

2023 Legislative Review

Seth Grigg, Executive Director

Sara Westbrook, Director of Government Affairs

Kelli Brassfield, Policy Advisor



2023 IAC Priority & Policy Outcomes



H0070: H0735 Cleanup, Jail Medical

Sponsor(s): Rep. John Vander Woude & Sen. Mark Harris

Implementation Dates: 03/15/23 & 09/30/23

- 03/15/23 - Section 1-4, 6 & 7
 - Jail medical - adds definition of "reimbursement rate",
 - Reimbursements - the BOCC have the authority to settle indigent cases on behalf of the state,
 - Seat belt fines - The CAT portion will now go through the existing formula
- 09/30/23 - Section 5
 - CAT Board repeal

H0085: Optional Title Admin Fee

Sponsor(s): James Petzke

Implementation Date: July 1, 2023

- Allows BOCC to set vehicle title admin fee
- Must be reasonably related to the actual costs of title service rendered
- Cannot vary the fee amount based on different types of title transactions

H0199 / H0331: Vape Tax (did not pass)

Sponsor(s): Rep. Jerald Raymond

- Both versions taxed vaporization products and components associated with vaping
- H0331 introduced to connect taxes collected with the new school district facilities fund to provide property tax relief in addition to traditional funding associated with tobacco products
- Opposition argued vaping less harmful
- Next year need to focus on parity and p.t. relief

Other Priorities

- Preliminary levy rate repeal– no introduction
- 2% lodging tax– no introduction
- Homeowner exemption cleanup (H562)
 - Legislative Committee lowered from priority to policy
- Election recount fees
 - Closer reading of statute led legislative committee to lower from priority to policy

S1034: Court Fees Transmittal

Sponsor(s): Sen. Linda Hartgen & Rep. Chenele Dixon

Implementation Date: 07/01/23

- Clean up bill to allow for all fees collects to be sent to the courts on the 15th day of each month rather than the fifth day

S1035: Change of Venue Fees

Sponsor(s): Sen. Linda Hartgen & Rep. Chenele Dixon

Implementation Date: 07/01/23

- Allow for the change of venue fee to be retained by the case originating county

S1041: Investment of County Funds

Sponsor(s): Senator Doug Ricks

Implementation Date: July 1, 2023

- Creates code section (31-2127) on how county treasurers are allowed to invest
- Directs treasurers to three different sections of code for further information regarding said authorization
 - 57-127: Investment of surplus or idle funds
 - 67-1210: Investment of idle moneys
 - 67-1210A: Investments through state treasurer w/ joint powers agreement



No Introduction: Law Clerk Salaries

- Initial discussions to have the state assume responsibility for law clerk funding never materialized
- Will require additional work in the interim

Property Taxes



H0051 / H0135: Assessment Notices

Sponsor(s): Megan Blanskma

Implementation Date: January 1, 2024 (Sponsor changed date at IAC request)

- ISTC shall prepare standard valuation assessment notice form to be used by all counties

H0051 / H0135: Assessment Notices

- New info shall include the following:
 - Market value for assessment purposes (previous 2 years)
 - P.T. on the property by each taxing district & unit (previous 2 years)
 - P.T. percentage increase or decrease over previous two years for each taxing district & unit
 - Date of each taxing districts' hearing if scheduled
 - If not scheduled, then include date the hearing must be held by
 - Telephone number for each taxing district or unit



H0230: Assessment of Property, Income Approach

Sponsor(s): Dustin Manwaring

Implementation Date: July 1, 2023

- May use one or more market valuation methods
- Shall exclude any value of exempt intangible personal property (63-602L)
- Assessor shall provide calculations used to derive the market value including any value exempted by statute, upon request of the property owner

H0258: Veterans PTR Application

Sponsor(s): Rep. Josh Tanner

Implementation Date: Upon passage

- Veteran with 100% service-connected permanent, total disability only needs to apply for PTR once, not annually, unless veteran changes homesteads

