



2022
**Legislative
Review**

 **IDAHO
ASSOCIATION OF
COUNTIES**

Introduction

The 2022 Idaho Legislative Session will be remembered as one of the most important sessions for counties in recent history. Idaho counties scored major wins including reforming public defense delivery ([H0735](#)), repealing the county medically indigent program ([H0735](#)), increasing transportation funding ([H0772](#), [S1359](#)), transferring funding responsibility for involuntary commitment expenditure to the state ([S1327](#)), and reducing county property taxes ([H0735](#)). IAC staff relied on the IAC Legislative Committee and membership to review and provide direction on legislation to help staff in securing the best possible outcome on behalf of counties. Without the efforts of the membership, the gains IAC has made on behalf of counties would not have been possible.

Though progress was made, there is still plenty of work to be done to further reform public defense delivery in Idaho. Another top priority over the interim will be to collaborate on ways to continue providing meaningful property tax relief without reducing the ability of counties to provide essential state mandated services. IAC plans on working with county elected officials, the Legislature, and the Governor's Office to find solutions to provide for an alternative public defense model and collaborate on efforts to reduce property taxes.

Let's not forget that county officials are Idaho thought leaders. Legislators are searching for solutions. County officials have provided solutions in the past, and will be asked to provide solutions going into 2023. Thank you for your efforts over the last few years. Please stay engaged in the interim.

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1 2022 Legislative Committee

The IAC Legislative Committee worked hard during the 2022 Legislative Session analyzing the many bills that affected counties. This Committee met every week, sometimes twice a week, to strategize with the IAC Policy Team and to provide direction for the team on legislation. They called, emailed, and met with legislators keeping in frequent contact, so legislators would know who to turn to when county issues arose.

Chair: Justin Baldwin, Gooding County Assessor

Vice Chair: Don Hall, Twin Falls County Commissioner

Membership

Dan Dinning	Boundary County Commissioner	Dist. 1
Justin McCleod	Lewis County Commissioner	Dist. 2
Phil McGrane	Ada County Clerk	Dist. 3
Wayne Schenk	Minidoka County Commissioner	Dist. 4
Terrel Tovey	Bannock County Commissioner	Dist. 5
Brent Mendenhall	Madison County Commissioner	Dist. 6
Josh Dison	Elmore County Assessor	IACA
Doug Zenner	Nez Perce County Commissioner	IACC
Angie Barkell	Owyhee County Clerk	IACRC
Annette Dygert	Owyhee County Treasurer	IACT
Vic Pearson	Franklin County Prosecutor	IPAA
Scott Carver	Valley County Coroner	ISACC
Kieran Donahue	Canyon County Sheriff	ISA

Alternates

Phil Lampert	Benewah Commissioner	District 1
Kathie LaFortune	Latah Commissioner	District 2
Sherry Maupin	Valley Commissioner	District 3
Ben Crouch	Jerome Commissioner	District 4
Jessica Lewis	Bingham Commissioner	District 5
Shayne Young	Jefferson Commissioner	District 6
Brad Wills	Twin Falls Assessor	IACA
Kim Keeley	Teton Clerk	IACRC
John David Davidson	Blaine Treasurer	IACT
Dotti Owens	Ada Coroner	ISACC

2 Leadership of the 67th Legislature

2.1 House Leadership

Speaker of the House

Scott Bedke (R)

208.332.1111

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House Majority Leader

Mike Moyle (R)

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House Minority Leader

Ilana Rubel (D)

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Assistant Majority Leader

Jason Monks (R)

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Assistant Minority Leader

Lauren Necochea (D)

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Majority Caucus Leader

Megan Blanskma (R)

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Minority Caucus Leader

Sally Toone (D)

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SToone@house.idaho.gov

[Click here to view an up-to-date list of all House committee chairs and committee members.](#)

2.2 Senate Leadership

President Pro Tempore

Chuck Winder (R)

208.332.1300

CWinder@senate.idaho.gov

Senate Majority Leader

Kelly Anthon (R)

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Assistant Majority Leader

Abby Lee (R)

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Majority Caucus Leader

Mark Harris (R)

