

IAC Legislative Committee

March 22, 2023 | 10:00 am – 12:00 pm

[Zoom](#)

MEETING MINUTES

Call to Order | *Chair Don Hall*

Latah County Commissioner Tom Lamar made a motion to approve the minutes from March 15, 2023, Nez Perce County Commissioner Doug Zenner seconded. Motion carried.

Update on 2023 Legislative Package - Update

- [H0070](#) – County Indigent Services - HB735 clean up
Signed by the governor.
- [H0199](#) - Vape tax
This was held in committee. The opposition came from the industry. They stated in committee that they are willing to come to the table and talk about a tax. We will probably have to have parity between cigarettes and vape products. It felt like the committee got a little sidetracked on why the bill was in front of them. They discussed the health impacts instead of whether or not the tax was proper.
- [H0085](#) - DMV Title Fees
Signed by the governor.

New Business (Action)

- [H0236](#) Public Defense (**Update**)
H0236 is sitting on the Senate 3rd reading calendar. It will come up for a vote in the next couple of days. Staff believe there are enough votes to get it off the floor. Sen. Lakey is the floor sponsor.
- [H0292](#) Property Tax Relief (**Update**)
The senate passed this off the floor and so it is headed to the Governor's desk. There are a couple of things he doesn't like but we anticipate it will become law. The biggest sticking point is the removal of the March election date. We may have to do a clean-up next year on some dates. Staff will be doing the spring budget trainings. The tax commission will also hold their annual budget training. Smaller taxing districts will need some assistance.

- **H0338 Immigration (Action)**

This bill creates a civil cause of action and allows a citizen to file a complaint in court that a county is not complying with the law. It would allow for a fine up to \$10,000 per day that an ordinance is in place. The 72-hour hold is a non-starter. Sheriffs are continuing to work with all immigration officials, and this is not necessary. The sheriffs may not stay neutral on Forman's bill also. There is recent case law from Jerome County that is in conflict with the 72-hour proposal.

Canyon County Sheriff Kieran Donahue motion to oppose H0338, Nez Perce County Commissioner Doug Zenner seconded. Motion carried.

- **H0166 Accessory Dwelling Units amendments attached (Action)**

There is one section that impacts counties. The original bill would prohibit locals from regulating dwelling units from being in certain areas. This amendment would allow for the continuation of the current ordinances. The language is intended to say you can't regulate a dwelling that is attached to another building. This bill is being pushed as a means to affordable housing. We currently oppose the bill. A concern is what is the definition of attached or internal. There is a concern of the loss of local control, not necessarily the content of the bill itself. One planner stated that this helps a little bit that there is a little bit of a definition. This would also put work on groups, like HOAs, that may or may not be there in the future.

Would this help us with our working with HOAs? Not sure.

Committee is not changing the position. They are still opposing.

- **Transportation Funding – not on website yet (Action)**

There are two bills: S1189 original appropriation and H354 which is a trailer bill. There are continuously appropriated funds to locals for bridges and for local transportation projects.

Nez Perce County Commissioner Doug Zenner made a motion to support both bills, Canyon County Sheriff Kieran Donahue seconded. Motion carried.

H0349 - Herd district

This legislation provides that the owner of livestock (except swine) may not be held civilly liable for depredation if the livestock stray from open range into a herd district, unless the herd district boundaries are enclosed by fences and cattle guards or gates. It also requires that any new herd districts created on or after July 1, 2023, must be enclosed by fences and cattle guards or gates.

Who is going to pay for the cattle guards on a county road that goes through a herd district? There is an ability of the county to levy to make the improvements. Senator Harris states that there is an issue with fences not being fixed. Bingham county has a lot of herd districts, and this would be a lot of work. Has the cattleman's association taken a

position? Staff doesn't know. The Governor is a sheep and cattle man. Where is he on this? This should be taken care of through county ordinance and not this way. Herd districts are intended to protect people and their livestock. They should be keeping up on their fences.

Canyon County Sheriff Kieran Donabue made a motion to oppose H0349, Bingham County Commissioner Mark Bair seconded. Motion carried.

1121a Rule of 80 – This bill is getting hung up in the house. Rep. Moyle and Rep. Holtzclaw have stated there isn't enough time to get it through. Holtzclaw also isn't happy with the legislation even though it is a clean up bill. He wants to put together another working group, just like we did before, to work on this. He believes that there should be a better and clear way to determine who qualifies for the Rule of 80. The committee is going to reach out to their representatives to see if they can put pressure on to get a hearing.

S1073 Area of City Impact is in a similar place and is being held up. The speaker has referred the bill to Ways and Means which essentially kills it. There is one piece that he doesn't like. It wouldn't be fair at this point to pull the part that he wants. Unfortunately, it probably won't move forward, and we will have to bring it back next year. The counties and cities really need this.

There was an agreement made on H0101 on the proration, but the speaker is also holding this up. We are left with the decision left from the courts in Latah County. This does still leave a uniform issue. The state tax commission has requested that the judge to reconsider the decision. If the judge denies the request, the issue could be resolved.

The meeting adjourned at 11:33 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: Latah 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>	

Lorna