



IAC Proposed Legislative Resolutions

2024

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PROPOSED

IAC Legislative Resolution Criteria

Legislative resolutions are proposals that express the opinion of IAC in support of a state law change for which legislation is necessary. To be incorporated in the IAC Legislative Package, legislative resolutions (using the form on page 2) must be submitted electronically to the IAC office no later than September 1 of each year and meet the following criteria:

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.

All legislative resolutions received electronically by the IAC office before September 1 shall be assigned a resolution number based on the order of submission and shall be placed on the agendas of the assigned standing or steering committees.

The sponsor, or their designee, shall present the resolution to the assigned steering committee. The assigned steering committee shall evaluate the resolution and submit its recommendation to the IAC Legislative Committee for final recommendation to the membership. Legislative resolutions that fail to meet the criteria listed above will not be considered by the IAC Legislative Committee.

Intergovernmental Affairs Committee

IGA-01: Law Clerks, State Funding

Title: Law Clerks, State Funding

Sponsor: Douglas Miller on Behalf of Idaho Association of County Recorders and Clerks (IACRC)

Statutes Affected: 1-712

County Offices and Departments Affected: Commissioners and Clerks

Counties Affected: 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: The Idaho Association of Counties supports the enactment of section 1-712, Idaho Code, to establish law clerks as state employees paid directly by the state.

Arguments & Entities in Support: The Idaho Supreme Court has indicated their support for this proposal.

Arguments & Entities Against:

Feasibility: Passage may require counties reducing annual property tax budgets commensurate with annual spending on law clerk salaries.

Other Stakeholders Affected & Nature of Impact: District Judges would be positively impacted, as they would have a greater ability to manage those directly under their supervision.

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

IGA-02: Inflation Based Annual Property Tax Budget Cap (CPI Urban)

Title: Inflation Based Annual Property Tax Budget Cap (CPI Urban)

Sponsor: Wayne A. Schenk, Minidoka County Commissioner

Statutes Affected: Title 63 Revenue & Taxation Chapter 8 Levy & Apportionment of Taxes 63-802 (1) (a) (i) (1).

County Offices Affected: All Idaho County Offices

Counties Affected: All 44 counties (especially helpful for smaller counties)

Explain Issue/Problem: The restraint of the 3% cap on county budgets to respond to multiple years of inflation greater than the cap percentage.

Background & Data: The up to 3% cap was passed by the legislature in 1995 to address property tax relief. Using the index for all urban consumers (CPI-U) for the past 25 years (1996 to 2020) as a reference for inflation, the (CPI-U) has been under 3% 20 of those years and over 3% 5 times. From a low of -0.34% in 2009 to a high of 3.85% in 2008. The years that it was over were 2000 3.38%, 2005 3.39%, 2006 3.24%, 2008 3.85%, and 2011 3.16%. The (CPI-U) for 2021 was 4.7% and for 2022 was 8.01%.

Proposed Policy: The Idaho Association of Counties supports changing the 3% property tax cap to a formula that would account for inflation greater than the 3% cap. The legislation would add to the current wording of **(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, which amount may be increased by a growth factor of not to exceed three percent (3%) or up to the average of the last 3 years of the index for

all urban consumers (CPI-U) as published by the U.S. department of labor, bureau of labor statistics
whichever is greater.

Arguments & Entities in Support: All Property Taxing Entities that struggle to provide required services to the public. Counties, cities, schools, fire districts, ambulance districts, etc.

Arguments & Entities Against: Taxpayers, Legislature, Executive branch, Idaho Taxpayers Association, etc. Has the potential to be a tax increase.

Feasibility: Everyone understands the effect high inflation has on a budget. Does not matter if it is personal, business, or a government budget. An inflexible cap makes it very difficult for smaller/rural entities to survive high inflation. The reality is it would take multiple years of education for passage.

Other Stakeholders Affected & Nature of Impact:

Fiscal Impact: Possible tax increase. The status quo will result in property taxing entities having to cut services and/or employees.

IGA-03: Inflation Based Property Tax Budget Cap (Social Security COLA)

Title: Inflation Based Property Tax Budget Cap (Social Security COLA)

Sponsor: Wayne A. Schenk, Minidoka County Commissioner

Statutes Affected: Title 63 Revenue & Taxation Chapter 8 Levy & Apportionment of Taxes 63-802 (1) (a) (i) (1).

County Offices Affected: All Idaho County Offices

Counties Affected: All 44 counties (especially helpful for smaller counties)

Explain Issue/Problem: The restraint of the 3% cap on county budgets to respond to multiple years of inflation greater than the cap percentage.

Background & Data: The up to 3% cap was passed by the legislature in 1995 to address property tax relief. Using the cost-of-living adjustment (COLAs) for Social Security for the 25 years (1996 to 2020) as a reference for inflation, the COLAs have been under 3% 20 of those years and over 3% 5 times. From a low of 0% in 2009, 2010, and 2015 to a high of 5.8% in 2008. The years that it was over were 2000 3.5%, 2005 4.1%, 2006 3.3%, 2008 5.8% and 2011 3.6%. The COLA for 2021 was 5.9% and 2022 was 8.7%.

Proposed Policy: The Idaho Association of Counties supports changing the 3% property tax cap to a formula that would account for inflation greater than the 3% cap. The legislation would simply add to the current wording of (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, which amount may be increased by a growth factor of not to exceed three percent *or up to the average of the last 3 years of COLA for Social Security whichever is greater.*

Arguments & Entities in Support: All Property Taxing Entities that struggle to provide required services to the public. Counties, cities, schools, fire districts, ambulance districts, etc.

Arguments & Entities Against: Taxpayers, Legislature, Executive branch, Idaho Taxpayers Association, etc. Has the potential to be a tax increase.

Feasibility: Everyone understands the effect high inflation has on a budget. Does not matter if it is personal, business, or government budget. An inflexible cap makes it very difficult for smaller/rural entities to survive high inflation. It will probably take multiple years of education for passage.

Other Stakeholders Affected & Nature of Impact:

Fiscal Impact: Possible tax increase. The status quo will result in property taxing entities having to cut services and/or employees.

