

2022 RESOLUTION NO. IGA - 01

TITLE: Affordable and Workforce Housing

SPONSOR: Valley and Blaine County

STATUTES AFFECTED: IS 67-8101 For Affordable; No Statute for Workforce Housing

COUNTY OFFICES or DEPARTMENTS AFFECTED (*Must Affect at least 2*): All departments are impacted. Lack of housing which is affordable hampers retention and attraction of employees for the County and private enterprises. It impacts the tax base and limits revenue collection.

COUNTIES AFFECTED (*Must Affect at least 2*): All counties dealing with the housing crisis.

ISSUE/PROBLEM: Explain what the problem is. Land costs, cost of construction, density regulations, low inventory have all contributed to pricing out service workers, nurses, law enforcement officers and those in lower income categories. The market is interested in profits and capital will flow to where the greatest profit margin exists. Mark Bolduc, Commissioner from Gooding County expressed that his children couldn't afford to live in the County they grew up in. every member of the community is important. From those at the lower end of the income bracket to the more affluent. They all contribute to the fabric of our communities.

BACKGROUND & DATA: Provide a history of the issue and any prior proposals that have been put forth, successfully or otherwise. Also, because legislation often requires data and supporting research to become law, attach any relevant data and research (e.g. surveys, qualitative studies, costs). The Blaine County Housing Authority has a waiting list of over 250 people. Employers are telling us that they have hired people who can't find housing and back out of the job offer. Local realtors tell us that available inventory is less than three months.

PROPOSED POLICY: Explain your suggested solution to this issue. Attach draft legislation if available. County LOT, State Subsidy with Deed Restrictions, water and sewer grants to speed development, Real Estate Transfer Tax, Property Tax Exemptions for Listed Properties, reconsideration of restriction on banning short term rentals and a Governor's Committee to address the housing issue. ARPA funds are available for Housing. Request that the Governor consider utilizing those funds to address this issue.

ARGUMENTS & ENTITIES IN SUPPORT: List potential arguments and entities in support of your proposed policy. Blaine County has been dealing with this issue for decades. The County recently donated land and funds to have a non-profit obtain financing from IHFA to build sixty units for low income seniors and families. It simply is not enough. The County invited community stakeholders to a housing roundtable and to form an advisory committee. Others in the community heard about it and wanted to join. Those involved included St. Luke's, Blaine County School District, Sun Valley Realtors, Sun Valley Economic Development, The Hunger Coalition etc. Everyone is impacted by the lack of affordable housing.

ARGUMENTS & ENTITIES AGAINST: List potential arguments and entities against your proposed policy. Those who may be opposed are potential neighbors who don't want development near their homes. The Idaho Real Estate Association may be opposed to a Real Estate Transfer Tax although thirty-eight states who have one show no evidence that it has impacted real estate sales. In fact, to the contrary, since those taxes are used to create more housing inventory and result in more sales.

FEASIBILITY: During an IAC session with the Governor, he revealed that this issue is prevalent in many of our Idaho Counties but as many things go, unless we make our voices heard that this is a priority for Idaho Counties it may not get the immediate attention it requires.

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT:

FISCAL IMPACT: In the event the proposed policy becomes law, address 1) whether there will be a fiscal impact on the state or any local governments; 2) if so, the size of the fiscal impact; and 3) whether there will be any cost shifting.

There will be no negative fiscal impact. There may be a potential increase in property tax revenue depending on the solution.

2022 RESOLUTION NO. IGA - 02

TITLE: Court Fees Paid to State Treasurer

SPONSOR: Kristina Glascock, Twin Falls County Clerk

STATUTES AFFECTED: 31-3201A (There might be other statutes)

COUNTY OFFICES or DEPARTMENTS AFFECTED (*Must Affect at least 2*):

County Clerk and County Treasurer

COUNTIES AFFECTED (*Must Affect at least 2*): 44

ISSUE/PROBLEM: “fees shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer....”