208.332.1304

MHarris@senate.idaho.gov (R)

Senate Minority Leader

Michelle Stennett (D)

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Assistant Minority Leader

Grant Burgoyne (D)

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Minority Caucus Leader

Janie Ward Engelking (D)

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[Click here to view an up-to-date list of all Senate committee chairs and committee members.](#)

3 Ten Year Legislative Comparison

Year	Start	End	Days	House Bills			Senate Bills			Total Bills			IAC Initiated
				Introduced	Passed	Vetoed	Introduced	Passed	Vetoed	Introduced	Passed	Vetoed	
2013	7-Jan	4-Apr	88	345	217	1	200	139	1	545	356	2	6
2014	6-Jan	20-Mar	74	309	184	0	233	173	0	542	357	0	12
2015	12-Jan	11-Apr	90	330	209	2	193	142	2	523	351	4	10
2016	11-Jan	25-Mar	74	320	211	1	237	168	1	557	379	2	11
2017	9-Jan	29-Mar	80	334	203	6	206	142	2	540	345	8	7
2018	8-Jan	28-Mar	80	385	226	2	176	129	0	561	355	2	7
2019	7-Jan	11-Apr	95	307	185	1	215	146	1	522	331	2	11
2020	6-Jan	20-Mar	74	344	202	5	215	145	1	559	347	6	8
2021	11-Jan	12-May	122	408	222	2	241	144	2	649	366	4	0
2022	10-Jan	31-Mar	80	392	203	3	204	130	3	596	333	6	5

4 2022 IAC Priorities & Policies

In November 2021, the IAC Legislative Committee met to set the priorities for the 2022 Legislative Session. IAC Bylaws allow up to five priorities for each legislative session. The priorities and policies were set using the eight legislative resolutions the IAC Membership passed at the 2021 Annual Conference.

After thoughtful, robust discussion regarding feasibility, effects on more than one county and county office and staffing resources, the IAC Legislative Committee set the following priorities and policies (in no particular order) for the 2022 Legislative Session.

4.1 IAC Legislative Priorities

- **Public Defense:** The goal of this priority was to have the state take over funding for public defense and to establish an alternative public defense model (House Bill 735), (For more details, see Justice & Public Safety Section).
- **Workforce Housing:** Increase workforce housing availability (House Bill 701), (For more details see Intergovernmental Affairs Section).
- **Property Tax Relief Fund:** While a formal property tax relief bill was not introduced, discussions revolving around the topic led to an increase in brainstorming with legislators regarding different property tax relief ideas. This partially led to the passage of House Bill 735.
- **Vaporization Sales Tax:** Good discussions with a growing coalition, but opposition from one tobacco entity prevented any bill from being introduced.

4.2 2022 IAC Legislative Policies

- **Court Fee Remittance Date Change:** House Bill 542 passed (See Intergovernmental Affairs Section for further details)
- **Coroner Notification Timelines:** Senate Bill 1266 passed (See Justice and Public Safety Section for further details)
- **Cremation Timeline Changes:** Senate Bill 1266 passed (See Justice and Public Safety Section for further details)
- **Investment of Idle County Funds:** Treasurers discussed during business meeting at 2022 Midwinter Legislative Conference and decided more research was needed and not to move forward during the 2022 Legislative Session

5 Health & Human Services

5.1 Public Health

STATE PERSONNEL, PUBLIC HEALTH DISTRICTS

[H0515a](#)

IAC Position: No Position

Sponsor(s): Lori Wolff, Division of Human Resources

Bill Summary: Removes requirement of compliance with the state merit system in accordance with 39-413, Idaho Code. Allows Public Health Districts to participate in a certain comprehensive liability plan and is considered a state department for certain purposes. Removes claims for payment eligibility from the retained risk account (See 67-5776, Idaho Code).

Effective Date: March 1, 2022

PUBLIC HEALTH PERSONNEL SYSTEM

[H0516](#)

IAC Position: No Position

Sponsor(s): Lori Wolff, Division of Human Resources

Bill Summary: Clarifies statute language changes made in 2021 with House Bill 316 including clarifications to allow Public Health Districts to establish a personnel system.