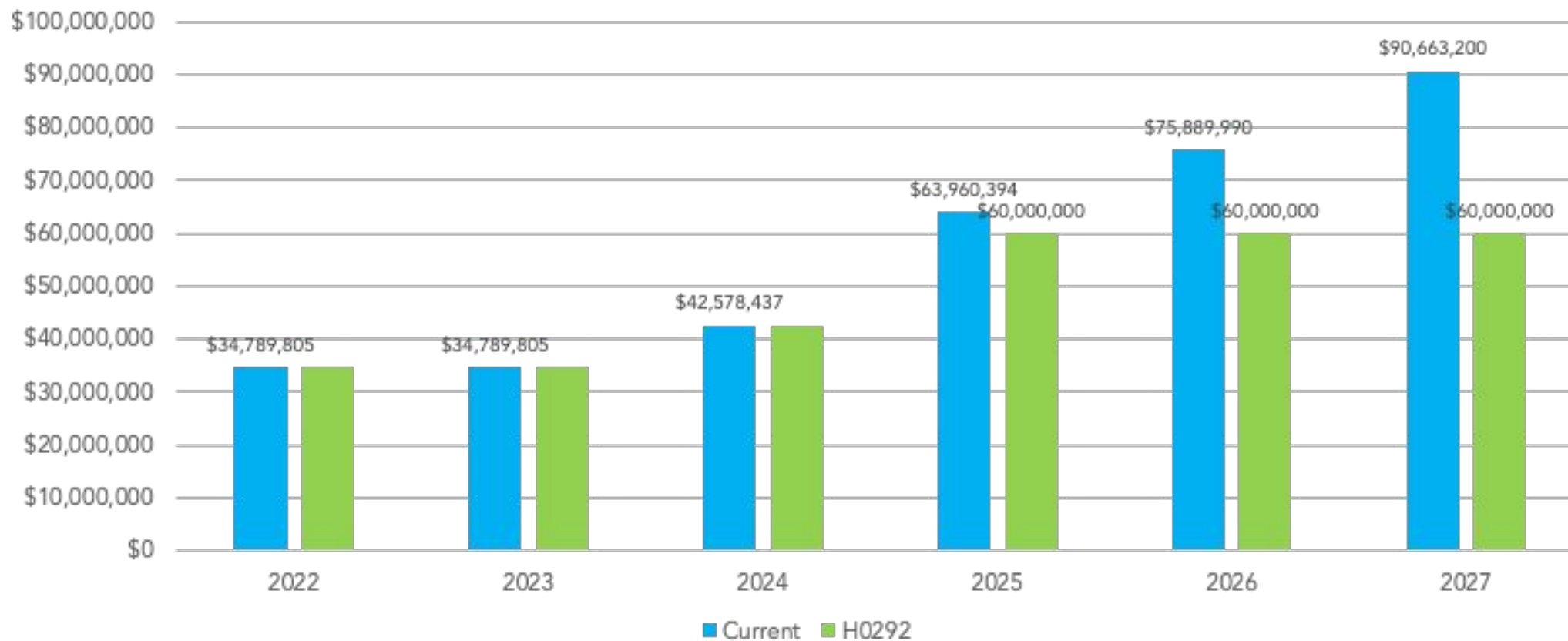
H0292 / H0376: Property Tax Relief

Sponsor(s): Rep. Mike Moyle, Rep. Jason Monks, Sen. Scott Grow, Sen. Doug Ricks

Implementation Date: January 1, 2023 (circuit breaker), March 29, 2023

- Circuit Breaker: Raises eligibility threshold to the greater of 200% of county median assessed market value or \$400,000
- Election Dates: Moving forward, there will be no March election for school bonds or levies

