

House Local Government Committee

Minutes
2006



MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: January 18, 2006

TIME: 1:30 pm

PLACE: Room 408

MEMBERS: Chairman Barrett, Vice Chairman Bayer, Representatives Collins, Bradford, Clark, Chadderdon, Henderson, Kemp, Pasley-Stuart, Boe

**ABSENT/
EXCUSED:** Representative Collins

GUESTS: Bob Meinen, Director, Idaho Parks and Recreation; Dave Ricks, IDPR; and Dean Sangrey, IDPR

Vice Chairman Bayer called the meeting to order at 1: 35 pm.

A video "Experience Idaho" was presented by **Bob Meinen, Director of the Idaho Parks and Recreation Department**. The goal of the statewide *Experience Idaho* initiative is to fund needed improvements within Idaho's State Parks that will preserve Idaho's public spaces, provide economic assistance to local communities and benefit the citizens of Idaho by expanding recreational possibilities and enriching visitor experiences within Idaho's State Parks. A booklet on this initiative was also presented the committee members. The question was asked where the funding came from for the video and printed brochure and **Mr Meinen** pointed out it was paid for by the Idaho Foundation for Parks and Lands.

As Idaho's population expands and diversifies, recreation areas that accommodate changing interests and growing communities must be created and maintained. Initiatives such as *Experience Idaho*, that are based on strategic partnerships with multiple stakeholders, help to create an atmosphere that values the many diverse uses of these unique areas, ensuring that all of our state's residents and visitors will be able to continue to enjoy a love affair with Idaho's State Parks for years to come.

Rep Clark said he did not see Farragut State Park, which is in his district, on the list and, because of that, he would not vote for this initiative. Mr Meinen responded that there were improvements being made to Farragut State Park in the form of new camp units being built but before much more can be done they need to work on some of the sewage and water problems.

The committee had several pertinent and probing questions in regards to this initiative, such as whether a business plan has been prepared; where is the money to come from; how will future maintenance be paid for; and what would be the time line for implementation.

It was further pointed out that, even though this presentation is being made to all the House Committees, the funding decision would be made by the Joint Finance and Appropriations Committee.

ADJOURN:

Chairman Barrett thanked Director Meinen for an informative presentation; and pointed out that, although the subject may not be germane to the Local Government Committee, each member now has information involving expenditures of tax dollars and will ultimately vote on budget appropriations.

There being no further business, the meeting was adjourned at 2:32 pm.

Representative Lenore Barrett
Chairman

Barbara Allumbaugh
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: January 24, 2006

TIME: 1:30 pm

PLACE: Room 408

MEMBERS: Chairman Barrett, Vice Chairman Bayer, Representatives Collins, Bradford, Clark, Chadderdon, Henderson, Kemp, Pasley-Stuart, Boe

**ABSENT/
EXCUSED:**

GUESTS: Tim Greeley, Idaho Transportation Department; Dan Chadwick, Idaho Association of Counties; Kelci Karl, Idaho Association of Counties; and Ken Harward, Association of Idaho Cities; Leon Duce, Association of Idaho Cities

The meeting was called to order by Chairman Barrett at 1:31 pm.

MINUTES **Rep Chadderdon** moved that the minutes of the meeting of January 18, 2006, be approved as written.

VOTE **ON A VOICE VOTE THE MOTION CARRIED.**

RS 15675 **Rep Barrett** presented this legislation which is proposing an amendment to Section 14, Article I, of the Constitution of the State of Idaho, relating to Right of Eminent Domain, to provide that economic development shall not be used as a reason for any authorized governmental entity to exercise the power of eminent domain and to provide a definition of "economic development"; stating the question to be submitted to the electorate; directing the legislative council to prepare the statements required by law; and directing the Secretary of State to publish the amendment and arguments as required by law.

She feels this is important enough that it should be part of the constitution and that by proposing a constitutional amendment, the people can decide if they, too, want it a part of the constitution.

MOTION: **Rep Clark** moved that **RS 15675 be introduced for print.**

VOTE **ON A VOICE VOTE THE MOTION CARRIED.**

Ken Harward, Executive Director of the Association of Idaho Cities, gave a brief overview of his Association. There are 200 cities incorporated in the state, the smallest consisting of 10 people, and the largest just under 200,000, but there is still a lot of rural area in Idaho. Two-thirds of the citizens of Idaho live within the city limits.

The AIC provides training and technical assistance for the cities. They put on workshops and training conferences. Mr Harward brought copies of two CD's for each member of the committee. One CD contained copies of the

manuals that are provided the cities on Accounting, Budget, Campaign Disclosure, Elections, Financial Strategies, Judges and Clerks, Personnel, Municipal Guidebook, and Public Notification. The second CD covers the Planning and Zoning function down to a specific instance.

They have gone through the Idaho Code and have placed all the pertinent information in these manuals for city use.

Some clarification is needed covering appointment of city officers. It is not clear in the law who approves these appointments. Duration of these appointments is not consistent and can lead to some problems when it is time for a person to leave. They are working on legislation in this area.

They are working on clarification in state law in regards to fireworks. It does not make anything illegal that is now legal.

Another area of concern is liquor licences. They are now issued on the basis of population, one for every 1600 people. These licenses are being sold for very high sums of money and legitimate businesses that want one are not able to get one.

Rep Barrett asked how we got to this point with liquor licenses? Mr Harward responded that years ago, Idaho wanted to be a controlled state. Because of that, the law stated there would be one license for every 1600 people. Since then, there have become some very strange boundaries for cities.

Rep Henderson asked if the AIC had taken a position on eminent domain. Mr Harward replied he had not seen the legislation, but the AIC and cities are in support of clarifying eminent domain.

Dan Chadwick, Executive Director of the Idaho Association of Counties, said that, where two thirds of the citizens of Idaho live in cities, one hundred percent of the citizens live in counties. He stated his association's role is similar to that of the Association of Idaho Cities.

