



2023 IAC RESOLUTION PACKET

IAC Annual
'22 Conference
BOISE, ID | SEPTEMBER 26 - 28

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IAC Resolution Process

Proposal Process

Legislative resolutions are proposals that express the opinion of IAC in support of a state law change for which legislation is necessary.

For a resolution to be considered by the IAC membership for the IAC Legislative Package, legislative resolutions must be submitted electronically in the proper format to the IAC office no later than September 1st of each year.

IAC policy staff assign each resolution a number based on the submission date of the proposed resolution. Each submission is then assigned to one of the following four IAC steering committees for vetting: Intergovernmental Affairs, Justice and Public Safety, Public Lands, and Transportation and Infrastructure.

The sponsor, or their designee, presents the resolution to the assigned steering committee. The assigned steering committee evaluates the resolutions. To receive a recommendation from the steering committee, a resolution must receive a two-thirds majority vote of the committee members present. The committee chair then submits resolution recommendations to the IAC Legislative Committee for final consideration by the membership.

Criteria Vetting

1. Focus on a single issue within the general realm and scope of county government; and
2. Affect more than one county; and
3. Affect more than one elected office or department; and
4. Affect taxation, spending, revenue generation authority, or create significant efficiencies or cost savings; and
5. Be politically feasible.

All proposed legislative resolutions must include the following information:

1. List the county offices and/or departments affected;
2. List the Idaho statutes affected;

3. Clearly state the arguments supporting the resolution including relevant background information;
4. State the fiscal impact of the resolution on counties;
5. Identify the sponsor;
6. List other stakeholders who will be affected by the resolution and the nature of the impact.

Legislative resolutions that fail to meet the criteria listed above will not be considered by the IAC Legislative Committee. Unqualifying resolutions will not be recommended by the IAC Legislative Committee for consideration by the general membership.

IAC Legislative Package

To be considered for the annual IAC Legislative Package, resolutions need a two-thirds majority vote of the general membership in attendance at the IAC Annual Business Meeting. Policies approved by the membership are then resubmitted to the IAC Legislative Committee. The committee then prioritizes the resolutions. IAC Bylaws stipulate up to five resolutions may be approved by the legislative committee to become the official priorities of IAC for the upcoming year. The remaining resolutions become policy positions of IAC for the upcoming year.

Intergovernmental Affairs

IGA-02

TITLE: Change of Venue Filing Fee

SPONSOR: Kristina Glascock, Twin Falls Clerk

STATUTES AFFECTED: 31-3201A (9)

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

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

ISSUE/PROBLEM: Attorneys/petitioners are required to pay a filing fee for a change of venue to the county where venue is changed (receiving county). This fee cannot be paid in Odyssey at the time the motion for change of venue is filed because it is paid to the county where venue is changed to (receiving county). When a court has ordered venue be changed to another county, the case is electronically moved to the receiving county in Odyssey. The filing fee has to be collected and processed manually by a clerk in the receiving county. Counties are not always receiving this filing fee and have to continue to request payment from the attorney/petitioner. Clerks spend countless hours trying to collect this fee after venue has been changed.

BACKGROUND & DATA: Before the electronic case management system, when a change of venue was filed a check to the receiving county was accepted by the sending county and mailed to the receiving county with the physical case file. The receiving county would then have to open a case file in their system and process the payment creating a lot of work for the receiving county. With the electronic case management system, the work to prepare a file for change of venue has shifted to the sending county so the filing fee for change of venue should be paid and retained by the sending county.

PROPOSED POLICY: Allow the change of venue filing fee to be paid and retained by the sending county. This will require that the filing fee be paid at the time the motion for change of venue is filed.

(9) Change of venue. A fee of twenty-nine dollars (\$29.00) shall be paid by a party initiating a change of venue. ~~Such fee shall be paid to the clerk of the court of the county to which venue is changed.~~ Nine dollars (\$9.00) of such fee shall be paid to the initiating county treasurer for deposit in the district court fund of the county and twenty dollars (\$20.00) of such fee shall be paid to the county treasurer, who shall, within fifteen (15) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.

ARGUMENTS & ENTITIES IN SUPPORT: Idaho Supreme Court has expressed some support.

ARGUMENTS & ENTITIES AGAINST:

FEASIBILITY:

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT:

FISCAL IMPACT: There isn't any fiscal impact as this does not change the intent or fees of the statute.

IGA-03

TITLE: Court Fees Paid to State Treasurer

SPONSOR: Kristina Glascock

STATUTES AFFECTED: 31-3201B, 31-3201H, 31-3204

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: The current statute says “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: Clean up from last year to cover statutes that were missed last year.

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

IGA-04

TITLE: Election Recount Fees

SPONSOR: IACRC

STATUTES AFFECTED: 34-2302 and 34-2306

COUNTY OFFICES or DEPARTMENTS AFFECTED (*Must Affect at least 2*): Clerks, Sheriffs, Prosecutors

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

ISSUE/PROBLEM: The \$100 currently charged does not begin to cover the costs per precinct of a recount.

BACKGROUND & DATA: The amount of \$100 was put into law in 1957 and as far as we can find has not been changed since that date. I.C. 23-2304 states: “The {recount} order shall name the prior election judges and clerks of the precinct to act in the same capacity and receive the same compensation as they did on election day.”

To bring in the original chief judges and poll workers from each precinct being recounted and pay their mileage, meals and time served, in addition to County Clerk’s Office staff time and resources and preparation time would be much more than the \$100 currently in law.

PROPOSED POLICY: Clerk’s across the state would like to see this amount raised to \$400- \$500 per precinct for a recount.

ARGUMENTS & ENTITIES IN SUPPORT: County Clerks across Idaho would be in full support of the increase. This increase would be to the individual requesting the recount rather than the taxpayer picking up the cost.

ARGUMENTS & ENTITIES AGAINST: Candidates, special interest groups, sponsors of measures and initiatives, plus more.

FEASIBILITY:

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT:

Secretary of State

FISCAL IMPACT: There will be no fiscal impact to the state but this would decrease the county budgets by the amount of the cost of a recount to taxpayers. There would be no tax shift. The candidate or host of other initiatives and measures would bear the cost.

IGA-05

TITLE: Removal of Food Establishment License Fees from Idaho Statute

SPONSOR: Commissioner Doug Zenner

STATUTES AFFECTED:

Idaho Code 39-414 (11) – Board of Health Authority to establish a charge to render services.

HB 316 (2020) Removing Local Public Health from State funding and oversight.

Idaho Code 39-1607 Food Establishment Act

IDAPA 16.02.19 Food Safety & Sanitation Standards for Food Establishments

Idaho Association of District Boards of Health Resolution, Adopted June 9, 2022

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

County Commissioners & County Clerks

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

ISSUE/PROBLEM: The Public Health Districts are required by the Idaho Food Code to perform at least one food safety inspection per year for each licensed food establishment. Currently, the fee amount for the licensure of food establishments is set in Idaho Statute. Historically when fees have been increased it costs Local Public Health time and resources in district staff and legal/lobbying to make even moderate shifts in the fees. General State appropriation funding had been used to help subsidize the food establishment license fees. The passage of HB 316 in 2021 ended state appropriations to Public Health Districts leaving county taxpayers to pay for the cost of the food safety program not covered by fees. The Idaho Boards of Health support Public Health Districts collecting food license fees, to cover the full cost of the food safety program, to reduce the burden on county taxpayers.

BACKGROUND & DATA: Since 1997 the Legislature has set the food establishment license fees in Idaho Code. In 2019, the fees were increased with a 3-year implementation timeline. See Attached chart.

In FY 2022 there were approximately 10,184 permitted food establishments in Idaho. It cost the Public Health Districts approximately \$3,467,254 to run the Food Protection Program statewide. The districts generated \$1,911,438 through charging a license fee which is set in Idaho Code. These fees covered approximately 55% of the cost to administer the Food Protection Program. The balance of \$1,555,816 is covered by county taxpayers.

PROPOSED POLICY: IAC supports legislation to remove food establishment license fees in Idaho Code and allowing the Local Boards of Health to establish fees based on the actual cost to deliver the Food Protection Program. (no legislation is drafted at this time)

ARGUMENTS & ENTITIES IN SUPPORT: In 2017, the Office of Performance Evaluation studied Local Public Health and the District's regulatory and fee-based programs. Office of Performance Evaluations 2017 report (www.legislature.idaho.gov/opec/) recognized:

- "Districts have several programs that are regulatory, and fee based. These programs offer permits, licenses, or inspection services, and the affected businesses, governmental entities, or individuals can be required to pay fees for these services".
- The programs that regulate businesses and activities is heavily supported with tax dollars and "..., funding support is needed because fees inadequately cover the full cost of operations."
- As fee-based programs become more self-supporting, more county contribution and state general funds can be distributed to public health programs that do not receive revenue from regulatory fees.

The Recommendation from the Report: The Legislature should consider developing a separate funding mechanism to make the regulatory, fee-based programs administered by the health districts more self-supporting. This may include an increase in regulatory fees.

The food safety and sanitation rules are in IDAPA 16.02.19 and belong to the Idaho Department of Health and Welfare, (H&W), who designates the Local Public Health

Districts as the regulatory authority. Although H&W will not carry legislation to remove the fees from statute, we do not believe they will oppose this change.

ARGUMENTS & ENTITIES AGAINST: Historically, the lobbyist for the Hospitality Industry has been opposed to any increase in fees to food establishments.

