

**AMENDED #1 AGENDA  
HOUSE LOCAL GOVERNMENT COMMITTEE  
1:30 P.M.  
Room EW05  
Wednesday, February 02, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS20234</u></a>	Urban Renewal Agencies - Elections and Revisions	Rep. Moyle
<a href="#"><u>RS20270</u></a>	Urban Renewal Revenue Allocation Areas	Rep. Moyle
<a href="#"><u>RS20099C1</u></a>	Urban Renewal Single Project Refunds Disbursed	Rep. Nonini
<a href="#"><u>RS20191</u></a>	Urban Renewal Election of Board Members	Rep. Sims
<a href="#"><u>RS20083C1</u></a>	Urban Renewal Election for Bonds and Indebtedness	Rep. Bayer
<a href="#"><u>RS20084</u></a>	Urban Renewal Public Hearing	Rep. Hart
<a href="#"><u>RS20149C1</u></a>	Urban Renewal Repeal	Rep. Schaefer

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Barrett  
Vice Chair Marriott  
Rep Collins  
Rep Bayer  
Rep Chadderdon  
Rep Barbieri  
Rep Luker  
Rep Perry  
Rep Sims  
Rep Higgins  
Rep Buckner-Webb

COMMITTEE SECRETARY

Mary Tipps  
Room: EW06  
Phone: (208) 332-1147  
email: [mtipps@house.idaho.gov](mailto:mtipps@house.idaho.gov)

MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Wednesday, February 2, 2011

**TIME:** 1:30 P.M.

**PLACE:** Room EW05

**MEMBERS:** Chairman Barrett, Vice Chairman Marriott, Representative(s) Collins, Bayer, Chadderdon (Chadderdon), Barbieri, Luker, Perry, Sims, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** None

**GUESTS:** Dustin Hurst, Idaho Reporter; D. Robertson; Erik Makrush, Idaho Freedom Foundation; Hubert Osborne; Russ Hendricks, Idaho Farm Bureau; Tony Smith, Benton Ellis; Bill Connors, Boise Metro Chamber of Commerce; Benjamin Davenport, Risch Pisca; Jeff Church, Veritas Advisors; Ray Stark, Boise Metro Chamber of Commerce; Rachel Gilbert, Taxpayers Accountability Committee (TAC); Robert Forrey, TAC; Barbara Forrey, TAC; Nicki Bayer; Ben Botkin, Times-News; Zach Hauge, Capitol West; Larry Benton, Benton Ellis; Kris Ellis, Benton Ellis; Pam Beaumons, GC Urban Renewal; Meghan Conrad, Slam and Burlee; Teresa Molitor, Centra Consulting; Representative Schaefer; Representative Moyle; Representative Hart; Tim Hopkins, Crimson Business Development; Elwood Kleaver; John Watts, Veritas Advisors; Tony Poinelli, Idaho Association of Counties (IAC); Ken Harwood, Association of Idaho Cities (AIC); Mike Reynoldson, Micron Tech; Skip Smyser; Gary Marks; Scott Turlington, Principle Strategic Advisors

The meeting was called to order at 1:40 p.m. by Chairman Barrett.

**RS 20234:** **Scott Turlington**, Principle Strategic Advisors, representing the Meridian Urban Renewal District, spoke at the request of **Representative Moyle**, and presented **RS 20234**. He stated that this legislation requires an Urban Renewal District to be created by a majority of voters in a citywide election; provides that board members may be removed by a majority vote of the board for misconduct or other neglect of office; provides that the board may elect new members to a vacant position by a majority vote; provides that only a board may appoint a chairman or vice chairman; changes the 30 day comment period to 60 days for public comment; establishes that bonds can be issued for a maximum of 20 years; prohibits districts from expanding by annexation; requires agriculture land owners to provide written consent before being included in an Urban Renewal District; and changes the revenue allocation area to 20 years.

In response to a question, Mr. Turlington stated that a mayor would appoint a Board of Directors initially when a new Urban Renewal Board is created, however, if there is a vacancy on an existing board, the board members would appoint a new member.

**MOTION:** **Representative Collins** moved to introduce **RS 20234**. **Motion carried on a voice vote.**

**RS 20270:** **Representative Moyle** presented **RS 20270**. He stated that this legislation provides an option for taxing districts that overlap the urban renewal boundaries to opt out and retain their revenue allocation. Other states have this ability.

**MOTION:** **Representative Bayer** moved to introduce **RS 20270**. **Motion carried on a voice vote.**

**RS 20099C1:** **Representative Nonini** presented **RS 20099C1**. He explained that this legislation amends both Urban Renewal and Economic Development Law by clearly identifying the parameters of projects, to provide voters with a clear understanding of what they're paying for. Under this legislation, projects shall have a clear start time, run time, and terminating time. At the end of a project, excess money shall be distributed to all capped, legitimate taxing entities on a pro rata basis. The RS also provides for consistency and technical corrections.

In response to questions, Representative Nonini stated that at the end of a 20 year period, or if the District closes early, excess money would be refunded. The language is open to allow voters and Boards to have discussions if a refund is requested at an earlier time.

**MOTION:** **Representative Collins** moved to introduce **RS 20099C1**. **Motion carried on a voice vote.**

**RS 20191:** **Representative Sims** presented **RS 20191**. She stated that abuse of taxpayer dollars has brought a need for new legislation. This legislation requires the Board of Commissioners to be elected at a countywide election, and limits the Board to five commissioners. She stated that a membership of five is large enough to be diverse, but small enough for name, action, and voting accountability.

In response to questions, Representative Sims said that on any Board of Commissioners, there must be representation from inside and outside a municipality. She would not object to making a language change to allow elected precinct officials to serve on Urban Renewal Boards.

**MOTION:** **Representative Marriott** moved to introduce **RS 20191** with the following change: Paragraph 1, line 37, insert "except precinct chairperson" after the words "elective office".

**SUBSTITUTE MOTION:** **Representative Luker** moved to return **RS 20191** to the sponsor, to bring back as a C1 with the language change. **Motion carried on a voice vote.**

**RS 20083C1:** **Representative Hart** presented **RS 20083C1**. He stated that this legislation would allow an Urban Renewal Agency to issue bonds required to finance a project with approval by a 2/3 vote of qualified electors.

**MOTION:** **Representative Barbieri** moved to introduce **RS 20083C1**. **Motion carried on a voice vote.**

**RS 20084:** **Representative Hart** presented **RS 20084**. He explained that this legislation adds a public hearing to the process of establishing an Urban Renewal Project, and makes technical corrections. He stated that on line 15 of paragraph 1, he would like a language change.