He named his staff and advised the committee that Maggie Colwell is now a stay at home mother and has been replaced with Kelci Karl as Policy Analyst.

He does not have any legislation for this committee this year. If there is something that comes before this committee that the IAC has an interest in, he will appear before this committee.

He said one of the major roles of counties was to administer all state laws. They do not have a choice in implementation. For instance, there is a big hammer if counties fail to comply with the market value laws in regard to property assessments. Other monies can be withheld from the counties. The first year a county has been found in noncompliance, they would have to do a compliance plan and file with the State Tax Commission.

If found in noncompliance a second year, the State Tax Commission can withhold sales tax monies from all entities in the county.

Mr Chadwick stated that the Rural Homestead Exemption is the most abused

exemption there is and is not being used as it was intended. Something must be done with this exemption to fix it.

Counties would like to control spending, but are not given a lot of room to move in that regard. They have an interest in community colleges. Counties now have an obligation to pay up to \$3000 lifetime or \$500 per semester, for their students attending a community college. He does not know how to pay for this unless the law is changed about who would be responsible for new growth in community colleges.

When asked what position his Association would assume on these issues, he said on the ones they like they will actively support and aggressively argue against those they do not like.

The question was asked if mandates were part of the counties' problems. Mr Chadwick responded that, if there were no mandates, there probably would not be a need for counties. They exist to carry out laws that are established covering counties.

ADJOURN:

There being no further questions or further business, the meeting was adjourned at 2:31 pm.

Representative Lenore Barrett
Chairman

Barbara Allumbaugh
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: January 26, 2006

MEMBERS: Chairman Barrett, Vice Chairman Bayer, Representatives Collins, Bradford, Clark, Chadderdon, Henderson, Kemp, Pasley-Stuart, Boe

**ABSENT/
EXCUSED:** Representative Bradford

GUESTS: Monty Prow, Idaho Dept Juvenile Corrections; Brent Reinke, Director, Idaho Dept Juvenile Corrections; Winny Chao, Intern; Kailey Bunch, Intern; Marly Durand, ACLU; Christene Pappus, Shelly Edдерud and Scott Grant

Chairman Barrett called the meeting to order at 1:31 pm.

MINUTES **Rep Henderson** moved that the minutes of January 24, 2006, be approved as written.

VOTE **ON A VOICE VOTE THE MOTION CARRIED.**

Brent Reinke, Director of the Idaho Department of Juvenile Corrections, gave a presentation on its role in the juvenile justice and criminal justice systems.

Mr Reinke is Chairman of the Idaho Criminal Justice Commission, appointed by the Governor. The Commission consists of 23 members whose purpose is to provide policy-level direction related to the State's criminal justice system. Members of the Commission have been selected from the Executive, Legislative and Judicial branches of the government, from professional organizations as well as three citizens.

Chief Justice Schroeder, in his State of the Judiciary address said the Governor's Criminal Justice Commission has waded into the most difficult current problems affecting public safety and the criminal justice system.

The Commission was put in place the latter part of 2005 and looks to have about 6 meetings during 2006. Mr Reinke looks for good policy direction to be coming out of the Commission within the next few years. They are trying to develop new and better ways to communicate.

After an extensive review of the most significant criminal problems facing Idaho, the Commission recommended working on four major areas, sex offenders, methamphetamine, gangs and prison population growth. Sex offenders, methamphetamine and gangs are all local government issues. The Commission will be bringing some recommendations to the legislature next year.

The methamphetamine goals and strategies were taken from the National Association of Counties and have been developed Idaho specific.

As far as the prison population goes, there is no silver bullet and there are

many facets in how to control.

Rep Barrett asked what constitutes a high risk sex offender. The response was that there is a sex offender board that classifies the categories. A good evaluation for sex offenders costs about \$1200.00. Under goals, the term "front end" and "back end" assessment system is used. The terminology "commitment" and "release" might be more appropriate terms.

As far as gangs go, the problem is social and Mr Reinke does not think government can fix it. The legislature has said they want parents accountable and one way of doing this is financial. The Commission is not trying to solve the problem, but is trying to help the family solve the problem.

The Commission is relatively new and wants to become a low income, high impact agency.

When asked if gangs were responsible for the majority of methamphetamine use and trafficking, Mr Reinke said he could not, in all honesty, say that. He has a CD available on methamphetamine if any member of the committee was interested in seeing it. He feels that education is critical in fighting methamphetamine. The younger a person is found using and can be placed in rehabilitation, the better chance there is of helping them.

Rep Barrett thanked Mr Reinke for his presentation and stated the better informed a legislator is on issues, he or she can make better informed decisions.

Rep Chadderdon introduced some special guests she had in the meeting who are members of an organization she belongs to called the "3C,s", or Cancer and Community Charities. This is a group of women who all have different interests but one common goal in that they are committed to raising funds to fight cancer and to assist with other worthwhile needs in the local community.

ADJOURN: There being no further business, the meeting was adjourned at 2:25 pm.

Representative Lenore Barrett
Chairman

Barbara Allumbaugh
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: February 6, 2006

TIME: 1:30 pm

PLACE: Room 408

MEMBERS: Chairman Barrett, Vice Chairman Bayer, Representatives Collins, Bradford, Clark, Chadderdon, Henderson, Kemp, Pasley-Stuart, Boe

**ABSENT/
EXCUSED:** Rep Clark

GUESTS: Lee Staker and Dave Radford

The meeting was called to order by Chairman Barrett at 1:37 pm

MINUTES It was moved by **Rep Pasley-Stuart** that the minutes of January 26, 2006, be approved as written.