IGA-04: Public Works Contractor License Threshold Increase

Title: Public Works Contractor License Threshold Increase

Sponsor: Ben Robertson, Boundary County Commissioner

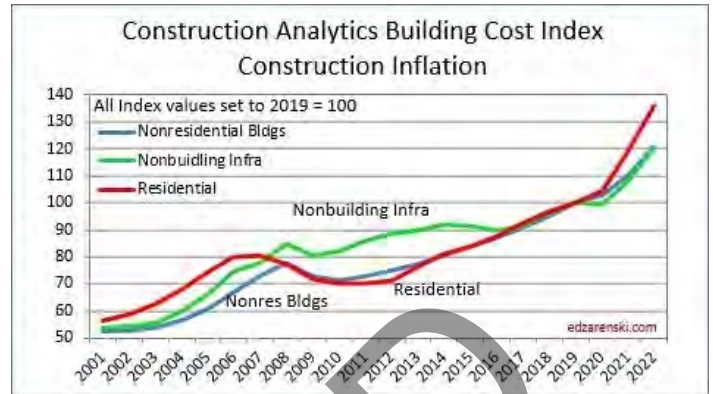
Statutes Affected: 54-1903(9), 54-1904(H)

County Offices Affected: All

Counties Affected: All

Explain Issue/Problem: The current threshold of \$50,000 that requires a public works license is not high enough. This current dollar value does not accomplish much with inflation being at historically high rates and building materials and associated costs outpacing many other sectors. The cost of construction has become unreasonable. Many counties, especially rural counties, have a difficult time finding licensed contractors to carry out needed projects. Those projects are often not finished or become abandoned because there is no bid received by a licensed contractor. Due to the state-imposed supply and demand mandate of qualified contractors, counties are, more often than not, overcharged for services. Frequently, counties are forced to contract with companies who must travel for hours to the job site thus also contributing to the higher costs.

Background & Data: I attempted to accomplish this task late in the legislative session last year. I was unable to convince my representatives to carry this idea due to the unwillingness of the lobby. This graph shows the rate of high inflation for construction. Keep in mind that our costs are being inflated at a higher rate due to the limited supply of contractors available.



Proposed Policy: The Idaho Association of Counties supports changing Idaho code 54-1903(9) and 54-1904(h) by striking out \$50,000 in both code sections and replacing with \$100,000. See draft below.

Arguments & Entities in Support: If this proposal is enacted, it would be much easier to accomplish “smaller” projects in a timely manner because the number of qualified contractors will increase. The cost of some of these projects could and would likely be decreased due to the fact there would not be the current supply and demand issue with the availability of contractors. It is our duty as elected officials to wisely use taxpayer dollars, and the current statute does not allow for that. I believe that every county in Idaho would benefit from this change, especially smaller, rural counties. Cities, school districts, and any agency that is governed by this statute would also benefit from this change.

Arguments & Entities Against: One argument that can be used is that the state identifies what contractors are qualified and reputable with the license requirements. Idaho AGC would likely be opposed to this change due to many of their members having a monopoly on being awarded bids in the state of Idaho.

Feasibility: This should be an easy task due to the simplicity of changing two numbers in statute. The overwhelming benefit to local government and to the taxpayer should be evident.

Other Stakeholders Affected & Nature of the Impact:

Fiscal Impact: Impacts on all local governments cannot be understated. The costs across the state will go down on smaller projects and would likely save Idaho taxpayers millions of dollars. With a larger selection of contractors available to bid on projects, counties will have more bidders, therefore we could accomplish many of the projects that have been left idle due to a lack of qualified bids.

PROPOSED

IGA-05: Hospital Property Tax Exemption

Title: Hospital Property Tax Exemption

Sponsor: Rod Beck, Ada County Commission Chair; Tom Dayley, Ada County Commissioner;
Ryan Davidson, Ada County Commissioner

Statutes Affected: 63-602D

County Offices Affected: Commissioners, Assessor, Treasurer

Counties Affected: Counties with nonprofit hospitals or their ancillary/satellite facilities, including Ada, Canyon, Valley, Jerome, Twin Falls, Blaine, Elmore, and Payette

Explain Issue/Problem: The hospital tax exemption, Idaho Code § 63-602D, was largely unchanged until 1999. In its original form, the statute read:

The following property is exempt from taxation: hospitals and refuge homes, their furniture and equipment, owned, operated and controlled, and medical equipment leased, by any religious or benevolent corporation or society with the necessary grounds used therewith, and from which no gain or profit is derived by reason of their operation. Idaho Code § 63-302D (1996). (Emphasis added.)

Based on the term “benevolent,” the Supreme Court defined “hospital” as “. . . an institution for the reception and care of the sick, wounded, infirmed or aged persons; generally incorporated, and of the class of corporations called ‘eleemosynary’ or ‘charitable.’” *Bistline v. Bassett*, 47 Idaho 67 (1928), *Evangelical Lutheran Good Samaritan Society v. Brd of Equalization of Latah Cnty*, 119 Idaho 126 (1991). The statute plus Idaho case law required an organization to be charitable, and the “*Sunny Ridge*” factors were used in determining whether a hospital qualified for an exemption.

In 1996, the Ada County Board of Equalization denied a property tax exemption application filed by a local hospital as the hospital no longer met the *Sunny Ridge* factors under the statute. As a result, the hospitals successfully lobbied the legislature to remove the benevolent/charitable requirement, along with any county discretion, from the statute, and expanded the eligible properties to include all hospital property, including acute care, outreach, satellite, outpatient, ancillary or support facilities of the hospital.

25 years later, the result is that the hospital exemption is largely unchecked, as nearly all property owned by nonprofit hospitals are exempt in Idaho, including doctor offices, urgent care centers, and office buildings, and there is no meaningful review of the exemptions by counties as the exemption is mandatory, and there is no longer a charitable requirement.

Background & Data: The 1999 amendment (which the legislature made retroactive to 1996) was drafted and passed by the hospitals, and did the following:

- Removed all requirements of charity
- Removed all county discretion
- Significantly broadened the definition of hospital:
 - A hospital must meet the definition of “hospital” in chapter 13, title 39, Idaho Code, and includes one or more acute care, outreach, satellite, outpatient, ancillary or support facilities of such hospital whether or not any such individual facility would independently satisfy the definition of hospital
- Mandated that all real property owned by a hospital is exempt
- Mandated that all personal property, including medical equipment, owned or leased by a hospital, is exempt
- A hospital only needs to meet the above definition, and show that it is an Idaho nonprofit corporation that has a federal 501(c)(3) designation
 - Counties “shall grant” an exemption to the property of any hospital corporation meeting this criteria – which includes all types of property listed in the hospital definition
- Property that is being “prepared for use as a hospital” is exempt
- Does allow for hospital property that is leased to a for-profit to be taxed
- Must file a community benefits report with the BOCC each year but:

- o The report shall be provided as a matter of community information. Neither the submission of the report nor the contents shall be a basis for the approval or denial of a hospital's exemption.
- In 2023, Ada County attempted to introduce legislation similar to the attached proposed amendment.

Proposed Policy: In order to regain exemption oversight (which is present in most of the other statutory exemptions), IAC supports the necessity to add county review back into the process. Over the years, hospitals purchased more and more private doctor practices and moved into the primary care/clinical practice field. The exemption should therefore be reduced to only apply to property that meets the definition of "hospital" and should not include ancillary facilities such as doctors' offices, which often compete with private physicians. Also, an element of charity, which was historically a requirement of the exemption, should be returned to the exemption.