H0292/H0376: TECM Fiscal Impact



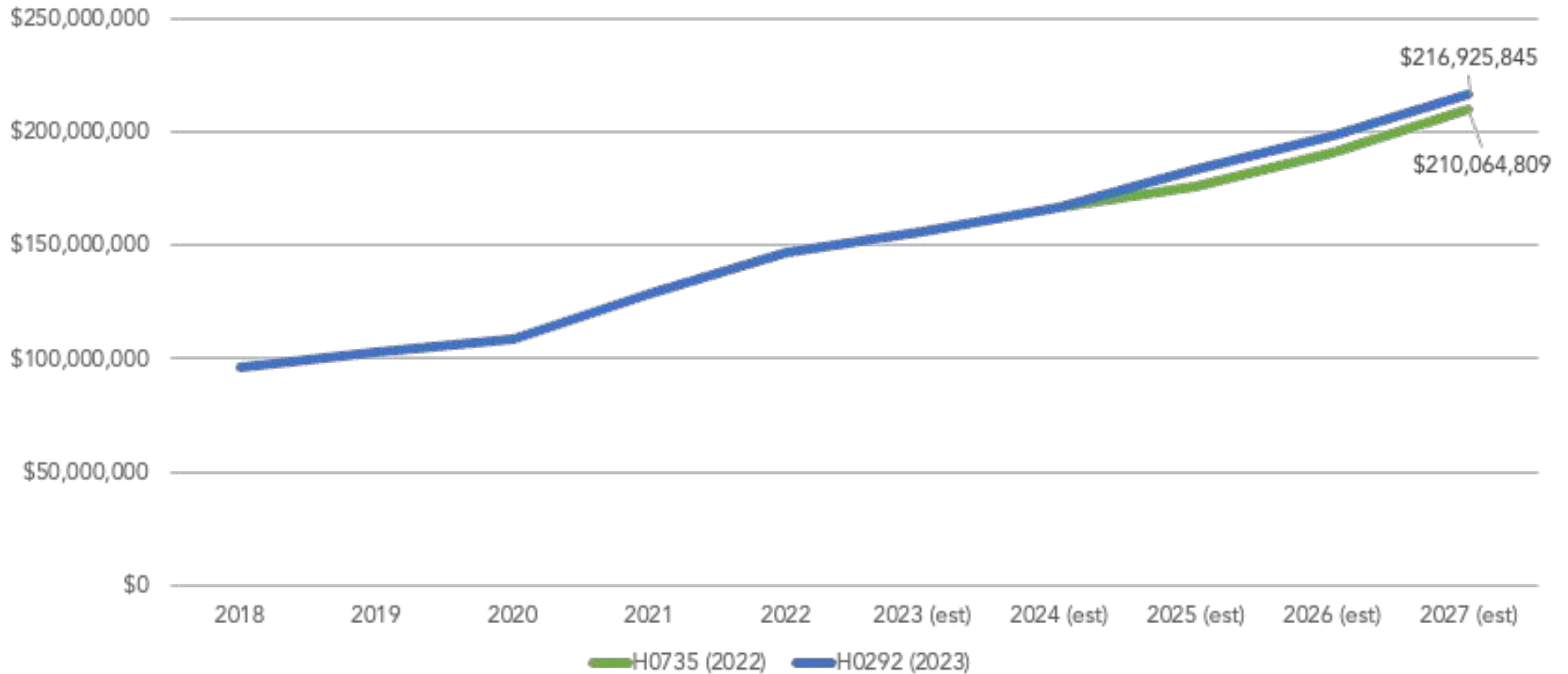
H0292: Revenue Sharing

- H0735
 - \$16-\$20 million off the top of county revenue sharing for public defense
 - “Wayfair” online sales tax included in distribution formula beginning in 2025
- H0292
 - No public defense deduction from county revenue sharing
 - No “Wayfair” online sales tax distribution

H0292: Wayfair/Tax Relief Fund

- 20% annually distributed to SDFP to reduce annual school bonds and levies
- \$36 million annually to fund public defense

H0292: Revenue Sharing Fiscal Impact



H0292: Homeowner Property Tax Relief (HPTR)

- \$140 million in state general funds for tax year 2023
- 2.25% of annual sales tax collections for tax year 2024 and each tax year thereafter