VOTE **ON A VOICE VOTE THE MOTION CARRIED.**

RS 15587C1 **Rep Kemp** presented this proposed legislation which will amend Idaho Code 50-609 in order to enable mayors to call on residents to aid in enforcing laws. This was brought to the attention of Rep Kemp by a female candidate for Mayor of Garden City who pointed out that this Statute, which lists Mayor's responsibilities and duties, read "to call on every male inhabitant resident". The candidate questioned why only males could be called on, as opposed to a man or woman.

Though there are areas throughout the entire code that need to be gender corrected, legislative services has determined they will not take on this task right now, but will correct when new legislation is written.

Rep Henderson asked why 21 years was used when 18 years of was legal for many other things. This legislation was written in the 60's and age 21 was reflective of that period of time.

MOTION: **Rep Boe** moved that **RS 15587C1** be introduced for print.

VOTE **ON A VOICE VOTE THE MOTION CARRIED.**

RS 15880 **Rep Loertscher** presented this legislation which allows counties to expand the district health boards to provide a minimum and maximum number of members for boards of trustees for district boards of health and to revise terms of office for organization purposes.

For those districts comprised of less than eight counties, the district board of health shall consist of not less than seven (7) or more than nine (9) members. For districts comprised of eight counties, the district board of health shall consist of not less than eight (8) or more than ten (10) members. The legislation further provides for staggered appointment terms in order that

members terms shall not all expire at the same time.

MOTION **Rep Bayer** moved that **RS 15880 be introduced for print.**

VOTE **ON A VOICE VOTE THE MOTION CARRIED.**

ADJOURN: There being no further business, the meeting was adjourned at 1:55 pm.

Representative Lenore Barrett
Chairman

Barbara Allumbaugh
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: February 10, 2006

TIME: 1:30 pm

PLACE: Room 408

MEMBERS: Chairman Barrett, Vice Chairman Bayer, Representatives Collins, Bradford, Clark, Chadderdon, Henderson, Kemp, Pasley-Stuart, Boe

**ABSENT/
EXCUSED:** Rep Clark and Rep Henderson

GUESTS: Leonard Hill, ITD

The meeting was called to order by Chairman Barrett at 8:40 am.

MINUTES It was moved by **Rep Collins** that the minutes of February 6, be approved as written.

VOTE **ON A VOICE VOTE THE MOTION CARRIED.**

RS 15925 **Rep Harwood** presented this legislation which is to allow the cities who are affected by decisions made by the Basin Commission to have a representative of the cities on the Basin Commission, giving them an equal vote on said Commission. The Basin Commission was appointed in the year 2000 and takes care of the superfund site. The original selection of the Committee neglected to include a city member. Cities only get input during the public hearings, but most everything the superfund does impacts the city.

MOTION: **Rep Boe** moved that **RS 15925 be introduced for print.**

VOTE **ON A VOICE VOTE THE MOTION CARRIED.**

RS 15989 **Rep Jacquet** presented this legislation which will amend the charter of the City of Bellevue to provide for the election dates and election procedures to be as set forth in the general laws of the State of Idaho applicable to election of city officials. **Rep Jacquet** said that Bellevue was Idaho's first charter city before city election laws were promulgated. They want to move their city election from the first Monday in April to the first Tuesday in November to be consistent with other cities in the state.

MOTION **Rep Kemp** moved that **RS 15989 be introduced for print.**

VOTE **ON A VOICE VOTE THE MOTION CARRIED.**

RS 16015 **Rep Barrett** presented this legislation which is to provide exemption from taxation for the speculative portion of the value of each parcel of land in a rural home site development plat until such time as improvements are being built upon the parcel, or any interest in the ownership of the parcel is sold or transferred to an unrelated entity and to provide definitions. She stated this

legislation was not germane to this committee, but, after print, would be sent to the Revenue and Taxation Committee.

MOTION **Rep Kemp** moved that **RS 16015 be introduced for print.**

VOTE **ON A VOICE VOTE THE MOTION CARRIED.**

RS 15986 **Rep Barrett** presented this legislation which is proposing an amendment to the Constitution of the State of Idaho, relating to Right of Eminent Domain, to clarify and to provide that the taking of private property for the use, transfer to, or benefit of other private parties is hereby expressly declared not to be a public use for which eminent domain is authorized except for such uses necessary to the complete development of the natural material resources of the state as specified in the first paragraph of Section 14, Article I, of the Constitution of the State of Idaho, or to provide public utilities; stating the question to be submitted to the electorate and directing the Secretary of State to publish the amendment and arguments as required by law.

She said there is not as much heard in the statehouse about eminent domain as there is in the local communities. There were attorneys that got involved in the first Joint Resolution that this committee had printed and felt it was too broad. This legislation changes the language and will more directly address the Kelo situation.

MOTION **Rep Collins** moved that **RS 15986** be introduced for print.

VOTE **ON A VOICE VOTE THE MOTION CARRIED.**

ADJOURN: There being no further business, the meeting was adjourned at 8:55 am.

Representative Lenore Barrett
Chairman

Barbara Allumbaugh
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: February 14, 2006

TIME: 1:30 pm

PLACE: Room 408

MEMBERS: Chairman Barrett, Vice Chairman Bayer, Representatives Collins, Bradford, Clark, Chadderdon, Henderson, Kemp, Pasley-Stuart, Boe

**ABSENT/
EXCUSED:**

GUESTS: Steve Scanlin, Central District Health and Sharon Kovach, DHW

Chairman Barrett called the meeting to order at 1:33 pm.

MINUTES **Rep Kemp** moved that the minutes of February 10, 2006 be approved as written.

VOTE **ON A VOICE VOTE THE MOTION CARRIED.**

H 558 **Rep Loertscher** presented this legislation which will allow counties to expand the District Health Boards to accommodate the provision of a medical professional on the board. It further allows for a rotational schedule of appointments so all member terms would not expire at the same time. This would not make it mandatory to expand boards, but would allow counties to put a doctor on the board if they so desire. Many small counties may not even have a doctor to put on the board and current statute states that one member of the board, if available to serve, shall be a doctor. Rep Loertscher stated that at least one of the counties involved in the health district no doubt would have a doctor, but in appointing one, that county would give up a county commissioner spot, and the county would not be represented. Each county jealously guards their position on the board, and want this position held by a commissioner for purposes of budgets. This legislation would give them the flexibility to accept a professional on the board.