The following is a proposed amendment that accomplishes these objectives.

63-602D. PROPERTY EXEMPT FROM TAXATION – CERTAIN HOSPITALS. (1) For the purposes of this section, "hospital" means a hospital as defined by [chapter 13, title 39](#), Idaho Code., and includes one (1) or more acute care, outreach, satellite, outpatient, ancillary or support facilities of such hospital whether or not any such individual facility would independently satisfy the definition of hospital.

(2) The following property is exempt from taxation: the real property owned and personal property, including medical equipment, owned or leased by a hospital corporation, or a county hospital or hospital district that is operated as a hospital, and personal property, including medical equipment, owned or leased by a hospital corporation, a county hospital or hospital district that is located and used in a hospital. and the necessary grounds used therewith.

(3) If real property, not currently exempt from taxation, is being prepared for use as a hospital, the value of the bare land only shall be taxed while the property is being prepared for use as a hospital. All improvements to and construction on the real property, while it is being prepared for use as a

hospital, shall be exempt from taxation. For purposes of this section, property is being "prepared for use as a hospital" if the corporation has begun construction of a hospital project as evidenced by obtaining a building permit that will, on completion, qualify such property for an exemption and, as of the assessment date, has not abandoned the construction. Construction shall not be considered abandoned if it has been delayed by causes and circumstances beyond the corporation's control or when delay is caused by an event that has occurred in the absence of the corporation's willful neglect or intentional acts, omissions or practices engaged in by the corporation for the purpose of impeding progress. Notwithstanding the foregoing, in no event shall improvements to property that is being prepared for use as a hospital qualify for an exemption from ad valorem property tax under this subsection for more than three (3) consecutive tax years; upon completion of construction and obtaining a certificate of occupancy, the entire real property shall be exempt from taxation if the corporation meets the requirements of subsection (4) of this section; provided, property already exempt or eligible for exemption shall not be affected by the provisions of this subsection.

(43) The hospital corporation must show: that the hospital:

(a) That it is organized as a nonprofit corporation pursuant to chapter 30, title 30, Idaho Code, or pursuant to equivalent laws in its state of incorporation;

(b) That it has received an exemption from taxation from the internal revenue service pursuant to section 501(c)(3) of the Internal Revenue Code;.

(c) That it receives a significant amount of public support, including monetary and other forms of donations, which lessen the burdens on government;

(d) That the hospital provides a general public benefit to the county in which it is located;

(e) That any income in excess of expenses is invested into the hospital or the community, and not in the form of staff salaries and bonuses; and

(f) That it provides need-based charity to the recipients of its services.

(5) The board of equalization shall grant an exemption to the property of: (a) a county hospital; (b) a hospital district;

or (c) any hospital corporation meeting the criteria provided in subsection (4) of this section.

(64) If a hospital corporation uses property for business purposes from which a revenue is derived that is not directly related to the hospital corporation's exempt purposes, then the property shall be assessed and taxed as any other property. If property is used in part by a hospital corporation for such purposes, then the assessor shall determine the value of the entire property and the value of the part used that is not directly related to the hospital corporation's exempt purposes. If the value of the part that is not directly related to the hospital corporation's exempt purposes is determined to be three percent (3%) or less than the value of the entire property, then the property shall remain exempt. If the value of the part that is not directly related to the hospital corporation's exempt purposes is determined to be more than three percent (3%) of the value of the entire property, then the assessor shall assess the proportionate part of the property, including the value of the real estate used for such purposes.

(75) A hospital corporation issued an exemption from property taxation pursuant to this section and operating a hospital having one hundred fifty (150) or more patient beds shall prepare a community benefits report to be filed with the board of equalization by December 31 of each year. The report shall itemize the hospital's amount of unreimbursed services for the prior year (including charity care, bad debt, and under reimbursed care covered through government programs); special services and programs the hospital provides below its actual cost; donated time, funds, subsidies and in-kind services; additions to capital such as physical plant and equipment; and indication of the process the hospital has used to determine general community needs that coincide with the hospital's mission. The report shall be provided as a matter of community information. Neither the submission of the report nor the contents shall be a basis for the approval or denial of a corporation's property tax exemption.

Arguments & Entities in Support: Potential support could come from other taxing districts and property tax relief supporters.

Arguments & Entities Against: The nonprofit hospitals and the Idaho Hospital Association will strongly oppose any change to the statute.

Feasibility: Passage may be difficult, since the hospitals have a strong lobby, including lobbyists for St. Alphonsus, St. Luke's and the Idaho Hospital Association. Full support of the IAC and individual counties is important to passage, along with the support of legislative leadership.

Other Stakeholders Affected & Nature of Impact: The nature of the impact will be a positive effect on communities where the hospitals are located – either in the form of greater charity from the hospitals, and/or a community's tax burden being spread among a larger tax base.

Fiscal Impact: There is no fiscal impact on state or local governments. There could be some property tax relief in areas where hospitals have a significant presence, as the tax burden will be spread among a larger tax base.

IGA-06: Local Government Travel & Convention Tax (2%)

Title: Local Government Travel & Convention Tax (2%)

Sponsor: Cindy Riegel (Teton County)

Statutes Affected: 67-4717 Regional and Statewide Grant Program; 67-4718 Assessment-Council Account

County Offices or Departments Affected: Road and Bridge, Law Enforcement, Courts, Search and Rescue, Ambulance Service, Planning and Building, Economic Development, Recreation, etc.

Counties Affected: 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, but 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 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 health, law enforcement, courts, etc.)
- 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
- No Travel and Convention Tax shared with county government
- Restrictions on impact fees and development exactions (i.e. can not be used for affordable housing)
- Local government can not prohibit short term rentals

Background & Data:

Idaho collects an additional 2% Travel and Convention Tax (above the standard 6% sales tax) on lodging sales. The funds are distributed by the Idaho Department of Commerce in the following way: 10% goes to the administration of the program; 45% goes to fund travel promotion statewide; and 45% goes to the Idaho Regional Travel and Convention (ITC) Grant Program.

This past August, \$10,327,540 in tourism marketing funding was awarded to non-profit organizations through the ITC Grant Program. “Thanks to the work of our travel partners and team members,” said Idaho Commerce Director Tom Kealey, “Idaho’s tourism industry achieved another record year. The major increase in funds for new tourism marketing and regional grants will expand awareness of Idaho

as a spectacular travel destination and positively impact our communities and businesses across our state.”