Effective Date: March 1, 2022

5.2 Emergency Medical Services

EMERGENCY MEDICAL SERVICES

[H0561](#)

IAC Position: No Position

Sponsor(s): Representative Ilana Rubel, Representative Terry Gestrin & Senator David Nelson

Bill Summary: Expands the allowed use of funds in the emergency medical services fund beyond vehicle and equipment purchases. Training, licensing, technology and costs not related to the salaries of personnel are now also allowable uses.

Effective Date: March 21, 2022

MEDICAID, GROUND EMERGENT TRANSPORT

S1283

IAC Position: Support

Sponsor(s): Sarah Bettweiser, Idaho Fire Chiefs Association; Rob Shopblock, Professional Firefighters of Idaho

Bill Summary: Allows for supplemental Medicaid reimbursement for Ground Emergency Medical Transportation.

Effective Date: March 17, 2022

5.3 Medical

INVOLUNTARY COMMITMENTS

S1327

IAC Position: Support

Sponsor(s): Idaho Behavioral Health Council

Bill Summary: This bill changes county responsibilities regarding involuntary commitments. Counties will no longer be required to cover the costs of the following:

- Senior Designated Examinations
- Court required expert witness fees
- Pre-commitment psychiatric hospitalizations
- Pre-commitment usual and customary medical
- Post-commitment transportation

Counties will only need to pay for pre-commitment transportation and court costs. The bill also allows medical facilities, including mental health facilities, to apply for Medicaid on behalf of involuntary commitment patients.

Effective Date: March 21, 2022

MEDICALLY INDIGENT PROGRAM REPEAL

H0735

IAC Position: 2022 Priority Legislation

Sponsor(s): Representative Mike Moyle, Representative Jon Weber & Senator Todd Lakey

Bill Summary: Since Idaho expanded Medicaid eligibility, IAC has worked to repeal the county medically indigent program. House Bill 735 accomplishes this priority. In addition, the bill repeals the county charity levy and phases out the state CAT program by July 1, 2023. It also does the following:

- Counties still required to process medically indigent applications for financial assistance for services received through March 31, including suspended applications.
- Counties will deny any applications for financial assistance for services received after March 31, 2022 because the county medically indigent program is repealed after March 31, 2022
- Those receiving financial assistance for services received through March 31, 2022 will still be required to reimburse the county and the state for assistance provided.
- Counties will still collect reimbursements and remit the state share to the state. The county share may be deposited into the county current expense fund.
- Because the CAT Board remains in place through July 1, 2023, counties will have until 2023 to negotiate settlements.
- Counties will have until 2023 to process any applications for financial assistance received through March 31, 2022, including suspended applications.
- County may use fund balance for expenses until it is exhausted; however all reimbursements received as of April 1, 2022 must be deposited in the current expense fund.

(See Section 7.3 for details regarding Public Defense changes in House Bill 735.)

Effective Date:	July 1, 2022	Sections 5-38, 52, 57, & 59
Effective Date:	July 1, 2023	Sections 1-4, 53, 55, 56, & 58
Effective Date:	July 2, 2024	Section 62
Effective Date:	October 1, 2024	Section 56

6 Intergovernmental Affairs

6.1 Elections

ELECTION AUDIT

[S1274](#)

IAC Position: Support

Sponsor(s): Jason Hancock, Deputy Secretary of State

Bill Summary: The election audit bill directs the Secretary of State (SOS) to order a post-election audit of certain elections results after a general or primary election. Procedures would require the SOS to provide the county clerks selected for auditing notice of at least 60 days prior to the election. The audits will include checking paper ballots against the election results that counties tabulate and report for the audited precincts.

Effective Date: March 11, 2022

ELECTION JUDICIAL REVIEW

[H0532](#)

IAC Position: Support

Sponsor(s): Representative Bruce Skaug, Senator Patti Anne Lodge & Ada County Clerk Phil McGrane

Bill Summary: This bill grants the SOS or the county clerk the authority to seek judicial review of an election by the district court. It grants the district court authority to void and order a new election if an error is found to be sufficient to likely change the outcome of the election.