Steve Scanlin, a member of the Central Health District Board and a Trustee on the State Board of Health, said it was untrue that the county would not be represented by appointing a physician to the board. The physician would represent the county he is from. He said his district has had no chance to study this legislation and feels it does not solve the problem and is, in fact, a personal bill. This legislation came up very suddenly and they have not had an opportunity to look at all the ramifications. He does not feel there is time in this legislative session to bring all district health organizations on board and either support or rewrite this piece of legislation.

There were letters received by some members of the committee from the North Central, Panhandle, Southwest and Southeastern District Health Departments opposing this legislation. Their objection centered around the fact this legislation was sponsored by

one county in eastern Idaho and there had not been an opportunity for a thorough discussion between their members, the seven Boards of Health, or the Trustees. They would like the opportunity to have a comprehensive review of the potential impact this legislation will have on all Health Districts.

MOTION: **Rep Clark** moved that **H 558 be HELD in committee**. He felt the current statute was adequate and called for a physician on the board. He further stated there would more than likely be a physician available to serve from at least one county in the counties involved in each Health District.

Rep Henderson said he would support the motion. The current statute further reads that no more than one member of the board shall be appointed from any professional or special interest group. He felt a board made up entirely of County Commissioners could be considered a special interest group.

SUBSTITUTE MOTION **Rep Bayer** made a substitute motion that **H 558 be HELD in committee subject to the discretion of the chair**.

Rep Clark stated he was opposed to the substitute motion. He thinks the present law is working well. His motion to hold this particular legislation would bring an end to it for this session. If anyone wants to, they could yet present a new RS for consideration.

VOTE ON SUBSTITUTE MOTION **ON A ROLL CALL VOTE, THE SUBSTITUTE MOTION FAILED.**

3 Ayes - Representatives Bayer, Kemp and Barrett

7 Nays - Representatives Collins, Clark, Bradford, Chadderdon, Henderson, Boe and Pasley-Stuart

VOTE **ON A ROLL CALL VOTE, THE MOTION TO HOLD H 558 PASSED**

10 Ayes - Representatives Bayer, Collins, Clark, Bradford, Kemp, Chadderdon, Henderson, Boe, Pasley-Stuart and Barrett

H 559 **Rep Kemp** presented this legislation which will enable mayors to call on residents to aid in enforcing laws. Mayors can presently do this by statute, but this particular legislation came about when a female candidate for Mayor in Garden City read the current statute and noticed that it read "the mayor is hereby authorized to call on every male inhabitant...". This legislation is changing the wording from "every male" to resident.

The Association of Idaho Cities supports this legislation.

MOTION **Rep Boe** moved that **H 559 be sent to the floor with a DO PASS recommendation**.

VOTE **ON A VOICE VOTE THE MOTION CARRIED.**

Rep Kemp will sponsor this legislation.

ADJOURN: There being no further business, the meeting was adjourned at 2:08 pm.

Representative Lenore Barrett
Chairman

Barbara Allumbaugh
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: February 22, 2006

TIME: 1:30 pm or upon adjournment

PLACE: Room 408

MEMBERS: Chairman Barrett, Vice Chairman Bayer, Representatives Collins, Bradford, Clark, Chadderdon, Henderson, Kemp, Pasley-Stuart, Boe

**ABSENT/
EXCUSED:** Representative Clark

GUESTS: Mike Kane, ICRMP; Jess Byrne, Idaho DEQ; and Matt Ellsworth, Helcla

Chairman Barrett called the meeting to order at 2:15 pm.

MINUTES It was moved by **Rep Bradford** that the minutes of February 14, 2006 be approved as written.

VOTE **ON A VOICE VOTE THE MOTION CARRIED.**

H 656 **Rep Harwood** presented this legislation which is to allow the cities who are affected by the decisions made by the Basin Commission to have a representative of the cities on the Basin Commission, giving them an equal vote on said Commission. The cities have no representation on the Commission at this time and, even though affected by decisions of the Commission, only have input when these decisions are up for public hearing. **Rep Harwood** also presented an amendment to the legislation which spells out provisions in the event of a tie vote.

The question was asked about the necessity of the amendment. The Commission currently has five Commission members so there would be no tie votes. With the addition of a sixth voting member, the amendment provides that, in the event of a tie vote, the measure shall fail.

A copy of a letter was given to each committee member from Mac Pooler, Mayor of the City of Kellogg supporting this legislation. He feels it is important that communications between the cities and the other agencies on the Commission be accomplished.

Matt Ellsworth of Helcla stated there is no other Commission like this in the United States. He supports this legislation. He stated local cities have felt the importance of having a representative on the Commission. Mr Ellsworth was employed by Senator Crapo at the time the original Commission was formed.

MOTION: **Rep Bradford** moved that **H 656 be reported back with Amendments attached to be placed on General Orders for consideration.**

VOTE **ON A VOICE VOTE THE MOTION PASSED. Rep Harwood** will sponsor

this legislation.

S 1315

Mike Kane, Idaho Counties Risk Management Program, presented this legislation which is to delete reference in Idaho Code Section 31-814 to capping the amount of funds a self-insurance risk program uses to insure counties against liability claims at ten million dollars. Capping the amount of surplus or reserves of a self-insurance pool is contrary to reasonable insurance practices.

Mr Kane said there are about 600 entities that have banded together to be self-insured. The ICRMP is structured like an insurance company and regulated like insurance companies. This legislation is found in the County Commissioner's Code.

At the time legislation allowed Ada County to become self-insured, a ten million dollar cap was put on the fund balance. No other insurance entity is bound by this same restriction.