While it is true that these large grants attract more people to our state and tourist-oriented businesses are thriving, a massive influx of visitors can negatively impact local governments since there are no additional funds available to help relieve the impact on infrastructure and services required to accommodate these visitors along with the growing number of residents in our communities. It would be unfair to require local taxpayers to cover the costs of these impacts. Additional funds are needed to ensure counties can provide adequate transportation infrastructure, law enforcement, and emergency services for residents and visitors alike.

In addition, the increasing demand for short-term rental accommodations has had a measurable impact on the availability of housing 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 by 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 -

The Travel and Convention tax collected statewide over the past five years is

2018 - \$13,145,756

2019 - \$14,377,642

2020 - \$12,136,703

2021 - \$18,890,672

2022 - \$21,229,968

(See spreadsheet below for County data)

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: IAC supports allowing an additional 2% Travel and Convention tax for local governments to fund the impacts of growth and tourism 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, and 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% of 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: Idaho Association of Counties Membership supported the Resolution as a priority in 2023 and IAC lobbyist Seth Grigg had some initial conversations with a few legislators on this topic.

Arguments & Entities Against: The biggest argument against this is that some legislators do not want to vote for a tax no matter the reason. This will be an even bigger issue this year since it is an election year which would affect feasibility.

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 basic local government functions that protect human health and safety.

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 20 million could be raised overall based on 2022 data with each county receiving the money that was collected in their county.

	2018	2019	2020	2021	2022	Total
01 - ADA	3,679,845	3,959,272	2,570,200	4,190,550	5,374,167	19,774,037
02 - ADAMS	18,504	22,691	21,611	33,870	30,602	127,280
03 - BANNOCK	637,966	682,967	500,024	753,573	852,136	3,426,668
04 - BEAR LAKE	71,761	81,112	86,697	126,761	139,020	505,354

05 - BENEWAH	18,760	22,372	18,776	27,959	29,564	117,434
06 - BINGHAM	41,276	43,083	35,681	51,222	57,426	228,690
07 - BLAINE	1,075,051	1,206,239	1,041,038	1,560,466	1,858,160	6,740,956
08 - BOISE	36,039	102,607	117,364	100,173	113,356	469,540
09 - BONNER	520,295	576,957	594,865	874,774	998,494	3,565,388
10 - BONNEVILLE	1,008,700	1,050,558	766,369	1,231,739	1,375,081	5,432,449
11 - BOUNDARY	32,716	35,137	40,240	54,224	57,331	219,650
12 - BUTTE	12,638	13,500	12,565	18,089	14,611	71,406
13 - CAMAS	3,825	4,518	5,540	6,213	9,012	29,109
14 - CANYON	476,015	527,176	461,743	712,605	830,741	3,008,282
15 - CARIBOU	44,232	45,582	37,743	59,773	64,409	251,741
16 - CASSIA	21,454	32,476	52,852	93,964	132,887	333,634
17 - CLARK	887	1,640	1,727	2,233	2,017	8,505

18 - CLEARWATER	61,346	51,712	53,391	75,924	76,431	318,807
19 - CUSTER	174,801	191,302	211,135	266,997	278,522	1,122,759
20 - ELMORE	131,461	124,023	126,755	178,712	105,720	666,672
21 - FRANKLIN	14,768	12,178	19,092	28,485	33,789	108,313
22 - FREMONT	468,059	605,622	701,095	1,236,142	1,155,057	4,165,977
23 - GEM	8,013	9,656	9,639	13,174	15,223	55,706
24 - GOODING	21,636	22,212	20,702	34,111	36,719	135,383
25 - IDAHO	143,176	146,750	122,712	153,696	160,597	726,933
26 - JEFFERSON	22,527	33,547	27,163	46,963	56,632	186,833
27 - JEROME	122,819	120,500	107,118	155,338	173,285	679,061
28 - KOOTENAI	1,737,493	1,885,918	1,774,208	2,733,234	2,874,363	11,005,217
29 - LATAH	236,279	237,551	144,528	247,414	293,811	1,159,585
30 - LEMHI	86,016	86,715	79,186	115,051	145,744	512,713

31 - LEWIS	10,251	19,576	19,728	33,306	31,041	113,903
32 - LINCOLN	67	12	545	1,174	773	2,572
33 - MADISON	185,600	196,726	146,730	250,336	263,638	1,043,031
34 - MINIDOKA	175,013	169,274	117,692	166,178	182,436	810,596
35 - NEZ PERCE	225,300	233,708	182,874	286,997	305,455	1,234,337
36 - ONEIDA	4,137	2,610	2,334	3,149	3,879	16,111
37 - OWYHEE	3,411	5,277	6,928	11,329	11,956	38,905
38 - PAYETTE	3,376	3,680	4,412	6,205	3,977	21,651
39 - POWER	4,526	4,425	6,423	8,590	10,070	34,036
40 - SHOSHONE	166,357	173,553	175,725	279,580	310,977	1,106,194
41 - TETON	312,510	389,488	439,845	772,379	719,882	2,634,106
42 - TWIN FALLS	563,630	573,112	496,161	796,542	913,857	3,343,304
43 - VALLEY	544,895	651,043	756,620	1,063,716	1,097,942	4,114,217

44 - WASHINGTON	18,304	19,567	18,905	27,740	29,157	113,676
Grand Total	13,145,756	14,377,642	12,136,703	18,890,672	21,229,968	79,780,742

IGA-07: Area of Impact Agreements

Title: Area of Impact Agreements

Sponsor: Bingham County Commissioner Mark Bair

Statutes Affected: IC 67-6509, 676526, 50-222

County Offices Affected: The County Offices that are affected by the Area of Impact Agreements are Planning & Zoning, Prosecutor's Office, Commissioners Office, Assessor's Office, and the Treasurer's Office.

Counties Affected: All counties are affected by the Area of Impact

Explain Issue/Problem: Idaho's current area of impact statutes are in need of amendment. Significant provisions of the law have been invalidated by court decisions, including *Blaha v Ada County*. There also continue to be issues in urbanizing areas related to overlapping areas of impact and annexation into another city's area of impact. In rural communities, an area of impact may extend for miles outside of city limits with no real prospect of development which pushes the development of rural subdivisions further into the county.

Background & Data: According to the Land Use Planning Act, cities need to grow from the inside out so that city Services can be provided as growth occurs, which is

more cost-effective. If it is too expensive for Developers (i.e., curb & gutter, sidewalks, lights, sewer, and water) then Developers will build out in the county where they can do private well and septic. The challenge is getting a balance.

Proposed Policy: The Idaho Association of Counties supports amending the Local Land Use Planning Act.

Arguments & Entities in Support: The Association of Cities, Realtors, and Idaho Home Builders Association all have supported prior efforts to update Idaho's area of impact statutes.

