

MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Thursday, March 08, 2012

**TIME:** 1:30 or Upon Adjournment

**PLACE:** Room EW05

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

**ABSENT/  
EXCUSED:** None.

**GUESTS:** Ken Mallea, representing Idaho Funeral Directors Association; Vohn Buck, Idaho State Association of County Coroners; Erik Makrush, Idaho Freedom Foundation; Beth Ineck, Idaho Economic Development Association; Tom Schultz, Idaho Department of Lands; Dave Hattule and Janet Duffy, City of Bellevue; Robert Forrey, citizen; Robert Chambers, Principal, Butte High School; and Butte High School Students.

**Chairman Barrett** called the meeting to order at 1:33 p.m.

**MOTION:** **Representative Perry** made a motion to approve the minutes of February 28, 2012. **Motion carried by voice vote.**

**H 597:** **Representative Sims** presented **H 597**, which relates to urban renewal agency board of commissioners by amending Section 50-2006, Idaho Code, to establish provisions for the election of a board of commissioners; to establish provisions limiting board commissioners from holding certain elective offices; to establish provisions relating to staggered terms; to establish provisions relating to an election; and to establish an interim director, terms of office, and expiration of terms for commissioners.

Testimony was heard from **Erik Makrush**, Idaho Freedom Foundation, who testified **in support** of **H 597**. Mr. Makrush generally supports elections of urban renewal agency's board of commissioners. **Beth Ineck**, Idaho Economic Development Association, testified **in opposition** to **H 597**. Her primary concern was lack of continuity in-between elections.

Discussion was held and questions were asked pertaining to city versus county provisions, continuity between elections or lack thereof, and clarity of language.

**MOTION:** **Representative Barbieri** made a motion to send **H 597** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:** **Representative Perry** made a substitute motion to **HOLD H 597** for a time certain.

**ROLL CALL VOTE:** A roll call vote was requested. **Motion carried by a vote of 6 AYE and 5 NAY.**  
**Voting in favor** of the motion: **Reps. Marriott, Collins, Luker, Perry, Higgins, and Buckner-Webb.** **Voting in opposition** to the motion: **Reps. Bayer, Chadderdon, Barbieri, Sims, and Barrett.**

**H 551:** **Representative Bilbao** presented **H 551**, which amends Section 31-2802, Idaho Code, to revise provisions relating to burial or cremation of unclaimed bodies and to make technical corrections to Idaho Code Sections 31-3412, 54-1143, and 14-107. Traditional burial of indigent bodies places a financial burden on the counties and ultimately the taxpayers, whereas cremation is much less expensive but does require a signature before cremation can occur. When no one comes forward to take charge of disposition of the body or sign for cremation after 14 days, **H 551** would allow coroners to sign for disposal, either burial or cremation.

**Vohn Buck**, Idaho State Association of County Coroners, testified in support of **H 551**, conveying the difficulty coroners face when an indigent or other deceased person has not been claimed and there is no avenue available at this time to allow for cremation and burial is too costly, creating a serious storage problem.

**Ken Mallea**, representing funeral homes, also testified in support of **H 551** and answered questions on language, time limits, and liability issues.

**MOTION:** **Representative Collins** made a motion to send **H 551** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:** **Representative Luker** made a substitute motion to send **H 551** to General Orders for amendments.

**ROLL CALL VOTE :** Roll call vote was requested. **Motion failed by a vote of 4 AYE and 7 NAY. Voting in favor** of the motion: **Reps. Marriott, Luker, Perry, and Barrett. Voting in opposition** to the motion: **Reps. Collins, Bayer, Chadderdon, Barbieri, Sims, Higgins, and Buckner-Webb.**

**ROLL CALL VOTE:** Roll call vote was requested on the original motion. **Motion carried by a vote of 8 AYE and 3 NAY. Voting in favor** of the motion: **Reps. Collins, Bayer, Chadderdon, Barbieri, Perry Sims, Higgins, and Buckner-Webb. Voting in opposition** to the motion: **Reps. Marriott, Luker, and Barrett. Representative Bilbao** will sponsor **H 551** on the floor.

