

AGENDA  
HOUSE LOCAL GOVERNMENT COMMITTEE  
1:30 P.M.  
Room EW05  
Wednesday, January 18, 2012

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">RS20892</a>	Property Tax Exemption clarification for home owner's	Representative Luker

***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 Chairman Marriott  
Rep Collins  
Rep Bayer  
Rep Chadderdon  
Rep Barbieri

Rep Luker  
Rep Perry  
Rep Sims  
Rep Higgins  
Rep Buckner-Webb

COMMITTEE SECRETARY

Kimra Burger  
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MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Wednesday, January 18, 2012

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

**PLACE:** Room EW05

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

**ABSENT/  
EXCUSED:**

**GUESTS:** Larry Benton, Kris Ellis, Tony Smith, Benton Ellis; Russ Hendricks, Idaho Farm Bureau; Boone Carter, citizen; Miguel Legarda, Realtor.

**Chairman Barrett** called the meeting to order at 1:29 p.m.

**Chairman Barrett** introduced Local Government Committee Secretary, **Kimra Burger**, and Page, **Alex Baca**.

**RS 20892:** **Representative Luker** presented **RS 20892**, which maintains the status of a resident homeowner's homestead exemption for property taxes while the owner is away from their primary dwelling due to military, humanitarian or religious service. Current law specifies that all homeowners lose this exemption when they are away from the home for a prolonged period of time.

**Representative Luker** pointed out that when a homeowner rents their home while away due to military, humanitarian or religious service, the rental status also negates the exemption. The legislation contained in **RS 20892** enables those specific homeowners to maintain their tax exemption as long as they do not change permanent residence. The time period for claiming the exemption is up to three years. If a notice is not filed within that period, it is possible for the homeowner to challenge the removal of the tax exemption by going through the process of the law.

**MOTION:** **Rep. Collins** made a motion to introduce **RS 20892**. **Motion passed by voice vote.**

**Rep. Marriott** introduced his grandson, **Boone Carter**, who was a guest at the meeting.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 1:38 p.m.

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Representative Barrett  
Chair

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Kimra Burger, Secretary  
Signed by Jeanne' Clayton

AMENDED #1 AGENDA  
HOUSE LOCAL GOVERNMENT COMMITTEE  
1:30 P.M.  
Room EW05  
Thursday, February 02, 2012

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">RS21049</a>	Liquor by the Drink	Bill Roden
<a href="#">RS20997</a>	Conforming Land Board and Dept. of Lands with Idaho Code	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	Rep Luker
Vice Chairman Marriott	Rep Perry
Rep Collins	Rep Sims
Rep Bayer	Rep Higgins
Rep Chadderdon	Rep Buckner-Webb
Rep Barbieri	

COMMITTEE SECRETARY

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MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Thursday, February 02, 2012

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

**PLACE:** Room EW05

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

**ABSENT/  
EXCUSED:** None.

**GUESTS:** Jan Sylvester, citizen; Dave Goins, Idaho News Service; Jesse Taylor, Priest Lake state lessee; Bill Roden, PLLC, representing Knob Hill Inn; Zach Hansen, Capitol West; Pam Eaton, Idaho Retailers Association; Bonnie Butler, Office of the Governor; Benjamin Davenport, Risch Pisca; Sarah Fuhrman, Roden Law Office.

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

**MOTION:** **Chairman Barrett** made a motion to approve the minutes of January 18, 2012.  
**Motion carried by voice vote.**

**RS 21049:** **Mr. Bill Roden**, representing Knob Hill Inn, presented **RS 21049**, which authorizes the issuance of a state retail license for the retail sale of liquor-by-the-drink to the owner, operator or lessee of a resort city inn situated in a resort city, as defined in Section 50-1044, Idaho Code, subject to certain conditions: (1) The issuance of the license would be subject to approval by the mayor and city council of the resort city; (2) The resort city inn would be subject to resort city taxes in accordance with Section 50-1046, Idaho Code; (3) The resort city inn must be a facility consisting of not less than 15 guest rooms providing overnight lodging accommodations, a restaurant in compliance with prescribed requirements, and conference and meeting facilities; and (4) The license, which would be subject to license fees, would not be transferable to another location.

**Mr. Roden** briefly related the background of liquor licensing outside of city limits and answered questions from committee members concerning uniform standards, restaurant and room requirements and other issues of concern.