BACKGROUND & DATA: Counties are unable to comply with this statute and remit court fees to the state treasurer within five days after month end. At the end of each month, court fees collected must be reconciled between Odyssey Case Manager, Odyssey Financial Manager and county accounts. This process can be time consuming and doesn't allow counties enough time to reconcile and submit the funds to the state treasurer within five days. For other fees collected by counties such as driver's license and auto license, the counties have until the 15th of the following month to remit the funds to the state.

PROPOSED POLICY: The proposal is to remove the five-day requirement and allow counties to remit funds to the state treasurer on or before the 2nd Tuesday after the end of the month.

ARGUMENTS & ENTITIES IN SUPPORT: The IACRC Judicial Committee has discussed this proposal with Sara Omundson, Administrative Director of the Courts, and Michelle Crist-Aguiar, Director, Finance & Operations, Administrative Office of the Courts. We have their support. A standard financial close typically takes two weeks to complete after the close of the period. It would help support counties in ensuring compliance with the statute and eliminate the need for follow up from the Administrative Office of the Courts

ARGUMENTS & ENTITIES AGAINST: Unknown at this time

FEASIBILITY: Simple

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT: State Controller's office and State Treasurer's office shouldn't see much of an impact with this change because counties are unable to comply with the current statute.

FISCAL IMPACT: None

2022 RESOLUTION Number: IGA - 03

SPONSOR: Donna Peterson, Payette County Treasurer

STATUTES AFFECTED: 31--2101

COUNTY OFFICES or DEPARTMENTS AFFECTED: Treasurer's Office

COUNTIES AFFECTED (*Must Affect at least 2*): *All forty-four (44) counties would be affected*

ISSUE/PROBLEM: Currently there are no guidelines on how or where idle monies for the counties can be invested. The treasurers have been operating in part under the State Treasurer's statute IC 67-1210 which allows for investing in corporate bonds

BACKGROUND & DATA:

PROPOSED POLICY: It is our desire to have guidelines for the county treasurers for options to invest county idle funds. Draft legislation is attached.

ARGUMENTS & ENTITIES IN SUPPORT: This would provide an additional source of revenue for the counties utilizing FDIC insured bank outside our area who are paying higher interest rates.

ARGUMENTS & ENTITIES AGAINST: The banking industry may have a heartburn with the option of "Brokered Certificates" which may be purchased outside of State of Idaho from banks whose funds would be covered by FDIC or NCUA insurance and/or backed by the faith and credit of the U.S. Government.

FEASIBILITY: The Treasurers have not had a set of guidelines in which to invest the counties idle funds except Title 67-1210 for the State Treasurer. This additional section in the county treasurer responsibilities provides a framework which assists the county treasurer's in investing idle funds.

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT: Possible funds being withdrawn from the State Pool, which we believe would be minimal.

FISCAL IMPACT: In the event the proposed policy becomes law there could be minimal impact on the State Pool where Treasurers may desire to move funds to other sources that would be better suited to the counties.

2022 RESOLUTION Number: IGA - 04

TITLE: Nicotine Vapor Products Tax

SPONSOR: Ada County Board of County Commissioners/Ada County Juvenile Services Department

STATUTES AFFECTED:

- Idaho Code Title 63 Chapter 2551. Tobacco products tax - Definitions;
- Idaho Code 63-2552. Tax Imposed - Rate;
- Idaho Code 63-2552A. Additional tax imposed - Rate;
- Idaho Code 63-2553. Legislative intent;
- Idaho Code 63-2554. Permit required;
- Idaho Code 63-2555. Books and records to be preserved;
- Idaho Code 63-2556. Preservation of invoices of sales to other than ultimate consumer;
- Idaho Code 63-2557. Invoices of purchases;
- Idaho Code 63-2558. Records of shipments;
- Idaho Code 62-2559. When credit may be obtained for tax paid;
- Idaho Code 63-2565. Refunds, limitations, interest.

COUNTY OFFICES or DEPARTMENTS AFFECTED (*Must Affect at least 2*): Juvenile Services (Probation, Programs and Detention), Juvenile Magistrate Courts, Idaho Department of Juvenile Corrections.

COUNTIES AFFECTED (*Must Affect at least 2*): All counties, public schools, and the Idaho Department of Juvenile Corrections.