FEASIBILITY: We believe with the support of IAC, and the climate in our state toward local control as well as tax relief for taxpayers, there will be legislative support for removing food licensure fees from Idaho Code. We will need a legislative champion to carry a bill, and this person has not yet been identified.

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT:

FISCAL IMPACT: Fiscal impact will be a shifting of the cost of food establishment license fees from the taxpayer to private industry. The Health Districts will determine a methodology, approved by the Boards of Health, for setting the full fee payment to food establishments.

Money saved from this shift will be used for local Public Health priorities designated by each Board of Health.

IGA-06

TITLE: Eliminate the Preliminary Levy

SPONSOR: Kim Keeley, Teton Clerk & Penny Manning, Bonneville Clerk

STATUTES AFFECTED: 63-802(a)(i)

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

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

ISSUE/PROBLEM: HB 389 (2021) sought to lower residential property taxes. The reality was a relatively small decrease in property taxes with a proportionately large impact on taxing district budgets. New construction (development) creates immediate impacts on the need for county services, and should pay for itself, rather than shifting the tax burden onto existing taxpayers. In times of high growth, the “preliminary levy rate” instituted for FY22, greatly reduced the ability of taxing districts to mitigate drain on county resources due to development.

Using Teton County as an example, below is a table showing the difference in property tax per \$100K in assessed value using the current new construction preliminary levy and the pre 2022 method. The new method drops the property tax by \$1.45/\$100,000 in value. The impact to the County property tax budget is \$84,000, which would equate to an additional much needed Sheriff Deputy.

	Assessed value	Max P-Tax budget including New Construction	Levy Rate	Tax/\$100K of value
Current Method	\$ 4,771,937,180	\$ 5,720,775	0.001198837	\$ 119.88
Pre 2021 method	\$ 4,771,937,180	\$ 5,804,920	0.00121647	\$ 121.65

BACKGROUND & DATA: Prior to 2021, taxing districts calculated new construction budget capacity by multiplying the value of new construction by the prior year’s levy rate. With passage of HB 389 (2021), counties and other taxing districts must estimate a preliminary levy rate for the coming budget year. The

preliminary levy rate is multiplied by the 90% of new construction market value (or 80% for expiring urban renewal districts) to determine new construction property tax budget capacity. This process is overly complicated and has resulted in an overall loss of property tax budget capacity.

PROPOSED POLICY:

1. Revert to pre HB389 language for 63-802(a)(i).

Proposed new language:

63-802(a)(i) The highest dollar amount of property taxes certified for its annual budget for any one (1) of the three (3) tax years preceding the current tax year, whichever is greater, for the past tax year, which amount may be increased by a growth factor of not to exceed three percent (3%) plus the amount of revenue calculated as described in this subsection. Multiply the levy of the previous year, not including any levy described in subsection (4) of this section, or any school district levy reduction resulting from a distribution of state funds pursuant to section 63-3638(11) or (13), Idaho Code, by the value shown on the new construction roll compiled pursuant to section 63-301A, Idaho Code; and by ninety percent (90%) of the value of annexation during the previous calendar year, as certified by the state tax commission for taxable market values of operating property of public utilities and by the county assessor; except for a fire protection district annexing property prior to July 1, 2021, pursuant to section 31-1429, Idaho Code, the new levy rate shall be multiplied by one hundred percent (100%) of the value of any such property annexed prior to July 1, 2021.

ARGUMENTS & ENTITIES IN SUPPORT: In support: All Taxing Districts

The code as currently written restricts the ability for taxing districts to cope with new development.

The change HB389 made to IC 63-802 (a)(i) changed the levy rate that the new construction assessment was subject to from the previous three year's highest property tax budget levy rate, to a new "preliminary levy rate" designed to mimic the next year's levy rate. The greater the growth, the lower the "preliminary levy rate," so the greater the impact on taxing districts' ability to handle the impacts of new development.

The current 8% cap on property tax budgets would remain intact, as would the restrictions on forgone and urban renewal.

ARGUMENTS & ENTITIES AGAINST:

FEASIBILITY: The change is a simple reverting back to old language and will simplify the L2 process immensely for all taxing districts.

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT: All taxing districts in the State. The change will help all taxing districts mitigate the effects of new development. Minor impact to individual residential property taxes.

FISCAL IMPACT: 1) In times of growth, the proposed change would allow taxing districts to increase their budgets in proportion to the rate of growth (with a cap of 8%). The State would have no fiscal impact. 2) The size of the impact would be dependent on new construction assessments. The increase to property tax budgets would be 90% of the assessed new construction value, with a maximum property tax budget increase of 8%. The existing language regarding urban renewal and forgone would remain unchanged. 3) The shift would be from existing property owners to new development.

IGA-07

TITLE: HB735 Clean Up

SPONSOR: Sharee Sprague, Power County Clerk

STATUTES AFFECTED: 20-605, 31-3302, 31-3503, 49-673, 57-813

COUNTY OFFICES or DEPARTMENTS AFFECTED (*Must Affect at least 2*): Clerks, Commissioners, Sheriffs

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

ISSUE/PROBLEM: There are a few outstanding issues from HB735 needing resolution. Jail medical, CAT seat belt fines, the CAT fund, and litigation/settlements need to be addressed.

BACKGROUND & DATA: There were some unintended things left out of HB735 that need to be cleaned up. With the passage of HB735 the definition of reimbursement rate was removed which the sheriffs use to price their medical claims. Without this definition it can be said that sheriffs should be paying full rate for the claims. This legislation will place this definition into the jail medical statutes to allow for this continued current pricing policy.

The CAT fund receives \$5 per seat belt fine. As the CAT Board is in place until July 1, 2023, this funding was left in place to assist in the current operations, until it's repeal date. The actual fund that CAT places their monies into will need to be repealed as well once the program no longer exists. Lastly, there needs to be policy in place to take care of any CAT settlement offers and/or any litigation that may come after the board repeal.

PROPOSED POLICY: See attached draft.

ARGUMENTS & ENTITIES IN SUPPORT: Commissioners, Clerks, Sheriffs

ARGUMENTS & ENTITIES AGAINST:

FEASIBILITY: Good

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT:

Hospitals because we'll need to negotiate jail medical language; Controller's Office because of processing reimbursement; Health and Welfare and Governor's Office because of seatbelt fines.

FISCAL IMPACT: If the jail medical sections are not fixed, there will be increase in jail medical expenses. There is no other fiscal impact.

IGA-08

TITLE: Law Clerks

SPONSOR: Kathy Ackerman

STATUTES AFFECTED: 1-712

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

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

ISSUE/PROBLEM: The counties are currently paying the salaries and benefits of law clerks and/or district court “staff attorneys” (hereinafter collectively referred to as “law clerks”), but these law clerks do not report to county officials. District court judges, who are state employees, work with and supervise these employees.

BACKGROUND & DATA: District court judges rely on assistance from law clerks. These law clerks are accountable directly to their supervising judge, a state employee, but the law clerks are county employees who are paid from county budgets.

Idaho law currently gives administrative judges the authority to appoint personnel when needed to attend to the courts (Idaho Code § 1-907(l)). Current law also requires each county to provide for the staff, personnel, and other expenses of the district court. (Idaho Code § 1-1613). Accordingly, counties thus far have paid the salaries and other related expenses of law clerks, while exercising no control over these employees.

The first problem with this structure is the fragmentation of the lines of authority. The administrative judge controls county employees who are paid by the county, and yet county elected officials, such as the county clerk and the board of county commissioners, cannot hire, discipline, or fire these employees.

The second problem is liability. While Idaho Code § 1-1613A indicates that county employees are considered state employees when performing judicial functions, this protection has its deficiencies. Most notably, liability that falls outside the Idaho tort claims act could remain with the counties. Furthermore, counties bear the liability for law clerk behavior that is not within the scope of performing judicial functions, even

though the counties cannot manage their own liability exposure by making personnel decisions regarding these law clerks.

These problems currently create a situation in which the counties are required to bear the liability for employees that they pay but cannot choose or control.

PROPOSED POLICY: Enact section 1-712, Idaho Code, which would establish that law clerks are to be state employees paid directly by the state.

ARGUMENTS & ENTITIES IN SUPPORT: Idaho Supreme Court has indicated their support for this proposal.

ARGUMENTS & ENTITIES AGAINST:

FEASIBILITY:

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT: District Judges would be positively impacted, as they would have greater ability to manage those directly in their supervision.

FISCAL IMPACT: This will reduce the burden on county justice funds but will increase the Idaho Supreme Court's budget.

IGA-09

TITLE: Election Disruptions

SPONSOR: Stephen McDougall Graham, Blaine Clerk

STATUTES AFFECTED: 34-1101 OPENING AND CLOSING OF POLLS & 34-1105 DUTIES OF A CONSTABLE

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

County Elections Departments, County Prosecuting Attorney, Sheriff's Department, County Treasurer

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

ISSUE/PROBLEM: While Idaho Code provides sufficient direction for changing the location of a polling place before the opening of the polls, it is silent on what to do if a disruptive incident occurs at a polling location after polls have already opened. This proposal is meant to specifically address those situations which are expected to be resolved within a few hours, and which do not require adjourning to a new polling location.

BACKGROUND & DATA: On May 17th, 2022, at approximately 10:30 A.M. a false alarm report of a shooting at a local middle school in Blaine County forced several area schools to go into lockdown or 'lock-out' mode for a period of one hour. Several of the schools affected were designated polling locations and were conducting the Primary election held that day. When contacted, the Secretary of State's Office advised being prepared to petition the district court judge for an order extending voting hours if the lockdown lasted for more than an hour. However, this course of action was not supported by the county's civil attorney, who did not find a basis for this action in existing statute. While this particular incident was resolved within one hour, a scenario lasting longer could have resulted in legal challenges to the conduct of the election.