**MOTION:** **Representative Bayer** made a motion to introduce **RS 21049**. **Motion carried by voice vote. Representative Marriott asked to be recorded as voting NAY.**

**RS 20997:** **Representative Schaefer** presented **RS 20997**, which brings the Land Board and Department of Lands into conformance with the Idaho Code and Constitution. The proposed legislation would repeal Idaho Code 58-310A, pertaining to cottage sites, and 58-310B, pertaining to state endowment land, both of which are deemed unconstitutional by the Idaho Supreme Court and according to a letter of opinion from the Attorney General.

Discussion was had on issues concerning camp sites, permanent on-site homes, lease term requirements, and other issues. **Representative Buckner-Webb** requested a copy of the Attorney General's opinion. **Representative Schaefer** agreed to provide this information.

**ORIGINAL MOTION:** **Representative Collins** made a motion to introduce **RS 20997**.

**SUBSTITUTE MOTION:** **Representative Ingram** made a substitute motion to return **RS 20997** to the sponsor. **Motion failed by voice vote.**

**ORIGINAL  
MOTION:**

The committee voted on the original motion to introduce **RS 20997. Motion carried by voice vote.**

**ADJOURN:**

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

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Representative Barrett  
Chair

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Jeanne Clayton  
Secretary

AGENDA  
HOUSE LOCAL GOVERNMENT COMMITTEE  
1:30 P.M.  
Room EW05  
Monday, February 06, 2012

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">RS21006</a>	Relating to the Board of Community Guardian	Rep. Trail
<a href="#">RS20980</a>	To allow a board of county commissioner to delegate purchasing authority	Seth Grigg, Idaho Association of Counties
<a href="#">RS21056</a>	To clarify that purchases of food and fuel are exempt from state purchasing law	Seth Grigg, Idaho Association of Counties
<a href="#">RS20976</a>	To clarify time public depository must file affidavit of capital stock	Seth Grigg, 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	Rep Luker
Vice Chairman Marriott	Rep Perry
Rep Collins	Rep Sims
Rep Bayer	Rep Higgins
Rep Chadderdon	Rep Buckner-Webb
Rep Barbieri	

COMMITTEE SECRETARY

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MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Monday, February 06, 2012

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

**PLACE:** Room EW05

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

**ABSENT/  
EXCUSED:** None

**GUESTS:** Bob Perkins and Teresa Baker, Ada County; Seth Grigg and Kerry Ellen Elliott, Idaho Association of Counties; Vicky McIntyre, Ada County Treasurer; Douglas Adams and Kelli Bolicek, Ada County Sheriff's office.

**Chairman Barrett** called the meeting to order at 1:32 p.m.

**RS 21006:** **Representative Trail** presented information on **RS 21006**, which amends Section 15-5-602, Idaho Code, to remove reference to the limitation for successive years on a Board of Community Guardian. Representative Trail answered questions posed by committee members and called on **Teresa Baker**, Ada County Deputy Prosecuting Attorney, who will provide committee members with information on how the Community Guardian Board is maintained when the membership is deficient.

**MOTION:** **Representative Luker** made a motion to introduce **RS 21006**. **Motion carried by voice vote.**

**RS 20980:** **Mr. Seth Grigg**, Idaho Association of Counties, explained the rationale of **RS 20980**, which amends Section 31-602, Idaho Code, to allow a Board of County Commissioners to delegate purchasing authority to other elected officials or county employees by way of a resolution. Mr. Grigg said that a change in the statute is needed to allow the commissioners the opportunity to delegate purchasing authority to employees by way of resolution, if they so desire.

Committee members asked about current and proposed purchasing parameters, budgeting processes, transparency, and the impact on small versus large counties.

**MOTION:** **Representative Higgins** made a motion to introduce **RS 20980**. **Motion carried by voice vote.** **Chairman Barrett** asked to be recorded as voting **NAY**.

**RS 21056:** **Mr. Seth Grigg**, Idaho Association of Counties, presented information on **RS 21056**, which would exclude the purchase of fuel and food from statutory procurement requirements.

A lengthy question-and-answer period ensued relative to the bidding process, potential abuse of multiple low-level purchases, ability to make purchases at competitive prices, annual contracts, prevention of fuel theft, and the definition of food and fuel.

**ORIGINAL MOTION:** **Representative Higgins** made a motion to introduce **RS 21056**.

**SUBSTITUTE MOTION:** **Representative Perry** made a substitute motion to return **RS 21056** to the sponsor for clarification regarding the definitions of "fuel," as well as "food," which appears in a subsection. **Motion carried by voice vote.** **Representative Higgins** asked to be recorded as voting **NAY**.

