

**Idaho Association of Counties  
Legislative Committee Meeting Minutes**

Conference Room | 700 W. Washington St., Boise, Idaho | January 23, 2019 | 10:30 am  
**In-Person**

Members Present:

Chair: Chris Goetz, Clearwater Sheriff  
Vice-Chair: Donna Peterson, Payette Treasurer  
IACA: Justin Baldwin, Gooding Assessor  
IACC: Doug Zenner, Nez Perce Commissioner  
IACRC: Carrie Bird, Clearwater Clerk  
IPAA: Bryan Taylor, Canyon Prosecutor  
IACT Alt.: Elizabeth Mahn, Ada Treasurer  
ISA: Kieran Donahue, Canyon Sheriff  
ISA Alt.: Vaughn Killeen, ISA Executive Director  
ISACC: Lucky Bourn, Minidoka Coroner  
District 2: Dave McGraw, Latah Commissioner  
District 3: Tom Dale, Canyon Commissioner  
District 6: Brent Mendenhall, Madison Commissioner

Members Not Present:

IACT: Tracie Lloyd, Canyon Treasurer  
IPAA Alt.: Holly Koole, Ada Deputy Prosecutor  
ISACC Alt.: Dotti Owens, Ada Coroner  
District 1: Dan Dinning, Boundary Commissioner  
District 1 Alt.: Phil Lampert, Benewah Commissioner  
District 2 Alt.:  
District 3 Alt.: Pam White, Canyon Commissioner  
District 4: Don Hall, Twin Falls Commissioner  
District 4 Alt.: Brad Wills, Twin Falls Assessor  
District 5: Craig Rowland, Bingham Sheriff  
District 5 Alt.:  
District 6 Alt.:

Seth Grigg, Executive Director IAC  
Kristin Cundiff, IAC Staff  
Kelli Brassfield, IAC Staff  
Tim Hibbard, IAC Staff  
Jeremy Chou, IAC Staff  
Lorna Jorgensen, Ada County  
Larry Maneely, Ada County

10:30 am

**I. Call to order** – Vice Chair Donna Peterson

A. Roll Call

B. Minutes – December 5, 2018 & January 16, 2019

*Carrie Bird made a motion to approve the minutes from December 5, 2018. Tom Dale seconded. Motion carried.*

*Tom Dale made a motion to approve the minutes from January 16, 2019. Lucky Bourn seconded. Motion carried.*

10:05 am

**II. IAC Package (Update/Re-evaluate Priorities)**

**Health and Human Services**

**HHS-02 Indigent Jail Medical: New Draft**

- To clarify that a Sheriff's obligation to provide medical care is limited to those inmates in the Sheriff's custody and then only for the duration of their incarceration.

The draft is being reworked to make clear that if an individual is not in the jail they would go through the other processes in place. If charges are dropped and the individual is no longer in jail, the county would no longer be responsible. The hospitals are not a fan of this because they do not have guaranteed payment. The draft is sitting on Sen. Martin's desk but the hearing may be later as there is still a wait to find out what is going on with Medicaid.

### **Intergovernmental Affairs**

#### **IG-01** Mail Ballot for Bond Election Dates: Take off the agenda

- To change March and August bond elections all-mail ballots.

#### **IG-04** Mail Ballot Threshold:

- To increase mail ballot precinct thresholds from 125 to 190 registered voters.

The draft has been given to Rep. Crane for review. Kelli Brassfield will follow up with him to review any questions or concerns.

#### **IG-05** Flat Recording Fee:

- To implement a flat fee for recording all documents.

The proposal is drafted and has an RS. IAC staff will follow up with Rep. Holtzclaw this next week.

#### **IG-07** Electronic Notice:

- To give counties the option of posting public notices and agendas on their websites in lieu of the newspaper.

Currently there are two proposals. The Idaho Freedom Foundation is working on the draft that IAC supports for online notice publications. The newspapers are not supportive of this proposal. Rep. Raybould is working on a "compromise" bill. The proposal would have all first publications online and require notices be posted to the database the newspapers have created. The payment would be reduced but the newspapers would remain the control.

### **Justice and Public Safety**

#### **JPS-03** Tax Intercept for Debts Owed:

- To allow tax intercept on debts owed to the County that is under \$50.

The courts are concerned including juveniles because their cases are sealed and their information is not to be disclosed. The intercept would allow for some information to be visible. Some committee members asked if the juvenile's debt could be attached to a parent or guardian. The courts are willing to have a discussion around other options of collection. For now the committee agreed to drop juveniles from the draft to keep it moving forward.

#### **JPS-04** Odyssey and County Fees:

- To clarify those fees for pre-trial release and misdemeanor probation can be assessed and collected in Odyssey.

The bail bondsmen are opposed as they feel that the pretrial release would be a threat to them. 30 counties have pretrial release programs but only 10 counties collect supervision fees. The courts have signed off with the draft. There is a meeting with the bail bondsmen next week.

#### **JPS-05** Public Defense:

- To establish a state based public defender system and to cap county spending at the 2018 levels. This cap would be in place until there is a funding parity between counties and the state.

The rules were modified prior to session to include a provision for an out just in case the funding does not come. Gov. Little supports and has budgeted for the request for \$11M for public defense. The new PDC director is working to redo the grant application process. She will be working with clerks to complete that process. Conversations about a state based system are still occurring. Some have discussed diverting some of county's funding to set up the state based system. There is willingness from legislators to continue to discuss this.