**MOTION:** **Representative Collins** moved to introduce **RS 20084** with the following change: In line 15 of paragraph 1, after the words, "relating to the", add the words, "plan for the" so that the line will read, "relating to the plan for the urban renewal project". **Motion carried on a voice vote.**

**RS 20149C1:** **Representative Schaefer** presented **RS 20149C1**. He stated that urban renewal has been with us since 1965. Between 1965 and 1988 it was constrained, by funding, to perform its original intent. In 1988, with the introduction of tax increment financing, spending began to run rampant on all sorts of building projects hardly meeting the intent of the original Urban Renewal Law. This legislation to repeal Title 50, Chapter 20, will disallow new urban renewal projects, while current projects will be allowed to continue. Title 50, Chapter 29, is not affected.

In response to questions, Representative Schaefer stated that we are not able to know what would have happened in the past, were different laws in place before now. Urban Renewal was designed to renovate blighted, crime infested areas, however, certain parts of the state have taken in farmland. The original Urban Renewal Law was good at the outset. Modest changes over the years, and injecting a source of income that is unrestrained, have brought about a need for reevaluation and funding that is voted on by the citizens of the State of Idaho. Title 50, Chapter 29 covers the Local Economic Development Act. This Title and Chapter are not affected by the repeal of Title 50, Chapter 20. Statistically, when a community allows citizens to carry a weapon for self protection, crime rates are lower.

**MOTION:** **Representative Collins** moved to introduce **RS 20149C1**. **Motion carried on a voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:55 p.m.

---

Representative Barrett  
Chair

---

Mary Tipps  
Secretary

AGENDA  
**HOUSE LOCAL GOVERNMENT COMMITTEE**  
Upon Adjournment of the House  
Room EW05  
Friday, February 04, 2011

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS20191C2</u></a>	Urban Renewal Public Hearings	Rep. Sims
<a href="#"><u>RS20133</u></a>	Plats, Enforcement/Assessment	Rep. Pence
<a href="#"><u>RS20175</u></a>	Auctioneer Licenses	Tony Poinelli, Association of Idaho Counties
<a href="#"><u>RS20198</u></a>	Property Tax Reduction, Procedures	Tony Poinelli, Association of Idaho Counties

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Barrett  
Vice Chair Marriott  
Rep Collins  
Rep Bayer  
Rep Chadderdon  
Rep Barbieri  
Rep Luker  
Rep Perry  
Rep Sims  
Rep Higgins  
Rep Buckner-Webb

COMMITTEE SECRETARY

Mary Tipps  
Room: EW06  
Phone: (208) 332-1147  
email: [mtipps@house.idaho.gov](mailto:mtipps@house.idaho.gov)

MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Friday, February 04, 2011

**TIME:** Upon Adjournment of the House

**PLACE:** Room EW05

**MEMBERS:** Chairman Barrett, Vice Chairman Marriott, Representative(s) Collins, Bayer, Chadderdon (Chadderdon), Barbieri, Luker, Perry, Sims, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** Representative Buckner-Webb

**GUESTS:** Representative Pence; Eric Milstead, Legislative Services Office (LSO); Tony Smith, Benton Ellis; John Eaton, Realtors; Matthew Maleh, Risch Pisca, LLC; Tony Poinelli, Idaho Association of Counties

The meeting was called to order at 10:38 a.m. by Chairman Barrett.

**MOTION:** **Representative Collins** moved to approve the minutes of February 2, 2011. **Motion carried on a voice vote.**

**RS 20191C2:** **Representative Sims** presented **RS 20191C2**. She stated that this legislation requires the Board of Commissioners for an Urban Renewal District to be elected at countywide elections, and limits such a board to five commissioners. The change that was made to the original RS says that precinct committeemen may serve on these boards.

**MOTION:** **Representative Bayer** moved to introduce **RS 20191C2**. **Motion carried on a voice vote.**

**RS 20133:** **Representative Pence** presented **RS 20133**. She stated that the purpose of this legislation is to clarify and streamline procedures related to enforced execution of a plat or parcel of land.

In response to a question, she stated that this process as it exists today is drawn out and difficult, and there is not statewide consistency.

**MOTION:** **Representative Collins** moved to introduce **RS 20133**. **Motion carried on a voice vote.**

**RS 20175:** **Tony Poinelli**, Idaho Association of Counties, presented **RS 20175**. He stated that the purpose of this RS is to repeal Section 63-2304, Idaho Code, dealing with auctioneers' licenses. Many counties do not require licenses for auctioneers, nor are there any required qualifications, or enforcement.

In response to questions, Mr. Poinelli stated that he is not aware of an association for auctioneers.

**MOTION:** **Representative Collins** moved to introduce **RS 20175**. **Motion carried on a voice vote.**

**RS 20198:** **Tony Poinelli**, Idaho Association of Counties, presented **RS 20198**. He stated that this would remove the requirement for the Board of County Commissioners to review and approve individuals that would qualify for the Circuit Breaker Property Tax Reduction Program. The State Tax Commission has final authority and has removed individuals approved by the county, thereby raising concerns with the county and individual applicants. This proposal would still have the county assessor provide and receive applications which would be sent to the state for approval or denial. This would remove the county commissioners from one step in the process. It would also move up the date for the preliminary roll, and would move the date for post audit reports to the 2nd Monday in October. The legislation would provide additional time, from 14 to 28 days, for claimants to appeal State Tax Commission decisions.

In response to questions, Mr. Poinelli stated if an individual is approved at the county level and the State Tax Commission overturns that decision, the applicant is notified with a letter. Denials can be appealed.

**MOTION:** **Representative Luker** moved to introduce **RS 20198**. **Motion carried on a voice vote.**

There being no further business to come before the committee, the meeting was adjourned at 10:57 a.m.

---

Representative Barrett  
Chair

---

Mary Tipps  
Secretary

AGENDA  
HOUSE LOCAL GOVERNMENT COMMITTEE  
1:30 P.M.  
Room EW05  
Thursday, February 10, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">RS20302</a>	Land Use Planning	Dan Steenson
<a href="#">H 112</a>	Auctioneers' Licensing	Tony Poinelli, Idaho Association of Counties

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Barrett  
Vice Chair Marriott  
Rep Collins  
Rep Bayer  
Rep Chadderdon  
Rep Barbieri  
Rep Luker  
Rep Perry  
Rep Sims  
Rep Higgins  
Rep Buckner-Webb

COMMITTEE SECRETARY

Mary Tipps  
Room: EW06  
Phone: (208) 332-1147  
email: [mtipps@house.idaho.gov](mailto:mtipps@house.idaho.gov)

MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Thursday, February 10, 2011

**TIME:** 1:30 P.M.

**PLACE:** Room EW05

**MEMBERS:** Chairman Barrett, Vice Chairman Marriott, Representative(s) Collins, Bayer, Chadderdon (Chadderdon), Barbieri, Luker, Perry, Sims, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** Vice Chairman Marriott, Representative Bayer

**GUESTS:** Tony Poinelli, Idaho Association of Counties (IAC); Dan Steenson; Representative Moyle; Kerry Ellen Elliott, IAC

Chairman Barrett called the meeting to order at 1:34 p.m.