Effective Date: July 1, 2022

H0511 Ballots, Order of Names

BALLOTS, ORDER OF NAMES

[H0511](#)

IAC Position: No Position

Sponsor(s): Representative Colin Nash

Bill Summary: In addition to the names of candidates for federal, state, county and city offices, candidate names in other races where the number of registered voters within a political entity exceeds 100,000 will also be rotated as determined by the Secretary of State.

Effective Date: July 1, 2022

ELECTIONS RESIDENCE VERIFICATION

H0548

IAC Position: No Position

Sponsor(s): Senator Michelle Stennett & Representative Mike Moyle

Bill Summary: Provides that the residence for which a person claims a homestead exemption shall be considered their residence for voting purposes.

Upon the request of a registered voter, the Secretary of State (SOS) or a county clerk shall investigate legal qualifications of a candidate for office and shall exclude a candidate from the ballot who fails to satisfy the legal qualification for the office being sought. A person excluded from the ballot may challenge exclusion in court. Upon request of SOS or county clerk, the state or a political subdivision is required to provide information in their possession needed to ascertain legal qualifications of candidate for office.

Candidates are required to sign a sworn verification that the person satisfies legal qualifications for office being sought. On the form, the candidate will be required to disclose if they or their spouse have claimed a homestead exemption (including address).

It also provides a mechanism for the State Tax Commission to create a database of all homestead exemptions claimed in the state, by July 1, 2023. County clerks will be allowed access to the database for the purpose of verifying a person's residence for voting purposes is the same as the homestead for which the person has claimed an exemption.

Effective Date: March 21, 2022

6.2 Property Taxation

PROPERTY TAX REDUCTION

H0481

IAC Position: Support

Sponsor(s): Representative Charlie Shepherd

Bill Summary: Creates a threshold of \$300,000 or 150 % (whichever is greater) of the median assessed valuation of all homes in the county receiving the homestead exemption for the purposes of determining qualification for the PTR also known as Circuit Breaker.

Effective Date: Retroactive to January 1, 2022

HOMESTEAD EXEMPTION INVESTIGATION

[H0564](#)

IAC Position: No Position

Sponsor(s): Representative Mike Moyle & Senator Michelle Stennett

Bill Summary: Provides county assessor authority to investigate whether or not a homestead exemption applicant has claimed another homestead exemption in Idaho. If an exemption appears to be improperly claimed, the county assessor can refuse to grant the exemption.

Upon request by a county assessor conducting an investigation or when information indicates that an improper claim for the exemption is discovered by the State Tax Commission (STC), the STC shall disclose relevant information to the appropriate county assessor, board of county commissioners, and county treasurer. This disclosed information may be used to determine the validity of a homestead exemption claim.

An applicant for the exemption may appeal the county assessor's refusal to grant an exemption to the Board of Equalization within 30 days of the date the county assessor sent the refusal notice.

TRANSIENT PERSONAL PROPERTY

[H0565a](#)

IAC Position: No Position

Sponsor(s): Representative Mike Moyle

Bill Summary: Amends the definition of transient personal property to include "self-propelled, self-powered or pull-type equipment and machinery; Primarily employed for the use of construction, logging, or mining of salable minerals as defined in 47-701A, Idaho Code; and designed to travel to various job sites."

Eliminates annual reporting requirements for transient personal property.

Effective Date: Retroactive to January 1, 2022

Effective Date: July 1, 2022

NEW CONSTRUCTION ROLL

[H0673](#)

IAC Position: No Position

Sponsor(s): Senator Jim Guthrie & Representative Steve Harris

Bill Summary: Eliminates requirements to note change of land use when filling out the new construction roll.

Effective Date: January 1, 2023

TAXING DISTRICT, BUDGET LIMITATIONS

S1249

IAC Position: Support

Sponsor(s): Senator Jim Rice & Representative Mike Moyle

Bill Summary: Corrects errors in House Bill 389 (from the 2021 Legislative Session) regarding expiring revenue allocation areas. New construction from an expiring revenue allocation area is exempt from the 8% cap on annual property tax budget increases.

It also caps the amount of annual budget increase from previously forgone property taxes at 8% provided the taxing district does not take 3% or new construction property tax budget increases.

