

## IAC Legislative Committee

February 24, 2021 | 10:00 am - 12:00 pm

Zoom Meeting

### 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: Annette Dygert, Owyhee Treasurer  
IPAA: Danny Clark, Bonneville Prosecutor  
ISA: Kieran Donahue, Canyon Sheriff  
ISACC: Scott Carver, Valley Coroner

District 1: Dan Dinning, Boundary  
Commissioner  
District 3: Phil McGrane, Ada Clerk  
District 4: Don Hall, Twin Falls Commissioner  
District 5: Terrel Tovey, Bannock  
Commissioner  
District 6: Brent Mendenhall, Madison  
Commissioner

The following guests were present:

Seth Grigg, IAC  
Sara Westbrook, IAC  
Kelli Brassfield, IAC  
Tim Hibbard, IAC  
Jessica Lewis, Bingham Commissioner  
Tracie Lloyd, Canyon Treasurer  
Kathie LaFortune, Latah Commissioner

Craig Rowland, Bingham Sheriff  
Sherry Maupin, Valley Commissioner  
Chris Goetz, Clearwater Sheriff  
Jack Johnson, Twin Falls Commissioner  
Dotti Owens, Ada Coroner  
Holly Rebholtz, IPAA  
Lorna Jorgensen, Ada Prosecutor's Office

#### Minutes Approval (Action Item)

*Owyhee County Treasurer Annette Dygert moved to approve the February 17, 2021 meeting minutes. Nez Perce County Commissioner Doug Zenner seconded the motion. The motion carried.*

#### Discussion Items

- Medicaid Funding Alternative
  - IAC is continuing to make modifications to the draft language. Health districts have just given their feedback. Essentially the bill as currently drafted would limit eligibility to the

- CAT and indigent funds and direct counties to provide additional funding for health districts.
- Section one would remove eligibility for the CAT and indigent programs for anyone who is eligible for Medicaid, health insurance, or in the commitment process. This will be a significant savings to counties.
  - The rest of the bill relates to health districts. Section three would provide flexibility for the health district board to set salaries. Health districts would like to clarify that it's not just the director but employees as well.
  - IAC expects final language to be available next week.
  - [H0066](#) Bond & Levy Election Language
    - There was an email thread from the Clerks where some Clerks expressed concern about why the committee opposed the bill. The Secretary of State's office also didn't understand why the bill was opposed. There was a request for the committee to reconsider it. The request stated that it relieves the Clerks of liability and the committee should feel it's a good thing for IAC.
    - Ada County Clerk Phil McGrane took the lead in discussing the bill.
      - The history of the bill started with House Bill 2 which stated that the clerks should personally be fined. House Bill 8 was the next iteration until it became House Bill 66. Phil has expressed the concern to others that starting out with House Bill was not a good way to bring the clerks to the table.
      - There are provisions in the bill that would be helpful because it clarifies that the clerk's role is to simply put the language on the ballot and it's up to the districts to create the language.
      - The advocates for the bill sent emails to all the clerks trying to stir up trouble asking anyone who has a March election coming up to invalidate that election because they didn't think it was legal. Some Bonneville constituents told the Ada County Clerk to remove the Kuna ballot language from the March ballot. Clerks were unsure how to respond.
      - He is unsure why the Secretary of State's office seems to be taking it personally.
      - Phil does not suggest the committee support the bill, even though there is some language in it that is helpful to clerks. It comes with a lot of other caveats, such as narrowing the language that can be on the ballot for bond elections, including county bonds.
      - One of the issues that was discussed when the committee ultimately decided to oppose the bill was that of local control. Locals should have discretion regarding what's on their ballots if the bond council approves it. There have not actually been any instances where this has been a problem where it's come back to the clerks.
      - A trimmed down version of the bill could be very helpful for the clerks.
      - The Secretary of State's office has given strongly worded phone calls to both IAC and Phil McGrane to support the bill.
    - Clearwater Clerk Carrie Bird stated that her concern is the limiting of the language. If they make that language a little better she thinks it will be a better bill.
    - Bonneville County Prosecutor Danny Clark asked for clarification between what was different now compared to the time the committee voted to oppose the bill the first time.
    - Chair asked IAC for clarification to Danny Clark's point; what is it that the committee needs to reconsider.