ISSUE/PROBLEM: Alcohol, drug, and tobacco education and treatment programs become more difficult to fund as revenue from the tobacco tax declines. Meanwhile, juveniles are vaping (which has many of the same addiction and underage use issues as tobacco) more frequently than they are using cigarettes. However, vaping products are not taxed like cigarettes and tobacco products and therefore do not help pay for prevention and treatment programs like cigarette and tobacco taxes do.

BACKGROUND & DATA:

In 2019, a CDC study found that 21.5% of high school students in Idaho used electronic smoking devices/vape products at least once in the prior 30 days.

Across the US, 33 states have initiated some sort of excise tax on vaping products. There are three different forms these taxes take, but the most straightforward appears to be taxing the wholesale price of vaping liquids. Tax rates also vary greatly from state to state. Idaho's current 40% tobacco products tax rate compares favorably to other states that tax the wholesale sales price.

Idaho has already recognized the potentially adverse health effects of vaping products on minors. The legislature has restricted sale of vaping products to individuals who are 21 or older and included vape retailers in the tobacco sales registration requirement. Recently legislation was proposed to make it illegal to vape in a car with minors present.

Idaho received \$77.4 million (estimated) in revenue from tobacco settlement payments and taxes in FY2020. A 15% tax on e-cigarette and vaping products was introduced to the House Revenue and Taxation committee in 2019, but it was never taken up for debate.

PROPOSED POLICY: Add a new definition to Idaho Code 63-2551 to define "Nicotine vapor product" to include vaping liquids containing nicotine and intended to be used in e-cigarettes and vaporizer equipment. Nicotine vapor products will be taxed at the same level as tobacco products and the distribution of funds will be the same. The tax rate is 35% of the wholesale sales price pursuant to Idaho Code 63-2552 and an additional 5% pursuant to Idaho Code 63-2552A. The additional 5% is distributed to the public school income fund (50% less some set-asides) and to the department of juvenile corrections for further distribution to the counties to be utilized for juvenile probation services (the other 50%) including prevention and education. In addition to adding a new definition, supporting statutes will be amended to add "Nicotine vapor products" to the tax, distribution and enforcement language.

ARGUMENTS & ENTITIES IN SUPPORT:

Nicotine use has an impact on the developing brain and should be discouraged in minors. Youth that use e-cigarettes may be more likely to smoke cigarettes in the future and e-cigarettes contain other harmful substances besides nicotine. Taxing e-cigarettes would help replace declining funding that pays for programs that educate youth on the dangers of smoking/vaping/alcohol use.

Schools have a difficult time detecting e-cigarette use during school because these products are so easily concealed and leave no residual smell. However, they are disruptive distractions that teachers and administrators must address during normal learning hours each day.

Vaping devices are commonly used to vape substances containing THC. Taxes help reduce demand for vaping, which could decrease use of THC containing vaping liquid in youth.

Supporters:

1. Twin Falls County
2. Boise School District
3. Many other counties and school districts are likely to support this proposal

ARGUMENTS & ENTITIES AGAINST:

Taxing e-cigarettes and vaping products will hurt vape sales, which will hurt small local retailers. Some economists have also argued that increased vape taxes will drive some people back to more harmful traditional cigarettes.

Entities Against:

1. E-cigarette/vape Retailers
2. E-cigarette/vape Manufacturers

FEASIBILITY: The public health component of this legislation and the prior implementation of vaping regulations makes this proposal feasible. However, having as much detail as possible early in the process will be critical to passing this legislation.

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT: Minors will be impacted through decreased access to and use of e-cigarettes and vaping products. County juvenile probation departments will regain some of the revenue lost by juveniles switching from traditional cigarettes to vaping products and will, thus, be able to offer additional prevention programming.

FISCAL IMPACT: The revenue generated by this tax would be distributed according to the current distribution formula for tobacco products. Based on other states' experiences, we estimate statewide revenue for this new tax will be \$1.3 million.

