action” next to it. Also, when you make amendments to the agenda, you can only add to the current agenda if it is an emergency.

Dan Dinning stated that this proposal could prohibit us from voting on a legislative alert the day after we receive them and that counties may have to wait a week. Seth Grigg stated that counties could argue that it was “an emergency.” Lorna Jorgensen stated that Ada County thinks this is more restrictive.

Mike Kane mentioned that the more vague and broad this law becomes the more apt counties are set up for lawsuits. I think we could add some amendments but we should support parts of it.

***Committee did not take a position at this time.***

1. Revenue Sharing –Rep. Monks

Seth Grigg stated that this proposal would alter the way counties receive revenue sharing. The county portion was based on inventory of business back with it was implemented. This proposal would distribute the funds based on population but the tax commission would set a per capita amount per county. Counties could receive more or less depending on what the growth in the fund would be. Most counties would lose money. Eight counties would have an increase. This does have a significant impact on our counties.

Mike Kane asked if there has there been other alternatives been suggested. Seth Grigg mentioned that there has been a shift since 1999 in the base and excess. Gordon Cruickshank asked would it be appropriate to change the base amount so we don’t hurt the little counties. Seth Grigg did state that the city of Ammon did have a different approach, which would have been a 10 year phase in but that proposal is not moving forward.

Terry Kramer suggested that a workgroup should be created to work on this issue.

***Gordon Cruickshank made a motion to oppose this revenue sharing proposal in its current form. Terry Kramer seconded. Motion carried.***

Chris Goetz asked the committee to reconsider H509. This bill would require out of state residents to purchase trail stickers to use groomed snowmobile trails. As Rep. Gestrin has supported us it would be nice to return the favor. This bill would increase revenue for counties

***Gordon Cruickshank made a motion to support H509. Vaughn Killeen seconded. Motion carried.***

12:00ish pm **V. Adjourn**