The question was asked whether removing the cap would allow the ICRMP to expend all the funds. Mr Kane said removing a cap will not mean they can or will expend the money. They will still carry a fund balance which will, more than likely, be invested as other insurance companies do. The Department of Insurance oversees the ICRMP and they have to abide by the same rules and are regulated the same as other insurance companies.

MOTION

Rep Henderson moved that **S 1315 be sent to the floor with a DO PASS recommendation.**

Rep Kemp stated she would prefer that the wording "...with a fund balance which may be carried over from year to year..." be left in the Statute, however, she would not recommend sending this legislation to the amending order to accomplish that. Other members felt the legislation was adequate with that language being removed.

VOTE

ON A VOICE VOTE THE MOTION CARRIED. **Rep Bayer** will sponsor this legislation.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 2:45 pm.

Representative Lenore Barrett
Chairman

Barbara Allumbaugh
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: February 28, 2006

TIME: 1:30 pm

PLACE: Room 408

MEMBERS: Chairman Barrett, Vice Chairman Bayer, Representatives Collins, Bradford, Clark, Chadderdon, Henderson, Kemp, Pasley-Stuart, Boe

**ABSENT/
EXCUSED:** Representative Boe

GUESTS: Leon Duce, AIC and Don Munkers, Idaho Rural Water Association

Chairman Barrett called the meeting to order at 1:33 pm.

MINUTES **Rep Kemp** moved that the minutes of February 22, 2006, be approved as written.

VOTE **ON A VOICE VOTE THE MOTION CARRIED.**

S 1383 **Sen McKenzie** presented this legislation which eliminates the requirement that water and sewer districts must file with the district court documents of petition and publication of notices of board determination regarding inclusions of land within a district.

When an individual petitions the board for inclusion in the district, the board must hire an attorney to handle the petition, court filing and publications. This legislation will eliminate that need and save the water and sewer districts money from having to hire an attorney.

MOTION: **Rep Collins** moved that **S 1383 be sent to the floor with a DO PASS recommendation**

VOTE **ON A VOICE VOTE THE MOTION CARRIED.**

H 724 **Rep Clark** presented this legislation which, he said, corrects an issue which was part of S1201 that he carried on the floor in 1999, allowing members of governing boards to testify at planning and zoning commissioner hearings on matters of interest to them, provided they acknowledged that, due to a conflict of interest, they will not participate in the board's decision regarding such matters.

Allowing this to happen brings up the question of how you can be a planning and zoning commissioner, also work for a developer, testify and promote a developer issue, then recuse yourself from voting. This becomes a conflict of interest and this legislation removes the language that allows a member with a conflict of interest to testify or present evidence after acknowledging nonparticipation in the matter due to a conflict of interest.

This legislation only affects planning and zoning because it is in the Local

Land Use Planning statute. **Rep Henderson** stated this legislation would remove a bone of contention that exists today in the above mentioned situations.

MOTION **Rep Clark** moved that **H 724 be sent to the floor with a DO PASS recommendation.**

VOTE **ON A VOICE VOTE THE MOTION CARRIED.**

ADJOURN: There being no further business, the meeting was adjourned at 1:45 pm.

Representative Lenore Barrett
Chairman

Barbara Allumbaugh
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: March 2, 2006

TIME: 1:30 pm

PLACE: Room 408

MEMBERS: Chairman Barrett, Vice Chairman Bayer, Representatives Collins, Bradford, Clark, Chadderdon, Henderson, Kemp, Pasley-Stuart, Boe

**ABSENT/
EXCUSED:**

GUESTS: Dennis Tanikuni, Idaho Farm Bureau; Rep Ken Andrus; and Mike Webster, Idaho Cattle Association

Chairman Barrett called the meeting to order at 1:33 pm

MINUTES: **Rep Collins** moved that the minutes of February 28, 2006, be approved as written.

VOTE: **ON A VOICE VOTE THE MOTION CARRIED.**

H 735 **Rep Ken Andrus** presented this legislation which amends the definition of "deteriorated area" and "deteriorating area" in Idaho Code 50-208 to assure that an agricultural operation will not be determined to be a deteriorated or deteriorating area; which, in turn, would allow a viable agricultural operation to be taken by eminent domain. The proposed legislation would allow an agricultural operation to be declared deteriorated or deteriorating only if the agricultural operation was in non-use for three consecutive years.

H 555, eminent domain legislation, gave some exceptions where eminent domain could be exercised. This legislation deals with blighted areas so eminent domain cannot be exercised too easily, as it applies to an agricultural operation.

An example of what might happen is perhaps a lambing operation. Lambing is done in the early spring and by late fall the sheep have been moved to higher ground allowing the appearance of a blighted condition at the original site, for instance, weed growth. The property cannot be taken by eminent domain for three years, unless the owner wants to sell. The addition of the amendment would allow that to happen.

Rep Kemp was unclear as to the wording in the amendment and how it would accomplish what Rep Andrus was explaining.

Stan Boyd, Idaho Cattle Association, attempted to explain how the original legislation would not allow an owner to sell if he wanted, but the addition of the language in the amendment would.

Rep Kemp said she would rely on the language being appropriate to

accomplish what was intended. She did point out there was a typographical error in the Statement of Purpose on the amendment. This will be corrected.

Rep Clark stated this legislation is not a “trailer bill” as written in the Statement of Purpose. This legislation is in a different part of the statute and stands on its own.

MOTION: **Rep Clark** moved that **H 735 be sent to the floor with a DO PASS recommendation.** **Rep Bayer** pointed out this legislation had an amendment attached and that motion was incorrect.

Rep Clark corrected his motion and moved that **H 735 be reported back with amendments attached to be placed on General Orders and that the Statement of Purpose be corrected to eliminate reference to this being a “trailer bill” to H 555.**

VOTE: **ON A VOICE VOTE THE MOTION CARRIED.**

ADJOURN: There being no further business, the meeting was adjourned at 1:50 pm.