**H 505** **Representative Jaquet** presented **H 505**, which amends Chapter IV, Elections, Section 41, Charter of the City of Bellevue, to provide for the term of office to be changed from two years to four years and to be as set forth in the general laws of the State of Idaho applicable to election of city officials, including subsequent amendments, and to provide staggered terms of office.

**Dave Hattule** and **Janet Duffy**, City of Bellevue, testified in support of **H 505**, which they said would relieve the county of the burden of having elections every two years and would also bring Bellevue into alignment with all other Idaho cities, which hold elections every four years.

A question-and-answer period ensued regarding the depth of support, notification of and response to the two public hearings, and the possibility of employing an advisory ballot.

**MOTION:** **Representative Barbieri** made a motion to **HOLD H 505** in Committee.

**SUBSTITUTE MOTION:** **Representative Higgins** made a substitute motion to send **H 505** to the floor with a **DO PASS** recommendation.

**ROLL CALL VOTE:** Roll call vote was requested. **Motion failed by a vote of 4 AYE and 7 NAY. Voting in favor** of the motion: **Reps. Collins, Chadderdon, Higgins, and Buckner-Webb. Voting in opposition** to the motion: **Reps. Marriott, Bayer, Barbieri, Luker, Perry, Sims, and Barrett.**

**ROLL CALL  
VOTE:**

Roll call vote was requested on the original motion. **Motion carried by a vote of 7 AYE and 4 NAY. Voting in favor** of the motion: **Reps. Marriott, Bayer, Barbieri, Luker, Perry, Sims, and Barrett. Voting in opposition** to the motion: **Reps. Collins, Chadderdon, Higgins, and Buckner-Webb.**

**H 477:**

**Representative Schaefer** presented **H 477**, relating to leases of state-owned recreational cottage site and homesite lands. The purpose of the legislation is to amend Section 58-310, Idaho Code, to remove an exception relating to specified law and to provide that the successful bidder shall be required to provide specified rental on the lease at the close of the auction. **H 477** also repeals Section 58-310A, Idaho Code, relating to an exemption from specified conflict auction provisions and repeals Section 58-310B, Idaho Code, relating to the auction of leases of certain state-owned land.

**Robert Forrey**, citizen, testified in favor of **H 477**, stating that 58-310B has been found to be unconstitutional by Attorney General Lawrence Wasden, and 58-310A is currently before the court and is expected to be ruled unconstitutional as well. **Tom Schultz**, Idaho Department of Lands, also testified in favor of **H 477**, emphasizing the need to obtain fair market value on leases.

A lengthy discussion ensued regarding market rates, value and refund of improvements, commercial endowments, current lease practices, and language changes.

**MOTION:**

**Representative Luker** made a motion to send **H 477** to General Orders with amendments as follows: Amendment to Section 1: On page 1 of the printed bill, delete line 31, and insert: "fraud or collusion, or for other fiscally prudent reason, which in the judgment of said"; in line 33, delete "The successful" and insert: "Any"; and delete line 35, and insert: "the time of application to lease. Any unsuccessful bidder is entitled to a refund of their payment. If the amount of the". Correction to Title: On page 1, delete lines 4 and 5, and insert: "LATING TO SPECIFIED LAW, TO REVISE PROVISIONS RELATING TO THE REJECTION OF BIDS, TO REVISE PROVISIONS RELATING TO THE PAYMENT OF RENTAL ON LEASES AND TO PROVIDE THAT ANY UNSUCCESSFUL BIDDER IS ENTITLED TO A REFUND OF THEIR PAYMENT;"; and in line 6, delete "AUCTION;".

**Representative Perry** seconded the motion. **Motion carried by voice vote.**  
**Representative Schaefer** will sponsor the bill on the floor.

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 4:20 p.m.

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Representative Barrett  
Chair

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Jeanne Clayton  
Secretary