

IAC Legislative Committee

February 8, 2023 | 10:00 am – 12:00 pm

IAC Washington Office | [Zoom](#)

MEETING AGENDA

Call to Order | *Chair Don Hall*

Valley County Coroner Scott Carver made a motion to approve the minutes from January 30, 2023, Minidoka County Commissioner Wayne Schenk seconded. Motion carried.

Update on 2023 Legislative Package - Update

- IGA-06 Preliminary levy rate
Still being discussed as part of property tax relief.
- [H0070](#) – County Indigent Services - HB735 clean up
We hope to have a hearing by the end of the week but it may be next week.
- IGA-11 Vape tax
Met with Rep. Brooke Green and she is excited to help with this. She is going to put together a group of stakeholders and she already has a draft ready to go. Hopefully this group will meet by the end of the week.
- [H0085](#) - DMV Title Fees
Being heard in the House Transportation committee this afternoon.
- IGA-17 Lodging and Tourism
Still being discussed as part of property tax relief.

New Business (Action)

- [H0051](#) Assessment Notices
Rep. Blanksma and Max Pond are the sponsors of this. It creates universal form to include values, property taxes, plus more. Staff will be meeting with them to suggest alternatives. The concern is having too much information on the tax notice, and this really confuses the citizens. Staff is trying to make sure she understands the separation of duties for each elected office. A suggestion might be a QR code that goes to certain information and if the citizen then wants more information, they can request it. There has also been discussion about being able to redirect citizens to the state tax commissions tax estimator.

- [H0053](#) Grand Theft

Idaho Code 18-2407 covers the grading of theft into separate categories: grand and petit. This legislation would amend Idaho Code 18-2407(1)(B)(i) by making an inflationary adjustment from \$1000 to \$1800 to the dollar threshold triggering felony liability. Rep. Mathias is updating the part of what the legislature considers to be a 'serious' theft.

The sheriffs oppose the bill. They believe we shouldn't raise the threshold and this will not help in deterring anyone from stealing things.

Nez Perce County Commissioner Doug Zenner made a motion to oppose H0053, Minidoka County Commissioner Wayne Schenk seconded. Motion carried.

- [H0055](#) Transportation Local Bridges and Highways

All TECAM bills appear to be ok and just wanted to make the committee aware of them.

- [H0067](#) Mandatory Minimums

This legislation modifies the quantities provided regarding heroin in the drug trafficking statute and the sentences involved. These changes will help provide that the trafficking statutes are applied to those participating in drug distribution and sales instead of those engaging solely in personal use. The sentencing time frames are being modified to more closely correspond to other controlled substances in the statute. Fentanyl and its derivatives are often 1000 times more potent and dangerous than heroin. It is being added to the trafficking statutes to reduce fentanyl drug trafficking in Idaho.

Sheriffs, ICOPA, and Prosecutors all support this.

Valley County Coroner Scott Carver made a motion to support H0067, Bingham County Commissioner Mark Bair seconded. Motion carried.

- [H0077](#) Property Tax – Grow

None of these will move forward in their current form. We are trying to find a path forward. The concept that staff is working on is the idea of combining the three bills and make it one. Trying to find \$200M for property tax relief. Part of it for homeowners that Sen. Grow wanted. It may be a little difficult to implement but we can't oppose relief because it may be a little difficult. The other part will be \$100M for? Sen. Grow, Sen. Anthon, and Rep. Monks all support it. We don't know how the Speaker will be on it. It would also include a fix for the circuit breaker. Utilizing a median value of 200% and income the threshold from 135% to 200% of FPL. The homeowners' exemption is also being discussed. They are looking to go to 150%.

The proposal would also eliminate the March and August election dates. These are still being discussed. Wayfair is also still part of the conversation. Right now, it has been dedicated to public defense. Rep. Monk's bill would change that. We have thrown in the

lodging tax to help in this discussion. There is a willingness to talk about this. We would probably have to split this with the cities.

- [H0078](#) Homeowners' Exemption – Skaug
See H0077
- [H0079](#) Property Tax – Monks
See H0077
- [H0087](#) TECAM
This bill just reiterates what the locals are already doing with the funds.
- [H0088](#) City Law Enforcement Media Recordings
This legislation amends Section 50-907, Idaho Code, regarding public record retention of video files. Currently, Idaho Code defines "permanent records," "semi-permanent records," "temporary records," and historical records. This legislation adds two additional categories; "municipal media recordings," and "law enforcement media recordings" and defines each new category. The purpose of adding the additional categories is to preserve existing statutes and documents with the current time requirements, while allowing municipalities to discard video recordings that do not have evidentiary value in order to reduce city expenses passed on to citizens who often pay for the storage of valueless video with property tax revenue.

Sheriffs oppose because it is different from the county standards. Each city already has the ability to set those standards.
- [H0090](#) Legal Notices
Related to electronic public notices. Newspapers have an online publication website. This bill provides a remedy for a missed/errored publication by the newspapers. This is a positive for locals. There is an issue with a strike through of some language and adds new language that specifies the placement of the newspaper portal. The bill doesn't change a lot, but it could create a battle later. We could have a discussion with the stakeholders about the cost of the publications or the number of publications. This may be suited for a future date.
- [S1030](#) Immigration Law
This legislation adds a new chapter to Title 19, Idaho Code, to provide for the enforcement of federal immigration law, and provides procedures for the Idaho Attorney General to seek equitable relief from a government entity found in violation of Title 19, Idaho Code.