Representative Lenore Barrett
Chairman

Barbara Allumbaugh
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: March 6, 2006

TIME: 1:30 pm or upon adjournment

PLACE: Room 408

MEMBERS: Chairman Barrett, Vice Chairman Bayer, Representatives Collins, Bradford, Clark, Chadderdon, Henderson, Kemp, Pasley-Stuart, Boe

**ABSENT/
EXCUSED:** Representative Clark and Representative Boe

GUESTS:

Chairman Barrett called the meeting to order at 2:15 pm and announced there would be no business was conducted at this meeting.

Russ Hendricks, Idaho Farm Bureau Federation gave a power point presentation on "The Benefits of Clean Burning Idaho Grown Fuels"

There is currently a piece of legislation, **S 1364**, which has passed the Senate and is now in the House Environment, Energy and Technology Committee that will create a new section of Idaho Code to implement a renewable fuel standard once Idaho is producing 30 million gallons of ethanol.

Mr Hendrick's presentation was presented to inform the committee on renewable fuels, reasons for renewable fuels, and to answer any questions committee members might have.

There are three main reasons to support the renewable fuel standard. Rural Economic Development, Improved Air Quality and Reduced Reliance on Imported Fuel.

Rural economic development would be the result of another market for local farmer's crops, more good paying production jobs and support service jobs in rural areas of the state, more than \$100 million in capital investment, additional local property taxes and state income taxes and improved local economic activity.

Improved air quality would result in a possible 30% reduction in carbon monoxide, up to 50% reduction in PM2.5, a 25% reduction in benzene, a known carcinogen and a 21% reduction in total toxic emissions.

Reduced reliance on imported fuel would be the result of increasing our fuel supply, keeping Idaho dollars in Idaho and providing a measure of protection against the possibility of a natural disaster disrupting our fuel supplies.

Mr Hendricks then responded to questions from committee members.

ADJOURN: There being no further business to come before the committee, the

meeting was adjourned at 2:50 pm.

Representative Lenore Barrett
Chairman

Barbara Allumbaugh
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: March 8, 2006

TIME: 1:30 pm

PLACE: Room 408

MEMBERS: Chairman Barrett, Vice Chairman Bayer, Representatives Collins, Bradford, Clark, Chadderdon, Henderson, Kemp, Pasley-Stuart, Boe

**ABSENT/
EXCUSED:**

GUESTS: Jim Phillips, Attorney, City of Bellevue; Gary Gould, Westerberg & Assoc; Mel Goodson, Parma Fire District; Paul Epperson, Parma Fire District; Bruce Alcott, Idaho Fire Chiefs Assoc; Karl Mallott, Professional Fire Fighters of Idaho; Mark Larson, State Fire Marshal; and Howard Neels, Evergreen Rural Fire District

Chairman Barrett called the meeting to order at 2:40 pm.

MINUTES **Rep Collins** moved that the minutes of March 2, 2006 and the minutes of March 6, 2006, be approved as written.

VOTE **ON A VOICE VOTE THE MOTION CARRIED.**

H 657 **Rep Jaquet** asked that this bill be held in committee as it needed some additional corrections and has been rewritten.

MOTION: **Rep Boe** moved that **H 657** be **HELD** in committee.

VOTE **ON A VOICE VOTE THE MOTION CARRIED.**

H 758 **Rep Jaquet** presented this legislation which will align the City of Bellevue's election dates and election procedures with those of other cities in Idaho. It further provides for quorum requirements and requirements for passage of ordinances, resolutions and other questions. Rep Jaquet then deferred to Him Phillips.

Jim Phillips, Attorney for the City of Bellevue, stated that Bellevue was chartered in 1883 and is the only chartered city in Idaho. There is a need to change the Bellevue charter to put it more in align with the other cities in the state. By the statute of the original charter, elections for city officers are held the first Monday in April in every year and officers assume their elective offices the first of May. Even though there is adequate advertising, people are not thinking of elections in April and, as a result, many do not vote. This legislation will place the elections on Tuesday, following the first Monday of November in each year and make elections and procedures consistent with elections in cities in the rest of the state.

Section 54 is also amended to bring the charter completely in line with all

other cities in Idaho in regards to a quorum and the passage of ordinances, resolutions and other questions before the Council.

MOTION **Rep Chadderdon** moved that **H 758 be sent to the floor with a DO PASS recommendation.**

VOTE **ON A VOICE VOTE THE MOTION CARRIED.**

H 763 **Rep Mary Lou Shepherd** presented this legislation which clarifies the purpose and policy of the Fire Protection District statutes and clears up various code sections. These corrections are necessary because of multiple amendments that have been made to these sections of code prior to the 2006 legislative session. Fire District Commissioners have talked for many years about doing a rewrite of the Fire Protection District code.

Rep Shepherd walked the committee through the legislation. Many of the changes were a matter of renumbering and were technical with some new language added under different sections of the code.

Gary Gould, Westerberg and Associates, said this legislation is work of a committee the met last summer and fall to update the code.

Mel Goodson, Parma Fire District, said this legislation will clarify the statute covering fire districts and will help all fire district commissioners and staff.

Paul Epperson, Parma Fire District, said he was a newly elected fire commissioner and it has been frustrating for him, with all the information that needed to be absorbed. He feels they need everything clearly defined and set out for them in one place in the Idaho Code.

Rep Clark asked if any thought had been given to impact fees. Mr Epperson could not answer that question. **Rep Barrett** asked why he was bringing up impact fees when it was not a part of the legislation. **Rep Clark** said he felt it was an issue that needed to be discussed and he had already done some preliminary work with the Attorney General's office. **Rep Henderson** agreed with Rep Clark's assessment.