2022 RESOLUTION NO. IGA - 05

TITLE: County Property Tax Relief Fund

SPONSOR: Terrel Tovey, Bannock County Commissioner

STATUTES AFFECTED: Title 63 New Chapter Needed

COUNTY OFFICES or DEPARTMENTS AFFECTED (*Must Affect at least 2*): All through alternate revenue stream

COUNTIES AFFECTED (*Must Affect at least 2*): All

ISSUE/PROBLEM: The rapid increase in growth of the population of counties across Idaho exacerbated by the pandemic and the influx of numbers of people traveling to counties across the state for sport, recreation, and business have created a drain on county infrastructure that is borne to an inequitable degree by the property owners of Idaho's counties.

BACKGROUND & DATA: In 2004 the Idaho Legislature passed a law ([House Bill 428](#)) which gave authority to counties for a county sales or use tax. 50 percent of the taxes went into a county property tax relief fund. The other 50 percent was allowed to be used for detention facilities. Nez Perce County and Kootenai County took advantage of this law to use towards funding for a jail. The legislation had a built-in sunset in 2009. By 2009 the make-up of the legislature had changed significantly. Even though the policy proved successful the sunset was not lifted.

Around 2008 IAC attempted to pass a broad local option tax. The House agreed, but only if it was instated by a constitutional amendment. The House Joint Resolution passed in the House but was skuttled in the Senate due to frustrations from the cities about an amendment to the Idaho Constitution being required. No local sales taxing authority has been introduced in the legislature since that attempt.

PROPOSED POLICY: Shift the property tax burden in part from the property owners of the county to those visitors partaking of services in the county by granting authority for a county sales or use tax to be used as an alternate revenue source to provide lasting property tax relief. This would only be enacted with an approval from the board of county commissioners and county voter approval.

ARGUMENTS & ENTITIES IN SUPPORT: Property owners including residential, business and ag who have been concerned about current property tax uncertainty. Other local governments who would see an alleviation of pressures from the increased property tax shifts due to increasing valuations.

ARGUMENTS & ENTITIES AGAINST: Hospitality industry, car dealers, commodity driven businesses could potentially be against depending on what is taxed. For example for car dealers, if a county sales tax were implemented on cars in one county but not in a bordering county, then the dealers would have concerns about loss of business.

FEASIBILITY: With the clamor for property tax relief, the chances of getting this passed have rapidly improved since the last time anything like this was attempted.

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT:

FISCAL IMPACT: Could provide an alternate revenue source to counties allowing them to provide required services while alleviating property tax burden on property owners.

2022 RESOLUTION NO. JPS - 01

TITLE: Funding for Murder Cases

SPONSOR: Fremont County Clerk Abbie Mace

STATUTES AFFECTED: ???

COUNTY OFFICES or DEPARTMENTS AFFECTED (*Must Affect at least 2*): Courts, Prosecutor, Defense Costs (varies by county), Sheriff, Coroner

COUNTIES AFFECTED (*Must Affect at least 2*): *All counties (example Fremont and Madison)*

ISSUE/PROBLEM: Funding the cost of murder trials with or without public defenders. Cases where there may or may not be death penalty involved. These costs can have a huge impact on counties of any size. Especially smaller counties.

BACKGROUND & DATA: The Prosecuting Attorney should be able to issue charges based on the merits of the crime. They should not have to take into consideration the costs of the trial and appeals. I am putting together some costs we are anticipating. There are not a lot of funding sources available. Especially if there is not a public defender involved.

PROPOSED POLICY: We would like to see funding from the State for these cases available to counties for both prosecution and defense. We would like to see this fund not be based on an annual appropriation, but be able to grow to an amount to be determined. It could be set up similar to the CAT Fund. There would be an application. It would be applied for by the county only not by attorneys involved.

ARGUMENTS & ENTITIES IN SUPPORT: The counties would be in support of this because it gives them funding sources that they don't have to take from their departments. The courts are a function of the State and should be funded by the state not by property taxes. This could be administered like the CAT Fund.

ARGUMENTS & ENTITIES AGAINST: The State may have concerns with the costs. Would have concerns with evaluating what reasonable costs would be.