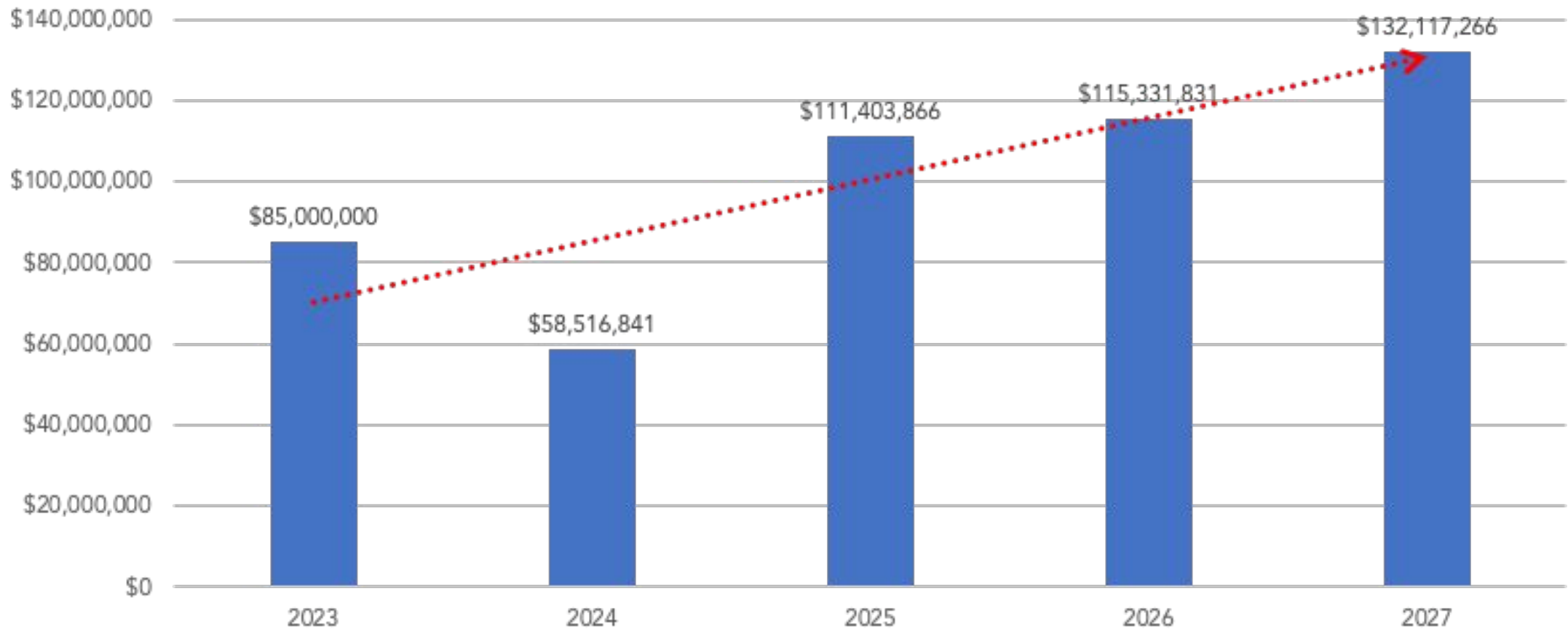
H0292: HPTR Fiscal Impact, 2023-2027



H0292: School District Facilities Fund (SDFF)

- \$85 million in state general funds for tax year 2023
- 2.25% of annual sales tax collections for tax year 2024 and each year thereafter
- 20% of “Wayfair” online sales tax collections for tax year 2025 and each year thereafter