**RS 20302:** **Dan Steenson** presented **RS 20302**. He stated that the primary purposes of this legislation are to ensure that zoning ordinances are not in conflict with a local government's comprehensive plan, and to promote compatibility and reduce conflicts among land uses. It would also provide that comprehensive plans include an analysis of the role of agriculture in communities covered by the plan. It would encourage local governments to post notices of public hearings on special use permit applications on their official websites, if they have websites. The Coalition for Agriculture's Future, Mint Growers' Association, and The Idaho Eastern Oregon Seed Association endorse this legislation.

In response to questions, Mr. Steenson stated that the language is the result of discussion and compromise between cities and counties. Some cities and counties may not have websites or resources to continually update those websites. In Canyon County there has been rapid development over the last ten or more years. The Development Services Department and other local planning offices have been overwhelmed with applications. Some developments have been begun but have not been completed due to the current economic climate, resulting in prime agricultural land that is not able to be used for agriculture.

**MOTION:** **Representative Collins** moved to introduce **RS 20302**. **Motion carried on a voice vote.**

**H 112:** **Tony Poinelli**, Idaho Association of Counties, presented **H 112**, a bill to repeal Section 63-2304, Idaho Code, which deals with auctioneers' licenses. Many counties do not require licenses for auctioneers nor are there any required qualifications or enforcement.

In response to questions, Mr. Poinelli stated that he is not aware of any place in statute requiring a background check for auctioneers who are seeking a license.

**MOTION:** **Representative Collins** moved to send **H 112** to the floor with a DO PASS recommendation. **Motion carried on a voice vote.** **Representative Perry** is recorded as voting nay. **Representative Collins** will carry the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 1:54 p.m.

---

Representative Barrett  
Chair

---

Mary Tipps  
Secretary

**AMENDED #1 AGENDA  
HOUSE LOCAL GOVERNMENT COMMITTEE  
1:30 P.M.  
Room EW42  
Wednesday, February 16, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>Please note meeting room change. Meeting is in room EW42</b>		
<a href="#"><u>H 95</u></a>	Urban Renewal District Elections, Boards, Annexation, Agriculture, and Revenue Allocation	Rep. Moyle
<a href="#"><u>H 96</u></a>	Opting out of Urban Renewal Districts	Rep. Moyle
<a href="#"><u>H 97</u></a>	Amends both Urban Renewal and Economic Development Law	Rep. Nonini
<a href="#"><u>H 99</u></a>	Required Votes for Issuance of Urban Renewal Agency Bonds	Rep. Hart
<a href="#"><u>H 114</u></a>	Elections for Urban Renewal Boards of Commissioners	Rep. Sims
<a href="#"><u>H 110</u></a>	Public Hearings for Urban Renewal Projects	Rep. Barbieri

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Barrett  
Vice Chair Marriott  
Rep Collins  
Rep Bayer  
Rep Chadderdon  
Rep Barbieri  
Rep Luker  
Rep Perry  
Rep Sims  
Rep Higgins  
Rep Buckner-Webb

COMMITTEE SECRETARY

Mary Tipps  
Room: EW06  
Phone: (208) 332-1147  
email: mtipps@house.idaho.gov

MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

- DATE:** Wednesday, February 16, 2011
- TIME:** 1:30 P.M.
- PLACE:** Room EW05
- MEMBERS:** Chairman Barrett, Vice Chairman Marriott, Representative(s) Collins, Bayer, Chadderdon (Chadderdon), Barbieri, Luker, Perry, Sims, Higgins, Buckner-Webb
- ABSENT/  
EXCUSED:** Representative Chadderdon
- GUESTS:** Representative Moyle; Representative Nonini; Representative Hart; Representative Schaefer; Scott Turlington, Meridian Development Corporation; Gary Nystrom; Maurice Clements; Don Brandt; Rachel Gilbert; Jan Rogers, Southern Idaho Economic Development Organization; Larry Hall, Southern Idaho Rural Development; Gynii Gilliam, Bannock Development Corporation; Erik Makrush, Idaho Freedom Foundation; Robert Forrey; Julie Pipal, Meridian Development Corporation; Kris Ellis, Benton Ellis; Tony Smith, Benton Ellis; Kevin Settles, Bardenay; Clay Carley, Old Boise LLC; Melinda Anderson, Twin Falls Urban Renewal; Scott Bybee, Jerome Urban Renewal; Mark Rivers, Brix and Co.; Phil Kushlan; John Man, Owyhee Plaza Hotel; Russel Westerberg, Capitol City Development Corporation (CCDC); Ryan Armbruster, Garden City/Idaho Falls; Todd Bundelson, CCDC; Karen Sander, Downtown Boise Urban Renewal; Adam Down, IAHD; Pam Beaumont, Garden City Urban Renewal District; John Evans, Garden City; Gary Marks, Ketchum; Hubert Osborne; Charlene Osborne; Russ Hendricks, Farm Bureau; Dean Robertson; Virgie Robertson; Tammy de Weerd, City of Meridian; Rod Beck; Sharon Culbreth; John Watts, Chamber Alliance; Teresa Molitor, Central Lake City Development Corporation (LCDC) and JURA; Neil Colwell, Avista Corp.; James Donoval; Roger Seiber, Capitol West
- The meeting was called to order at 1:40 p.m. by Chairman Barrett.
- MOTION:** **Representative Barrett** moved to approve the minutes of February 4, 2011.  
**Motion carried on a voice vote.**
- MOTION:** **Representative Barrett** moved to approve the minutes of February 10, 2011.  
**Motion carried on a voice vote.**
- H 95:** **Scott Turlington**, Meridian Development Corporation, the Urban Renewal District for the City of Meridian, presented **H 95**. This legislation would require that an Urban Renewal District be created by a majority of voters in a citywide election. It would also provide that board members may be removed by a majority vote of the board for misconduct or neglect of duty, and provide that the board may elect new members to vacant positions by a majority vote. It would provide that only the board may appoint a chairman and vice chairman. The 30 day public comment period would be extended to 60 days. Under this legislation, bonds could be issued for a maximum of 20 years. This is a reduction from the current 24 year period. Expansion by annexation would be prohibited. Agriculture land owners would be required to provide written consent before being included in an Urban Renewal District. The revenue allocation area would be changed to 20 years. The desire of this legislation is to increase transparency but to allow Urban Renewal Districts to remain intact.

In response to questions, Mr. Turlington stated that groups could be grandfathered in. He is unable to speak for any other districts, but he believes that Meridian's voters are competent and understand what they are voting on. While not all taxpayers understand tax increment financing, they do understand when their tax dollars are being spent.

**Maurice Clements** stated that elections to establish Urban Renewal Districts should be countywide. He believes that there could be a conflict of interest if an agricultural owner was able to opt in or out. If he includes his land into the district, his property value would rise, and the taxpayers would not have a voice.

**Gynii Gilliam** stated that limiting the districts to a time period of less than 24 years is also a concern, because it takes a number of years to begin producing revenue. Limiting duration could limit income streams.