FEASIBILITY: With the large State Surplus of over \$900M now would be a perfect time to the state to take on these responsibilities.

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT:

FISCAL IMPACT: In the event the proposed policy becomes law, address 1) whether there will be a fiscal impact on the state or any local governments; 2) if so, the size of the fiscal impact; and 3) whether there will be any cost shifting. 1) There would be a large impact for the State and a reduced impact to the counties. 2) Not sure 3) There would be a shift from being funded by the counties property taxes to the state.

2022 RESOLUTION NO. JPS - 02

TITLE: Public Defense

SPONSOR: Jack Johnson, Twin Falls County Commissioner

STATUTES AFFECTED: Many

COUNTY OFFICES or DEPARTMENTS AFFECTED (*Must Affect at least 2*):

Commissioners, Clerks, Public Defenders, Prosecutors

COUNTIES AFFECTED (*Must Affect at least 2*): All

ISSUE/PROBLEM: Counties are losing more control of oversight with the existing rules as well as the proposed rules and standards. Secondly, the PDC has contributed to the costs of public defense but new rules and standards contribute to the increase cost. The increased reporting has created a lack of interest from conflict attorneys. Laws and rules/standards create an equity conflict between the appointed public defender and an elected prosecutor.

BACKGROUND & DATA: Each year there are new rules and standards proposed that counties are legally responsible for; however, counties do not feel their input is valued and utilized in the rules making process. Counties are held to provide constitutional representation without the ability to control what that oversight is.

If the state took over PD, there wouldn't be an equity conflict between the different attorney offices.

Counties contract with attorneys at a lower rate than the private sector and the increased reporting requirements don't make the lower rate worth it. The PDC proposed rules that would require counties to increase administration of public defense in a few different areas. The cost of public defense has increased each year of \$5-10M each year since FY17.

PROPOSED POLICY: Explain your suggested solution to this issue. Attach draft legislation if available.

Amend law to move public defense to a state-based system (model to be determined). Some counties are willing to contribute funding at their current amount. Others would like to see the state pay for totals costs regarding public defense. Some

possible funding sources may include but are not limited to ARPA, charity levy (after repeal of indigent program or reduced usage - HB316), and possibly tag onto the vape tax resolution funding.

ARGUMENTS & ENTITIES IN SUPPORT: List potential arguments and entities in support of your proposed policy.

Counties could provide property tax relief by reducing levies that provide funding for public defense.

Governor's office is neutral, as well as the SAPD. There may be some legislators that would support this concept.

ARGUMENTS & ENTITIES AGAINST: List potential arguments and entities against your proposed policy.

Some legislators may not want to spend the additional funds to cover the public defense costs; however, some have expressed interest in a state-based system.

A couple of counties have previously stated they are opposed to a state-based system as they don't appear to have the same problems as the smaller counties and could possibly subsidize the state program. If the legislature required counties to fund part of the state system without having any control over the program, it could create a new set of problems. Public Defenders have not yet been included in this conversation.

FEASIBILITY: This proposal will be difficult to structure as it has many components to cover. Determining funding will also be tricky to as well.

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT:

The state, courts, state appellant public defender.

FISCAL IMPACT: In the event the proposed policy becomes law, address 1) whether there will be a fiscal impact on the state or any local governments; 2) if so, the size of the fiscal impact; and 3) whether there will be any cost shifting.

This could cause a cost shift if the state picks up full funding.

2022 RESOLUTION NO. JPS - 03

TITLE: Coroner notification to treasurer on PA cases.

SPONSOR: Idaho State Association of County Coroners

STATUTES AFFECTED: 14-104, 14-107, 31-2117

COUNTY OFFICES or DEPARTMENTS AFFECTED (*Must Affect at least 2*): Coroner's, Treasurer's

COUNTIES AFFECTED (*Must Affect at least 2*): All

ISSUE/PROBLEM: Next of Kin (NOK) searches for decedent can take upwards of 72 hours. By that time, coroners have either located and notified legal next of kin or have verified a Durable Power of Attorney for Health care (DPOA), or administrator of the estate. With increase in cases loads, identifications and notifications are taking longer.