Rep Clark felt the chairman could appoint a subcommittee to study this issue during the summer with the idea of proposing legislation for the next session as he thinks that is a responsibility of the Local Government Committee. **Rep Barrett** again reiterated impact fees were not a part of this particular legislation, but indicated Rep Clark and Rep Henderson could pursue this at a later time if they so desired.

Bruce Alcott, Idaho Fire Chiefs, said the fire chiefs association worked very hard with the fire commissioners on this legislation. He feels it is in a usable and understandable format that will work for everyone. Prior legislation passed last year affected about a dozen fire protection districts that were subscription based, not tax based.

MOTION **Rep Clark** moved that **H 763 be sent to the floor with a DO PASS recommendation.**

VOTE

ON A VOICE VOTE THE MOTION CARRIED.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 3:20 PM.

Representative Lenore Barrett
Chairman

Barbara Allumbaugh
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: March 14, 2006

TIME: 1:30 pm

PLACE: Gold Room

MEMBERS: Chairman Barrett, Vice Chairman Bayer, Representatives Collins, Bradford, Clark, Chadderdon, Henderson, Kemp, Pasley-Stuart, Boe

**ABSENT/
EXCUSED:**

GUESTS: Ray Stark, Boise C of C; Kent Lauer, Idaho Farm Bureau; Chuck Mickelson; Steve Purvis, City of Boise; Nancy Merrill, AIC; Susan Buxton, City Attorney; Nichoel Spencer, City of Eagle; John Eaton, Idaho Association of Realtors; Jayson Ronk, Building Contractors Association; Ron Whitney, Building Contractors of SW Idaho; Bruce Chatterton, Boise City Planner; Jerry Mason, Attorney, AIC; Jeremy Pisca, Idaho Building Contractors Assoc; David Cuocio; John Brewer; Robert Johnson; Chuck Thomas, CAR; Donna Walker; Kathryn Burgess, CAR; Cindy Ries, CAR; Joe Tawney; and Morris Bastion

Chairman Barrett called the meeting to order at 1:35 pm. The Chairman welcomed everyone to the meeting. She covered the hearing process, how it works, and pointed out that other than the presenters, each person wanting to testify would be given three minutes. When their time was up she asked that they close quickly. She would allow all those wanting to testify the opportunity to do that, and pointed out that no questions would be asked of the presenters by other than the committee.

MINUTES **Rep Bradford** moved that the minutes of March 8, 2006, be approved as written.

VOTE **ON A VOICE VOTE THE MOTION CARRIED.**

H 779 **Rep Bayer** presented this legislation which repeals current Section 50-222 of the Idaho Code relating to annexation by cities, and replaces it with language that provides for annexation of adjacent territory by voluntary annexation, or annexation by request. Except when consent is obtained from those to be annexed, a city will give notice of intent to annex, hold a public hearing, and, if objection specifications are met, conduct an election in the affected area under certain conditions. Further, that a city must comply with this section before it can annex adjacent territory. This legislation will also amend Section 55-2508, Idaho Code, to delete reference to a written consent to annex.

Rep Bayer further stated that Section 50-222 of the Idaho Code is currently in the 9th Circuit of Appeals in a lawsuit that was filed by Citizens for Annexation Reform. Rep Bayer walked the committee through the bill and its provisions. Under the Seller Property Disclosure Form, found in Section 55-2508, provision 3, the question "Does the property have a written

consent to annex recorded in the county recorder's office, thus making it legally subject to annexation by the city?" has been stricken.

Rep Moyle, co-sponsor of this legislation stated this issue has been going on for a long time. A vote and property rights are what people being annexed are asking for. When you are in an impact area, you have no say in the process. Rep Moyle thinks annexation is important but wants to see it done in an orderly manner from the inside out. He believes about 95% of annexations are voluntary.

Rep Clark asked for a comparison on the changes in this bill as compared to the present statute. Is this legislation taking out all of the old section or just that part applying to forced annexations? The response was that this legislation is all new and is repealing current statute.

Ray Stark, Boise Metro Chamber of Commerce, stated that several years ago the Chamber of Commerce supported legislation to improve the annexation process and he feels that was done. Cities should grow if they can and be developed in an orderly manner. He hopes the committee will hold H 779 in committee.

Kent Lauer, Public Affairs Director, Idaho Farm Bureau Federation, said his organization supports this legislation. They feel people in a proposed annexation area should be able to decide if they want to be annexed or not at the ballot box.

Nancy Merrill, Mayor of Eagle and Legislative Chair for the Association of Idaho Cities, stated they are opposed to this legislation. Cities prepare a comprehensive plan, which includes areas of impact and delivery of services. The terminology, structure and concepts of this legislation are inconsistent with other provisions of Idaho Law. If this legislation is enacted, it would be the first time a state law would allow cities to annex outside areas of impact. She is concerned about the provision that following an failed annexation election, no further annexation ordinance affecting this territory could be proposed for a three year period. She said the Association of Idaho Cities main issue is with annexing areas outside areas of impact and the vote. She thinks there are many ways the issue of misrepresentation could be resolved, but does not think this legislation does that.

Susan Buxton, City Attorney for 20 Idaho Municipalities, said it appeared the issue this legislation is trying to work on is the area of forced annexation. The cities she represents are in various stages of long range planning and drawing up comprehensive plans, which is required by statute. She feel this legislation would penalize them.

Rep Clark asked if only 5% of annexations are forced annexations, why not have them come before the legislature and ask for permission? **Ms Buxton** did not have a good answer but wondered about the mechanism and the time frames. She said she would have to think about that.

Nichoel Spencer, Planner for City of Eagle, said this legislation is trying to solve a problem for maybe 5% of the total annexations by changing the entire process. If we want to revamp the process for annexation, she thinks that is okay, but feels this legislation is trying to solve a problem that is not

that significant, if it only covers about 5% of annexations.

Rep Henderson asked if there was a requirement for people in Ada County to disclose their property was subject to annexation in the event of a sale..