**Erik Makrush**, Idaho Freedom Foundation, stated that his organization has looked at all the bills that are to be presented today and it is clear that they all work together. The Idaho Freedom Foundation supports having elections. Increasing the time for public input is also a good thing.

**Robert Forrey** stated that current Urban Renewal Law has been abused by the stretching of definitions, and that urban renewal has saddled areas with long term debt without a vote of the people.

**Kris Ellis**, Benton Ellis, representing the Taxpayers Accountability Committee (TAC), stated that the TAC supports this bill.

**Kevin Settles**, President and CEO of Bardenay, stated that three of his restaurants are in Urban Renewal Districts. He said that when he opened in Boise, the streets and sidewalks were not safe. He signed the lease believing that the city would improve that area, and the city did. He explained that his company has provided 150 jobs to the State of Idaho. In his experience, Urban Renewal Districts have been helpful for new development or redevelopment.

In response to a question, Mr. Settles stated that at least one of his restaurants would not have opened if not for the Urban Renewal District, and now the community benefits from the presence of that restaurant, through the receipt of taxes paid by the business and employees.

**Clay Carley** stated that he supports this legislation to improve transparency for citizen taxpayers. He has seen areas benefit greatly from urban renewal projects. He believes that the City of Caldwell has benefitted greatly from urban renewal; specifically, the YMCA was assisted by their local Urban Renewal District and would not have been built without that assistance.

In response to a question, he stated that the YMCA in Caldwell is a nonprofit organization and does not pay property taxes. The YMCA provides jobs and the employees pay taxes. Local schools have seen measurable improvements in their students since the YMCA entered Caldwell. This brings down crime rates and improves the lives of everyone in the area.

**Melinda Anderson**, City of Twin Falls, supports increasing the time for public comments, and asking for consent from agriculture owners. She said that smaller communities could have difficulty with elections. She stated that the removal of a board member should be a decision that comes from the City Council.

In response to questions, Ms. Anderson stated that Twin Falls has had an Urban Renewal Agency (URA) since the mid-1960s. Smaller communities could have difficulty establishing their own URAs due to costs associated with holding elections and other hardships.

**Scott Bybee**, Jerome Urban Renewal Agency, stated that his agency has focused on infrastructure and has put in pipelines, roads, powerline and railroad extensions, and a rec center. He stated that they focus on things that are essential to the vitality of Jerome, and that the agency has created over 400 jobs in the last ten years.

In response to questions, he stated that the city does not have the ability or funds to provide infrastructure to bring businesses to Jerome. A recent bond will be closed out early due to the success of a project.

**Mark Rivers** testified that he worked on the BODO project from 2002 to 2006 in Boise. He stated that the project brought 70 national retailers to Boise and created jobs for Boiseans. He is concerned about the negativity in discussions of Urban Renewal Districts. He said that if talented young people are not able to find jobs in their hometowns, they will go elsewhere.

**Russel Westerberg**, Capitol City Development Corporation (CCDC), stated that CCDC opposes all the bills being heard today with the exception of **H 110**, which they support. He stated that CCDC could offer alternative solutions for the problems identified in the bills and would be happy to provide critiques.

In response to a questions, Mr. Westerberg stated that CCDC's first district was formed in 1987 for redevelopment in Downtown Boise. That district will expire in 2017 when the work is completed. Each district under CCDC has an expiration date.

**Karen Sander** gave information on the attributes of Downtown Boise and stated that those attributes are thanks to CCDC. She suggested evaluating the intended and unintended potential consequences of Urban Renewal legislation.

In response to a question, she stated that while she can not say all of Boise's improvements are due to CCDC, the vitality that has attracted businesses to Boise has been put in place by many of the improvements that CCDC has brought to the city.

**Gary Marks**, Ketchum Urban Renewal Agency (URA), stated that the Ketchum URA supports this bill and sees it as reasonable. They are in favor of increasing transparency and involving citizens in urban renewal.

**Hubert Osborne** testified that he and his wife are lifelong residents of Idaho. He stated that there is pride in being able to participate in a vote, and there is a moral obligation to allow citizens to vote. He said that he strongly supports **H 95**.

**Sharon Culbreth** stated that almost \$8 million every year is taken from taxpayer dollars in Coeur d'Alene for areas that are not blighted. She is in support of **H 95** because it allows citizens the right to vote.

In response to a question, she stated that urban renewal money has been spent on the arts and decorative items.

**MOTION:**

**Representative Bayer** moved to send **H 95** to **General Orders** for amendments. During discussion on the motion, he stated that there are some proposed amendments to deal with technicalities in the election process, as well as to definitions and terms in the forestry section. He stated that these are friendly amendments that were proposed by the primary sponsor of the bill. **Representative Collins** stated that if a bill enters General Orders, it is open to all amendments whether favorable or not. **Representative Barrett** stated that if the primary sponsor would like the bill to go to General Orders, she supports it. **Representative Barrett** seconded the motion. **Motion carried on a voice vote.** **Representatives Higgins** and **Buckner-Webb** are recorded as voting nay. **Representative Moyle** will carry the bill on the floor.

**H 96:**

**Representative Moyle** presented **H 96**, a bill that would provide an option for taxing districts that overlap the urban renewal boundaries to opt out at the creation of an Urban Renewal District (URD), and retain their revenue allocation. This would be done by resolution or by a letter. Withdrawal is not an option after the URD's creation. Other states provide this option.

In response to questions, he stated that this is working in other states. URDs would need to discuss plans and options with those taxing districts that have the option to opt out. This would provide a more open process and allow everyone to be involved. Taxing districts that choose to opt out might or might not benefit from urban renewal projects. The option to opt out does already exist for school districts, so that they can keep their money for their bonds.

**Russ Hendricks**, Idaho Farm Bureau, stated that Urban Renewal Districts are a concern for farmers. The Farm Bureau supports **H 96** because it allows taxpayers and districts to decide whether URD projects will benefit them.

**Rod Beck** stated he has yet to see a revenue allocation area actually extinguished. He shared some history of proposed urban renewal legislation. He is in support of **H 96**.

**Gary Nystrom** stated that he lives in Post Falls in the county section, so he does not get to vote for anything related to the city. He said that he lives on the same acreage as a new Wal Mart. He testified that he pays \$305 for a school bond, and the new Wal Mart pays just over \$12. He stated that while the taxpayers are funding projects, they currently don't have a vote.

**Don Brandt** stated that the school districts' ability to opt out came after a lawsuit. He believes that negotiating ahead of time and reaching compromises will prevent future lawsuits. He supports **H 96**.

**Rachel Gilbert** spoke to **H 99**, which has not yet been heard in committee. She stated that she supports **H 99**, regarding the 2/3 vote. She believes that Idahoans deserve the right to vote on bonds. She stated that currently we have unelected urban renewal commissioners who spend millions of property tax dollars without any vote of the people. She considers this taxation without representation. She explained that schools, jails, libraries, and police stations require a 2/3 vote for a bond, and it makes sense that urban renewal projects should also require the same vote.