I am not aware of any prior proposals to address this issue. I surmise that there exists ample statistical data showing an increase of active shooter incidents at schools and other gathering places over the past few decades. Other scenarios, involving weather-

related or other localized catastrophes, or facilities issues related to polling locations are difficult to predict but plainly inevitable.

PROPOSED POLICY:

- (1) At all elections conducted pursuant to title 34, Idaho Code, following the opening of the polls, whenever it shall become impossible or inconvenient for polls to remain open at any designated polling location, the County Clerk shall immediately notify the Office of the Secretary of State, the prosecuting attorney of the county, and the county Sheriff.
- (2) Pursuant to section (1), the County Clerk may, at his option, make request of the Secretary of State to issue an order authorizing one or more, or all polling locations of his county to remain open after 8:00 P.M. in order to receive votes, provided that the closing of the polls must occur no later than 11:59 P.M. of the same day. Any elector who is in line at 11:59 P.M., or at an earlier time ordered by the Secretary of State's Office for the closing of the poll, whichever comes first, shall be allowed to vote notwithstanding the pronouncement that the polls are closed.
- (3) Pursuant to section (1), the county Sheriff shall notify the County Clerk at such time that the polling location(s) is deemed safe to reopen to receive votes. The County Clerk shall direct election judges to pronounce the reopening of the polls, and shall inform the Secretary of State when voting has resumed.
- (4) During such period, pursuant to section (1), that one or more polling locations cannot remain open to receive votes, the appointed Constable of such polling location shall seal and secure the ballots, ballot boxes, and other sensitive election equipment and supplies, so long as it is safe to do so, until such time that the County Clerk has directed the election judges to reopen the polls to receive votes. These items may not be removed from the polling location until polls have been closed.
- (5) All reasonable costs associated with the extension of voting hours, such as payment of poll workers and county election personnel, and including reasonable efforts to inform the public of the new voting hours, shall be paid from the County Treasury.

ARGUMENTS & ENTITIES IN SUPPORT:

ARGUMENTS & ENTITIES AGAINST:

FEASIBILITY:

This proposal should have broad bi-partisan support. Incidents such as this ought to be very rare, but the need for clear direction on how to handle such an incident is self-evident and ought to be uncontroversial.

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT:

FISCAL IMPACT: Costs associated with the proposed law would include additional pay for poll workers, reasonable accommodations for food and water thereto, cost of overtime for election staff, costs associated with reasonable efforts to inform the public of updated voting hours.

IGA-10

TITLE: Precinct Committeemen No Election if Uncontested

SPONSOR: Abbie Mace, Fremont County Clerk

STATUTES AFFECTED: 34-624 and 34-1208

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

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

ISSUE/PROBLEM: Currently Precinct Committeemen have to appear on the ballot even if they are uncontested. This is a large cost to the counties and also requires additional ballot styles for every precinct, which could lead to more room for errors.

BACKGROUND & DATA: Since 1980 precinct committeemen have been put on the ballot every two years. They appear on the ballot even if they are uncontested. They must receive at least 5 votes to gain the office. They can be appointed if they do not run on the ballot.

PROPOSED POLICY: I am suggesting that if a precinct committeeman is uncontested that they do not have to appear on the ballot similar to candidates for other taxing districts. This will save taxpayers in layout and printing costs and less possibility of error. If there is a contest we would put them on the ballot.

ARGUMENTS & ENTITIES IN SUPPORT: The Idaho Association of County Clerks has voted to support this, based on the cost of ballot layout and printing, and less possibility of error with multiple ballot styles.

ARGUMENTS & ENTITIES AGAINST: Some Precinct Committeemen like to see their names on the ballot.

FEASIBILITY: This should have no negative impacts on the election process.

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT: None

FISCAL IMPACT: This will have a fiscal impact on county government. It will reduce costs of printing and setting up of multiple ballot styles.

IGA-11

TITLE: Nicotine Vapor Products Tax

SPONSOR: Don Hall, Twin Falls County Commissioner

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.

IGA-12

TITLE: Provide Counties the Option of a Fair Board or Fair Advisory Board

SPONSOR: Bannock County Commissioners

STATUTES AFFECTED: 22-202, 22-202A

COUNTY OFFICES or DEPARTMENTS AFFECTED (*Must Affect at least 2*): Commissioners, clerks, and county fair

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

ISSUE/PROBLEM: Counties with populations less than 200,000 do not have the flexibility to choose a fair governance model that meets their needs.

BACKGROUND & DATA: Currently the way the code is written, only Counties with populations greater than 200,000 have the opportunity for the Fair Board to be an advisory board. Currently, there are only two counties in Idaho meeting this criteria. Counties need the flexibility to choose a fair governance model that meets their needs due to budget, volunteer ability, or Commission preference.

PROPOSED POLICY:

Change statute 22-202 Prim A to read:

- (A) If the board orders the creation of a county fair board, it shall immediately appoint either five (5) or seven (7) persons to membership thereof, and shall fix the place within the county at which such fair shall be held, and make its action a matter of record.

Strike Prim B and change statute 22-202A to read:

The board of county commissioners may provide by ordinance that the county fair board shall function as an advisory board to the board of county commissioners.

ARGUMENTS & ENTITIES IN SUPPORT: Greater flexibility in choosing the fair management style that meets the County's needs.

ARGUMENTS & ENTITIES AGAINST: Existing county fair boards may oppose because they would no longer serve as the governing body over fairs in counties opting to make fair boards advisory.

FEASIBILITY: High

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT: County fair boards could become advisory to the board of county commissioners.

FISCAL IMPACT: None

IGA-13

TITLE: Investment of Funds

SPONSOR: Idaho Association of County Treasurers, Annette Dygert representative

STATUTES AFFECTED: Idaho Code 31 by adding a new section 2127

COUNTY OFFICES or DEPARTMENTS AFFECTED (*Must Affect at least 2*): Treasurers Office and Commissioners

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

ISSUE/PROBLEM: In section 31 of Idaho Code that guides treasurers in their duties there isn't a section on investment of county funds. Investment of funds can be found in Idaho Code 57-127, 67-1210, and 67-1210A. IACT voted to add this legislation so that finding the correct codes to direct the treasurer in the proper investing of funds would be more readily available.

BACKGROUND & DATA: Last year a proposal was brought forth to IAC regarding this same issue to add instructions on how to invest funds. This proposal passed the legislative committee and the IAC body. Upon a closer look at the legislation with the IAC staff and realizing the legislation wouldn't be passed the IACT president and Legislative representative decided to pull it and work on putting another proposal forward.

PROPOSED POLICY: 3

1-2127 INVESTMENT FOR FUNDS

The county treasurer is authorized and empowered to invest surplus or idle funds pursuant to section 57-127, Idaho Code, in investments permitted by section 67-1210, Idaho Code. The county treasurer may also invest in investments listed in 67-1210A, Idaho Code, through the state treasurer pursuant to a joint exercise of powers and agreement.

ARGUMENTS & ENTITIES IN SUPPORT: All 44 treasurers agreed that adding this section to direct them to the sections that authorize the investing of county funds would be a great addition to section 31.

ARGUMENTS & ENTITIES AGAINST: None

FEASIBILITY: This legislation would direct county treasurers on the investment of county funds. It would be an addition of a short paragraph to section 31. It doesn't change Idaho code just references the codes where county treasurers can find investing information

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT: None

FISCAL IMPACT: There will be no fiscal impact as this isn't changing investment practices just citing in section 31 of Idaho Code where the county treasurer can find the sections that authorized the investing of county funds.

IGA-14

TITLE: Adult Guardianship for Incapacitated Adults

SPONSOR: Twin Falls and Jerome Counties

STATUTES AFFECTED: Title 15, Uniform Probate Code, Chapter 5, Protections of Persons Under Disability and Their Property

COUNTY OFFICES or DEPARTMENTS AFFECTED (*Must Affect at least 2*): The Idaho Department of Health and Welfare, The Office on Aging, Adult Protective Services, First Responder Team, County and City Governments

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

ISSUE/PROBLEM: Guardianship services for incapacitated adults within the State of Idaho are inadequate due to lack of funding, policy, and process.

BACKGROUND & DATA: Because some counties are refusing guardianship referrals, there is no accurate number of community members in need. Twin Falls County documented 6 referrals in 2018, 5 referrals in 2019, 5 referrals in 2020, and 5 referrals in 2021. A Hospital in Bingham County stated that they make referrals for guardianship at least once a year. Other counties have stated that they could 'double their caseload tomorrow' if they were simply given more funding and staff. The existence of Title 15, Uniform Probate Code, Chapter 5, Protections of Persons Under Disability and Their Property, Part 6. Boards of Community Guardian proves in and of itself that there is a need for guardianship of incapacitated adults in Idaho communities.

PROPOSED POLICY: A specialized court system for determining guardianship. Increased funding for adult guardianship services through an annual allowance of 5% of The State of Idaho's Department of Health and Welfare budget to be distributed to all Idaho counties annually in amounts determined by need.

ARGUMENTS & ENTITIES IN SUPPORT: According to Title 15 of Idaho Statutes, counties may assemble their own board of guardians under the discretion of the county commissioners. As the statute reads currently, counties are not required to have a board of guardians at all. This creates inequality between Idaho residents

living in counties that may or may not have a board of guardians. There are further discrepancies between counties that are unable to distribute adequate funds to their Board of Guardians program and counties that do not fund their program at all which could eventually result in increased cost through Medicaid.