Arguments & Entities Against: Some cities and planners may oppose additional limitations on area of impact boundaries arguing it limits their ability to grow and cedes more control to counties.

Feasibility: Senate Bill 1073, proposing amendments to Idaho's area of impact laws, had broad support in the Senate in 2023 but was held up in the House. The House expressed a willingness to find an alternative to address concerns related to property rights.

Other Stakeholders Affected & Nature of Impact: Realtors, landowners, developers, cities, and planners would all be impacted by potential amendments to the Idaho area of impact statutes.

Fiscal Impact: There would be a minor fiscal impact associated with updating existing areas of city impact to conform with potential legislative changes.

Justice and Public Safety Committee

JPS-01: Costs, Lengthy Jury Trials

Title: Increased State Reimbursement for Lengthy Jury Trials

Sponsor: Fremont County Clerk, Abbie Mace & IACRC

Statutes Affected: IC 2-222(1) & (2) not sure if there are others

County Offices Affected: (Must affect at least 2): Clerk and Commissioners

Counties Affected: (Must affect at least 2): All

Explain Issue/Problem: Currently if a jury trial goes longer than 5 days the county pays \$50 per day in jury fees. Counties can ask for reimbursement from the Supreme Court at the rate of \$40 per day for jury fees if they have adequate funding.

Background & Data: This isn't something that occurs on a regular basis. It is a financial burden for counties that is not planned for in the budget. Attached is a partial list of the number of jury trials over 5 days the counties have had in the past few years.

Proposed Policy: Idaho Association of Counties supports having the Supreme Court pay for all related jury expenses for jury trials that go longer than 5 days, including Jury Fees, Jury Mileage, Jury Meals, and Lodging. This is to be reimbursed to the county in the fiscal year the expenses were incurred.

Arguments & Entities In Support: The IACRC voted in their 2023 August annual conference to support this resolution. This change gives financial relief to counties when we have long jury trials and would not give the prosecution or defense any advantage.

Arguments & Entities Against: This would be a financial burden to the Supreme Court's Budget and would need to be appropriated annually.

Feasibility: With all the high-profile death penalty murder cases going on in the state, it has become a large financial burden to the counties to fund these trials. Where it has the potential to impact any county.

Other Stakeholders & Nature of Impact: Could impact the Supreme Court's budget.

Fiscal Impact: The financial impact will vary based on the number of lengthy trials. For example, here is a cost breakdown of Fremont County's recent high-profile case that went for seven weeks: Jury fees – \$44,168.99 and meals – \$12,796.91.

If the jury is sequestered there would be additional costs for lodging. The current GSA Lodging Rate for Ada County (where the Fremont County case was moved to) is \$147 per night.

JPS-02: Essential Emergency Medical Services

Title: Essential Emergency Medical Services

Sponsors: Blair Dance, Fremont County Commissioner

Statutes Affected: Section 56-1011 through 56-1023 Idaho Code with the creation of new statutes 56-1011A and 56-1018C.

County Offices Affected: County Commissioners as the Board of Ambulance Districts; Sheriff and Local Law Enforcement; County Clerks; County EMS Directors, Various other County Department Heads.

Counties Affected: All Idaho counties providing EMS services in the State either by direct department administration or contracted services.

Explanation of Issue and/or Problem: The current EMS workforce is experiencing a decline in volunteer replacement individuals resulting in a reduced workforce reserve and an aging workforce. Concurrently, the demand for EMS services in Idaho is increasing as the population continues to expand, recreationists increase, and new opportunities to recreate continue to grow. Under current funding mechanisms, the ability to attract and retain career, full or part-time Paramedics and EMTs is becoming more difficult. These limitations can/have resulted in slower response times and put some EMS members at greater risk. These factors combine to make the continuation of EMS services unsustainable under the current system.

Background & Data: In response to a 2022 OPE study on EMS Sustainability, some members of the legislature asked for the formation of the Emergency Medical Services Sustainability Task Force (EMSSTF). Under the direction of EMS Bureau Director Wayne Denny and staff, this group has been meeting for over a year to identify the current status of EMS state-wide, what the future looks like as it is presently constituted, what challenges are evident for EMS continuation under the current structure, and what solutions and revisions are necessary to provide for sustainability.

One of the most important outcomes has been the determination that Emergency Management Services need to be declared an “Essential Service” under State Law with funding to support what that entails. With that determination as a guide, much work, effort, research, and discussion have been implemented to accomplish the functionality of making EMS an “essential service” and to increase revenues.

Proposed Policy: IAC supports establishing EMS as an essential service, providing counties authority and accountability to ensure reasonable EMS services are provided throughout the county, and creating a new State EMS Fund to help supplement a sustainable EMS system.

Arguments & Entities in Support: County Commissioners, especially in the more rural counties, would likely be in support of any assistance available to help make their EMS service more responsive, with better equipment, and a more sustainable workforce. EMS Directors would welcome a reliable structure of guaranteed support to give stability to their efforts. The State Bureau of Emergency Medical Services has also recognized the need to review and, if needed, revise the current EMS structure. Developing regional communication opportunities to improve coordination for remote responses.

Arguments & Entities Against: County Commissioners likely would be resistant to the proposal if funding fell solely on the counties as an unfunded mandate. Some EMS Directors may feel their system is working fine and could be resistant to change. There are groups that are resistant to any form of additional government spending regardless of possible detrimental effects on individuals.

Feasibility: Depending on how it is funded, could run into headwinds in the legislature if any sort of tax increase is proposed as part of the funding mechanism.

Other Stakeholders & Nature of Impact: Fire districts, Ambulance Districts, Volunteer EMS and Fire Agencies, State Bureau of EMS, Idaho Hospital Association, and Healthcare Providers

Fiscal Impact: All funding aspects have been and are being reviewed, including: The EMS dedicated sustainability fund of the State Treasurer; other State funding; sustainability grants; increased billing fees; increased concentration of accounts billed; ambulance taxing districts; local option taxes, lodging tax; pay to play fees in high-risk activities; funding participation from government agencies holding ownership of land used for recreation by recreationists.

JPS-03: Mandatory Sentencing for Trafficking Fentanyl

Title: Mandatory Sentencing for Trafficking of Fentanyl in the State of Idaho

Sponsor: Bingham County Commissioner Mark Bair

Statutes Affected: IC 27-3732B

County Offices Affected: The County Offices that are affected by the Fentanyl pandemic include: the Prosecutor's Offices, Sheriff's Offices, Courts, Public Defenders and the Probation Departments.

Counties Affected: All counties are unequivocally affected by the increase in Fentanyl use and trafficking.