In response to a questions, she stated she believes votes should be countywide because all the towns in a county help to fund the decision that is made.

**Gynii Gilliam** is opposed to **H 96**. She stated that without all jurisdictions being involved, it will be difficult to generate the necessary funds for projects.

In response to a question, she stated that some projects are created when a need is discovered. If approval is needed each time, it could take enough time to render the project ineffective.

**Erik Makrush**, Idaho Freedom Foundation, stated that the Idaho Freedom Foundation supports this legislation.

**Scott Bybee** stated that we need to be careful about lost revenue.

**Sharon Culbreth** described the way tax monies are divided in Urban Renewal Districts.

**Melinda Anderson** would support **H 96** if a language change was made.

**Representative Hart** stated that he authored this bill last year. He clarified definitions of Urban Renewal Agencies, Districts, and Allocation Areas. **H 96** deals with Urban Renewal Revenue Allocation areas. He said that this bill is designed to encourage dialogue and ensure that collaboration exists. He supports **H 96**.

**MOTION:**

**Representative Collins** moved to send **H 96** to the floor with a **DO PASS** recommendation. **Representative Luker** commented that he can see this producing larger bonds. He believes allowing school districts to opt out was appropriate.

**SUBSTITUTE MOTION:**

**Representative Luker** moved to send **H 96** to **General Orders**. During discussion on the substitute motion, **Representative Barbieri** said he believes the concern of opting out creating larger bonds could be addressed if it occurs. He does not support the substitute motion. **Representative Barrett** also does not support the substitute motion. She stated she believes that the people should be allowed to decide.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:**

**Representative Barrett** requested a roll call vote on the substitute motion to send **H 96** to **General Orders**. The substitute motion **failed, 4 aye, 6 nay, one absent and excused: Voting in favor** of the substitute motion: Reps. Luker, Perry, Higgins, and Buckner-Webb. **Voting in opposition** to the substitute motion: Reps. Marriott, Collins, Bayer, Barbieri, Sims, and Barrett. Rep. Chadderdon was absent and excused.

**VOTE ON ORIGINAL MOTION:**

**Chairman Barrett** called for a vote on the original motion to send **H 96** to the floor with a **DO PASS** recommendation. **Motion carried on a voice vote.** **Representative Moyle** will carry the bill on the floor.

**H 97:**

**Representative Nonini** presented **H 97**, which would amend both Urban Renewal Law and Economic Development Law by clearly and narrowly identifying the parameters of the project, to provide voters with a clear understanding of what they're paying for. This bill would also require that projects have clear start times, run times, and terminating times. At the end of each project, excess monies would be distributed to all capped, legitimate taxing entities on a pro rata basis.

**Erik Makrush**, Idaho Freedom Foundation, supports **H 97**. He said he believes it is critical to good government to allow citizens within a taxing district to select projects. He stated that development has an inherent risk and developers should carry the risk.

**Gynii Gilliam** is opposed to **H 97**. She stated that a district's plan may change, and locking districts into narrowly defined parameters will prevent districts from responding appropriately when needs change.

**Melinda Anderson** believes that if **H 97** had been in effect last year, the city of Twin Falls would not have been able to create hundreds of jobs that were the result of Urban Renewal.

In response to a question, she stated that she would like to see changes to the bill's language.

**Representative Nonini** stated that for the last five years, the legislature has addressed urban renewal. Agencies have not come forward and wanted to assist with making changes. He stated that a district in Post Falls has voluntarily refunded excess monies. They had about \$2.1 million that was refunded to taxing districts. He believes this set a good example for other Urban Renewal Districts.

In response to questions, he stated that he would not be opposed to having conversations, however, he would be opposed to amendments to **H 97**.

**MOTION:** **Representative Barbieri** moved to send **H 97** to the floor with a **DO PASS** recommendation. **Motion carried on a voice vote.** **Representative Higgins** is recorded as voting nay. **Representative Nonini** will carry the bill on the floor.

A ten minute recess was called by **Chairman Barrett**.

**H 99:** **Representative Hart** presented **H 99**, legislation that would allow an Urban Renewal Agency to issue bonds required to finance projects, with approval of 2/3 of the qualified electors voting in an election held for that purpose.

In response to questions, Representative Hart stated that he understands that larger cities might have an unfair advantage in voting on countywide issues. The reason for allowing a countywide vote is that the tax rates are affected countywide. This allows the taxpayers who would be impacted to weigh in.

**Russ Hendricks**, Idaho Farm Bureau, supports **H 99**. He quoted the Constitution, Article 8, Section 3, and stated that **H 99** would simply give a vote to the taxpayers who would be paying for urban renewal. He stated that while urban renewal is the easiest way to get things done, there are other tools that can be used.

**Representative Perry** stated that her concern is smaller communities being usurped by larger ones.

In response, **Mr. Hendricks** stated that she has a legitimate concern, however, those larger communities would be paying part of the bill for the smaller ones.

**Melinda Anderson** stated that most businesses would not want to wait for votes, and could go to other states where they could get things done faster. She stated that in Twin Falls, urban renewal is the only option they have for bringing in new business.

**Gynii Gilliam** stated that she strongly opposes this legislation. She believes that this would legislate urban renewal out of existence. Companies are reluctant to discuss expansion plans and many will not even reveal their names during initial discussions. She shared statistics on revenue and jobs that have been brought to her area due to Urban Renewal. She said her area has been trying to steer away from bonding because it lessens risk for the community and makes the process easier.

**Ryan Armbruster** stated that this bill would require a 2/3 vote on other items in addition to urban development bonds.

**Erik Makrush**, Idaho Freedom Foundation, supports **H 99**.

**Representative Hart** commented that an Urban Renewal Agency (URA) could get authorization for a level of indebtedness. He does not see this as being project specific. It is intended to bring communication between URAs and voters.

**MOTION:** **Representative Luker** moved to send **H 99** to **General Orders**. He stated that he has a concern with the bill. He believes the idea is good, however, the language could be too broad. Representative Hart said that if the bill goes to General Orders, he will work with Representative Luker on amendments. **Representative Barrett** seconded the motion.

**ROLL CALL VOTE:** **Representative Barrett** requested a roll call vote on the motion to send **H 99** to **General Orders**. The motion **carried, 6 aye, 4 nay, one absent and excused.** **Voting in support** of the motion: Reps. Collins, Bayer, Luker, Perry, Higgins, and Buckner-Webb. **Voting in opposition** to the motion: Reps. Marriott, Barbieri, Sims, and Barrett. Rep. Chadderdon was absent and excused. **Representative Hart** will carry the bill on the floor.

**H 114:**

**Representative Sims** presented **H 114**, which would require the Board of Commissioners to be elected at a countywide election, and limits the board to five commissioners.