Most Board of Guardian volunteers serve limited terms resulting in further inconsistencies in care for incapacitated adults who receive guardianship services. The inconsistency of community volunteers paired with insufficient funding has resulted in some counties simply refusing referrals for guardianship at all. This refusal of responsibility is not only harmful to our vulnerable community members, but it also affects nurses, doctors, social workers, mental health professionals, nurse aids, elected officials, court officials, law enforcement, emergency responders, community shelters, crisis centers, public spaces, neighborhoods, and businesses across Idaho.

ARGUMENTS & ENTITIES AGAINST: Title 15 of Idaho Statutes enables counties to set up a board of guardians in a way that serves the unique needs of their community and the framework of how to do so legally. The fact that the Board of Guardians is volunteer ensures that the community is enabled to choose not to fund programs that could seem unnecessary to community members. Choosing not to fund an excessive number of county programs could be contributing to a lower local tax rate. Additionally, patients are needed to employ healthcare facility staff. And finally, community activism and local volunteering helps build the trust and relationships essential to Idaho communities and their values.

FEASIBILITY: The demonstrated ability of numerous Idaho counties to maintain a board of guardians on such a small budget and volunteer hours, proves that any increase in funding or resemblance of structure can only produce favorable outcomes for vulnerable community members. Some counties have even assembled their own Board of Guardians unaffiliated with the county at all, proving that the task is more than feasible for an entity like The State of Idaho.

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT: The issue of Guardianship for Incapacitated Adults impacts all Idaho residents in one way or another. Idaho healthcare staff and facilities are impacted by being unable to provide health services to incapacitated adults without a legal guardian's consent. Community shelters and crisis centers and their staff because of the incapacitated adults who seek their services or are dropped off at their facilities. Local elected officials and government employees because of their ethical

responsibilities to the community members they serve and represent. Emergency response teams because of the nature of services they provide and their ethical responsibilities to protect and serve the community. Civil court systems, including but not limited to magistrates, clerks, and attorneys because there is no specialized court for incapacitated individuals in need of guardianship. Entities and individuals who provide social services such as The Department of Health and Welfare, mental health professionals, The Office on Aging, and Adult Protective Services because of the legal and ethical responsibilities they have to their community.

FISCAL IMPACT: The demonstrated ability of numerous Idaho counties to maintain a board of guardians on such a small budget and volunteer hours, proves that any increase in funding or resemblance of structure can only produce favorable outcomes for vulnerable community members. Ultimately, by The State of Idaho applying a ‘pooled resources’ framework resources could be used more efficiently, meeting the maximum amount of need possible. Which would in turn cost the state less and prevent scarcity of community resources in the future.

IGA-15

TITLE: Board of County Commissioners – Vacancies

SPONSOR: Jared Orton, Minidoka County; Vicki Purdy, Adams County; Kent Searle, Cassia County

STATUTES AFFECTED: Idaho Code 59-906, Idaho Code 59-906A

COUNTY OFFICES or DEPARTMENTS AFFECTED (*Must Affect at least 2*): County Commissioners, County Clerks, and all departments under the authority of the board of county commissioners.

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

ISSUE/PROBLEM: Idaho Code 59-906A is interpreted as requiring County central committees to submit exactly 3 nominees to the governor. This code may also be interpreted to require county central committees to submit no more than 3 nominees. Clarifying language added to the code will assist in the process for filling vacancies on boards of county commissioners.

BACKGROUND & DATA: On June 8th, 2022, the County Central Committee received a letter of resignation from the commissioner in district 3 announcing her last day of office as commissioner was June 30th, 2022. On June 14, 2022, a public notice announcing the commissioner vacancy and details for the meeting to nominate persons for submitting to the governor were published in both the *Times-News* and the *Weekly Mailer*.

At the special meeting of the County Central Committee on June 21, 2022, nominations were held regarding the district 3 commissioner seat. There was only one person who presented themselves for nomination to be sent to the governor for appointment to fill the district 3 vacancy. The central committee wanted more names, but only one presented. They sent the one-person list to the governor. The governor's office refused to make an appointment without receiving more nominees and requested more names from the central committee. Due to party rules and state statute for political parties it was impossible for the committee to hold another meeting in time to request more nominations and install the commissioner by the required deadline. The adjacent county was in the middle of budgeting and was

unable to schedule meetings to settle joint budget items in a timely manner. This placed hardship on the clerk's office as well as the board of commissioners. The governor's office finally announced an appointment on July 19th, 2022, to fill the vacancy with the person whose name was first submitted, which technically was outside of compliance with the statute as well. This problem could occur for any elected county position based on Idaho Code 59-906.

PROPOSED POLICY: Please see attached file with suggested clarifying language added to Idaho Code 59-906A

ARGUMENTS & ENTITIES IN SUPPORT: Boards of county commissioners, especially rural counties will support this updated language because vacancies will be filled in a timelier manner and will consider local community circumstances such as counties with less population density.

County central committees will support this change as the filling of county commissioner vacancies is fulfilled entirely on a local level with elected officials who know the area's circumstances and any possible community challenges.

This update will also assist in reducing the political weaponization of appointments by governors of opposing political parties who may pick the third-choice nominee over the first choice of the central committee to limit the nominees electoral or legislative influence.

ARGUMENTS & ENTITIES AGAINST: Some entities who see the political weaponization of appointments as working in their favor may be opposed to clarification which properly maintains control of filling vacancies for local representation in the jurisdiction of local elected officials, aka county central committees.

FEASIBILITY: Superior

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT:

County Central Committees – Positive impact

County citizens – Positive impact

FISCAL IMPACT: No fiscal impact is foreseen with the clarifying language added to Idaho code 59-906A

IGA-16

TITLE: Department of Motor Vehicle (DMV) Fee Increase - Assessor

SPONSOR: Idaho Association of County Assessors – Brian Stender, Canyon County Assessor

STATUTES AFFECTED: 49-202

COUNTY OFFICES or DEPARTMENTS AFFECTED (*Must Affect at least 2*): Assessor's / Commissioner's

COUNTIES AFFECTED (*Must Affect at least 2*): **ALL IDAHO COUNTIES**

ISSUE/PROBLEM: The Idaho Transportation Department (ITD) has centralized several DMV functions in an effort to reduce costs for the residents of Idaho. All renew by mail, internet, & QR code transactions are now processed at ITD Headquarters and not in local County Assessor's Offices. Currently, all County Assessors are receiving the normal revenue associated with these transactions as if the transactions were completed within the local offices. Starting October 1st 2022 (FY23), County's will no longer receive revenue associated with the internet and QR renewals. On October 1st 2023 (FY24), All County's will no longer receive revenue associated with renew by mail transactions. Also, Senate Bill 1102 was passed in the 2021 legislative session. This new law allows a select number of 3rd Party Vendors to process Title and Registration Renewal transactions while a customer is at the dealership purchasing their vehicle. The transactions associated with the revenue losses are the easier, quicker transactions completed by our "Brick & Mortar" local Assessor's Offices. The transactions left for our offices to handle are the more complex and take longer to process. The current revenue received for these more complex transactions does not cover their associated processing costs.

BACKGROUND & DATA: To the best of my knowledge there has not been any recent proposals for Assessor DMV fee increases in quite some time. In August of 2021, ITD informed Assessor's that revenue related to the Renew by Mail, Internet & QR Codes would not be remitted to the County's starting October 1, 2021. This caused immediate panic since County DMV office funding is primarily funded through the fees associated with the transactions completed and not property tax. County Budgets had been set for the upcoming Fiscal Year and Final Budget

Hearings were happening around the state. Once ITD realized the hardship this would cause the County DMV's they implemented a phased in approach for the revenue loss. This implementation was described above. At that same time, ITD and the Assessor's agreed to form a working group to come up with solutions to maintain enough revenue for County offices to cover costs associated with the transactions occurring in office. The two components of the proposed policy below originated from the working group. A spreadsheet for forecasted revenue changes has been created and will be used in future discussions. For example, Canyon County's estimated revenue loss, if this proposal does not become law, is expected to be \$285,000 less in FY23 than it is in FY22. In FY24 the revenue is expected to be another \$355,000 less than FY23. This is a reduction of \$640,000 annually in FY24 compared with FY22. Using an employee cost of \$65,000, I would have to reduce my staff by roughly 10 people or 40% of my staff.

PROPOSED POLICY: The first component of the proposed policy will allow County DMV offices to charge an extra \$6.00 Title Administration Fee, this increases the overall title fee from \$14.00 to \$20.00 for in-person title transfers. Currently, title transfer fees are set at \$14.00. County Offices retain \$3.00 for their costs. ITD believes the County portion has not changed in over thirty years. The second component of the proposed policy will change the Vehicle Identification Number (VIN) inspection fee from \$5 to \$10 for each inspection completed. The authorized entity completing the inspection will receive the \$10. These two transactions are one-time expenses for the customer and are typically the more complex and lengthy transactions performed in our County DMV's. The fee adjustments are tied to the costs associated with completing each component of the title transfer. Once the VIN has been inspected and the title is transferred to the current owner, the owner will then have the option of choosing to renew the following year using one of the 4 options of renewal. The new fees will help our local "Brick & Mortar" County DMV Offices generate enough revenue to retain our trained employees which in turn keeps transaction and wait times to acceptable levels.