Explain Issue/Problem:

- Due to the lack of deterrence provided by properly worded trafficking statutes that include mandatory minimum sentences, Fentanyl is trafficked into our communities at a rate that is impossible to keep up with.
- Fentanyl is able to be distributed covertly by taking on the appearance of various day-to-day items such as candy or gum. This leads to potential scenarios in which citizens will ingest it unknowingly with children and vulnerable adults being most at risk.
- Due to poor development processes of counterfeit fentanyl pills, there are uneven doses of pure fentanyl within any given group of pills. This leads to a "roulette" scenario where users take deadly risks of overdosing with every pill.
- Overdoses are occurring at an exponential rate with no sufficient avenues for accountability for the pills being made available in our communities.
- Absent trafficking statutes that include Fentanyl, a high burden of proof exists for Law Enforcement to be able to convey the intent to distribute the drugs beyond a reasonable doubt. If unsuccessful in accomplishing that burden, there is currently no difference in punishment for the simple possession between somebody with a dump truck load of Fentanyl vs. a small bag with fentanyl residue.

Background & Data: Despite unified efforts amongst a wide variety of entities with varying perspectives and needs, last year's proposed legislation was not given due process and died in committee.

Proposed Policy: The Idaho Association of Counties supports legislation to enact mandatory minimum sentences for the trafficking of fentanyl.

Arguments & Entities in Support: Idaho Prosecuting Attorney's Association, Idaho Chiefs of Police Association, Idaho Sheriff's Association, Idaho Fraternal Order of Police

Arguments & Entities Against: Stakeholders advocating for criminal justice reform and the abolishment of statutory mandatory minimums,

Feasibility:

During the 2023 Legislative Session, a bill to establish mandatory minimums was held in committee by one vote. There is positive momentum for enacting legislation to establish a mandatory minimum sentence for the trafficking of fentanyl.

Other Stakeholders & Nature of Impact: City police departments, Idaho Department of Corrections, Idaho State Police, and Idaho Judiciary all have a role to play in enforcing Idaho's drug trafficking laws.

Fiscal Impact: Depending on how the legislation is drafted, there may be a fiscal impact to prosecution, public defense, jails, and courts.

JPS-04: Increase 911 Fee

Title: Increase State 911 Fee from \$1 to \$2

Sponsor: Idaho Sheriff's Association Legislative Committee (Sheriffs Donahue, Goetz, Skiles, Clifford, Creech, and Hulse)

Statutes Affected: 38-4803 and 38-4804

County Offices Affected: Sheriffs, Treasurers, Commissioners, Clerks

Counties Affected: 44 Counties

Explain Issue/Problem: The 911 fee was established in 1988. Since that time cost to operate 911 systems has increased exponentially without fees adjusting to keep pace. Additionally, the next generation of 911 technology needs to be implemented across Idaho and there is not enough funding to accomplish this critical move to new technologies.

Background & Data: Over the last decade there have been efforts to develop an adjustment to the 911 fee. That fee was established in 1988 and has not changed since that time. Many counties are unable to provide the 911 services required due to the increasing costs of the technologies. Additionally, there is a need to upgrade all systems to the Next Generation 911 services. The system upgrades are not a question of if, but when. The current infrastructure for the 911 system is standing on legacy technology that will be removed and counties will have to have systems in place that will work on the new technologies. Without an adjusted fee for 911 services, this will become impossible. Several Counties as well as the I.P.S.C.C. (Idaho Public Safety Communications Commission) have data on the increasing of 911 services and the need to move to Next Generation 911 technologies. See attached data from the Bonneville County Emergency Communication Commission.

Proposed Policy: IAC supports adjusting the 911 fee from \$1 to \$2.

Arguments & Entities in Support: Idaho Public Safety Communications Commission and Idaho Sheriffs Association Legislative Committee

Arguments & Entities Against: Fee increases are not ever popular, and we should expect opposition at the legislative level.

Feasibility: Low, but we must get this issue in front of the legislature for discussion. The problem is unresolved and will only increase in criticality until a solution is found to pay for the migration to Next Generation 911 technologies across the State of Idaho.

Other Stakeholders Affected & Nature of Impact:

Fiscal Impact: The fee is attached to all phone services that can call the 911 emergency system. Both cell and landlines. The price currently paid is \$1, but it would go to \$2. An additional .25 cent fee applies to counties that choose to participate in the I.P.S.C.C. grant program. So, for most counties, the fee is going from \$1.25 to \$2.25.

PROPOSED

TITLE 31
COUNTIES AND COUNTY LAW
CHAPTER 48
EMERGENCY COMMUNICATIONS ACT

31-4803. AUTHORITY TO ESTABLISH AND FOR VOTERS TO APPROVE FUNDING FOR A CONSOLIDATED EMERGENCY COMMUNICATIONS SYSTEM. (1) The board of commissioners of any county may establish a consolidated emergency communications system by virtue of authority granted by this chapter or by chapter 23, title 67, Idaho Code. The service area may be regional, multicounty, countywide, or any part or parts of the county, and may include or exclude a city or cities. If the board of county commissioners has adopted a resolution stating that the county is unable to establish a countywide consolidated emergency communications system, or if the voters reject a countywide consolidated 911 system, then a 911 service area may be established by action of any city or cities within the county. The 911 service area shall be described in the ordinance of creation. The ordinance shall further provide for an election on the question as provided in subsection (2) of this section. The ordinance of creation shall define the governing board, designate the administrator, and the agency to service the 911 calls. The costs of the election ordered by the county shall be a proper charge against the county current expense fund. The costs of the election for a 911 service area shall be a proper charge against the city or cities initiating the election.

(2) The voters of any county or 911 service area may authorize funding to support implementation of a consolidated emergency communications system pursuant to the provisions of this chapter. The authorization to provide such funding must be made by the registered voters of the county or of the 911 service area at either a primary or general election. A notice for any election shall be published for twenty (20) days as required by section 60-109, Idaho Code. A sixty percent (60%) majority of the votes cast in favor of the question shall be necessary to authorize the emergency communications fee.

(3) If a 911 system is to be financed in whole or in part by an emergency communications fee, the governing board shall submit the question to the electors of the county or 911 service area in substantially the following form:

"Shall the governing board of be authorized to institute an emergency communications fee in an amount no greater than one two dollar (~~\$1.00~~ \$2.00) per month to be used to fund an next generation emergency telephone system, commonly known as 911 service?"

(4) No emergency communications fee for a consolidated emergency communications system shall be charged without voter approval as provided in subsection (2) of this section.

(5) Any net savings in operating expenditures realized by any taxing district utilizing a consolidated emergency communications system shall be used by that taxing district for a reduction in the property tax charges of that taxing district.

(6) If the voters of any county or 911 service area have previously approved funding of a consolidated emergency communications system in the manner provided in subsections (2) and (3) of this section, no further vote is necessary to authorize the emergency communications fee set forth in this act.