Tom Dale mentioned that their PD attorney said the case load standards was a big concern but he is now ok with the current case load numbers.

#### **JPS-06** Justice Levy:

- To increase the Justice Levy limit from .002 to .0025.

#### **JPS-07** Jail Capital Improvement Optional Sales Tax:

- To change the passing threshold to 60% on sales tax for Jail Capital Improvements.

There are continued conversations about this and there is a meeting with Senator Rice today.

## Transportation

### T-02 Strategic Initiatives:

- To remove the sunset clause to create permanent funding.

IAC staff and other stakeholders have been working with Sen. Brackett. Sen. Brackett says he is not willing to hear a bill that doesn't include the extension or elimination of the sunset. Jeremy Chou mentioned that there are many stakeholders that want to see this move. There are 8-9 proposals in regards to transportation and all want to move forward. They don't want to move backwards. This proposal will probably be a late session move.

10:25 am

### III. Other Legislation (Update/Action)

#### A. Medicaid Expansion

The most recent proposal is from Rep. Wood. There will be thin margins of passing in the House, as many still don't want this to pass. The Senate doesn't have the appetite for overturning the will of the voters. Rep. Wood's proposal would suspend the CAT fund. There are issues with the dates for implementation. The draft also includes county revenue sharing to pay for about half of Medicaid Expansion. The proposal takes 33% off the top of the revenue sharing. The impact is disproportionate to the counties. The indigent levy is left in place. There are gains/losses against the amount of indigent expenses. Most counties would lose under this proposal.

The draft intent is that the 33% revenue sharing would meet the obligation of the indigent programs at the county level and those who may fall through the crack would be on their own. It appears that Rep. Wood structured the draft this way to be able to revisit this the CAT and indigent programs if there are any issues down the road with funding at the federal level.

IAC staff is working to raise the justice levy and others to make this work. The idea is that all these components should be included in one bill. In regards to the justice levy, IAC staff is starting the conversation with a .03% instead of the .025% like last year. This will give counties the ability to move expenses back into the justice levy. This is gaining traction.

Rep. Moyle is actually entertaining the idea of repealing of the indigent program and raising the justice levy. There are others that are interested in working on this. The discussions are a little premature as there haven't been any discussions on sideboards yet. Behavioral health needs to be a part of this conversation as well.

#### B. Professional Surveyors Trespass

The trespass bill, from last year, added to allow surveyors on property "as authorized" but there is confusion as to what that means. The statute says that county/government employees could access land but there was not provision for private surveyors. If counties have a contract with a private surveyor, are they considered agents of the county? It is unclear. If this isn't fixed, the public could charge your contractors with trespass.

***Carrie Bird made a motion to support the Idaho Professional Surveyor's draft to amend the trespass statute. Brent Mendenhall seconded. Motion carried.***

#### C. Overweight Vehicle Routes and Permits

Locals have the authority to choose to allow 129,000lb trucks on their roads. Some locals allow them and some don't. This proposal doesn't change that but it sets up a process for permits to be issues and an appeals process for denial of routes designation. It does cap the amount the counties can charge for the road analysis. It is capped at \$2,500 to the applicant. There is a provision to allow counties to apply for an additional \$5,000 grant through LHTAC. There is no funding mechanism for this.

The highways and cities have moved to support.

Kieran Donahue suggested the committee wait until the funding mechanism is identified to take a position. The committee appears to be accepting of the concept.

#### D. Liquor License

This proposal would allow locals to create liquor by the drink licenses for restaurants. The current license holders would get a discount on these new license types. If the local jurisdiction decides to create these licenses, the burden of enforcement falls on that jurisdiction. This is an option and not mandated. The incumbent licenses would be transferable; however, the new licenses are not to be transferred.

E. Workman's Compensation for Firefighters

Professional Firefighters want to have PTSD listed as a qualified medical issue for worker's compensation. One concern is that those that are self-insured could be exposed to a greater cost if a case were to come through. Vaughn Killeen mentioned that there are a people that feel there has not been due diligence done on this proposal. This proposal would remove the physical injury portion of the claims process. There was a letter that was submitted to the committee with a long list of concerns.

Lucky Bourn asked why are the coroners listed here, as they are the last of the first responders. Mike Kane is going to look into having the coroners added.

F. Rule of 80 for Dispatch

The sheriffs have been unable to get a hearing thus far.

G. Commitment by Judgment

This proposal modifies the hearing process to would allow a motion to be done by the petitioner and/or the proposed patient to continue the hearing up to 14 days. Bryan Taylor stated that as a prosecutor, he is ok with the draft.

H. Revenue Sharing

This proposal is from Rep. Monks and he wants to move to a population based revenue sharing system. About half of the money being received is already based on population. The other portion is what is called the base and excess. There has been a big change in where people live in Idaho and looking at the per capita rate, revenue sharing is not equitable. The proposal looks to keep the base at what counties received in FY19. The growth above that would be put into a population formula after there is equalization. There is going to be winners and losers.

Doug Zenner mentioned that the Idaho Public Health Districts just went through the same funding issue. Could the formula used for public health be used for this? IAC staff will review it and work with Rep. Monks.

I. E-Bikes (position next week)

This proposal would allow E-bike to be used on trails. The locals would have the option to allow or not. There is a speed limit on these bikes. This will impact cities more than counties. There is a concern about how this works with federal law.

12:00 am

**IV. Adjourn**