

## IAC Legislative Committee

January 29, 2020 | 10:00 am -1:00 pm

Conference Call 208-717-1950

### MEETING MINUTES

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#### Call to Order

Chair Baldwin called the meeting to order at 10:00 am.

The following committee members were present:

Chair: Justin Baldwin, Gooding Assessor  
Vice Chair: Donna Peterson, Payette Treasurer  
IACA: Brad Wills, Twin Falls Assessor  
IACC: Doug Zenner, Nez Perce Commissioner  
IACRC: Carrie Bird, Clearwater Clerk  
IACT: Tracie Lloyd, Canyon Treasurer  
ISACC: Lucky Bourn, Minidoka Coroner

District 1: Dan Dinning, Boundary  
Commissioner  
District 4: Don Hall, Twin Falls Commissioner  
District 5: Craig Rowland, Bingham Sheriff  
District 6: Brent Mendenhall, Madison  
Commissioner

The following guests were present:

Seth Grigg, IAC  
Sara Westbrook, IAC  
Kelli Brassfield, IAC  
Tim Hibbard, IAC  
Kristin Cundiff, IAC  
Annette Dygert, Owyhee Treasurer  
Angie Barkell, Owyhee Clerk

Vaughn Killeen, ISA  
Chris Goetz, Clearwater Sheriff  
Lorna Jorgensen, Ada Prosecutor's Office  
Phil McGrane, Ada Clerk  
Holly Koole, Ada Prosecutor's Office  
Al Hofer, Elmore Commissioner  
Kieran Donahue, Canyon Sheriff

#### Minutes Approval (Action Item)

*Payette County Treasurer Peterson Treasurer moved to approve the January 22, 2020 meeting minutes. Bingham County Sheriff Craig Rowland seconded the motion. The motion carried.*

#### Legislative Priority Update

- IG-12 Whistleblower Act | To apply caps on non-economic damages
  - The rewrite was received on Monday, and IAC is reviewing.
- IG-06 APA | Standard of review for local government under Administrative Procedure Act

- The draft language has been circulated to a few attorneys. The view so far is there is no impact on counties.
- JPS-03 Odyssey Fees | Collection of certain misc. fees in Odyssey including pre-trial juvenile supervision & JPS-04 Pretrial Release | Technical corrections of collection of fees for adult pretrial release
  - Another draft has been sent to Ada county for review and approval. Will proceed in Senate State Affairs.
- IG-08 [S1268](#) Write-in Deadline | Change write-in deadline to 7<sup>th</sup> Friday before election
  - The bill was introduced. There will be a full hearing next Wednesday. A small technical correction must be made to the draft language. A request will be made to send the bill to the 14<sup>th</sup> Order for amending. Majority Leader Winder has assured IAC the bill will not die there.
- IG-14 Vehicle Titles | Increase county assessor share of title fees
  - No AG opinion has been made available to IAC yet. The situation is being monitored closely.
- IG-04 Homeowners Exemption | Bring back annual index
  - Before the session is over, there should be a “grand bargain” that should include a property tax cap, and a homeowner’s exemption or increase with a circuit breaker adjustment. A homeowner’s exemption needs to be part of the discussion.
- PL-01 IDL/County Roads | Maintenance of county roads w/easements on IDL Lands
  - IAC will meet with IDL and their AG on Friday. An update will be given at the next meeting.

### Legislative Policy Update

- IG-10 [S1270](#) Uncontested City Elections
  - The bill was introduced this morning. There will be a full hearing next Wednesday.
- IG-13 [H0349](#) Marriage License Clarification
  - The ACLU has raised concern this bill could prevent marriage between undocumented individuals. There is a meeting scheduled with IAC, the ACLU and the Governor’s Office this afternoon to address their concerns. IAC will reevaluate if this is an issue IAC wants to engage in.
- IG-02 [S1269](#) Security of Ballots
  - The bill was introduced this morning. There will be a full hearing next Wednesday.
- JPS-07 Public Defense
  - There is a draft proposal that would be very narrow to establish a pilot project. Implementation has been delayed to October 2021 to give the PDC time to prepare in the event the legislature passes the bill. IAC expects a draft to be introduced sometime in the next 7-10 days.
- JPS-06 Clerk on Magistrate Commission
  - The draft language is being worked on to ensure there is no conflict of interests in regards to magistrate removal.