In response to questions, she stated that elections would take place when the agency is formed. Those running for county positions would be on a county ballot, and those running for city positions would be on the city ballot. Elections would be consolidated, and would be paid for by the city or county in which they were held. Counties pay taxes that fund an Urban Renewal District.

**James Donoval** testified that he has served as an attorney in Illinois and has worked in state government there. He believes that city councils are responsible enough to appoint members to an Urban Renewal Board, but believes that those board members should not be members of the City Council due to potential conflicts of interest.

**Ryan Armbruster** stated that he believes a Transfer of Power Ordinance is necessary in order for an Urban Renewal District to extend beyond its boundaries. He said that currently a City Council can appoint members to an Urban Renewal Board, or that City Council can, itself, be the Urban Renewal Board.

**Gynii Gilliam** is opposed to **H 114**, however, she said she does believe that Urban Renewal Boards should not be made up of City Council members.

**Erik Makrush**, Idaho Freedom Foundation, supports **H 114**. He believes that the legislation is important so that county citizens will have representation and a vote when their tax dollars are being used.

**Sharon Culbreth** stated that there are people serving on her local Urban Renewal District (URD) board who were appointed in 1997, and others who have been there at least ten years. She believes it is important to allow citizens to elect the URD board members.

**Parrish Miller** stated that business decisions need to be left to the free market.

**Representative Sims** stated that there are old businesses as well as new businesses that must be considered. She said that when she opened her business, she paid for her own sidewalks, water, sewer, and lights. She stated that she looks at new buildings and sees that they have received all of that for free, and those new buildings have caused her assessments to go up. She reminded the committee and audience that old businesses also provide jobs and revenue.

**MOTION:**

**Representative Barbieri** moved to send **H 114** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:**

**Representative Luker** offered a substitute motion to send **H 114** to **General Orders**, with the following amendment: On line 32, change "countywide" to "citywide" and delete the last sentence, lines 39 through 42, and insert language that says "not less than three, not more than five"

**ROLL CALL VOTE ON SUBSTITUTE MOTION:**

**Representative Barrett** requested a roll call vote on the substitute motion to send **H 114** to **General Orders**. The motion **failed, 4 aye, 6 nay, one absent and excused**. **Voting in support** of the substitute motion: Reps. Luker, Perry, Higgins, and Buckner-Webb. **Voting in opposition** to the substitute motion: Reps. Marriott, Collins, Bayer, Barbieri, Sims, and Barrett. Representative Chadderdon was absent and excused.

**VOTE ON ORIGINAL MOTION:**

**Chairman Barrett** called for a vote on the original motion to send **H 114** to the floor with a **DO PASS** recommendation. **Motion carried on a voice vote**. **Representatives Luker, Perry, Higgins, and Buckner-Webb** are recorded as voting nay. **Representative Sims** will carry the bill on the floor.

**H 110:** **Representative Barbieri** presented **H 110**, legislation that would add a public hearing to the process of establishing an Urban Renewal Project, and making certain technical corrections.

In response to questions, he stated that this relates only to allowing public comment, but does not include elections.

**MOTION:** **Representative Bayer** moved to send **H 110** to the floor with a **DO PASS** recommendation. **Motion carried on a voice vote.** **Representative Barbieri** will carry the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 5:56 p.m.

---

Representative Barrett  
Chair

---

Mary Tipps  
Secretary

AGENDA  
HOUSE LOCAL GOVERNMENT COMMITTEE  
1:30 P.M.  
Room EW05  
Tuesday, February 22, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 148</a>	Land Use Planning	Roger Batt, Coalition for Agriculture's Future

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Barrett  
Vice Chair Marriott  
Rep Collins  
Rep Bayer  
Rep Chadderdon  
Rep Barbieri  
Rep Luker  
Rep Perry  
Rep Sims  
Rep Higgins  
Rep Buckner-Webb

COMMITTEE SECRETARY

Mary Tipps  
Room: EW06  
Phone: (208) 332-1147  
email: [mtipps@house.idaho.gov](mailto:mtipps@house.idaho.gov)

MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Tuesday, February 22, 2011  
**TIME:** 1:30 P.M.  
**PLACE:** Room EW05  
**MEMBERS:** Chairman Barrett, Vice Chairman Marriott, Representative(s) Collins, Bayer, Chadderdon (Chadderdon), Barbieri, Luker, Perry, Sims, Higgins, Buckner-Webb  
**ABSENT/ EXCUSED:** Representative Higgins  
**GUESTS:** Roger Batt, Coalition for Agriculture's Future, and the Idaho and Eastern Idaho Seed Association; Kent Lauer, Idaho Farm Bureau; John Eaton, Realtors; Justin Ruen, Association of Idaho Cities

The meeting was called to order at 1:30 p.m. by Chairman Barrett.

**H 148:** **Roger Batt**, Coalition for Agriculture's Future, presented **H 148**. The primary purposes of this legislation are to ensure that zoning ordinances are not in conflict with a local government's comprehensive plan, to promote compatibility and reduce conflicts among land uses, and to provide that comprehensive plans include an analysis of the role of agriculture in communities covered by the plan. This legislation also encourages local governments to post notices of public hearings on special use permit applications on their official websites, if the local governments have websites.

**Kent Lauer**, Idaho Farm Bureau Federation, spoke in support of **H 148**.

**Justin Ruen**, Association of Idaho Cities, supports **H 148**.

In response to questions, he stated that the goal, as he understands it, is to try to reduce conflicts between land uses. Cities and counties are required to have a comprehensive plan. At the city level, agriculture will not be much of a consideration, however, counties must balance the property rights of owners who want to farm and those who want to develop. The role of the comprehensive plan in a community's development is to be a framework. The zoning ordinances of that city or county have to be in conformity with the comprehensive plan.

**Roger Batt** stated that **H 148** does not infringe on private property rights, it states that compatibility of land uses should be followed.

**MOTION:** **Representative Bayer** moved to send **H 148** to the floor with a **DO PASS** recommendation. **Motion carried on a voice vote. Representative Bayer** will carry the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 1:46 p.m.

---

Representative Barrett  
Chair

---

Mary Tipps  
Secretary

**AMENDED #1 AGENDA  
HOUSE LOCAL GOVERNMENT COMMITTEE  
1:30 P.M.  
Room EW05  
Thursday, February 24, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 115</u></a>	Enforced Execution of Plats	Rep. Pence
<a href="#"><u>H 185</u></a>	Urban Renewal	Rep. Barrett

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Barrett  
Vice Chair Marriott  
Rep Collins  
Rep Bayer  
Rep Chadderdon  
Rep Barbieri  
Rep Luker  
Rep Perry  
Rep Sims  
Rep Higgins  
Rep Buckner-Webb

COMMITTEE SECRETARY

Mary Tipps  
Room: EW06  
Phone: (208) 332-1147  
email: mtipps@house.idaho.gov

MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Thursday, February 24, 2011

**TIME:** 1:30 P.M.

**PLACE:** Room EW05

**MEMBERS:** Chairman Barrett, Vice Chairman Marriott, Representative(s) Collins, Bayer, Chadderdon (Chadderdon), Barbieri, Luker, Perry, Sims, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** None

**GUESTS:** Representative Pence; Russel Westerberg, Capitol City Development Corporation (CCDC); Erik Makrush, Idaho Freedom Foundation; Kerry Ellen Elliot, Idaho Association of Counties; Zach Hauge, Capitol West; Betty Dressen, Payette County; Tony Smith, Benton Ellis

The meeting was called to order at 1:33 p.m. by Chairman Barrett.