ARGUMENTS & ENTITIES IN SUPPORT: Assessor DMV offices are designed to be funded by the fees they generate, not property tax. With the loss of revenue, county offices will be forced to reduce staff in relation to the amount of revenue loss. Without the proposed fee changes the staff reduction will create longer wait times for our customers. Longer wait times ultimately leads to frustrated customers and higher stress on DMV staff. ITD is in support of the proposed fee changes.

ARGUMENTS & ENTITIES AGAINST: With 3rd Party taking on some of the transactions the County DMV offices will be over staffed, how will this be addressed? During the working group collaboration, the forecasting spreadsheet considers an optimal daily transaction per county agent. Based upon the optimal daily transactions, county DMV offices will adjust staffing based on those numbers. As an example, my DMV office has employed 24 full time staff and the forecast spreadsheet estimates I will only need 18 full time staff. I have recently received three resignations and directed my supervisor that we will not fill these positions due to the expected reduction in revenue.

FEASIBILITY: We have had an initial discussion with the 2022's Legislative Session Transportation committee chairs. They understood the need for this proposal. They also expressed uncertainty of the Transportation Committee's membership for the 2023 legislative session. The working group believe once legislators are educated on the fiscal impacts of the centralization and 3rd party vendors that they will be in favor of this proposal. Until the membership of the Transportation committees have been established, we are reluctant to put a percent of confidence on the overall feasibility of passage.

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT: ITD – When wait times increase, call volumes increase to ITD from upset customers who experience much longer than historical wait times.

FISCAL IMPACT: This proposal will not have a fiscal impact on ITD or the State of Idaho. This proposal will fiscally impact each County differently. The larger County's will see a much larger revenue loss due to the higher percentage of Renew by Mail, Internet and QR code registration renewals compared to the smaller counties. Also, County's with dealerships who sign up with 3rd party vendors will see a larger revenue loss through a reduction in transaction. This proposal helps to address that revenue loss as well. By combining the centralization efforts by ITD and also this proposal our constituents will save roughly \$2.5 million annually statewide.

IGA-16 DRAFT LANGUAGE

49-202. DUTIES OF DEPARTMENT. (1) All registration and driver's license records in the office of the department shall be public records and open to inspection by the public during normal business hours, except for those records declared by law to be for the confidential use of the department, or those records containing personal information subject to restrictions or conditions regarding disclosure. If the department has contracted for a service to be provided by another entity, an additional fee shall be charged by that contractor whether the service is rendered during normal business hours, other than normal business hours or on weekends.

(2) In addition to other fees required by law to be collected by the department, the department shall collect the following:

- (a) For certifying a copy of any record pertaining to any vehicle license, any certificate of title, or any driver's license
..... \$14.00
- (b) For issuing every Idaho certificate of title
..... \$14.00
- (c) For furnishing a duplicate copy of any Idaho certificate of title
..... \$14.00
- (d) For issuance or transfer of every certificate of title on a new or used vehicle or other titled vehicle in an expedited manner (rush titles), in addition to any other fee required by this section \$26.00
- (e) For recording a transitional ownership document, in addition to any other fee required by this section..... \$26.00
- (f) For furnishing a replacement of any receipt of registration
..... \$5.00
- (g) For furnishing copies of registration or ownership of motor vehicles or driver's license records, per vehicle registration, accident report records, title or per driver's license record \$7.00
- Additional contractor fee, not to exceed
..... \$4.00
- (h) For services in searching files of vehicle or other registrations, vehicle titles, or driver's licenses per hour \$18.00
- (i) Placing "stop" cards in vehicle registration or title files, each..... \$21.00
- (j) For issuance of an assigned or replacement vehicle identification number (VIN)
..... \$18.00
- (k) For a vehicle identification number (VIN) inspection whether conducted by a city or county peace officer or any other peace officer or designated agent of the state of Idaho, per inspection \$510.00

- (l) For all replacement registration stickers, each
..... \$2.00
- (m) For issuing letters of temporary vehicle clearance to Idaho-based motor carriers
..... \$18.00
- (n) For all sample license plates, each
..... \$21.00
- (o) For filing release of liability statements
..... \$3.50
- (p) For safety and insurance programs for each vehicle operated by a motor carrier
..... \$3.00

(q) Title administration fee, in addition to any other fee required in this section..... \$6.00

A lesser amount may be set by rule of the board.

(3) The fees required in this section shall not apply when the service is furnished to any federal, state, county or city peace officer when such service is required in the performance of their duties as peace officers.

(4) The department may enter into agreements with private companies or public entities to provide the services for which a fee is collected in subsection (2)(g) of this section. Such private contractor shall collect the fee prescribed and remit the fee to the department. The contractor shall also collect and retain the additional fee charged for his services.

(5) (a) The fee in subsection (2)(q) of this section shall be collected, along with the fees in subsection (2)(b) and (c), only when a title is applied for in-person at a DMV office and shall be retained by the issuing entity.

~~(b)~~ The department shall pay three dollars (\$3.00) of the fee collected by a county assessor or other authorized agent of the department as provided in subsection (2)(a) through (f) of this section, and four dollars (\$4.00) as provided in subsection (2)(g) of this section, to the county assessor or sheriff of the county or authorized agent of the department collecting such fee, which shall be deposited with the county treasurer and credited to the county current expense fund when collected by the county. When fees are collected by the department or an authorized agent of the department, such fees shall be deposited with the issuing entity. The remainder of the fees collected as provided in that subsection shall be paid by the department to the state treasurer and placed in the state highway account.

~~(b)(c)~~ The fee collected under subsection (2)(k) of this section for a VIN inspection shall be ~~placed in the city general fund if conducted by a city peace officer, in the county current expense fund if conducted by a county peace officer, shall be retained by the special agent authorized to perform the inspection, or paid to the state treasurer and placed to the credit of the Idaho state police if conducted by the Idaho state police~~ retained by the authorized entity providing the service or in the state highway account if conducted by the department.

(~~e~~d) The fee collected under subsection (2)(o) of this section for filing release of liability statements shall be retained by the county assessor of the county collecting such fee and shall be deposited with the county treasurer and credited to the county current expense fund. Any fees collected by the department for filing release of liability statements shall be retained by the department.

(~~e~~d) The fee in subsection (2)(m) of this section shall not apply when the Idaho-based motor carrier or its representative obtains and prints the document using internet access.

(~~e~~f) The fee collected under subsection (2)(p) of this section for motor carriers shall be paid by the department to the state treasurer and placed in the state highway account. The director and the director of the Idaho state police shall jointly determine the amount to be transferred from the state highway account to the law enforcement fund for motor carrier safety programs conducted by the Idaho state police pursuant to the provisions of section 67-2901A , Idaho Code.

(6) The department as often as practicable may provide to law enforcement agencies the record of suspensions and revocations of driver licenses via the public safety and security information system (ILETS).

(7) The department shall provide the forms prescribed in chapter 5 of this title, shall receive and file in its office in Ada county all instruments required in chapter 5 of this title to be filed with the department, shall prescribe a uniform method of numbering certificates of title, and shall maintain in the department indices for such certificates of title. All indices shall be by motor or identification number and alphabetical by name of the owner.

(8) The department shall file each registration received under a distinctive registration number assigned to the vehicle and to the owner thereof.

(9) The department shall not renew a driver's license or identification card when fees required by law have not been paid or where fees for past periods are due, owing and unpaid including insufficient fund checks, until those fees have been paid.

(10) The department shall not grant the registration of a vehicle when:

(a) The applicant is not entitled to registration under the provisions of this title; or

(b) The applicant has neglected or refused to furnish the department with the information required in the appropriate form or reasonable additional information required by the department; or

(c) The fees required by law have not been paid, or where fees for past registration periods are due, owing and unpaid including insufficient fund checks.

(11) The department or its authorized agents have the authority to request any person to submit to medical, vision, highway, or written examinations, to protect the safety of the public upon the highways. The department or its authorized agents may exercise such authority based upon evidence which may include, but is not limited to, observations made.

(12) The department shall revoke the registration of any vehicle:

(a) Which the department shall determine is unsafe or unfit to be operated or is not equipped as required by law;

- (b) Whenever the person to whom the registration card or registration plate has been issued shall make or permit to be made any unlawful use of the same or permit their use by a person not entitled thereto;
- (c) For any violation of vehicle registration requirements by the owner or operator in the current or past registration periods;
- (d) Whenever a motor carrier requests revocation, or whenever an interstate carrier's federal operating authority has been revoked;
- (e) For failure of the owner or operator to file the reports required or nonpayment of audit assessments or fees assessed against the owner by the department or the state tax commission pursuant to audit under the provisions of section 49-439 , Idaho Code;
- (f) Identified by any city or county administering a program established by ordinance for the inspection and readjustment of motor vehicles (which program is part of an approved state implementation plan adopted by both the state and federal governments under 42 U.S.C. 7410) as having failed to comply with an ordinance requiring motor vehicle emission inspection and readjustment; provided that no vehicle shall be identified to the department under this subsection unless:

- (i) The city or county certifies to the department that the owner of the motor vehicle has been given notice and had the opportunity for a hearing concerning compliance with the ordinance and has exhausted all remedies and appeals from any determination made at such hearing; and

- (ii) The city or county reimburses the department for all direct costs associated with the registration revocation procedure.

(13) The department shall not reregister or permit a vehicle to operate on a special trip permit until all fees, penalties and interest have been paid.

(14) The department shall institute educational programs, demonstrations, exhibits and displays.

(15) The department shall cancel a driver's license or identification card when fees required by law have not been paid or where fees are due, owing and unpaid including insufficient fund checks, until those fees have been paid.