### New Business

- [H0346](#) (Monitoring) and [S1250](#) (Monitoring) Districted driving

- H0346 would preempt local jurisdictions from creating local ordinances regarding distracted driving in lieu of a statewide law. The definition for distracted driving, however, is very vague in the draft language making it difficult for law enforcement to enforce the law. S1250 is a well thought out bill and has been vetted by several sources. Vaughn Killeen: ISA will likely support S1250 and oppose H0346 when they meet next week. IAC recommends supporting S1250.
- No action was taken on either H0346 or S1250. The committee will wait to take action on either bill until after ISA has taken an official position.
- [H0347](#) (Oppose) Bond elections once every 11-months
  - This bill has been narrowed from its original version. The bill would put into statute if any bond election fails, it couldn't be put back on the ballot for consideration until an election at least 11-months later. District 1 is strongly opposed to this bill. Local jurisdictions should be given the opportunity to listen to the public and re-evaluate a bond to put it on any ballot for consideration without restriction.
  - *Boundary County Commissioner Dan Dinning moved to oppose House Bill 347. Twin Falls County Commissioner Don Hall seconded the motion. The motion carried.*
- [H0353](#) (Oppose) 3% P-tax budget Cap
  - This bill would institute a hard 3% cap to budget growth, including new construction. There is also a provision in the bill to halt accrual of forgone from 2020 onward. IAC recommends opposition to H0353.
  - *Boundary County Commissioner Dan Dinning moved to oppose House Bill 353. Payette County Treasurer Donna Peterson seconded the motion. The motion carried.*
- [H0354](#) (Support) Annual resolution to reserve forgone
  - This bill was heard in House Rev & Tax this morning. This bill requires taxing districts to affirmatively reserve by annual resolution any forgone property taxes to be used in the future. Failure to reserve forgone property taxes will result in a forfeiture of that year's forgone property taxes. Training taxing districts would be necessary. IAC recommends supporting H0354.
  - *Twin Falls County Commissioner Don Hall moved to support House Bill 354. Payette County Treasurer Donna Peterson seconded the motion. The motion carried.*
- [H0355](#) (Oppose) P-tax freeze
  - This bill institutes a one-year freeze in local government property tax budget increases. It would cap taxing district's budgets, but it would not cap property taxes paid by homeowners. In fact, property taxes would still increase on homeowners in the likely event of market value shifting toward residential property.
  - *Payette County Treasurer Donna Peterson moved to oppose House Bill 355. Canyon County Treasurer Tracie Lloyd seconded the motion. The motion carried.*
- Discussion on Civil asset forfeiture, 50% dedicated to county public
  - Commissioner Al Hofer: In Elmore County, there is no accountability to the Sheriff's drug fund. This money should be accounted for, and 50% of the money should go to fund public defense. Sheriff Goetz: The lack of accountability for a county drug fund is not a statewide issue, it is county specific. Don Hall: it is counterintuitive to use the drug fund to fund public defense. The drug fund is well accounted for and used for a specific purpose.

## Other Business

- IAC Property Tax Relief Package

- PART 1 PROPERTY TAX BUDGET CAPS: IAC looked at two different options for budget growth limitations. 1. An inflationary budget increase system. 2. A limitation on the percentage of new construction a county can add to their base budget. The subcommittee recommends moving forward with a bifurcated system. This system would institute a system to allow for counties that have budget and new construction growth below X% (5% for example) to experience no change in budgeting. However, if a county experiences growth above the X%, they would receive all of their new construction to pay for growth, but their base budget would grow based upon an Idaho-specific statewide inflationary index (likely something close to 2%). The index would include factors beyond just monetary inflation such as rising construction costs. This could also include a sunset clause. New construction from recently closed urban renewal districts and the expiration of an exemption granted through 63-602NN, Idaho Code, would not factor into any cap. This would apply only to the property tax portion of budgets.
- PART 2 PROPERTY TAX RELIEF FOR HOMEOWNERS: IAC explored 3 different options. 1. Increasing the eligibility of the Circuit Breaker. This is likely to happen this session. 2. An increase in the homeowner's exemption. This has to be part of any property tax package. 3. Leverage the newly created tax relief fund to provide property tax relief to homeowners without creating a tax shift to agricultural and commercial properties. The subcommittee recommends moving forward with all three options.
- PART 3 IMPACT AND OTHER USER FEES FOR SERVICE: There are currently two limitations in the impact fees statute, one of which is significant for counties. Counties cannot adopt a county wide impact fee to pay for infrastructure. It is currently limited to the unincorporated parts of the county where there is little impact. The recommendation would be to revise the language of the statute to allow counties to apply an impact fee county wide for things like jails, courthouses, and administrative offices: things that support all county tax-payers. The other recommendation would be to broaden the impact fee statute to allow districts, other than cities and counties, to adopt an impact fee on their own.
- *Clearwater County Clerk Carrie Bird moved to support the IAC Property Tax Relief Package. Canyon County Treasurer Tracie Lloyd seconded the motion. The motion carried.*

*Payette County Treasurer Donna Peterson moved to adjourn the committee meeting at 11:43 pm. Madison County Commissioner Brent Mendenhall seconded the motion. The motion carried.*

The meeting was adjourned.

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# IAC Legislative Committee

## MEMBERSHIP

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### CHAIR

Justin Baldwin  
*Gooding County Assessor*

Brad Wills  
*IACA: Twin Falls Assessor*

Tracie Lloyd  
*IACT: Canyon Treasurer*

Lucky Bourn  
*ISACC: Minidoka Coroner*

Tom Dale  
*District 3: Canyon Commissioner*

### VICE CHAIR

Donna Peterson  
*Payette County Treasurer*

Carrie Bird  
*IACRC: Clearwater Clerk*

Stephen Bartlett  
*ISA: Ada Sheriff*

James Zehner  
*District 2: Idaho Assessor*

Craig Rowland  
*District 5: Bingham Sheriff*

Doug Zenner  
*IACC: Nez Perce Commissioner*

Bryan Taylor  
*IPAA: Canyon Prosecutor*

Dan Dinning  
*District 1: Boundary Commissioner*

Don Hall  
*District 4: Twin Falls Commissioner*

Brent Mendenhall  
*District 6: Madison Commissioner*