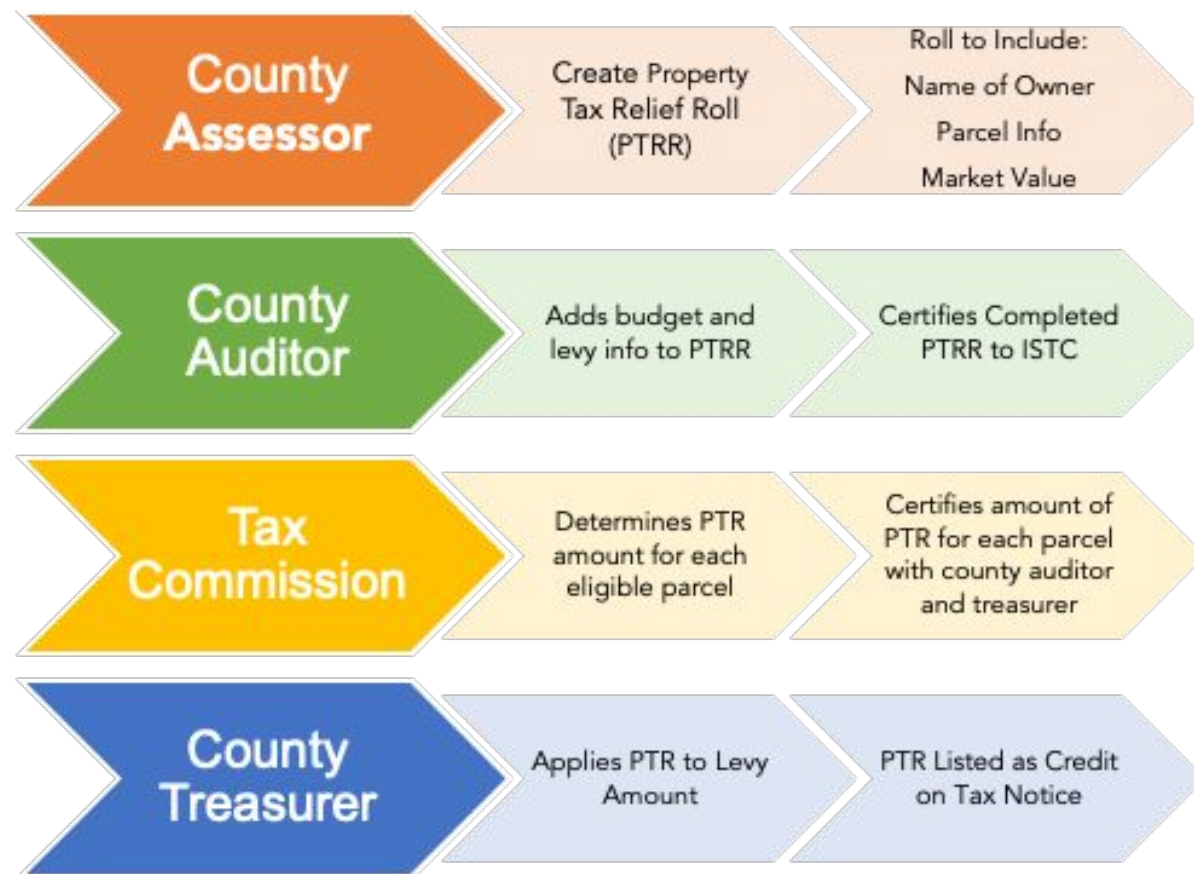
H0292: SDFP Fiscal Impact, 2023-2027



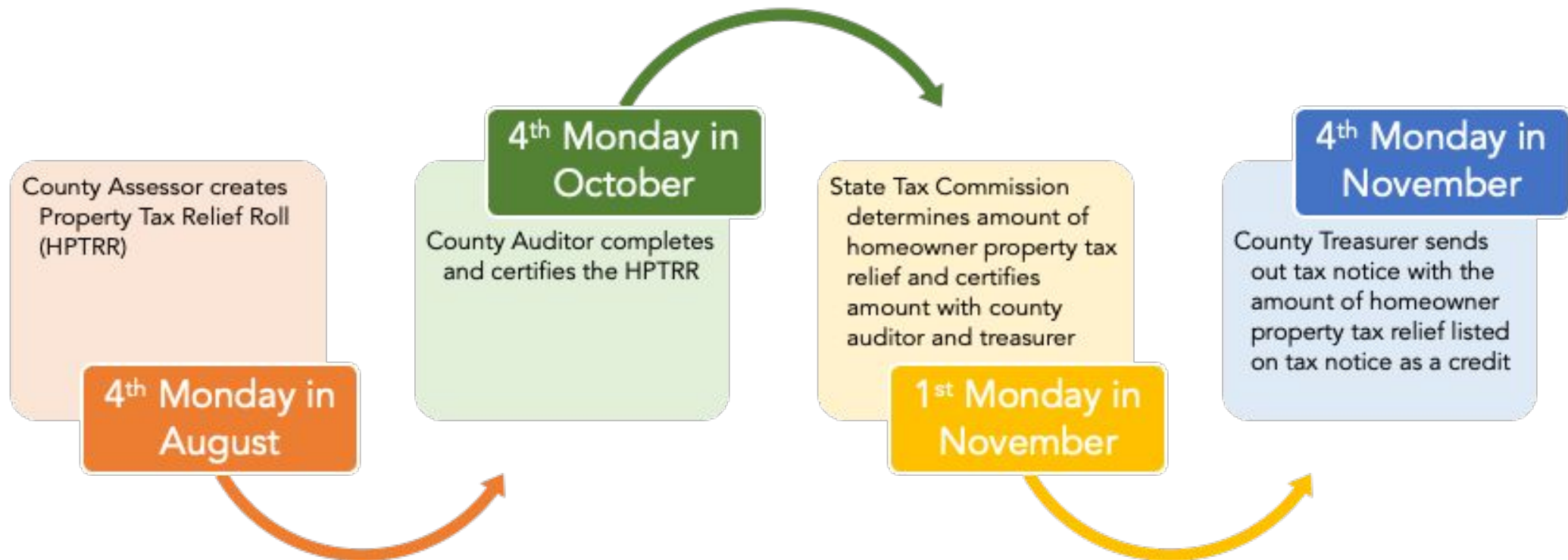
H0292: State Budget Surplus Eliminator

- Up to \$150 million annually for tax years 2023-2025
 - \$50 million to HPTR (homeowners)
 - \$50 million to SDFP (all taxpayers)
 - \$50 million to county property tax relief (all taxpayers)

H0292 Administration



H0292 Administrative Timeline



H0292: Implementation Challenges

- Crunched timeline
- SDFF contains conflicting language
- Too much general fund money in year 1 = property tax increase in year 2 (unless legislature appropriates more general fund money)

S1031: Property tax Application, Irrigation & Canal Companies

Sponsor(s): Sen. Van Burtenshaw (Clark, Fremont, Jefferson, Lemhi)

Implementation Date: July 1, 2023

- 63-602N (regarding irrigation waters and structures, certain property of irrigation districts or canal companies) added to exemptions so it no longer requires application or approval by the BOCC



H0332: Gross Profits Tax, Electric Utilities

Sponsors: Rep. Mike Moyle, Rep. Jason Monks, Sen. Scott Grow, Sen. Doug Ricks

Implementation Dates: **DID NOT PASS**

- Exempt rate regulated electric utility from property taxation
- Tax rate regulated electric utilities at 1.2% of gross profits

Transportation & Infrastructure



H0087: TECM Funds Usage Exclusivity

Sponsor(s): Rep. Sage Dixon

Implementation Date: July 1, 2023

- Specifies that local portion of TECM monies be used for purposes of road and bridge maintenance, the expansion of travel lanes, and congestion mitigation for the primary benefit of motor vehicles to improve traffic flow and traffic travel times.