**RS 20976:** **Mr. Seth Grigg**, Idaho Association of Counties, presented the rationale of **RS 20976**, which amends Section 57-113, Idaho Code, to clarify the time a designated public depository must file an affidavit of capital stock and surplus with the county by using the date established by the State Treasurer.

**MOTION:** **Representative Collins** made a motion to introduce **RS 20976**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:15 p.m.

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Representative Barrett  
Chair

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Jeanne Clayton  
Secretary



**AMENDED #3 AGENDA  
HOUSE LOCAL GOVERNMENT COMMITTEE  
1:30 P.M.  
Room EW05  
Wednesday, February 08, 2012**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS20944</u></a>	Pertaining to adoption of a resolution by which urban renewal agencies select a board of commissioners	Rep. Sims
<a href="#"><u>RS21203</u></a>	Amending Urban Renewal Law limited to specific projects	Rep. Thompson
<a href="#"><u>RS21127</u></a>	Placing additional limitations on eminent domain	Rep. Nonini
<a href="#"><u>RS21022C1</u></a>	Amending Bellevue City Charter	Rep. Jaquet
<a href="#"><u>RS21209</u></a>	Authorizing counties to enact ordinances which will define 'nuisance weeds'	Teresa Baker, Ada County

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

COMMITTEE MEMBERS

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

COMMITTEE SECRETARY

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MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Wednesday, February 08, 2012

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

**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:** Teresa Baker and Brian K. Wilbur, Ada County Prosecuting Office; John Eaton, Realtor; Zach Hague, Capitol West; Russell Westerberg, Truth-Justice & American Way; Jesse Taylor, Westerberg & Associates; Teresa Molitor, Lake City Development Corporation/Jerome Urban Renewal; M. McLane, Gallatin; Dustin Hurst, Idaho Reporter.com.

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

**MOTION:** **Representative Collins** made a motion to approve the minutes of February 2, 2012. **Motion carried by voice vote.**

**MOTION:** **Representative Perry** made a motion to approve the minutes of February 6, 2012. **Motion carried by voice vote.**

**RS 20944:** **Representative Sims** presented **RS 20944**, which specifies that the City Council or Board of County Commissioners shall adopt by resolution by which existing urban renewal agencies shall select a Board of Commissioners, either by the mayor, by and with the advice and consent of the local governing body, or by provisions provided for in subsection (b) of Section 50-2006, Idaho Code.

A question-and-answer period ensued regarding elected officials and taxing authority.

**MOTION:** **Representative Barbieri** made a motion to introduce **RS 20944**. **Motion carried by voice vote.**

**RS 21203:** **Representative Thompson** presented **RS 21203**, which amends Urban Renewal Law 50-2008 by clearly identifying the parameters of the project so as to provide voters a clear understanding of the cost. Also, the project shall have a clear start time, run time, and terminating time.

**MOTION:** **Representative Luker** made a motion to introduce **RS 21203**. **Motion carried by voice vote.**

**RS 21209:** **Ms. Teresa Baker**, Ada County Prosecutor's Office, presented **RS 21209**, which allows counties to adopt nuisance weed ordinances that allow abatement of those nuisance weeds if the property owners refuse to take action. Ms. Baker said that the economy has left many large parcels of land that were once used for agriculture to fallow and be overcome with nuisance weeds without a property owner willing to abate them. Cities currently have the right to abate all nuisances in this manner but counties do not.

Committee members asked about due process, protection of landowners, and whether a special levy would be added to the owner's tax bill. **Representative Barbieri** said he would like to see some assurance to protect the property owners' rights.

**MOTION:** **Representative Higgins** made a motion to introduce **RS 21209**. **Motion carried by voice vote.**

**RS 21127:** **Representative Nonini** presented **RS 21127**, which amends Sections 50-2007 and 50-2010, Idaho Code, placing additional limitations on the use of eminent domain. The intent is that urban renewal agencies shall not have the authority to exercise the power of eminent domain. Nothing in the proposed legislation shall prohibit a city or county from utilization of its authority of eminent domain within its jurisdiction.

**MOTION:** **Representative Marriott** made a motion to introduce **RS 21127**. **Motion carried by voice vote.**

**RS 21022C1:** **Representative Jaquet** presented **RS 21022C1**, which relates to the Charter of the City of Bellevue, amending Chapter IV, Elections, Section 41, 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.