- Phil McGrane answered the question. The committee initially voted to oppose, but there were a handful of clerks, as well as the Secretary of State's office that want the committee to support it because they feel it benefits clerks. He doesn't feel there is a consensus amongst the clerks on the bill.
- Phil McGrane also stated that he believes the bill is being held in the Senate and is unlikely to receive a hearing. Supporters are trying to leverage IAC as a way to convince the committee chair to let it have a hearing. The schools have already opposed it and essentially stopped the bill. Supporters are hoping that IAC will be the life support to bring it back.
- Chair asked for a motion to reconsider the bill. No motions were offered. The committee's oppose position will stand.
- [H0106](#) School District Election Dates
  - The elections committee for the clerks discussed this bill last week. The majority support it, though there has not been an official position.
  - Ada County Clerk Phil McGrane:
    - The clerks have not been contacted by bill sponsors.
    - It seems to him that the Secretary of State's office is working under the guise that counties need a break, when in reality it's them who needs the break.
    - School's oppose the bill. The bill eliminates the August election date.
    - The clerks seem to be 50-50.
    - It would be helpful as it removes the election prior to the November election.
  - Boundary County Commissioner made the point that funding for public education has diminished significantly over the past several decades (down from \$1.8 million to \$600 thousand for schools in Boundary County, and schools rely heavily on supplemental levies and bonds. This bill seems to be a push to punish public education.
  - Bonneville County Commissioner Terrell Tovey made the point that the August elections are often used for bonds and levies because they have the lowest turnout and feels that all bonds and levy elections should be held in November where the turnout is highest and believes the August election date should go away.

*Bannock County Commissioner Terrel Tovey moved to hold off taking a position on House Bill 106 until the Clerks have had time to take a position, or the bill has a hearing in the House State Affairs Committee. Madison County Commissioner Brent Mendenhall seconded the motion. The motion carried.*

- [H0137](#) Post-election Ballot Audit
  - House Bill 137 is from the Secretary of State's (SOS) office to do a post-election audit. It would require the SOS, within two days, to notify the county and/or precincts they would be part of an audit process.
  - The language says it would be an audit on ballots cast, but there is concern the audit would include more than the ballots.
  - The process is also a concern as it's a direction and not laid out in statute as to how the counties will be chosen. Turnover could potentially change the directives.
  - The cost is another concern. It states the clerks can use consolidated election funds, but the clerks already use most, if not all of that money on other election expenses. The SOS stated they intend to perform the audit, but the bill reads otherwise.
  - The clerks have given feedback on how to improve the bill.

- Ada County Clerk Phil McGrane expressed concern about the bill. The topic has merit and does deserve to be discussed, but House Bill 137 is a blank check and not a good bill.

*Ada County Clerk Phil McGrane moved to oppose House Bill 137. Boundary County Commissioner. Dan Dinning seconded the motion. The motion carried.*

- [H0219](#) Voter identification, registration
  - This bill is mess. The clerks hate it. The bill would require that voter registration cards have the full legal name on them. The clerks would be required to clean up voter registration with the full legal names, before November 2024, the time and cost of which would be enormous to the clerks.
  - It would also require a current voter identification card to register to vote. If someone doesn't have one, there is a new fund being created by the proposal, which would divert \$2 million from the general fund to an account to pay for a card for them (they are being portrayed as "free."). Counties would receive \$5, and \$5 would go to the highway distribution account.
  - Currently, individuals can sign an affidavit in lieu of ID. This bill adds to that statute to require either the poll judge or the clerk to take a photograph of the individual and attach it to the affidavit.
  - Phil McGrane expressed concern that due to the fallout of the national election there has been a push to fix elections in general. However, Idaho had a very successful election and there is no need to fix Idaho elections in such a dramatic way.
  - Canyon County Sheriff Kieran Donahue also expressed concern about the bill stating it was a mess as well. It is not safe to require officials to take the picture of individuals who refuse ID. It's a solution searching for a problem that doesn't exist.

*Ada County Clerk Phil McGrane moved to strongly oppose House Bill 219. Twin Falls County Commissioner Don Hall seconded the motion. The motion carried.*

- [H0223](#) Ballot collection
  - The original bill failed. This bill changes the penalty from a felony to a misdemeanor. This hasn't been an issue in Idaho but has been an issue in other states. It also limits the number of ballots to be delivered by a single person to 6 per day, but they have to be family.
- [S1111](#) City council elections, districts
  - Establishes districts and requires a city councilperson to be elected by districts within population in excess of 100 thousand. The district must be established no later than 120 days prior to the election.
- [H0192](#) Public Defense
  - IAC met with Chairman Chaney to express the committee's concerns. He seems to understand the fiscal impact to counties. It may not get a hearing. IAC will continue to work with the sponsor but is not confident it will move this year.
- [H0197](#) County Ordinances
  - House Bill 197 prohibits cities and counties from imposing a misdemeanor for violating a local ordinance. It seems to focus in on a mask mandate that carried a misdemeanor in Idaho Falls.

- Bonneville County Prosecutor Danny Clark expressed strong concern regarding the bill as an attack on local control.