(16) The department shall examine persons and vehicles by written, oral, vision and skills tests without compulsion except as provided by law.

(17) The department shall employ expert and special help as needed in the department.

(18) The department shall compile accident statistics and disseminate information relating to those statistics.

(19) The department shall cooperate with the United States in the elimination of road hazards, whether of a physical, visual or mental character.

(20) The department shall place and maintain traffic-control devices, conforming to the board's manual and specifications, upon all state highways as it shall deem necessary to indicate and to carry out the provisions of this title or to regulate, warn, or guide traffic. No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the department except by the latter's permission. The placement and

maintenance of such a traffic-control device by a local authority shall be made according to the board's manual and specifications for a uniform system of traffic-control devices.

(21) The department may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and, if it shall find that the structure cannot with safety to itself withstand vehicles traveling at a speed otherwise permissible under this title, shall determine and declare the maximum speed of vehicles which the structure can safely withstand, and shall cause or permit suitable signs stating the maximum speed to be erected and maintained before each end of the structure.

(22) Whenever the department shall determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the normal and reasonable movement of traffic, the department may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs.

(23) The department shall regulate or prohibit the use of any controlled-access highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(24) The department shall erect and maintain traffic-control devices on controlled-access highways on which any prohibitions are applicable.

(25) The department and local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of those zones and when signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey those directions.

(26) The department and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this title or title 40, Idaho Code.

(27) The department and local highway authorities within their respective jurisdictions may place official traffic-control devices prohibiting, limiting or restricting the stopping, standing or parking of vehicles on any highway where such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles unduly interferes with the free movement of traffic thereon.

(28) On any informational material printed after July 1, 1995, by or at the order of the department and distributed to counties, school districts or individuals for the purpose of assisting a person to successfully pass a driver's license test, the department shall include material about the state's open range law and responsibilities, liabilities and obligations of drivers driving in the open range.

Projections from Centralization and Current Fee Proposals

County	Anticipated Revenue Loss			Projected FY24 w/ Transaction & Staff Reduction			
	FY22	FY23	FY24	Expenses	Deficit/Surplus	Proposal	Deficit/Surplus
Ada	\$3,255,327	\$2,924,633	\$2,061,803	\$3,294,974	(\$1,233,171)	\$728,553	(\$504,618)
Adams	\$56,212	\$52,602	\$44,531	\$44,247	\$284	\$13,969	\$14,253
Bannock	\$716,139	\$580,835	\$405,716	\$576,670	(\$170,954)	\$164,573	(\$6,381)
Bear Lake	\$68,482	\$66,090	\$52,319	\$88,650	(\$36,331)	\$22,084	(\$14,247)
Benewah	\$144,089	\$150,914	\$127,805	\$156,810	(\$29,005)	\$55,884	\$26,879
Bingham	\$493,961	\$438,254	\$368,256	\$309,191	\$59,065	\$91,057	\$150,122
Blaine	\$291,820	\$234,384	\$176,052	\$179,249	(\$3,198)	\$42,819	\$39,621
Boise	\$162,507	\$149,326	\$116,243	\$74,931	\$41,312	\$34,917	\$76,229
Bonner	\$586,393	\$488,155	\$383,911	\$390,559	(\$6,649)	\$141,880	\$135,231
Bonneville	\$979,518	\$904,471	\$638,548	\$581,150	\$57,398	\$181,071	\$238,469
Boundary	\$121,897	\$145,001	\$117,513	\$154,985	(\$37,472)	\$31,341	(\$6,131)
Butte	\$24,810	\$24,180	\$18,493	\$26,440	(\$7,947)	\$7,267	(\$680)
Camas	\$13,128	\$12,673	\$10,686	\$14,030	(\$3,344)	\$3,931	\$587
Canyon	\$1,438,444	\$1,153,049	\$798,398	\$1,137,706	(\$339,308)	\$318,712	(\$20,596)
Caribou	\$68,734	\$65,549	\$56,097	\$113,460	(\$57,363)	\$16,684	(\$40,679)
Cassia	\$277,626	\$248,447	\$204,608	\$184,004	\$20,604	\$62,128	\$82,732
Clark	\$20,808	\$26,497	\$24,082	\$21,584	\$2,498	\$5,424	\$7,922
Clearwater	\$118,014	\$110,426	\$94,853	\$85,350	\$9,503	\$23,710	\$33,213
Custer	\$48,549	\$46,076	\$31,137	\$39,930	(\$8,794)	\$11,889	\$3,095
Elmore	\$260,851	\$230,684	\$191,314	\$206,196	(\$14,882)	\$66,514	\$51,632
Franklin	\$158,779	\$150,011	\$122,379	\$218,161	(\$95,783)	\$53,360	(\$42,423)
Fremont	\$113,900	\$123,812	\$93,710	\$90,623	\$3,086	\$21,473	\$24,559
Gem	\$262,991	\$230,335	\$197,821	\$189,222	\$8,599	\$44,386	\$52,985
Gooding	\$170,966	\$154,567	\$131,461	\$81,972	\$49,489	\$26,688	\$76,177
Idaho	\$152,995	\$152,490	\$126,265	\$176,662	(\$50,397)	\$44,816	(\$5,581)
Jefferson	\$263,587	\$286,099	\$236,474	\$245,079	(\$8,606)	\$77,014	\$68,408
Jerome	\$180,276	\$165,382	\$123,802	\$131,702	(\$7,900)	\$38,561	\$30,661
Kootenai	\$1,137,948	\$1,288,029	\$778,554	\$834,006	(\$55,452)	\$312,662	\$257,210
Latah	\$296,950	\$245,266	\$201,569	\$245,422	(\$43,853)	\$71,165	\$27,312
Lemhi	\$90,389	\$85,564	\$66,597	\$102,092	(\$35,495)	\$20,529	(\$14,966)
Lewis	\$25,751	\$23,845	\$17,781	\$23,203	(\$5,422)	\$6,752	\$1,330
Lincoln	\$76,773	\$71,281	\$59,322	\$57,938	\$1,384	\$12,238	\$13,622
Madison	\$251,643	\$228,037	\$167,744	\$230,214	(\$62,471)	\$95,857	\$33,386
Minidoka	\$273,752	\$245,962	\$203,982	\$164,747	\$39,234	\$35,037	\$74,271
Nez Perce	\$428,373	\$381,625	\$276,858	\$422,283	(\$145,425)	\$111,027	(\$34,398)
Oneida	\$57,549	\$61,910	\$51,723	\$53,932	(\$2,209)	\$23,343	\$21,134
Owyhee	\$153,965	\$137,861	\$114,577	\$186,480	(\$71,903)	\$36,370	(\$35,533)
Payette	\$252,233	\$227,689	\$180,294	\$218,131	(\$37,837)	\$80,180	\$42,343
Power	\$69,254	\$81,628	\$72,586	\$96,390	(\$23,805)	\$17,794	(\$6,011)
Shoshone	\$176,170	\$160,360	\$119,639	\$132,754	(\$13,115)	\$44,702	\$31,587
Teton	\$114,318	\$101,452	\$76,778	\$87,010	(\$10,232)	\$34,737	\$24,505
Twin Falls	\$731,046	\$668,358	\$474,036	\$603,698	(\$129,662)	\$161,994	\$32,332
Valley	\$202,153	\$170,943	\$132,481	\$93,351	\$39,130	\$31,452	\$70,582
Washington	\$124,970	\$118,230	\$97,494	\$133,646	(\$36,152)	\$28,779	(\$7,373)
	\$14,914,038	\$13,612,979	\$10,046,285		One-Time Fees	\$3,455,323	
		Centralization	\$4,867,753		Overall Savings	\$1,412,430	

IGA-17

TITLE: Local Government Travel and Convention Tax on overnight accommodations.

SPONSOR: Cindy Riegel (Teton County), Idaho Association of Commissioners & Clerks

STATUTES AFFECTED: 67-4717 REGIONAL AND STATEWIDE GRANT PROGRAM. 67-4718 ASSESSMENT — COUNCIL ACCOUNT

COUNTY OFFICES or DEPARTMENTS AFFECTED (*Must Affect at least 2*): Commissioners, Long-range Planning, Economic Development, Recreation, Public Works, Law Enforcement, Search and Rescue, Emergency Services

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

ISSUE/PROBLEM: Counties in Idaho struggle to keep up with the costs associated with growth. Not only are people flocking to our state to live, visitation to Idaho has exploded since the pandemic. Although there are many benefits that come from Idaho being a desirable place to live and travel, there are also serious challenges to addressing the influx of people into Idaho.

The Idaho economy is booming; however, counties still struggle to provide basic services and infrastructure. Some of the funding challenges include:

- 3% cap on property tax budget increases
- 90% cap on taxable new construction
- Unfunded mandates (e.g. public defense, public health)
- Agriculture exemptions for land developed for other uses remain until Certificate of Occupancy is issued for new buildings.
- 11% of general Sales Tax collected by the state is shared with local government
- No Internet Sales Tax shared with local government
- No Income Tax shared with local government

- Restrictions on impact fees and development exactions (cannot be used for affordable housing)
- Cannot restrict short term rentals in any type of neighborhood

BACKGROUND & DATA:

Idaho collects an additional 2% Travel and Convention Tax (above the standard 6% sales tax) on lodging sales to promote and subsidize the travel and tourism industry through the Idaho Department of Commerce. Most of the money is shared with local non-profit and regional tourism development organizations through the Idaho Regional Travel and Convention Grant Program.