John Eaton, Idaho Association of Realtors, said the disclosure statement for buyers, which is used by Realtors, did include the statement that the property was subject to annexation. He said his organization was opposed to this legislation. Annexation is part of the Land Use Planning process. County Commissioners also vote on the areas of impact so these people do have a vote, as they vote for County Commissioners. He asked the committee to hold H 779.

Ron Whitney, Building Contractors Association of SW Idaho says his association wants to know local officials have the ability to control growth. He supports the cities and providing them with the vehicle they need for orderly growth.

Bruce Chatterton, Director of Planning and Development Services for the City of Boise, said Boise City has prepared annexation plans even before required to by law. He said cities have a lot of money invested in these plans and said this legislation would cause serious lag time in providing necessary services. He said a representative is appointed from proposed areas of impact on the Planning and Zoning Commission.

Jerry Mason, Attorney from Coeur d' Alene, represented the Association of Idaho Cities. He said in the last 50 years there have been three earth moving annexations in the State of Idaho. The norm has been to annex areas beginning to develop.

He said this legislation is not about property rights, it is about voter's rights. It is putting the decision in the hands of the tenant who may live on the owner's property, and is registered to vote. He said this legislation also limits the ability to contract. He asks that the committee hold H 779.

Rep Henderson asked if H 779, as written, is in serious conflict with the Land Use Planning Act. The answer was yes.

David Cuiou, supports this legislation. He lives in the area of southwest Boise that was forcibly annexed and stated he felt like he was left out of the process without being able to vote on it. He thinks the city people oppose this legislation because it might make their life more difficult.

John Brewer, supports this legislation. He thinks Idaho cities are the only taxing district in Idaho that can extend their boundaries without a vote. He says this is not only a Boise problem, but that forced annexations have taken place in all areas of Idaho. Some of the locations include Heyburn, Sandpoint, Rexburg, Lewiston, Nampa, Stanley, Twin Falls, Cascade and Dietrich. He said newly annexed taxpayers will be paying taxes on a city's long term debt that they had no opportunity to vote on. He further said many other cities in the country allow a vote on annexation and it does not seem to impede their growth. Oregon allows both the city residents and those in the proposed area for annexation to vote. His opinion is that most of the opposition to having a vote is to protect their vested interests in maintaining

the status quo.

Robert Johnson, supports this legislation and thinks H 779 is a very simple bill. He thinks cities have trouble balancing budgets on the income they receive, so they use annexation as a method to collect more tax money, and still can't seem to balance their budgets.

Chuck Thomas, supports this legislation and said this is a very simple issue about property owner's voting rights. Many places all over the country allow a vote. He thinks this is an excellent bill.

Donna Walker, supports this legislation. She does not think the present negotiation process works as well as it seems. What good is the process when the testimony given makes no difference. In the public hearing involving the area she lives in, everyone testified they did not to be annexed. They were annexed anyway.

Kathryn Burgess asked the committee to vote for H 779. She said the annexation law, as it is now written, takes away the property and voting rights of the citizens of Idaho.

Cindy Ries, stated she was in favor of this legislation. Her comments are attached to these minutes as Attachment A.

Joe Tawney is in favor of H 779. He said the last time annexation legislation was brought before this committee, the committee wanted to wait and see how the current legislation would work. He says it works just fine. The cities can annex any place anytime they want.

Morris Bastian, supports this legislation. He, himself, lives just out of the area of impact but talked about problems between Boise City and the Southwest Ada County annexation.

Rep Bayer does not feel everyone would vote down annexation were they given a chance to vote. He said areas of impact confuses things some times.

Rep Kemp wanted to know how you could repeal something that is involved in a lawsuit. Rep Bayer did not think this was a problem.

Rep Henderson, asked if Rep Bayer had talked to the Attorney General and Legislative Services to see if there was some way to address the issue of Boise residents and the 5% involved in forced annexation through current legislation rather than torpedoing the entire process. He further said he was very comfortable with the present status which requires cities and counties to work together. He is concerned that this legislation makes no reference to Planning and Zoning.

Rep Bayer responded there is nothing here that deals with current areas of impact.

Rep Clark asked for other examples of forced annexation in the state. **Rep Bayer** deferred to John Brewer to answer this question. **Mr Brewer** stated the list he has includes Rexburg, Sandpoint, Lewiston, Nampa, Stanley, Twin

Falls, Cascade and Dietrich.

Rep Moyle said this legislation does not preclude Planning and Zoning Commissions from doing their job. If this bill passed, one would not have to worry about disclosure statements on the sale of a home. It would not be needed with this legislation. He further thinks taxes and annexation are tied together. He says there is no way this legislation can stop growth. He thinks it will prevent enclaves. He does not see enough votes for this bill to get out of committee, but, if this committee thinks this bill can be saved, send it to General Orders and work on fixing it. It is not right if cities are forcing annexation for budget purposes.

MOTION

Rep Bayer moved that **H 779 be sent to General Orders**. His reason for this motion is that he appreciated many of the points brought up during debate and felt they were worth consideration. His motive in sending this to the amending order would be to address some of these points as well as some of the nuances according to verbiage in the bill, and possibly use more formal verbiage in the planning process.

SUBSTITUTE MOTION

Rep Clark made a substitute motion to **HOLD H 779 in committee**. He said he would like to be able to vote yes after all these years on annexation. This legislation repeals current legislation, but his preference would be for legislation that would zero in on forced annexation itself. He still feels forced annexations should come before the legislature.

VOTE

ON A ROLL CALL VOTE THE SUBSTITUTE MOTION CARRIED
5 AYE - Rep Clark, Chadderdon, Henderson,
Boe and Pasley-Stuart
4 NAY - Rep Bayer, Collins, Kemp and Barrett

ADJOURN:

There being no further business, the meeting was adjourned at 4:15 pm.

Representative Lenore Barrett
Chairman

Barbara Allumbaugh
Secretary