~~(7) Effective October 1, 2004, and every year thereafter, the emergency communications fee provided for in this act shall be reviewed and modified as required by this subsection by the board of commissioners of a countywide system or by the governing board of a 911 service area as follows:~~

~~(a) The level of the emergency communications fee shall be reviewed and, as appropriate and necessary, readjusted by action of the board of commissioners or the governing board on an annual basis. The board of~~

~~commissioners or governing board shall set the level of the fee based upon the revenue requirements necessary to implement an annual budget prepared under the direction of the board of commissioners or governing board for the initiation, maintenance, operation, enhancement and governance of a consolidated emergency communications system, including both basic and, if applicable, enhanced consolidated emergency systems.~~

~~(b) The revenues from emergency communications fees shall be exclusively expended pursuant to the budget established in paragraph (a) of this subsection. Use of such revenues for any other purpose is expressly prohibited.~~

~~(c) The process of reviewing and setting the level of emergency communications fees shall be governed by the meeting and public notice provisions of section 31-710(4), Idaho Code. For the purposes of this section, the setting of a fee shall be deemed to be the promulgation of a rule such that public participation provisions of section 67-5222, Idaho Code, shall apply to the meetings of the board of commissioners or of a governing board pursuant to this section.~~

History:

[31-4803, added 1988, ch. 348, sec. 1, p. 1028; am. 1989, ch. 196, sec. 1, p. 492; am. 1990, ch. 200, sec. 3, p. 450; am. 1994, ch. 86, sec. 2, p. 203; am. 2003, ch. 290, sec. 3, p. 787.]

PROPOSED

TITLE 31
COUNTIES AND COUNTY LAW
CHAPTER 48
EMERGENCY COMMUNICATIONS ACT

31-4804. EMERGENCY COMMUNICATIONS FEE. (1) The emergency communications fee provided pursuant to the provisions of this chapter shall be a uniform amount not to exceed ~~one~~ **two dollar dollars** (~~\$1.00~~ **\$2.00**) per month per access or interconnected VoIP service line, and such fee shall be used exclusively to finance the initiation, maintenance, operation, enhancement and governance of a consolidated emergency communications system and provide for the reimbursement of telecommunications providers for implementing enhanced consolidated emergency systems as provided for in section 31-4804A, Idaho Code. All emergency communications fees collected and expended pursuant to this section shall be audited by an independent, third-party auditor ordinarily retained by the governing board for auditing purposes. The purpose of the audit as related to emergency communications systems is to verify the accuracy and completeness of fees collected and costs expended.

(2) The fee shall be imposed upon and collected from purchasers of access lines or interconnected VoIP service lines with a service address or place of primary use within the county or 911 service area on a monthly basis by all telecommunications providers of such services. The fee may be listed as a separate item on customers' monthly bills.

(3) The telecommunications providers shall remit such fee to the county treasurer's office or the administrator for the 911 service area based upon the 911 service area from which the fees were collected. In the event the telecommunications provider remits such fees based upon the emergency communications fee billed to the customer, a deduction shall be allowed for uncollected amounts when such amounts are treated as bad debt for financial reporting purposes.

(4) From every remittance to the governing body made on or before the date when the same becomes due, the telecommunications provider required to remit the same shall be entitled to deduct and retain one percent (1%) of the collected amount as the cost of administration for collecting the charge. Telecommunications providers will be allowed to list the surcharge as a separate item on the telephone subscriber's bill and shall have no obligation to take any legal action to enforce the collection of any charge, nor be held liable for such uncollected amounts.

(5) Use of fees. The emergency communications fee provided hereunder shall be used only to pay for the lease, purchase or maintenance of emergency communications equipment for basic and enhanced consolidated emergency systems, and next generation consolidated emergency systems (NG911), including necessary computer hardware, software, database provisioning, training, salaries directly related to such systems, costs of establishing such systems, management, maintenance and operation of hardware and software applications and agreed-to reimbursement costs of telecommunications providers related to the operation of such systems. Use of the emergency communications fee should, if possible, coincide with the strategic goals as identified by the Idaho public safety communications commission in its annual report to the legislature. However, the county or 911 service area governing board has final authority on lawful expenditures. All other expenditures necessary to operate such systems and other normal and necessary safety or law enforcement functions including, but not limited to, those expenditures related to overhead, staffing, dispatching, administrative and other day-to-day operational expenditures, shall continue to be paid through the general funding of the respective governing boards; provided however, that any governing body using the emergency communications

fee to pay the salaries of dispatchers as of March 1, 2006, may continue to do so until the beginning of such governing body's 2007 fiscal year.

History:

[31-4804, added 1988, ch. 348, sec. 1, p. 1028; am. 1990, ch. 200, sec. 4, p. 451; am. 2003, ch. 290, sec. 4, p. 788; am. 2003, ch. 311, sec. 2, p. 854; am. 2006, ch. 238, sec. 1, p. 722; am. 2007, ch. 340, sec. 3, p. 997; am. 2016, ch. 127, sec. 3, p. 367.]

PROPOSED

Public Lands Committee

PL-01: Active Wolf Management by IDFG

Title: Active Wolf Management By The Idaho Department Of Fish & Game (IDFG)

Sponsor: Commissioner Gordon Wilkerson, Washington County

Statutes Affected: Those that have to do with Idaho Fish and Game and their management of wolves in the state of Idaho.

County Offices Affected: This is a state management issue because of the poor management at the federal and state levels. It has affected county commissioners, county agents, sheriff offices, and to some degree the assessor's office.

Counties Affected: Most counties in Idaho have resident wolf populations in need of more active management. All counties with wolves or adjacent counties, because the county is funded by and tied to the income coming off private, state, and federal lands. The assessment of Ag lands is calculated by the income of Ag products produced. Therefore as the income on Ag land goes down and there for so do the taxes received by the counties.

Explain Issue/Problem: The wolf population in Idaho exceeds the state goal of 500. The wolf population is having a disproportionate impact on ranchers, hunters, and those recreating in Idaho. Idaho needs to be more actively in control of its wolf population in line with established goals.

Background & Data: The US Fish & Wildlife Service proposed and agreed to 100 wolves with 10 breeding pairs in each of the states of Idaho, Wyoming, and Montana. In order to delist from the

federal Endangered Species Act. Idaho Department of Fish & Game director Jerry Conley signed the permit for USFWS to release the wolves transplanted from Canada. Fifteen Canadian wolves were first introduced into Idaho near Salmon by the US Fish & Wildlife Service in January 1995. Another 20 were introduced a year later. Idaho Wolf populations are well above the required and agreed-upon numbers, IDFG estimated in the summer of 2022 over 1300 wolves in the state.