The last bill would have withheld revenue sharing but this one would not. This would allow the AG to rectify the issue. ICRMP supports this and thinks it would help with litigation; however, the sheriffs oppose this. Believe that it was because they wanted more local control. The sheriffs will discuss this again tomorrow.

The committee will wait until after the sheriffs discuss this.

- [S1031](#) Water Rights Exemption

Idaho code provides an exemption from property taxes for certain properties owned by irrigation districts and canal companies. In most cases, applicable properties have been owned and operated by these entities for over a century. This bill would amend section 63-602(3)(a) to exclude these properties from the requirement to submit annual request for approvals to the county commissioners.

Staff will monitor.

- [S1033](#) Surface Water Rights

In section 67-6537, Idaho's legislature established the policy that encourages the continued use of surface water when there is a land use change under the land use planning act. Notwithstanding this statute, a recent court decision held that the Director of the Idaho Department of Water Resources exceeded his authority by relying on this policy for purposes of conditioning new groundwater applications. This bill would provide clear authority to the Director to condition new irrigation groundwater rights consistent with this policy.

- [S1040](#) Annexation

This states that a developer can annex into whichever city they would like. Sen. Lakey's proposal is still yet to come. The hope is to include aspects of Sen. O's bill so Lakey's will pass.

- [SCR101](#) EMS

This was IAC staff to slow the taskforce down as they wanted to run legislation that would not have had enough time to be fully vetted. This resolution is intended to keep the issue at the forefront of the legislature.

- Affordable Housing draft

Rewrites the exemptions for affordable housing. Currently the exemptions are based on certain thresholds within the unit. This would change the income thresholds to allow for more workforce housing. This makes it a shift in policy. There is already an allowance in code for low-income families but this really opens the doors. These types of housing (workforce) can put more strain on the services provided without providing more funding for those services. The sponsor is a developer. This language is mirrored after law in Arizona. Could they use 63-602NN instead? They could but that limits them to up to five years. The original language is intended for non-profits, and this would open it to for-

profit organizations. This could reduce the availability of housing for low-income families.

The committee is torn about the issue. There is a need for workforce housing, but this takes away from low-income families and there are other means for an exemption.

- Homeowners Exemption Proration

This would not allow counties to prorate. This does not allow for recouping lost revenue for cancellations. The best course of action may be to let the courts decide this.

Madison County Commissioner Brent Mendenhall made a motion to oppose, Owyhee County Treasurer Annette seconded. Motion carried.

- Sales Tax Distribution Date

Information only at this point. It would change the timing for when the sale tax would be sent to special purpose districts.

- Valuation

Rep. Manwaring is sponsoring this. This would create a new category for certain properties. It would put the burden on the assessors and would allow for all three approaches, but they could not finalize the tax notice with the income approach if it exceeds the cost approach. This would require all of these categorized properties to be revalued and/or a value placed on those that don't have a value. Some of this would be impossible, such as valuing the personal property under \$3,000. The legislature has the ability to set exemptions and they could have done that but didn't. Their classification of properties to far too broad and their examples are a real issue.

Elmore County Assessor Josh Dison made a motion to oppose this draft proposal, Canyon County Assessor Brian Stender seconded. Motion carried.

Public defense – no new language but the governor's office is close to a new draft.

Please add Sen. Lakey's new area of city impact draft to next weeks agenda.

A group is looking to repeal mandatory minimums completely. There hasn't been anything introduced yet.

H0094 is a bill to change the way notifications are handled for noxious weeds.

The meeting was adjourned at 12:00 pm.

IAC Legislative Committee

MEMBERSHIP

CHAIR Don Hall <i>Twin Falls Commissioner</i>	VICE CHAIR Len Humphries <i>Fremont Sheriff</i>	
Luke Omodt <i>District 1: Bonner Commissioner</i>	Mark Bair <i>District 5: Bingham Commissioner</i>	Annette Dygert <i>LACT: Owyhee Treasurer</i>
Tom Lamar <i>District 2: Latahs Commissioner</i>	Brent Mendenhall <i>District 6: Madison Commissioner</i>	Vic Pearson <i>IPAA: Franklin Prosecutor</i>
Sherry Maupin <i>District 3: Valley Commissioner</i>	Josh Dison <i>IACA: Elmore Assessor</i>	Kieran Donahue <i>ISA: Canyon Sheriff</i>
Wayne Schenk <i>District 4: Minidoka Commissioner</i>	Doug Zenner <i>IACC: Nez Perce Commissioner</i>	Scott Carver <i>ISACC: Valley Coroner</i>
	Angie Barkell <i>IACRC: Owyhee Clerk</i>	

ALTERNATES

Phil Lampert <i>District 1: Benewah Commissioner</i>	Donovan Harrington <i>District 5: Bingham Assessor</i>	Tracie Lloyd <i>LACT: Canyon Treasurer</i>
Justin McCleod <i>District 2: Lewis Commissioner</i>	Shayne Young <i>District 6: Jefferson Commissioner</i>	<i>IPAA:</i>
Brian Stender <i>District 3: Canyon Assessor</i>	Brad Wills <i>IACA: Twin Falls Assessor</i>	Andy Creech <i>ISA: Payette Sheriff</i>
Ben Crouch <i>District 4: Jerome Commissioner</i>	<i>IACC:</i>	<i>ISACC:</i>
	Kim Keeley <i>IACRC: Teton Clerk</i>	

Dayton Reed, Johanna Defoort