This past July, \$9,492,795 in tourism marketing funding was awarded to non-profit organizations. “Grant recipients use grant dollars to promote cities, towns, and regions of the state as travel destinations. Program elements are varied, but often include print and digital advertising, videography, brochures, attendance at travel shows, public relations, industry research, and the creation of websites.”

While the state is excellent at funding the promotion of travel and tourism, there are minimal funds available to help support the additional local infrastructure and services required to accommodate visitors and residents alike. Managing growth in outdoor and recreation-based tourism became particularly challenging during the pandemic and has required additional resources from counties, cities, and the federal government to protect human health and safety. In addition, the increasing demand for short-term rental accommodations has had a measurable impact on the availability of houses and long-term rentals for Idaho’s workforce. Counties are mandated to keep their communities safe while promoting orderly and cost-effective development opportunities. During periods of rapid growth this becomes harder to accomplish with the limited funding available.

Population data - Idaho has led the country in population growth for several years in a row. From 2020 to 2021, Idaho’s population grew 2.9%, according to U.S. Census Bureau population estimates. The estimated 2022 population is 1,981,332.

Visitation data - Tourism and travel spending in Idaho is still increasing. It was up 4% from 2019 to 2021. Most visitors stay at least one night, and 84% of overnight travelers are repeat visitors, according to Longwoods International, Idaho Visitor Research 2021 Edition (from Idaho Commerce website)

Travel and Convention Tax Data - Although county by county data is not available on the Idaho Department of Commerce website, total Travel and Convention tax collected in FY 2021 was \$14,811,691. This increased to \$18,981,086 in FY 2022.

Housing Data - Housing in Idaho is becoming increasingly more expensive due to limited supply and higher demand. This includes both purchasing and renting. Tourist based counties also contend with the ongoing issue of local rentals converting to short-term rentals or second homes. In many counties in Idaho, 20% or more of all residents are cost burdened by their housing (spend over 30% of their income on housing) including: Clearwater, Bonner, Lemhi, Custer, Camas, Elmore, Twin Falls, Lincoln, Oneida, Teton, Butte, etc. (from NACo County Explorer affordable housing profiles).

PROPOSED POLICY: This resolution proposes a solution in the form of an addition 2% Travel and Convention tax for local government to fund the impacts of growth on their communities. There are two ways to do this:

1. The state would collect an additional 2% Travel and Convention tax and redistribute it to the counties where it was collected. The revenue could be used for whatever the highest need is for each county and could include community improvements that benefit visitors and residents (e.g. public safety, transportation, sanitation, EMS, public access, affordable housing, etc.). Like the state's Travel and Convention tax, sales from businesses that provide accommodations for a fee when renting out lodging for 30 days or less would be taxed, with the tax being passed on to the visitor using the accommodation. According to the Idaho Tax Commission, businesses that provide accommodations to the public include: hotels, motels, resorts, bed and breakfasts, campgrounds and RV parks, cabins, vacation homes, private residences. In summary, the Idaho State Tax Commission would collect 4% Travel and Convention tax and return 2% back to the county where it was collected minus administrative costs associated with collecting the tax.
2. The state can authorize counties to collect up to 2% Travel and Convention Tax through a voter approved local option similar to the Resort City local option taxing authority but only for lodging and short term rentals.

ARGUMENTS & ENTITIES IN SUPPORT: Counties, Idaho Housing and Finance, Sheriff's Association, Idaho Association of Commerce and Industry

ARGUMENTS & ENTITIES AGAINST: Perhaps Association of Idaho Cities would be against it unless they get a share (especially those that do not already have a local option sales tax on lodging). Some lodging owners may be opposed because the cost of lodging and other overnight accommodations would go up slightly and could discourage some visitation; however, most people on vacation do not pay much attention to the taxes and fees associated with their room charge.

FEASIBILITY: Easy to implement because the Travel and Convention Tax collection system is already set up by the Idaho Tax Commission. They would just have to increase the amount collected and redistribute the additional 2% to the counties where it was collected.

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT: Citizens would benefit from the additional money available for local government functions.

FISCAL IMPACT: The impact would be to raise more revenue for counties to provide necessary services and community improvements for residents and visitors. It is simply a source of revenue for counties to address growth and visitation related impacts. This tax would be paid by overnight visitors so would not impact local residents.

About 15 million could be raised overall, but in order to determine how much revenue would be returned to each county, more data is needed from the Idaho State Tax Commission based on how much of the current travel and convention tax revenue is generated in each county.

IGA-18

TITLE: Homeowners Exemption cleanup of HB562

SPONSOR: Linda Jones, Lincoln County Assessor

STATUTES AFFECTED: §63-602G

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

This legislation would affect the County Commissioners, County Clerks, County Assessors, and County Treasurers.

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

All 44 Counties and all 1245 Taxing Districts would be affected.

ISSUE/PROBLEM: Currently the State Tax Commission and Attorneys General's office have given a suggestion on how to implement the Homeowners Exemption that does not align with the intent of the original legislation. This is causing a difference in how the Homeowner's Exemption is being applied to property between the counties.

BACKGROUND & DATA: In 2020, HB562 was passed. At that time, it was discussed in committee, and on the respective floors, with proration included as how the homeowner's exemption would work, with more legislation for clean-up to follow.

In 2021, the opinion from the State Tax Commission and the Attorneys General's office was no proration and to apply full exemption at any time during the year. This has created an undue hardship on taxing districts, and budgeting problems, along with confusion on how to apply the exemption because not all counties agreed with the opinion given.

See attached for the amount of taxes canceled in 2021.

PROPOSED POLICY: My suggestion to fix this is to include the words “pro-rated” to §63-602G.
See attached draft legislation.

ARGUMENTS & ENTITIES IN SUPPORT: All counties and taxing districts have a budget to produce. Taxing districts need to know that as time goes on through the year, the cancelled tax dollar amount will decrease and not be as difficult to manage. Following the opinion of the State Tax Commission, and Attorney General’s office, it could very well be a wind fall for landlords if they are selling homes to people who apply for homeowners, they will also receive the exemption for the time it was not owner occupied. The intent was clear, proration was what was voted and passed on. In the past a rule would have been made, after it was discussed, the legislators would have been contacted to understand intent, and would have ended up with the correct process.

ARGUMENTS & ENTITIES AGAINST: Those against this change would be landlords that can benefit from undeserved exemption credit.

FEASIBILITY: During the committee hearings, and debates on the respective floors the Homeowners Exemption was to be prorated. With the change I am proposing with the new language including the words “prorated” there won’t be any confusion as to how the exemption is applied.

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT: This legislation would affect all 44 Counties and 1245 Taxing Districts in the state by reducing the loss in revenue due to tax cancellations.

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.

As stated above all 44 Counties and 1245 Taxing Districts in the state are impacted by reducing the loss in revenue due to tax cancellations.

In a worse case, only half of the canceled dollar on the enclosed spreadsheet would be canceled. As you get later into the year that dollar amount would decrease.

There wouldn’t be any cost-shifting to the proposed legislation.

SUPPORTING 2021 TAX CANCELATION DATA

County	Value Canceled	Canceled Taxes - County	Canceled Taxes - Total
Ada	\$203,794,963.00	\$355,611.21	\$1,783,193.26
Adams	\$1,643,044.00	\$4,822.19	\$9,377.06
Bannock	\$20,711,254.00	\$51,749.54	\$190,964.51
Bear Lake			\$25,290.60
Benewah		\$13,099.06	\$33,871.47
Bingham	\$117,360.08	\$44,432.59	\$120,719.76
Blaine	\$15,243,762.00	\$13,230.35	\$81,701.57
Boise	\$5,114,829.00	\$16,873.20	\$30,291.38
Bonner	\$22,812,747.00	\$61,398.66	\$168,349.47
Bonneville	\$34,535,804.00	\$121,316.30	
Boundry	\$5,046,952.50	\$21,061.93	\$43,063.78
Butte			
Camas	\$692,927.00		\$7,366.48
Canyon		\$162,318.67	\$784,525.46
Caribou			
Cassia	\$3,201,843.00	\$9,852.68	\$35,078.40
Clark	\$151,173.00	\$674.00	\$1,475.44
Clearwater	\$1,751,238.00	\$8,435.35	\$24,625.28
Custer	\$2,636,503.00	\$3,170.70	\$8,571.36
Elmore	\$9,491,970.00	\$27,200.27	\$113,842.29
Franklin	\$1,056,694.50	\$7,939.12	\$19,000.21
Fremont	\$7,802,570.00	\$34,225.73	\$47,078.69
Gem		\$21,487.60	\$41,405.27
Gooding	\$4,808,253.00	\$11,766.82	\$44,200.52
Idaho			\$30,300.10
Jefferson	\$7,709,871.00		\$81,909.27
Jerome		\$25,350.57	\$87,423.33
Kootenai	\$77,134,642.00	\$153,352.00	\$620,981.00
Latah	\$2,703,478.00	\$10,538.65	\$55,158.24
Lemhi	\$2,625,400.00	\$8,856.06	\$18,696.10
Lewis	\$1,834,984.00	\$4,451.59	\$11,570.64
Lincoln			
Madison	\$6,023,114.02	\$32,450.39	\$82,274.29
Minidoka	\$362,322.00	\$12,499.94	\$39,331.98
Nez Perce	\$11,866,962.00	59897.06	\$240,739.99
Oneida		\$1,695.88	\$4,758.88
Owyhee	\$2,886,003.00	\$12,168.90	\$40,685.07
Payette			\$67,777.93
Power	\$1,372,527.00	\$5,789.69	\$23,442.46
Shoshone	\$6,483,004.00		\$91,861.92
Teton	\$3,672,974.00	\$8,609.33	\$24,621.06
Twin Falls	\$28,273,015.00	\$104,464.30	\$397,110.55
Valley	\$11,305,274.00	\$14,225.47	\$60,336.52
Washington	\$2,535,146.00	\$17,267.40	\$44,270.86
Statewide	\$507,402,603.10	\$1,462,283.20	\$5,637,242.45

Justice and Public Safety

JPS-01

TITLE: Civil Commitment (Hospitalization of Mentally Ill)

SPONSOR: Kristina Glascock, Twin Falls Clerk

STATUTES AFFECTED: 66-326

COUNTY OFFICES or DEPARTMENTS AFFECTED (*Must Affect at least 2*): Clerks, Prosecutors and Courts

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

ISSUE/PROBLEM: Civil commitment (Hospitalization of Mentally Ill) cases are not as transparent as they should be. Some prosecuting attorneys are not creating a court case when requesting an Order for Temporary Custody and Designated Examination. Therefore, there is no court record of the evidence supporting the claim and the signed Order for Temporary Custody is not being retained by the court.