Wolf population and rapid expansion in other western states such as Washington, Oregon, California, Nevada, Utah, and Colorado are also being affected. Wolves have remained resilient to human-caused mortality.

Wolves are having a detrimental effect on wildlife (elk, deer, moose, mountain lions, bears, and other animals in the State of Idaho), with many hunting units below Idaho Department of Fish and Game objectives. Wolves have an adverse impact on the economics of recreation, hunting, hiking, camping, and other outdoor activities due to increased confrontation with wolves in the State of Idaho. Wolves are creating a safety issue for those citizens who want to go out and enjoy our federal, state, and private lands in the State of Idaho through an increase in wolf encounters and attacks between wolves and the public and their pets.

Wolves are causing an imbalance in the ecosystem, forcing ungulates and other wildlife out of public lands and onto private ag land. Wolves continue to cause increased damage to livestock and farm operations in the State of Idaho due to depredation of livestock, loss of weight, loss of calving percentage due to wolf harassment, loss of proper use of range, loss of crops and crop value due to damage done by elk and deer being pushed down on to farmland by wolves, and other side effects of the increase in wolf numbers and the expanding wolf range.

Proposed Policy: The Idaho Association of Counties supports enhanced measures of wolf control in the Idaho F&G chronic depredation and predation management units, including a reduction in the number of wolves in Idaho to 500 animals; the adverse effects of wolves on recreation, wildlife, hunting, and livestock; and a third party independent audit on wolf population beginning with a baseline count for the winter of 2024-2025.

Arguments & Entities in Support: The federal government and the environmental movement are working to take away private property by rendering it not useable. When ranchers turn out on their allotments (private ownership) that is on federal lands and their animals are harassed and killed, they have a 5-20% reduction in the herd because of the wolves. It affects citizens in the counties. Farm Bureau Federation, cattle and wool growers associations across the state, farmers, and the Rocky

Mountain Elk Foundation would all support a better management plan for the wolves. Reducing the wolf population and returning a healthy balance to our ecosystem would help bring our deer and elk populations back to goal levels. This should be in the best interest of the Idaho Department of Fish and Game. Motorists in the state are experiencing a rise in collisions with big game on our major highways, especially during winter months because of Wolf pressure. Agricultural counties in border states would also benefit from seeing better management practices of our wolf population.

Arguments & Entities Against: There are those in our society that do not have to deal with nature, they have an unrealistic view of what it should be like. They feel that the animals should be left uninhibited to live their lives not being affected by humans. Possibly Fish and Game would not want an Independent count of the population of wolves.

Feasibility: It is a very feasible issue. With the state of Idaho given the authority and lead on wolf management, modifying state statutes to now fit the proposed Idaho Gray Wolf Management plan is within the power of the state. There needs to be a more aggressive directive from our state legislators as to what needs to be done to achieve and maintain the proposed numbers.

Other Stakeholders & Nature of Impact: Out-of-state visitors, wildlife-viewing recreationalists, fishermen, and hunters are finding their experience less fulfilling year after year. Backcountry outfitters once in favor of the introduction of wolves are now seeing a huge negative effect of the wolf introduction and the population explosion.

Fiscal Impact: There will be a cost incurred in reducing the population of wolves in our state and bringing our ecosystem back in balance. The federal government forced the introduction of wolves in our state and counties. They should hold some, if not most of the financial burden to reduce the population to what US Fish and Wildlife Services and Idaho Fish and Game agreed upon in 1995. By reducing wolf numbers and conflicts with ungulates and livestock county and state economies will get stronger because of more money to spend. It would be nice to be able to enjoy recreating (camping, fishing, and wildlife viewing) not having to worry about your family and pets being attacked or killed by wolves or other wild animals that are being affected by the presence of wolves.

PL-02: Large Scale Solar & Wind Energy Facilities Siting

Title: Large Scale Solar and Wind Energy Facilities Siting

Sponsor(s): Jack Johnson, Twin Falls Commissioner; Ben Crouch, Jerome Commissioner; Mark Bolduc, Gooding Commissioner; Wayne Schenk, Minidoka Commissioner; Joanne Rutler, Lincoln Commissioner; Doug Zenner, Nez Perce Commissioner

Statutes Affected: §67-6501 authorizes BOCC to regulate land use in their respective counties to promote the general welfare of the citizens, protect property rights, ensure that important environmental features of the county are protected and to protect fish, wildlife, and recreation resources.

County Offices Affected: Commissioners, planning and zoning commissioners and staff, prosecuting attorneys

Counties Affected: All could be impacted by large potential development of large-scale wind energy projects.

Explain Issue/Problem: Large-scale energy projects on public and private lands

Background & Data: LS Power, a private equity and energy company headquartered in New York, along with its newly-created affiliate company, Magic Valley Energy, and Taurus Wind LLC have proposed three large wind turbine projects in Southern Idaho called the Salmon Falls Wind Project, Lava Ridge Wind Project, and Taurus Wind Project. The Lava Ridge project would place approximately 400 wind turbines (each up to 740 feet tall) on public land managed by the federal government. This will affect agriculture, ranching, and farming which account for nearly half of the Magic Valley's gross regional product. The gallons of water during the construction of the Lava Ridge project (98,650,000 gallons) would significantly impact water access for agriculture and farmers. The project would occupy up to 197,474 acres, 308 square miles, which will require up to 486 miles of new

access roads including 147 miles of improved roadway, and up to 395 miles of temporary fencing. There are also significant concerns that the proposed sites could destroy a vast number of Native American cultural sites, wildlife species, and vital animal habitats. There are also concerns about sound pollution, visual intrusion, damage to historical sites, groundwater withdrawals, interference with grazing rights, and pressures the project would put on services the counties are required to provide.

Proposed Policy: The Idaho Association of Counties supports legislation to require state siting teams to assist counties in the evaluation, approval, and siting of large-scale wind energy projects.

Arguments & Entities in Support: Currently Jerome, Lincoln, Minidoka, Twin Falls, and Gooding Counties are all being affected by the Lava Ridge wind turbine siting project. Seven counties in the Magic Valley have passed resolutions in opposition to the project. Idaho's Congressional Delegation, the Idaho Legislature, Governor Little, Lt. Governor Bedke, the Idaho BLM Rac, and many other community groups all oppose further large-scale wind energy projects in the Magic Valley. Counties need additional resources and assistance in evaluating whether or not to site large-scale wind energy projects.

Arguments & Entities Against: LS Power and its related companies argue that the increase in energy and impact on area economies outweigh the negative impacts.

Feasibility: In 2023, the Legislature passed a joint resolution opposing the proposed wind energy developments. There is a high likelihood that legislation will pass in 2024.

Other Stakeholders Affected & Nature of Impact: State of Idaho and Bureau of Land Management