H0132: Local Strategic Initiatives

Sponsor(s): Rep. Joe Palmer

Implementation Date: July 1, 2023

- ITD to establish and maintain a NEW strategic initiatives grant program
- Purpose is to assist local government to mitigate impact of state highway projects on local roads
- OR for economically significant local transportation projects that require assistance from ITD to facilitate
- 50% Urban (population > 50,000)
- 50% Rural (population < 50,000)



H0237: Highway User Revenue Primary Usage

Sponsor(s): Rep. Megan Blanskma

Implementation Date: July 1, 2023

- All highway-user revenues, and road and bridge levied monies (authorized in Title 40, Chapter 8) shall be spent in support of operations, administration, maintenance, construction, and development of bridges and highways that benefit primarily motor vehicles in the local highway jurisdiction

H0284: Drive Insured

Sponsor(s): Rep. Rod Furniss

Implementation Date: July 1, 2023

- Program requires insurers to report data at least weekly (instead of monthly)
- Notice extended from 30 days to 60 days
- Final notice gives owner 10 days to comply or to notify the department of exemption before suspension of owner's registration will be effective
- Insurance company shall, if capable, report suspension due to storage

H0376: TECM Cap

Sponsor(s): Reps. Jason Monks & Mike Moyle

Implementation Date: Upon Passage

- Trailer bill to H292
- \$80M guaranteed distribution to TECM for bonding purposes
- Monies over \$80M distributed to local government for local highway projects
- \$60M cap added on local portion

H0354: Transportation Supplemental Funding

Sponsor(s): Rep. Clay Handy & Sen. Van Burtenshaw

Implementation Date: Varies

- State FY23: \$200M Local Idaho Bridge Funds
- State FY24: \$100M NEW Strategic Initiative Grant Program
- State FY24: \$121,120,000 Local Highway Distribution Fund

S1033: Surface Water Rights

Sponsor: Sen. Van Burtenshaw

Implementation Dates: July 1, 2023

- Encourages use of surface water for irrigation purposes when there is a change in land use (i.e.: ag to residential)
- IAC will work with Idaho Water Users Association in the interim to identify other potential legislative fixes to address domestic water related issue



S1129: Broadband Funding

Sponsor(s): Senator Kevin Cook & Rep. Rod Furniss (Dist. 32, Bonneville; Dist. 31, Clark, Fremont, Jefferson, Lemhi)

- State FY2023: \$124M ARPA Broadband Infrastructure



S1159: Broadband Funding

Sponsor(s): Senator Kevin Cook & Rep. Matt Bundy

Implementation Date:

- State FY2024: \$100M allocated for IJA Broadband Infrastructure
- State FY2024: \$300,000 ARPA Broadband Infrastructure
- To be Allocated by Idaho Broadband Advisory Committee

Public Defense



H0236: Public Defense

Sponsors: Rep. Jon Weber, Rep. David Canon, Sen. Todd Lakey

Implementation Date:

- H0735 Various
- H0236 Various
- H0380: July 1, 2023

H0236: State Public Defender

- Nominated by committee of magistrate commission members
- Appointed by Governor
- Confirmed by Senate
- Oversees public defense, implementation of ABA standards, training of public defenders, development of model contracts, public defense related reporting
- Effective July 1, 2023

H0236: Judicial District Public Defender

- Appointed by magistrate commission
- Oversees public defense delivery within judicial district
- Coordinates annual budget and policy with the state public defender
- Effective July 1, 2024

H0236: Contract Public Defenders

- Current contract public defenders to continue working via contract through 2029 (unless county requests institutional public defenders)
- Contracting will continue in most counties beyond 2029
- Contract will be with state, not county
- Effective October 1, 2024

H0236: Institutional Public Defenders

- To greatest extent possible, current institutional public defenders will transition to working under the judicial district public defender
- Effective October 1, 2024

H0236: County Facilities

- Counties currently housing institutional public defenders will continue to provide office space
- State public defender must negotiate facility transition plan with BOCC by 2026
- State must find office space for institutional public defenders by no later than 2029 (county may lease space to state if desired)

H0236: Transition Team

- State public defender to appoint transition team
- Transition team to include one defense attorney from each judicial district and two county commissioners
- Transition team to ensure orderly transition from county to state based public defense system
- Effective July 1, 2023

H0236/H0292/H0276/H0380: Public Defense Funding

- FY2024
 - \$36 million from general fund to counties
 - \$12 million from general fund to counties for financial assistance and workload compliance (PDC grants)
 - \$4.5 million from general fund for transition costs
- FY2025
 - \$36 million from “Wayfair” to Public Defense Fund
 - \$12 million from general fund to state public defender
 - Other legislative appropriations as required

Outstanding Public Defense Issues



Child Protective Cases

Employment Transition

Capital Roster

Land Use, Building Codes & Development



H0106: Prohibition of Local Regulation Utility Connections

Sponsor(s): Sage Dixon (Dist. 1, Bonner & Boundary)

Implementation Date: July 1, 2023

- No local government may prohibit authorized connection or reconnection of electric, natural gas, propane, or other energy utility service provided by a public utility, municipality, or cooperative utility
- No local government may restrict a source of electricity, natural gas, propane, or other energy utility service provided by a public utility, municipality, or cooperative utility
- Local government cannot require residents or business to use a particular type of electricity, natural gas, propane, or other fuel

H0166aaS: Accessory Dwelling Units, Local Regulation

Sponsor(s): Rep. Colin Nash & Sen. James Rutchi

Implementation Date: 04/03/23

- Allows for private property owners to have internal ADUs on owner occupied properties
- Self contained living unit that:
 - includes cooking, sleeping, and sanitation facilities,
 - is located within a detached, owner-occupied homestead, and is used for the purpose of housing relatives or renting for more than 30 days.