**H 115:** **Representative Pence** presented **H 115**, legislation to clarify and streamline procedures related to enforced execution of a plat for parcel of land. She said that this bill would allow county commissioners to be involved in the process, and would also allow property owners to be billed for assessments.

In response to questions, she stated that county clerks make sure that plats are filed. She stated that a forced plat is a resurvey of a piece of property. She stated that she would not have a problem with including an amendment.

**Betty Dressen**, County Clerk, spoke in support of **H 115**. She stated that at a conference of the clerks there was discussion about this proposed legislation and they are in agreement. She stated that there is no cost to see the county commissioners.

She responded to questions, stating that there are costs involved with resurveying a piece of property, however being able to ensure that a sale can properly close is important. Many Idaho counties do not have county surveyors, however, private surveyors can be hired. She stated that errors occur and this bill would allow those to be corrected. She said that this can be expensive for the county, however, under this legislation, the county can ask the landowner for payment. If the landowner refused to pay, a tax lien would be placed on that landowner. If the lien was not paid in three years, it would become a tax deed. She believes that **H 115** simply clarifies code and sends the issue to the Board of County Commissioners first rather than to the clerk first. She stated that this legislation would allow a bill to go to the landowner before a tax lien was placed on that landowner.

**Kerry Ellen Elliot**, Idaho Association of Counties, stated that statute allows for five splits before the property must be subdivided, however, some individual counties do have stricter regulations than those contained in statute.

**MOTION:** **Representative Collins** moved to send **H 115** to the floor with a **DO PASS** recommendation, with a language correction to change the word "owner" on line 34 to the word "owners". **Motion carried on a voice vote. Representative Pence** will carry the bill on the floor.

**H 185:**

**Erik Makrush**, Idaho Freedom Foundation, presented **H 185**. This bill relates to urban renewal and provides provisions relating to the annual budget, plan termination, and statement of excess revenue allocation funds, and provides for severability within the statute. He stated that the bill would direct Urban Renewal Agencies (URAs) to adopt and publish a budget for each upcoming fiscal year. For the fiscal year that immediately predates the termination date of an urban renewal plan, the agency would adopt and publish a budget specifically for the expenses of that plan.

In response to questions, he stated that taxpayers would be able to see the details of what is happening in their individual urban renewal districts. He said that if obligations exist, the Urban Renewal Agency could hold over existing funds to meet that obligation. While some Urban Renewal Districts are already following these regulations, they are not currently in statute. He said that reporting would not interfere with bonding. Surpluses would be identified annually. Reports would be given annually regardless of whether or not a surplus was identified. He explained that currently, Urban Renewal Districts only exist in cities, however, a county could deem an area to be blighted and create an Urban Renewal District. He stated that the right of counties to create Urban Renewal Districts exists in statute. He stated that currently Urban Renewal Districts are governed by city councils, and this legislation is seeking more transparency and accountability. Because there are no current Urban Renewal Districts in counties, and because those areas are rural and not urban, he said it would be premature to try to legislate urban renewal for counties. He explained that not all Urban Renewal Agencies have bonds, and under this legislation, agencies could hold onto funds to pay down bonds.

**Representative Barbieri** stated that he is concerned about this legislation because the committee is unsure of how the other urban renewal bills heard by the committee will be received and processed through the legislature. **Representative Higgins** stated that she shares his concerns.

**Mr. Makrush** stated that the purpose of the bill is to increase accountability. He said he is not opposed to amending the bill to address concerns.

**Representative Sims** said that this bill would apply to existing agencies and that is where accountability is most needed, regardless of what happens with other pending related legislation.

**Chairman Barrett** said that she had Mr. Makrush take all of the related bills to the Legislative Services Office to be blended, so that she could see if there was any redundancy or conflict. She stated that the bills do work together. She explained that increasing transparency is important, and that while there are no guarantees related to what will or will not become finalized in statute, this particular bill provides necessary transparency for taxpayers. She would not currently support sending this bill to the amending order. She requested that the committee look at the intent of the bill. She stated that if, by chance, any bills are found to not work well together, a trailer bill would be brought to the legislature.

**Russel Westerberg**, Capitol City Development Corporation (CCDC), stated that in this bill, a rebate is required regardless of whether or not there is actually excess revenue. He stated that CCDC is not opposed to refunding excess revenue, however, he believes that this legislation is in conflict with a Supreme Court decision on whether or not Urban Renewal Districts are actually alter egos of city councils. CCDC is opposed to **H 185**.

In response to questions, Mr. Westerberg stated that if the legislature is successful in requiring urban renewal board members to be elected, the Supreme Court decision as it would relate to this legislation would become moot. He stated that in his opinion, there is no such thing as excess revenue as long as there are outstanding debts.

**MOTION:** **Representative Collins** moved to **hold H 185** in committee, to be heard again at the call of the Chair. **Motion carried on a voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:43 p.m.

---

Representative Barrett  
Chair

---

Mary Tipps  
Secretary

AGENDA  
HOUSE LOCAL GOVERNMENT COMMITTEE  
1:30 P.M.  
Room EW05  
Monday, February 28, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 115</a>	Reconsideration of H115; Enforced Execution of Plats	Rep. Pence
<a href="#">H 198</a>	Urban Renewal	Rep. Schaefer

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Barrett  
Vice Chair Marriott  
Rep Collins  
Rep Bayer  
Rep Chadderdon  
Rep Barbieri  
Rep Luker  
Rep Perry  
Rep Sims  
Rep Higgins  
Rep Buckner-Webb

COMMITTEE SECRETARY

Mary Tipps  
Room: EW06  
Phone: (208) 332-1147  
email: [mtipps@house.idaho.gov](mailto:mtipps@house.idaho.gov)

MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

- DATE:** Monday, February 28, 2011
- TIME:** 1:30 P.M.
- PLACE:** Room EW05
- MEMBERS:** Chairman Barrett, Vice Chairman Marriott, Representative(s) Collins, Bayer, Chadderdon (Chadderdon), Barbieri, Luker, Perry, Sims, Higgins, Buckner-Webb
- ABSENT/  
EXCUSED:** None
- GUESTS:** Erik Makrush, Idaho Freedom Foundation; Russell Westerberg, Capital City Development Corporation; John Runft; Paige Alan Parker, Legislative Services Office; Ryan Armbruster, Elam and Burke
- Chairman Barrett** called the meeting to order at 1:32 p.m.
- MOTION:** **Rep. Higgins** moved to approve the minutes of February 16, 2011. **Motion carried on a voice vote.**
- H 115:** **Rep. Pence** noted that at the February 24, 2011, meeting the Committee voted to send **H 115** to the floor with a do pass recommendation, stipulating a verbiage change from "owner" to "owners". After that meeting, it was pointed out that Idaho Code, § 73-114(1)(c), states "The singular number includes the plural and the plural the singular." The Committee agreed that this section of the Code resolves its concerns.
- MOTION:** **Rep. Luker** moved to send **H 115** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote.** **Rep. Pence** will sponsor the bill on the floor.
- H 198:** **Rep. Schaefer** introduced attorney **John Runft**, the lead counsel on the Urban Renewal Agency City of Rexburg v. Kenneth W. Hart case. He presented **H 198**, which relates to urban renewal. He explained that this bill would amend Section 50-2027, Idaho Code, and would extend to 90 days the time that a citizen may question and contest the legality of an Urban Renewal ordinance, resolution, or proceeding. It would delete an outdated code section and also make technical correction. Mr. Runft noted that all provisions of a project, including ordinances and increment financing, are finalized at a judicial confirmation, and a bonding company will not proceed without such judicial confirmation.
- In response to questions, Mr. Runft stated that there is no language limiting the length of time for challenges, but rather all challenges should be brought during the judicial confirmation. Mr. Runft noted that city councils may repeatedly keep changing an ordinance in the event one is challenged, and any lawsuits concerning that ordinance would have to be thrown out. **Rep. Higgins** stated that she sat on a city council, and the council did not act in that manner.
- MOTION:** **Rep. Marriott** moved to **HOLD H 198** in committee. **Rep. Barrett** called for testimony.
- Erik Makrush**, Idaho Freedom Foundation, testified in support of **H 198**. In response to questions, he noted that if there are potential conflicts between bills that are passed, such as in the number of days allowed for a particular issue, the last bill passed would prevail.
- Ryan Armbruster**, Elam and Burke, testified in opposition of **H 198**. He stated that bonding may not have to run through judicial confirmation. In his opinion, financing will be that much more difficult to obtain.

**VOTE ON  
MOTION:**

**Chairman Barrett** called for a vote on the motion to **HOLD H 198** in committee.  
**Motion carried on voice vote.**

**ADJOURN:**

There being no further business to come before the Committee, the meeting was adjourned at 2:19 p.m

---

Representative Barrett  
Chair

---

Jana Filer  
Secretary

AGENDA  
HOUSE LOCAL GOVERNMENT COMMITTEE  
1:30 P.M.  
Room EW05  
Monday, March 14, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H224</a>	Local Planning Act	Teresa Baker, Ada County Prosecuting Attorneys Office

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Barrett  
Vice Chair Marriott  
Rep Collins  
Rep Bayer  
Rep Chadderdon(Chadderdon)  
Rep Barbieri  
Rep Luker  
Rep Perry  
Rep Sims  
Rep Higgins  
Rep Buckner-Webb

COMMITTEE SECRETARY

Mary Tipps  
Room: EW06  
Phone: (208) 332-1147  
email: [mtipps@house.idaho.gov](mailto:mtipps@house.idaho.gov)

MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Monday, March 14, 2011

**TIME:** 1:30 P.M.

**PLACE:** Room EW05

**MEMBERS:** Chairman Barrett, Vice Chairman Marriott, Representative(s) Collins, Bayer, Chadderdon (Chadderdon), Barbieri, Luker, Perry, Sims, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** None

**GUESTS:** Teresa Baker, Mark A. Perfect, Ada County Prosecuting Attorneys Office; John Eaton, Realtors; Ax Yewer, Ada County; Kerry Ellen Elliott, Idaho Association of Counties

**Chairman Barrett** called the meeting to order at 1:30 p.m.

**MOTION:** **Representative Chadderdon** moved to approve the minutes of February 22, 2011. **Motion carried on a voice vote.**

**MOTION:** **Representative Chadderdon** moved to approve the minutes of February 24, 2011. **Motion carried on a voice vote.**

**MOTION:** **Representative Chadderdon** moved to approve the minutes of February 28, 2011. **Motion carried on a voice vote.**

**H224:** **Teresa Baker**, Ada County Prosecuting Attorneys Office, presented **H224**. She explained that in 2010, the Local Land Use Planning Act (LLUPA) was amended. In the amendment, the word "permit" was changed to "application". Prior to the amendment, the statute allowed county commissioners to determine by ordinance the applications that would be heard by the Planning and Zoning Commission and Hearing Examiners. The amendments in 2010 changed the LLUPA so that all land use applications, including administrative applications, must be heard by the Planning and Zoning Commission. The purpose of this legislation is to amend the LLUPA so that it conforms to the practice that many counties had prior to a change that was made to the Act during the 2010 legislative session. All of the procedures for these applications are provided for pursuant to an individual county's zoning ordinance. This legislation does not affect the underlying reason that the LLUPA was amended in 2010. She stated that the Idaho Association of Counties and the Board of Realtors support this bill.

**MOTION:** **Representative Chadderdon** moved to send **H224** to the floor with a **DO PASS** recommendation. **Motion carried on a voice vote. Representative Higgins** will carry the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 1:43 p.m.

---

Representative Barrett  
Chair

---

Mary Tipps  
Secretary

AGENDA  
HOUSE LOCAL GOVERNMENT COMMITTEE  
1:30 P.M.  
Room EW05  
Wednesday, March 30, 2011

---

SUBJECT	DESCRIPTION	PRESENTER
---------	-------------	-----------

---

Approval of Minutes

COMMITTEE MEMBERS

Chairman Barrett  
Vice Chair Marriott  
Rep Collins  
Rep Bayer  
Rep Chadderdon(Chadderdon)  
Rep Barbieri  
Rep Luker  
Rep Perry  
Rep Sims  
Rep Higgins  
Rep Buckner-Webb

COMMITTEE SECRETARY

Mary Tipps  
Room: EW06  
Phone: (208) 332-1147  
email: [mtipps@house.idaho.gov](mailto:mtipps@house.idaho.gov)

MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Wednesday, March 30, 2011  
**TIME:** 1:30 P.M.  
**PLACE:** Room EW05  
**MEMBERS:** Chairman Barrett, Vice Chairman Marriott, Representative(s) Collins, Bayer, Chadderdon (Chadderdon), Barbieri, Luker, Perry, Sims, Higgins, Buckner-Webb  
**ABSENT/  
EXCUSED:** Representative(s) Bayer, Luker, Perry, Buckner-Webb  
**GUESTS:** None  
**Chairman Barrett** called the meeting to order at 1:42 p.m.  
**MOTION:** **Representative Sims** moved to approve the minutes of March 14, 2011. **Motion carried on a voice vote.**  
**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 1:47 p.m.

---

Representative Barrett  
Chair

---

Mary Tipps  
Secretary