BACKGROUND & DATA: With increase in cases loads, difficult identifications, NOK notifications are taking longer. In addition, almost every decedent has property on his/her persons or in his/her possession. It is not possible to turn over or alert the treasurer of every decedent with property. Legal NOK is verified, and property is release to that individual. When there is more than one legal NOK (i.e., multiple children, siblings) the majority must authorize release of decedent and property. If family cannot come to an agreement, or majority will not sign, it is required that a family member file for appointment of legal representative prior to release of body and property.

PROPOSED POLICY: 14-104, 14-107 and 31-2117 Change Coroner requirement to report cases to the Treasurer's Office from 48 hours to 72 hours. Additionally, 31-2117 also states that the coroner must turn over all property found on or with the decedent.

ARGUMENTS & ENTITIES IN SUPPORT: Coroner Association and Treasurers. Change in statute would allow coroner's additional time to locate and notify legal next of kin, preventing unnecessary reporting to the County Treasurer's Office and waste of county resources.

ARGUMENTS & ENTITIES AGAINST: None Known

FEASIBILITY:

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT: None Known

FISCAL IMPACT: Fiscal impact would be on counties. Already strained staff spend countless hours submitting public administration cases to the county treasurer. These submissions include extensive reports, scene photos, all conversation logs pertaining to searching legal next of kin, notification documents and additional reports.

Suggested Legislative Language:

14-104. DEATH OF INTESTATE STRANGER – PUBLIC ADMINISTRATOR TO BE NOTIFIED. Whenever a stranger or person without known heirs, dies intestate in the house or premises of another, the possessor of such premises, or anyone knowing the facts, must give notice thereof to the public administrator of the county within ~~forty-eight (48) hours~~ **seventy two (72) hours** of knowledge of a death; and in default of so doing, he is liable for any damage that may be sustained thereby, to be recovered by the public administrator, or any party interested.

History:

[(14-104) R.S., R.C., & C.L., sec. 5683; C.S., sec. 7778; I.C.A., sec. 15-1604; am. 1971, ch. 111, sec. 6, p. 233; am. 1996, ch. 69, sec. 2, p. 214.]

Issue: NOK search for decedent can take upwards of 72 hours. By that time, we have either located and notified legal next of kin or have verified a DPOA, or administrator of the estate. With increase in cases loads, identifications and notifications are taking longer.

14-107. OFFICIALS TO NOTIFY ADMINISTRATOR OF DECEDENT'S PROPERTY. All public officials shall, within ~~forty-eight (48) hours~~ **seventy two (72) hours** of knowledge of a death **and verification of no legal next of kin or administrator of the decedents estate,** , inform the public administrator of and make available to him all property known to them, belonging to a decedent who resided at the time of death in the county, which is liable to loss, injury or waste, or which, by reason thereof, ought to be in the possession of the public administrator. The public administrator shall be responsible for determining if any heirs or a will exists in all cases where there are no known personal representatives.

History:

[(14-107) R.S., R.C., & C.L., sec. 5686; C.S., sec. 7781; I.C.A., sec. 15-1607; am. 1971, ch. 111, sec. 6, p. 233; am. 1996, ch. 69, sec. 4, p. 214; am. 2012, ch. 208, sec. 4, p. 563.]

Issue: NOK search for decedent can take upwards of 72 hours. By that time, we have either located and notified legal next of kin or have verified a DPOA, or administrator of the estate. With increase in cases loads, identifications and notifications are taking longer.

31-2117. DISPOSAL OF MONEY OR PROPERTY FOUND ON DEAD BODY. The coroner or other public official must notify the county treasurer, within ~~forty-eight (48) hours~~ **seventy two (72) hours** of knowledge of a death and **verification of no legal next of kin or administrator of the decedents estate,** of money or other property found on or with a dead body. The treasurer, upon receiving such funds must deposit them to the credit of the county. On receiving other property in like manner he must, within thirty (30) days, sell it at public auction upon reasonable public notice, and must in like manner deposit the proceeds to the credit of the county.