Effective Date: Retroactive to January 1, 2022

PTR QUALIFICATION, MEDICAID INCOME

S1259

IAC Position: No Position

Sponsor(s): Senator Melissa Wintrow & Representative Ben Adams

Bill Summary: Allows someone who is the homeowner of a Certified Family Home to apply for property tax relief through the Circuit Breaker program by exempting the payment claimants receive from the state medical assistance program when determining circuit breaker eligibility.

Effective Date: January 1, 2023

6.3 County Authority

POLITICAL PARTIES, PUBLIC PROPERTY

H0566

IAC Position: No Position

Sponsor(s): Representative Jason Monks

Bill Summary: Clarifies that political parties are allowed to use public property or resources available to the general public when the property is available to the general public as long as all political parties (as defined in 34-109, Idaho Code) are given equal and fair access.

Effective Date: July 1, 2022

COUNTY LEASE PURCHASE

H0575

IAC Position: Oppose

Sponsor(s): Representative Bruce Skaug, Representative Mike Kingsley, Representative Ron Nate, Representative Tammy Nichols, Representative Rick Youngblood & Senator Jeff Agenbroad

Bill Summary: Amends the maximum duration of county leases allowed for courthouses and/or jails from 30 years to five years. Any lease agreement made beyond five years would require public approval by a simple majority vote.

Effective Date: January 1, 2023

ABATEMENT DISTRICT APPOINTMENTS

H0576

IAC Position: No Position

Sponsor(s): Representative Terry Gestrin

Bill Summary: Allows Abatement District the flexibility to have a board of 3 or 5 members as determined by the Board of County Commissioners.

Effective Date: March 22, 2022

PUBLIC RECORDS/CYBERSECURITY

H0621

IAC Position: Support

Sponsor(s): Representative Dustin Manwaring & Senator Jim Woodward

Bill Summary: Provides an exemption from disclosure for certain cybersecurity records including the nature of, location or function of cybersecurity devices, programs or systems designed to protect computers, information technology and/or communications systems against terrorist and other attacks. These exemptions allow Boards of County Commissioners to go into executive session when needed to discuss these topics.

Effective Date: March 25, 2022

**Public expenditure records are NOT included in this cybersecurity records exemption.*

ENERGY CONSERVATION CODE

[H0660](#)

IAC Position: No Position

Sponsor(s): Representative Sage Dixon

Bill Summary: On and after July 1, 2022 sets the Idaho state energy code as the 2018 International Conservation Code as amended, revised or modified by the Idaho Building Code Board and approved by the legislature. Such revisions and modifications will need to go through rulemaking. Counties are prohibited from adopting energy code or related requirements that differ from or are more extensive than the requirements of the Idaho Energy Conservation Code. These provisions do not apply to chapter 1 of the 2018 international energy conservation code with respect to administrative process of any counties.

Effective Date: July 1, 2022

6.4 Miscellaneous

COVID IMMUNITY

[H444](#)

IAC Position: Support

Bill Sponsor(s): Representative Julianne Young

Bill Summary: Changes sunset clause for COVID-19 limited liability from 2022 to 2023.

Effective Date: July 1, 2022

WORKFORCE HOUSING

[H0701](#)

IAC Position: 2022 Priority Legislation

Sponsor(s): Representative Megan Blanksma

Bill Summary: Establishes the Idaho Workforce Housing Fund which is funded using state allocated American Rescue Plan Act (ARPA) funds. The Fund will sunset on December 31, 2026.

The Idaho Housing and Finance Association will administer the fund. Funding will be used for gap financing with preference given to developments that include a local government match in whole or part of the funds allocated. Match could be money, fee waivers, in-kind services, donation of assets, provision of infrastructure or a combination.

At least 20% of the funds will be set aside for use in rural areas. After two years, unclaimed remaining balance would become available to all communities.

Effective Date: March 28, 2022 with December 31, 2026 sunset

7 Justice & Public Safety

7.1 County Coroner

REQUIREMENT REVISIONS UPON DECEASED PERSONS

[S1266](#)

IAC Position: 2022 IAC Policy

Sponsor(s): Senator Lee Heider

Bill Summary: Changes coroner requirement to report cases to the Treasurer's Office from 48 hours to 72 hours.