*Bonneville County Prosecutor Danny Clark moved to strongly oppose House Bill 197. Twin Falls County Commissioner Don Hall seconded the motion. The motion carried.*

- [H0211](#) Property value, assessment
  - This bill is a repeat of a bill the Governor vetoed last year at the request of the Assessors.
  - It would allow individuals the opportunity to use an arms-length transaction to use in an appeal with the board of equalization.
  - It passed out of committee yesterday. Several committee members spoke privately with IAC to say they felt the concerns brought up could be fixed using promulgated rules.
  - Chair Baldwin doesn't have any major concerns with the bill after receiving clarification on the definition of an arms-length transaction.
  - IAC suggested if the Assessors are fine with the bill, then they should reach out and provide an explanation to the Governor as to why they opposed it last year, but are fine with it this year, even with the same language. For now, the committee will just continue to monitor it.
- [H0212](#) Income, property tax reduction
  - House Bill 212 would allow those who own a certified family home to be able to apply for a PTR by exempting the payment they receive from the state to care for the person and not having that income count against them in the application for the circuit breaker.
  - The federal government doesn't count that income for tax purposes.
  - It passed out of committee.
- [H0218](#) Personal Property Tax Exemption
  - House Bill 218 proposed a repeal on business personal property. Right now, roughly 90% of businesses do not pay the tax because it exempts the first \$100 thousand of value.
  - The legislature estimates the cost to repeal the tax and replace the funds will cost the state upwards of \$135 million.
  - They propose a 10-year phase in. The replacement money would not grow. It would be fixed to 2022 levels. Some counties such as Power and Caribou would be hit very hard as close to half of their market value is personal property.
  - It would significantly diminish county bonding capacity as this would result in a smaller tax base. IAC has historically opposed such bills. There are some options such as incremental increase that might be more palatable.

*Canyon County Sheriff Kieran Donahue moved to oppose House Bill 218. Twin Falls County Commissioner Don Hall seconded the motion. The motion carried.*

- [S1078](#) County recorders, death certificate
  - Senate bill 1078 provides that a death certificate may be recorded on the county property record and clarifies what types of documents are received. The bill is sponsored by Senator Anthon.

*Latah County Commissioner Kathie LaFortune moved to support Senate Bill 1078. Bonneville County Prosecutor Danny Clark seconded the motion. The motion carried.*

- [S1108](#) Property Tax Budget Caps
  - Senate Bill 1108 was up in committee on Thursday. IAC testified at the hearing and addressed the issues with the bill expressed by the committee and other county elected officials. It passed out of committee on a 6-3 vote. It's currently on the reading calendar.
  - Senator Rice told IAC that he is going to request it be sent to the 14<sup>th</sup> order for amendment to tweak the bill. There will also be a trailer bill that addresses the formula used for calculating the new construction value. The trailer bill will likely need to be a rather large bill considering all the statutes that need to be changed.
  - Another trailer bill is being worked on to allow for more than 50% of new construction to be used within a revenue allocation area if its dedicated to infrastructure projects.
  - The bill might not make it out of the Senate. It's going to be a close bill. Some counties are fine with the bill while others aren't.
  - The language should be close to finished by next week's meeting for the committee's consideration.

*Canyon County Sheriff Kieran Donahue moved to oppose Senate Bill 1108 as it currently reads. Payette County Treasurer Donna Peterson seconded the motion. The motion failed.*

*Twin Falls County Commissioner Don Hall moved to table Senate Bill 1108. Nez Perce County Commissioner Doug Zenner seconded the motion. The motion carried.*

- [S1119](#) Abandoned property, auction, timing
  - This bill shortens the timeline for unclaimed property. Currently it's six months and ninety days for bicycles, this bill changes it to ninety days and sixty days for bicycles.

*Madison County Commissioner Brent Mendenhall moved to support Senate Bill 1119. Owyhee County Treasurer Annette Dygert seconded the motion. The motion carried.*

- [S1132](#) Driving authorization card
  - Senate Bill 1132 would make it so a driving authorization card would be available for those residing in Idaho with questionable legal status. They would be required to take a drivers test. It would not be considered as a legal document for voting.
  - Sheriff Donahue said he believes that ISA will oppose the bill when they meet to discuss it.

*Canyon County Sheriff Kieran Donahue moved to strongly oppose Senate Bill 1132. Madison County Commissioner Brent Mendenhall seconded the motion. The motion carried.*

*Canyon County Sheriff Kieran Donahue moved to adjourn the committee meeting at 12:51 pm. Owyhee County Treasurer Annette Dygert seconded the motion. The motion carried.*

The meeting was adjourned.

# IAC Legislative Committee

## MEMBERSHIP

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### CHAIR

Justin Baldwin  
*Gooding County Assessor*

Brad Wills  
*LACA: Twin Falls Assessor*

Annette Dygert  
*LACT: Onybee Treasurer*

Scott Carver  
*ISACC: Valley Coroner*

Phil McGrane  
*District 3: Ada Clerk*

### VICE CHAIR

Donna Peterson  
*Payette County Treasurer*

Doug Zenner  
*LACC: Nez Perce Commissioner*

Danny Clark  
*IPAA: Bonneville Prosecutor*

Dan Dinning  
*District 1: Boundary Commissioner*

Don Hall  
*District 4: Twin Falls Commissioner*

Brent Mendenhall  
*District 6: Madison Commissioner*

Carrie Bird  
*LACRC: Clearwater Clerk*

Kieran Donahue  
*ISA: Canyon Sheriff*

Justin McLeod  
*District 2: Lewis Commissioner*

Terrel Tovey  
*District 5: Bannock Commissioner*