

MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Wednesday, February 02, 2022

TIME: 1:30 P.M.

PLACE: Room EW05

MEMBERS: Chairman Mendive, Vice Chairman Kingsley, Representatives Barbieri, Clow, Christensen, Bundy, Erickson (Powell), Galloway, Nate, Skaug, Weber, Berch, Green, Burns

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Mendive called the meeting to order at 1:29pm.

MOTION: **Rep. Bundy** made a motion to approve the minutes of January 18 and January 26, 2022. **Motion carried by voice vote.**

H 474: **Rep. Skaug** explained a change will be made to **H 474** and he hopes to reintroduce it as a new RS. However, this legislation prevents a two out of three majority of county commissioners from entering into open ended leases for jails and courthouses. In order to enter into a lease agreement longer than five years, there will need to be approval from a simple majority vote of the people.

In response to questions about whether it has been vetted for constitutionality through the Attorney General's office, **Rep. Skaug** said he had received no negative feed back from them but also no formal opinion.

In response to concerns about the language 'and such other public buildings as may be necessary', **Rep. Skaug** said it had been lifted from old statutes and would be revisited.

When questioned about the significance of five years, **Rep. Skaug** said the use of five years came from specific examples of situations where five years didn't create the same problems as longer term leases.

In response to questions about continuous five year leases as a potential loophole, **Rep. Skaug** the people could prevent this at the ballot box by voting for different commissioners. In addition, this legislation wasn't based on one county but on several different incidents in several different counties.

Len Humphries, Fremont County Sheriff, **Abbie Mace**, Fremont County Clerk, **Doug Zenner**, Nez Perce County Commissioner, **Patty Weeks**, Nez Perce County Clerk, and **Terrel Tovey**, Bannock County Commissioner, all spoke in opposition to **H 474**. They voiced concerns about current difficulties in getting funds for much needed jails and courthouses. Lack of adequate space in jails already costs additional funds because they have to pay to house prisoners in other counties. The current lease system is a useful tool for the counties to ensure that necessary buildings running as well as allow the officials to choose the cheapest option for the taxpayers. Leasing is necessary because jail bonds haven't passed for years. Taxpayers are unwilling to fund these projects because the benefits they provide do not directly affect the average person.

Ronald Harriman, Chairman of the Concerned Citizens of Canyon County, **Darl Bruner**, member of the Concerned Citizens of Canyon County, and **Hubert Osborne** testified in support of **H 474**. They didn't want so few people making major decisions for the entire county. They voiced concerns about how excessive debt increases already high property taxes and said the people would vote in favor of those things which would be a benefit to their community.

Russ Hendrichs, Idaho Farm Bureau, spoke in support of **H 474** as he believes it is unconstitutional to get into large amounts of debt without voter approval. He said long term debt has the same effect on taxpayers no matter how it is incurred. The buildings are for the people; if the people oppose it then it isn't actually for their benefit.

In response to questions about the constitutionality of long term leases, **Mr. Hendrichs** said it moves away from the spirit of the law if not the letter.

Vici Purdy, Adams County Commissioner, also spoke in support of **H 474** as it is good for transparency and it prevents smaller counties from entering into agreements they won't be able to uphold.

In response to questions, **Rep. Skaug** said he had received no formal response from the Association of Counties either against or in support of this legislation. Additionally, he explained the change he seeks to make to **H 474** is to change the effective date from July 1, 2022 to January 1, 2023 in order to give Nez Perce county time to complete a project they currently have in the works.

MOTION: **Rep. Galloway** made a motion to **HOLD H 474** in committee.

Rep. Berch said, based on the testimony, municipalities need this tool so he is opposed to **H 474**.

Rep. Nate spoke in support of **H 474**. He said the arguments against were based on a lack of trust in voters to know what is best for their communities.

Rep. Weber said it isn't about not trusting the public but rather trusting in the people elected to represent the public.

SUBSTITUTE MOTION: **Rep. Clow** made a motion to **HOLD H 474** in committee at the call of the chair. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:39pm.

Representative Mendive
Chair

Emily Huddleston
Secretary