For a deceased indigent person with no legal next of kin or that has been abandoned by family (with signed abandonment waiver), county coroner is authorized to perform cremation 10 days following death instead of 14 days.

Effective Date: July 1, 2022

CORONERS AS FUNERAL DIRECTORS

[S1304](#)

IAC Position: No Position

Sponsor(s): Senator Mark Harris

Bill Summary: Adds an exemption to allow county coroner to also be a funeral director even if there is more than one funeral home in the county. This only applies to counties with a population fewer than 20,000 people in accordance with the most recent federal census.

Effective Date: March 22, 2022

7.2 Courts

COURT FEES DATE CHANGE

[H0542](#)

IAC Position: 2022 IAC Policy

Sponsor(s): Representative Linda Wright Hartgen

Bill Summary: Shifts the dates by which county clerks must send court remittance payments to the state from the 5th day of the month to the 15th day of the month.

Effective Date: July 1, 2022

PUBLIC DEFENSE

[H0735](#)

IAC Position: IAC 2022 Priority

Sponsor(s): Representative Mike Moyle & Representative Jon Weber & Senator Todd Lakey

Bill Summary: Provides new funding mechanism for public defense. This is the first step to a possible restructure of the public defense system in Idaho. IAC will gather a group of stakeholders over the interim to determine what the public defense structure should look like.

When planning out budgets for public defense, remember the following:

- Provides \$34 million sales tax distribution to counties for state funding for public defense.
- Funds allocated in proportion to 2021 county public defense expenses (excluding financial assistance from PDC).
- Counties should use funds to reduce property taxes in tax year 2022.
- Counties must reduce property taxes for tax year 2023.
- Repeals the county charity levy.
- Jail medical expenses should be shifted to either justice or current expense funds.
- Non-medical indigent assistance should be shifted to current expense fund.
- Health district assessments should be shifted to preventative health fund.
- Public defense expenses exceeding state sales tax and PDC financial assistance must be budgeted from reserves, current expense, justice, or district court funds.

Effective Date: July 1, 2022 Sections 5-38, 52, 57, & 59

Effective Date: July 1, 2023 Sections 1-4, 53, 55, 56, & 58

Effective Date: July 2, 2024 Section 62

Effective Date: October 1, 2024 Section 56

*(*See Section 5.2 for detailed information about the repeal of the Medically Indigent Program in House Bill 735.)*

PUBLIC DEFENSE COMMISSION RULES

[IDAPA 61 Current Administrative Rules](#)

IAC Position: No Position

Sponsor(s): Public Defense Commission

Bill Summary: Senate approved the rules as written.

Effective Date: March 29, 2022

7.3 Juvenile Justice

JUVENILE OFFENDER

[H0451](#)

IAC Position: No Position

Sponsor(s): Monty Prow, Idaho Department of Corrections

Bill Summary: Adds an additional pathway to review youths' custody and treatment progress by having a hearing in front of the Custody Review Board. This ensures that the Juvenile Corrections Act stays current with relevant research and best practices that have demonstrated effectiveness.

Effective Date: July 1, 2022

JUVENILE PROTECTIONS

[H0452](#)

IAC Position: No Position

Sponsor(s): Monty Prow, Idaho Department of Corrections

Bill Summary: Expands protections regarding juvenile sight and sound separation and jail removal. It also better defines when a juvenile can legally be held in an adult jail or lockup. This aligns the Idaho systems with national research and requirements under the reauthorized Juvenile Justice and Delinquency Prevention Act (JJDP A).

Effective Date: July 1, 2022

JUVENILE DIVERSION PROCESS

[H0453](#)

IAC Position: No Position

Sponsor(s): Monty Prow, Idaho Department of Corrections

Bill Summary: Clarifies juvenile diversion processes by moving the informal adjustment process from 20-511, Idaho Code, to 20-520, Idaho code. This is where all other post-petition options exist. 20-511, Idaho Code, is now designated as the standalone statute for pre-petition diversion which provides stakeholders more clarity regarding diversion processes.