H0287: Preemption Local Energy Codes

Sponsor(s): Rep. Joe Palmer

Implementation Date: Upon Passage

- Removes grandfather clause put in place last session regarding local jurisdictions having more stringent energy codes than the state.
- Preempts county from adopting energy-related requirements through any code, ordinance, process, policy or guidance that differs or is more extensive than the Idaho energy conservation code.

H0337: Preemption Local Regulation of Electrical Contractors

Sponsor(s): Rep. Sage Dixon (Dist. 1, Bonner, Boundary)

Implementation Date: July 1, 2023

- Preempts, eliminates, and prohibits any counties from adopting requirements that are different from or more extensive than the state requirements in §54-1010, *Idaho Code* regardless of whether the ordinance or policy was already in place prior to July 1, 2023.



S1061: Notification to Pipeline Companies, Subdivisions

Sponsor(s): Sen. Geoff Schroeder & Rep. Rick Cheatum

Implementation Date: July 1, 2023

- Requires pipeline companies to file information with counties regarding interstate natural gas transmission & petroleum pipelines on plats
 - Pipelines required to file by July 1, 2023 and by January 1 annually thereafter with the counties they operate
- Requires notice regarding zoning ordinance changes & development proposals be given to certain pipeline companies within 1,000 feet of boundaries of land being considered



Annexation & Area of Impact

- S1040 – Sen Doug Okuniewicz – **DID NOT PASS**
 - Would have allowed property owner to annex into city of choice
- S1062 – Rep Julianne Young – **DID NOT PASS**
 - Would have restricted involuntary annexations
- S1073 – Sen Todd Lakey – **DID NOT PASS**
 - Would have clarified area of city impact approval process and clarified authority of county vs authority of city
- Will require more negotiation/work among stakeholder over the interim

Contracting & Procurement



H0191: No ESG Public Works Contracts

Sponsor(s): Sen. Kelly Anthon, Rep. Jason Monks, Rep. Barbara Ehardt

Implementation Date: July 1, 2023

- For contracts with a value of \$100,000 or more, prohibits political subdivision from accepting or denying a contract subjective ethical or sustainability criteria unrelated to specs of a contract or qualifications of a contractor

H0294: No Governmental Entity Contract with China

Sponsor(s): Reps. Ted Hill & Sage Dixon

Implementation Date: July 1, 2023

- Public entity (including counties) may not enter contract with company to acquire or dispose of services, supplies, information technology, or construction unless the contract includes written certification that the company is not currently owned or operated by the government of China and won't be for the duration of the contract
- Upon discovering a contract fails to comply, the contracting authority has 90 days to obtain the certification required
- Cannot renew a contract that does not fulfill this provision even if the contract was signed prior to July 1, 2023

S1016: Jobsite Bathroom Requirements

Sponsor(s): Sen. Scott Herndon & Rep. Heather Scott

Implementation Date: July 1, 2023

- Prohibits county from requiring a public works construction contract to provide a multiple occupancy restroom, shower, or changing room (owned or under the control of the contractor) on any basis other than sex.

S1083: Purchasing of Personal Property

Sponsor(s): Sen. Kelly Anthon

Implementation Date: July 1, 2023

- Contracts or purchase expenditures exempt for procuring public works construction if less than \$50,000
- Contracts or purchases expenditures exempt to procure services or personal property that are less than \$75,000
- Raises threshold requirements to purchase or lease personal property or services valued from \$50,000 to \$75,000 not to exceed \$150,000 raised from \$100,000

General Government



H0018: Workers Comp Sunset Removal

Sponsor(s): Reps. Ilana Rubel & James Holtzclaw, Sens. Chuck Winder & James Ruchti

Implementation Date: July 1, 2023

- Removes sunset clause related to workers comp filings for Post Traumatic Stress Injury (PTSI) that affecting Public Safety Personnel PTSD

H0022: Policy of Nonenforcement with Sales Tax Withholding

Sponsor(s): Rep. Bruce Skaug & Sen. Ben Toews

Implementation Date: 03/22/23

- Withholds sales and use tax revenue distributions to city or county governments that take actions, to refuse to enforce any felony listed in Idaho criminal code
- Local government entities have 180 days from the state tax commission holdback to rescind their proclamation or other actions

