

MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

- DATE:** Tuesday, March 24, 2015
- TIME:** 1:30 PM or Upon Adjournment
- PLACE:** Room EW05
- MEMBERS:** Chairman Luker, Vice Chairman Sims, Representatives Barbieri, Perry, Clow, Horman, Malek, Collins, Cheatham, Loertscher, Redman, Kloc, McCrostie, Nye
- ABSENT/
EXCUSED:** Representative(s) Horman, Barbieri
- GUESTS:** Jeff Kunz, City of Eagle; Jim Reynolds, City of Eagle; Ryan Armbruster, Redevelopment Association
- Chairman Luker** called the meeting to order at 2:42 PM.
- MOTION:** **Rep. Sims** made a motion to approve the minutes of March 6, 2015. **Motion carried by voice vote.**
- MOTION:** **Rep. Sims** made a motion to approve the minutes of March 10, 2015. **Motion carried by voice vote.**
- MOTION:** **Rep. Sims** made a motion to approve the minutes of March 12, 2015. **Motion carried by voice vote.**
- H 303:** **Jesse Taylor**, Legislative Advisor for Gem State Consulting, presented to the committee **H 303**. He said this legislation requires an expert assessment from an architect, engineer or qualified third-party when blight is cited as a cause for condemnation. These findings must be turned over to the property owner who will be given 90 days to remedy the blight before eminent domain is used. This bill adds fundamental property rights protection to the process. He said eminent domain is often used as a hammer to force a property owner to sell or dispense of property.
- In response to a question, **Mr. Taylor** said the language "but need not be limited to" references other provisions needed to assert the power of eminent domain.
- Ryan Armbruster**, an attorney for Elam & Burke and representing the Redevelopment Association of Idaho, testified **in opposition to H 303**. He said the statute does not impact a public entities right to acquire property by eminent domain for public facilities, rights-of-ways, streets, or utilities. The limitations under this subsection applies to those acquisitions where the property will ultimately be disposed for a private purpose. The statute allows for port districts, housing authorities, and urban renewal agencies to invoke eminent domain for economic development for future disposition only if it meets certain criteria, such as risk to human health, conditions of crime, and threat to building occupants. These burdens are difficult for the urban renewal agencies to meet and are reviewable by the court.
- Mr. Armbruster** said they oppose this bill because the proposed new text raises more questions and provides little guidance. He believes this issue would be more appropriately dealt with by the Urban Renewal Interim Committee which was recently proposed by the Local Government Committee. In response to a question, he said a court order is required before property ownership changes title.
- Mr. Taylor** closed the debate on this legislation. He said every precaution should be taken to protect the property owner. It should not be an easy process to obtain their property. A defined list of complaints against the property should be given to a property owner with the chance to fix the concerns before the property is taken.

MOTION: **Rep. Sims** made a motion to send **H 303** to the floor with a **DO PASS** recommendation.

Rep. Nye invoked Rule 38 stating a possible conflict of interest because he represents cities in his profession and has a family member who is a city council member. He indicated he would be voting on the motion.

SUBSTITUTE MOTION: **Rep. Clow** made a substitution motion to **HOLD H 303** in committee.

In clarification of questions raised, **Rep. Luker** said the language "but need not be limited to" serves as a protection for the parties. It does not limit what evidence can be presented, but set the minimum qualifications.

VOTE ON SUBSTITUTE MOTION: **Substitute motion failed by voice vote.**

VOTE ON ORIGINAL MOTION: **Rep. McCrostie** requested a roll call vote. **Motion carried by a vote of 8 AYE, 4 NAY, 2 Absent/Excused. Voting in favor of the motion: Reps. Luker, Sims, Perry, Malek, Collins, Cheatham, Loertscher, and Redman. Voting in opposition to the motion: Reps. Clow, Kloc, McCrostie, and Nye. Reps. Barbieri and Horman were absent/excused. Rep. Moyle will sponsor the bill on the floor.**

Chairman Luker recognized house page **Alexa Snooks** for her outstanding service to the committee.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 3:22 PM.

Representative Luker
Chair

Francoise Cleveland
Secretary