BACKGROUND & DATA: The concern is some prosecuting attorneys will not initiate a civil commitment proceeding court case when requesting an Order for Temporary Custody and Designated Examination. They will only initiate a civil commitment (Hospitalization of Mentally Ill) court case if the individual's first DE is positive. If the first DE is negative, there is no court record of the evidence supporting the claim and Order for Temporary Custody and Designated Examination. If a court case is created, the entire civil commitment process is documented even if eventually the individual is found to have a negative DE and the case is dismissed.

PROPOSED POLICY: If we change the word "presented" to "filed," this will direct a case to be created.

66-326. DETENTION WITHOUT HEARING. (1) No person shall be taken into custody or detained as an alleged emergency patient for observation, diagnosis, evaluation, care or treatment of mental illness unless and until the court has ordered such apprehension and custody under the provisions outlined in section [66-329](#), Idaho Code; provided, however, that a person may be taken into custody by a peace officer and placed in a facility, or the person may be detained at a hospital at which the person presented or was brought to receive medical or mental health care, if the peace officer or a physician medical staff member of such hospital or a physician's assistant or advanced practice registered nurse practicing in such hospital has reason to believe that the person is gravely disabled due to mental illness or the person's continued liberty poses an imminent danger to that person or others, as evidenced by a threat of substantial physical harm; provided, under no circumstances shall the proposed patient be detained in a nonmedical unit used for the detention of individuals charged with or convicted of penal offenses. For purposes of this section, the term "peace officer" shall include state probation and parole officers exercising their authority to supervise probationers and parolees. Whenever a person is taken into custody or detained under this section without court order, the evidence supporting the claim of grave disability due to mental illness or imminent danger ~~must~~ shall be electronically filed presented to by the prosecuting attorney with a duly authorized the court along with a proposed Order for Temporary Custody and Designated Examination within twenty-four (24) hours from the time the individual was placed in custody or detained. If the Order is signed on a weekend or holiday, it shall be electronically filed with the court on the next business day.

ARGUMENTS & ENTITIES IN SUPPORT: Idaho Supreme Court has expressed they may support but it isn't a formal position yet.

ARGUMENTS & ENTITIES AGAINST:

FEASIBILITY:

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT:

FISCAL IMPACT:

JPS-02

TITLE: Idaho definition of Terrorism and Domestic Terrorism

SPONSOR: Jared Orton, Minidoka County; Vicki Purdy, Adams County; Kent Searle, Cassia County

STATUTES AFFECTED: Idaho Code 18-8102

COUNTY OFFICES or DEPARTMENTS AFFECTED (*Must Affect at least 2*): Sheriff and Prosecuting Attorney

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

ISSUE/PROBLEM: I find that the definitions of ‘terrorism’ and ‘domestic terrorism’ in Idaho Code are dangerously inadequate and could be used to politically weaponize county law enforcement through overstated or falsified threat assessments.

BACKGROUND & DATA: On January 20th, 2021 President Biden directed his national security team to lead a 100-day comprehensive review of U.S. Government efforts to address domestic terrorism, and stated that domestic terrorism was the “most urgent” terrorist threat facing the United States today. On September 29th, 2021, the National School Board Association asked President Joe Biden to label parents domestic terrorists for questioning Local School Board policies. On October 5th, 2021 the Biden administration instructed the director of the Federal Bureau of Investigation to investigate parents attending and participating in school board meetings. Since this time multiple accounts of parents being monitored and detained by federal and local authorities for school board incidents have occurred.

PROPOSED POLICY: I request that the Idaho legislature more specifically define terrorism and domestic terrorism in Idaho 18-8102 to include a link to international terrorist groups actively trying to overthrow the United States of America and allow local authorities to prosecute criminal activity under current Idaho criminal law through proper due process afforded to each citizen of the United States of America without unneeded federal intrusion.

ARGUMENTS & ENTITIES IN SUPPORT: Local law enforcement will be in favor of having a clear definition when addressing threats presented by federal

agencies. County citizens are the primary stakeholders in the political outcomes and decisions made by governing officials and bodies. Their participation should be preserved and protected. This change will help them preserve their 1st amendment rights and their right to proper due process.

ARGUMENTS & ENTITIES AGAINST: The main argument against this change is that current criminal code does not go far enough to protect elected officials and that discord and disagreement with governing bodies is seen as an attempt to undermine and destroy a governing body or official.

FEASIBILITY: Highly Likely – the Idaho senate passed a bill addressing this issue in 2022. The house ran out of time to address it. The county’s support and backing should help the legislature address it earlier in 2023.

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT: County citizens and political action groups

FISCAL IMPACT: Unknown

Transportation and Infrastructure

TRI-01

TITLE: Land use planning

SPONSOR: Valley County Legislators Matt Bundy and Geoff Schroeder have expressed they would carry if elected in November.

STATUTES AFFECTED: 67-6511A

COUNTY OFFICES or DEPARTMENTS AFFECTED (*Must Affect at least 2*): Planning & Zoning, County Road Departments and Districts, Clerks office for budgets

COUNTIES AFFECTED (*Must Affect at least 2*): Valley County, Idaho County. I believe there are others but not sure how many

ISSUE/PROBLEM: When the initial legislation was introduced, the code reads that when a rezone happens Road development agreements can be enforced. Valley County and others are not zoned, therefore no “rezone” happens when land use changes occur. A Conditional Use Permit is issued for land use changes.

BACKGROUND & DATA: I am unaware of any past proposals to correct the initial legislation. Valley County has been discussing getting this updated since we were faced with legal action by a developer in 2008. Because this is voluntary and at that time the County was using this as a planning tool to help pay for road construction, The County was sued by a developer stating he felt obligated to contribute funds that were voluntary. The County discontinued using these. We are now trying to change legislation so that we can use the same tool that all other counties that are zoned is using.

PROPOSED POLICY:TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 65
LOCAL LAND USE PLANNING

67-6511A. DEVELOPMENT AGREEMENTS. Each governing board may, by ordinance adopted or amended in accordance with the notice and hearing provisions provided under section [67-6509](#), Idaho Code, require or permit as a condition of rezoning or **the issuance of a conditional use permit or planned unit development.** that an owner or developer make a written commitment concerning the use or development of the subject parcel. The governing board shall adopt ordinance provisions governing the creation, form, recording, modification, enforcement and termination of conditional commitments. Such commitments shall be recorded in the office of the county recorder and shall take effect upon the adoption of the amendment to the zoning ordinance **or the issuance of a conditional use permit or planned unit development.** Unless modified or terminated by the governing board after a public hearing, a commitment is binding on the owner of the parcel, each subsequent owner, and each other person acquiring an interest in the parcel. A commitment is binding on the owner of the parcel even if it is unrecorded; however, an unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment. A commitment may be modified only by the permission of the governing board after complying with the notice and hearing provisions of section [67-6509](#), Idaho Code. A commitment may be terminated, and the zoning designation **or conditional use permit or planned unit development** upon which the use is conditional use permit based reversed, upon the failure of the requirements in the commitment after a reasonable time as determined by the governing board or upon the failure of the owner; each subsequent owner or each other person acquiring an interest in the parcel to comply with the conditions in the commitment and after complying with the notice and hearing provisions of section [67-6509](#), Idaho Code. By permitting or requiring commitments by ordinance the governing board does not obligate itself to recommend or adopt the proposed zoning ordinance **or conditional use permit or planned unit development.** A written commitment shall be deemed written consent to rezone **or revoke certain site specific approvals, conditional use permit or or planned unit development** upon the failure of conditions imposed by the commitment in accordance with the provisions of this section.

ARGUMENTS & ENTITIES IN SUPPORT: All Zoned Counties are using this planning tool already. This just allows all Counties in the State to be able to adhere to this Land Use Planning tool.

ARGUMENTS & ENTITIES AGAINST: Affected developers in the Counties that currently don't have Zoning

FEASIBILITY: This is just a correction of language in an existing bill. I have spoken with my 3 legislators and they are onboard to help us carry this through.

OTHER STAKEHOLDERS AFFECTED & NATURE OF IMPACT: None.
This will improve Road budgets for affected Counties.

FISCAL IMPACT: There will be no fiscal impact to the State. This will help those counties that are not zoned counties to mitigate the impacts from proposed development. This tool is currently used for mitigation in other counties through collaboration with developers.