Effective Date: July 1, 2022

RULE 80, JUVENILE OFFICERS

H0589

IAC Position: No Position

Sponsor(s): Representative Marco Erickson

Bill Summary: Adds juvenile detention, juvenile probation, and adult misdemeanor certified officers to the Rule of 80 retirement plan as is currently conducted with adult counterparts. The anticipated increase cost to counties is \$162 per new employee per benefit year.

Effective Date: July 1, 2022

7.4 Law Enforcement

POST FUND

H0469

IAC Position: Support

Sponsor(s): Keith Reynolds, Idaho Department of Administration & Representative Paul Amador

Bill Summary: Transfers 1.5% of the Liquor Fund distribution to fund POST each year to help cover budget shortfalls. The additional funding will provide POST with revenue necessary to meet growing demand for services by sustaining staffing levels, maintaining operations and making necessary repairs, maintenance and upgrades for POST facilities and equipment.

- \$777,500 in Fiscal Year 2023
- \$812,000 in Fiscal Year 2024
- \$847,800 in Fiscal Year 2025
- Cannot exceed \$1 million cap

Effective Date: July 1, 2022

RULE 80, DISPATCH

H0499

IAC Position: No Position

Sponsor(s): Representative Greg Chaney

Bill Summary: Adds emergency communications officers (dispatchers) to the Rule of 80 for retirement purposes.

An increase of about 5.2 % to the PERSI payroll system is anticipated. This will be covered mainly by the employee.

Effective Date: July 1, 2022

COUNTY JAILS, TEMPORARY GUARDS, SECURITY

S1279

IAC Position: No Position

Sponsor(s): Senator Todd Lakey

Bill Summary: Allows the county Sheriff to hire a temporary guard or private security service to assist in the protection of the county jail, to transport inmates from one location to another, or to safely keep prisoners at a location such as a hospital, hospice care, or long-term care facility when required. It does not allow for these hired temporary employees the powers of a peace officer or county detention officer.

Effective Date: July 1, 2022

8 Transportation

8.1 Broadband

BROADBAND, RIGHT OF WAY

[H0640](#)

IAC Position: No Position

Sponsor(s): Representative Brooke Green, Representative Joe Palmer & Senator Carl Crabtree

Bill Summary: Creates a Dig Once policy for the Idaho Transportation Department (ITD) that requires ITD, when considering a highway project, to consider whether it would be appropriate to include the installation of broadband infrastructure. It allows providers to use the state rights-of-way for broadband infrastructure at the provider's expense.

The legislation also defines a "broadband provider" to mean any entity that "provides broadband services, including but not limited to a telecommunications provider, cable service provider, broadband provider, cellular provider, *political subdivision that provides broadband services*, electric cooperative that provides broadband services... or builds broadband infrastructure, including but not limited to a port, nonprofit organization, or *private-public partnership established for the purpose of expanding broadband in the state.*"

Effective Date: July 1, 2022

8.2 Funding

ROAD & BRIDGE MAINTENANCE FUNDING

[H0772](#)

IAC Position: Support

Sponsor(s): Representative Brooke Green & Senator Carl Crabtree

Bill Summary: Dedicates \$80 million in state funds to be used for local highway maintenance and improvements. IAC estimates the county share to be \$26.4 million. This funding is intended to be ongoing.

Effective Date: July 1, 2022

BRIDGE FUNDING

S1359

IAC Position: Support

Sponsor(s): Senator Jim Woodward & Representative Matt Bundy

Bill Summary: Provides a one-time cash transfer of \$200 million from the State General Fund surplus for local bridge maintenance. The funding will be administered by Local Highway Technical Assistance (LHTAC) through a competitive grant application process with bridges selected based on bridge condition. Bridges posted for load and listed in poor condition will be given first priority.

Effective Date: March 16, 2022

8.3 Reporting

REPORTING REQUIREMENTS CHANGE

S1231

IAC Position: Support

Sponsor(s): Senator Lori Den Hartog

Bill Summary: Repeals legislative intent language from House Bill 312 (from 2015 Legislative Session) which required local jurisdictions to report annually to the legislature how they spent the funds distributed as part of that legislation. Local jurisdictions are still required to report expenditures per 40-708, Idaho Code.