H0090: Legal Notices (Kelli)

Sponsor(s): Rep. Marco Erickson & Sen. Kevin Cook

Implementation Date: 07/01/23

- Allow for electronic publication (on the newspapers notice website) date to be used as initial time stamp
- Holds locals harmless if the newspaper fails to correctly publish

S1054: PERSI, Reemployment

Sponsor(s): Sen. Todd Lakey & Rep. Matt Bundy

Implementation Date: 07/01/23

- Ensures that first responders under Idaho Code § 59-1356 can be considered for employment in Idaho after they retire
- Changes the sunset clause to 2027
- Defines separation of employment as 30 days
- Removes the retired by date
- Requires public safety officers to contribute into PERSI



H0174: Agency Guidance Not Law

Sponsor(s): Rep. Judy Boyle & Sen. Ben Toews

Implementation Date: July 1, 2023

- Relates to the Administrative Procedure Act
- Clarifies that agency policy statements and guidance documents shall not have force and effect of law

H0206aaS: Administrative Rules Review, Rulemaking

Sponsor(s): Rep. Mike Moyle

Implementation Date: July 1, 2023

- Agency rule not final or in affect until approved by legislature (instead of by agency)
- The governor may authorize a temporary rule to be effective before it has been submitted to legislature for review, but the temporary rule no longer expires at the end of the session if not replaced by final rule
- Removes authority of Administrative Rules coordinator to promulgate rules

H0206aaS: Administrative Rules Review, Rulemaking Continued

- Agency required to allow oral presentation through video conference or telephone
- Pending rules must be approved by concurrent resolution by the legislature
- Starting July 1, 2026 each rule chapter will be reviewed by the legislature on a staggered, periodic 8 year schedule

H0221: No Electioneering on Tax Notices

Sponsor(s): Rep. Lauren Necochea

Implementation Date: July 1, 2023

- No public official name or electioneering message shall appear on an ISTC or county property tax correspondence with a taxpayer unless acting as the endorser or otherwise necessary for proper execution of check, warrant or rebate
- Does not apply to standard letterhead of ISTC or a county

S1030: Local Immigration Policy

Sponsor(s): Sen. Dan Foreman & Rep. Heather Scott

Implementation Date: July 1, 2023

- Local government policy regarding immigration enforcement cannot prohibit or discourage the enforcement of immigration laws
- Allows any person to file a complaint with A.G. if they offer evidence to support allegation
- If A.G. determines complaint valid, may file a petition to compel the entity change policy

SCR101: State EMS Plan

Sponsor(s): Sen. Mark Harris, Reps. Megan Blanksma

- EMS Sustainability Task Force continue to convene
- Draft legislation for 2024 session recognizing EMS as essential service, establishing statewide EMS planning, coordination and funding system to ensure reasonable availability

EMS Sustainability Task Force

- Six EMS Planners working with 44 counties looking at:
 - Current EMS response capabilities
 - Best practices
 - Resource requirements for sustainable, reliable EMS response
- Work groups as follows:
 - Communications
 - Rules & Coverage
 - Wages & Benefits
 - Funding
 - Innovation

[EMS Taskforce Website](#)



Elections



H0001: Post Election Audits, Hand Counts

Sponsor(s): Rep. Julianne Young

Implementation Date: July 1, 2023

- Clarifies that following a postelection audit, if ballots are subject to recount, then ballots will be in custody of county sheriff
- Clarifies that a hand recount of ballots be included in the post-election audit

H0124: Voter Identification

Sponsor(s): Rep. Tina Lambert & Sen. Scott Herndon

Implementation Date: January 1, 2024

- Removes student ID as valid identification for voting at the poles

H0138: Presidential Primary

Sponsor(s): Rep. Dustin Manwaring & Sen. Mark Harris

Implementation Date: July 1, 2023

- Eliminates Idaho's standalone presidential primary
- Merges presidential primary with state's May primary
- Repeals several related code sections
- S1186 Trailer bill would have made the presidential filing process clear, but bill failed in committee



H0286aaS: Bond and Levy Communication Requirements

Sponsor(s): Rep. Kevin Andrus

Implementation Date: July 1, 2023

- Any mass communication sent by taxing district w bond and levy info must include disclosures provided in 34-913(1) b-f
- It can have more information then the required above

H0340: Voter IDs

Sponsor(s): Reps. Brandon Mitchell, Joe Palmer, and SOS Phil McGrane

Implementation Date: July 1, 2023

- Requires new proofs of identity and residence to be included when registering to vote
- County clerk required to upload registration applications to statewide voter registration database
- Department to issue 4-year, no-fee ID card based on criteria:
 - 18 years or older
 - Hasn't possessed driver's license in preceding 6 months, and
 - Indicates ID card is needed for voting requirements

Questions?