History:

[(31-2117) 1863, p. 475, sec. 146; R.S., sec. 1855; reen. R.C. & C.L., sec. 2006; C.S., sec. 3578; I.C.A., sec. 30-1617; am. 1996, ch. 69, sec. 9, p. 216.]

Issue: NOK search for decedent can take upwards of 72 hours. Generally, within that 72-hour timeframe, we have either located and notified legal next of kin or have verified a DPOA, or administrator of the estate.

With increase in cases loads, difficult identifications, NOK notifications are taking longer. In addition, almost every decedent has property on his/her persons or in his/her possession. It is not possible to turn over or alert the treasurer of every decedent with property. Legal NOK is verified, and property is release to that individual. When there is more than one legal NOK (i.e. multiple children, siblings) the majority much authorize release of decedent and property. If family can not come to an agreement, or majority will not sign, it is required that a family member file for appointment of legal representative prior to release of body and property.

2022 RESOLUTION NO. JPS - 04

TITLE: Cremation

SPONSOR: Idaho State Association of County Coroners

STATUTES AFFECTED: 31-3412

COUNTY OFFICES or DEPARTMENTS AFFECTED (*Must Affect at least 2*):

Coroners, Treasurers (PA process) and Clerks (Indigent)

COUNTIES AFFECTED (*Must Affect at least 2*): All

ISSUE/PROBLEM: Decedents with no legal next of kin or have family that abandon, are statutorily Coroner/PA/Indigent cases. The Coroner/Indigent/Treasurer process often takes up to 45 days to complete. Current state statutes required that the decedent is not cremated prior to 14 days after death and when the application has been submitted and approved.

BACKGROUND & DATA: During the PA/Indigent application process, the decedent must be stored. Average storage time of these decedents through the process is 35-45 days from date of death. This puts a great hardship on coroners and funeral homes, especially in times of pandemic, population increase and increase in number of deaths due to illicit fentanyl that is now present in Idaho.

Additionally, most coroners in our state do not own storage equipment for decedent and utilize funeral homes. Additionally, funeral homes are reluctant to transport and store decedents that are severely decomposed and known to have no legal next of kin or administrator of the estate.

PROPOSED POLICY: Current statute states that the coroner cannot authorize cremation until 14 days has passed since death and the application through either the treasurer or indigent is approved. Proposed legislation: allow 10 days from death and the application made and or a waiver to abandonment to be obtained.

ARGUMENTS & ENTITIES IN SUPPORT: None Known

ARGUMENTS & ENTITIES AGAINST: None Known

FEASIBILITY:

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT: Funeral homes; would allow for a quicker cremation of deceased that have either no next of kin or next of kin that have chosen to abandon. This would lessen the decedent storage needs of smaller/rural counties, freeing up cooler space for a quickly increasing population, pandemic or other public health crisis that are keeping coolers at capacity.

FISCAL IMPACT: Assist to reduce strain of storage needs of deceased in all counties.

Suggested Legislative Language:

31-3412. INDIGENT BURIAL OR CREMATION. It shall be the duty of the board to provide for burial or cremation of any deceased indigent person. The amount paid by the obligated county shall not in any case exceed the established or negotiated rate set by each board. If the coroner, mortician or other responsible parties are unable to establish next of kin or **have a signed waiver of intent to abandon** or ~~other resources,~~ they may make application to the board. **Coroner may authorize cremation after 10 days of death and only after application, but prior to approval of application** ~~Application must be made prior to services rendered and pursuant to terms of negotiated agreement.~~ The county shall be free from any liability for said burial or cremation.

History:

[31-3412, added 1992, ch. 83, sec. 3, p. 261; am. 2012, ch. 208, sec. 2, p. 563.]

Statement of Purpose: Average storage time of these decedents through the process is 35-45 days from date of death. This puts a great hardship on coroners and funeral homes, especially in times of pandemic, population increase and increase in number of deaths due to illicit fentanyl that is now present in Idaho.

Additionally, most coroners in our state do not own storage equipment for decedent and utilize funeral homes. Funeral homes are reluctant to transport and store decedents that are severely decomposed and known to have no legal next of kin or administrator of the estate.