Effective Date: July 1, 2022

9 2023 Outlook

9.1 2022 Interim

The Idaho Legislative Council met on March 24, 2022. They voted to continue the Committee on Federalism. This committee will be co-chaired by Senator Steve Vick and Representative Sage Dixon.

The Council also agreed to continue the Committee on Uniform Accounting and Transparency. This committee has a new co-chair from the House. Instead of Representative Jim Addis, Steve Harris is now the co-chair along with Senator Jim Rice.

While the Legislative Council did not officially create any new interim committees for 2022, Speaker Scott Bedke and Pro Tem Chuck Winder both acknowledged that several issues may necessitate working groups.

ELECTIONS

Pro Tem Winder specifically mentioned an elections working group as a possibility over the interim and acknowledged the need to have county clerks participate directly if this working group is formed. Further movement on an elections working group is not anticipated until after the completion of the Primary Election on Tuesday, May 17th.

AREA OF CITY IMPACT

Senator Todd Lakey will take the lead on an Area of City Impact (AOCI) and annexation working group. IAC will participate and invite a small group of county commissioners to participate.

The primary goal of this working group is to establish a better statutory framework for resolving AOCI and annexation disputes among cities.

PROPERTY TAX

Legislators continue to signal an interest in raising the sales tax as a means of providing property tax relief.

IAC plans on working with the IAC Legislative Committee and other stakeholders to identify potential alternatives to reduce the property tax burden on homeowners.

PUBLIC DEFENSE

IAC is working with the Governor's Office to establish a working group to recommend an alternative public defense model to the Legislature in 2023. This will be a small working group consisting of county commissioners, defense attorneys, legislators, and staff from the Governor's Office.

Possible models to be explored will likely include a state based public defense model, a regional judicial district based model, or a hybrid.

IDAHO BROADBAND ADVISORY BOARD

The Idaho Broadband Advisory (IBAB) will continue to meet over the summer and fall. The state set aside \$35 million in 2021 to be distributed by IBAB. This state funding does not have any specific parameters in place regarding how it can be awarded. It is up to IBAB to determine how the funds will be granted. In addition, in March, the state appropriated \$50 million in ARPA funds to be distributed by IBAB. The ARPA dollars have some restrictions on how they can be utilized, including a December 31, 2024 deadline for expenditure completion and a December 31, 2026 deadline for project completion.

IBAB is working on a plan to determine the best path forward for making a long-term impact on providing broadband access across the state. Once the plan is in place, IBAB will begin to distribute the funds.

9.2 Bills That May Return in 2023

SUBDIVISION ORDINANCES

[H0643](#)

This legislation would have required counties to exempt certain land divisions from county subdivision regulations including properties of 20 acres or more. While the bill did not receive a full hearing, Representative Terry Gestrin, the bill sponsor, asked for a print hearing to spur discussion regarding county authority regarding subdivision ordinances. This bill could be back in some form in 2023.

SALES TAX, PROPERTY TAX RELIEF

[H0741](#)

House Bill 741 would have removed all property tax other than voter approved bonds and school levies from residences that receive the homestead exemption and would have increased the grocery tax credit to \$175 per individual. In order to make up the lost revenue to local governments, the legislation would have raised the sales tax in Idaho from 6.0% to 7.85%. 1.65% of the increase would have been dedicated to local taxing districts. The other 0.2% increase would have been used to raise the grocery tax credit.

While this legislation did not receive a lot of traction during the 2022 session, it did start a public discussion. Co-sponsors Senator Jim Rice and Representative Mike Moyle intend to keep the discussion going and may introduce similar legislation next year, hence the reason for the property tax working group mentioned above.

STORAGE SHED EVALUATION

[S1301](#)

This is the second time we have seen legislation changing the way storage sheds are assessed pass both the House and Senate. In 2020 and 2022, Governor Little vetoed the legislation due to concerns about uniformity issues between storage unit facilities and other commercial properties. We anticipate similar legislation will return in 2023.