**MOTION:** **Representative Higgins** made a motion to introduce **RS 21022C1**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:02 p.m.

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Representative Barrett  
Chair

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Jeanne Clayton  
Secretary

AGENDA  
**HOUSE LOCAL GOVERNMENT COMMITTEE**  
Immediately after adjournment on the floor  
Room EW05  
Friday, February 10, 2012

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">RS21263</a>	Relating to a moratorium of certain industrial wind farms.	Rep. Simpson

***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 Chairman Marriott  
Rep Collins  
Rep Bayer  
Rep Chadderdon  
Rep Barbieri

Rep Luker  
Rep Perry  
Rep Sims  
Rep Higgins  
Rep Buckner-Webb

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MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Friday, February 10, 2012

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

**PLACE:** Room EW05

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

**ABSENT/  
EXCUSED:** Representative Chadderdon

**GUESTS:** Jesse Taylor, Westerberg & Associates; Kendra Kenyon, Idaho Council of Governments; Gloria Totoricaguena, citizen; Will Hart, Idaho Consumer-Owned Utilities Association; Teresa Molitor, Energy Integrity Project

**Chairman Barrett** called the meeting to order at 8:50 a.m.

**RS 21263:** **Representative Simpson** presented **RS 21263**, which would provide a moratorium for a time certain on the permitting or licensing or construction of certain industrial wind farms and wind turbines and to provide for creation of a legislative task force, declaring an emergency and providing a sunset date. Representative Simpson stressed the moratorium will allow policy makers time and resources to review the impact of wind energy development on Idaho citizens. Because of the massive financial incentives offered to wind developers at the federal, state, and local levels, wind energy development in Idaho has proliferated at an unprecedented rate. The negative impacts of wind energy on wildlife, residents, property owners, taxpayers, and utilities continues to be of concern. This legislation would provide an opportunity for lawmakers to adequately assess the wind energy sector in Idaho and make recommendations based on that assessment.

**MOTION:** **Representative Bayer** made a motion to introduce **RS 21263**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:00 a.m.

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Representative Barrett  
Chair

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Jeanne Clayton  
Secretary

AGENDA  
HOUSE LOCAL GOVERNMENT COMMITTEE  
1:30 P.M.  
Room EW05  
Tuesday, February 14, 2012

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 504</a>	Relating to Urban Renewal Law; establish provisions for selection of a board of commissioners	Rep. Sims
<a href="#">H 506</a>	Relating to Urban Renewal Law; to revise provisions relating to eminent domain	Rep. Nonini
<a href="#">H 507</a>	Relating to Urban Renewal Law; to provide voters a clear understanding for what they are voting	Rep. Thompson

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

COMMITTEE MEMBERS

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

COMMITTEE SECRETARY

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MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Tuesday, February 14, 2012

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

**PLACE:** Room EW05

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

**ABSENT/  
EXCUSED:** Representative Perry

**GUESTS:** Ron Harriman, Rachel Gilbert, and Maurice Clement, Tax Accountability Committee (TAC); Erik Makrush, Idaho Freedom Foundation; Tony Smith and Larry Benton, Benton Ellis; Zach Hague, Capitol West; Ryan Armbruster, Idaho Falls Redevelopment Agency; John Evans, Mayor, Garden City; Scott Turlington, Meridian Development Conference; Melinda Anderson, City of Twin Falls; Russ Hendricks, Idaho Farm Bureau; Teresa Molitor, Lake City Development Corporation/Jerome Urban Renewal Agency; John Watts, Veritas Advisors; Russell Westerberg, Capital City Development Corporation; Miquel Legarreta, Realtor; Katie Jackson, Matthew Vaughan, Jason Wickham, Ashley Bell, Makayla Boots, Jodee Boots, and Charles Steenpolk, American Heart Association; Max Greenlee, Risch Pisca

**Chairman Barrett** called the meeting to order at 1:35 p.m.

**MOTION:** **Representative Collins** made a motion to approve the minutes of February 8, 2012. **Motion carried by voice vote.**

**MOTION:** **Representative Marriott** made a motion to approve the minutes of February 10, 2012. **Motion carried by voice vote.**

**H 504:** **Representative Sims** presented **H 504**, which relates to Urban Renewal Law and amends Section 50-2006, Idaho Code, to establish provisions for the selection of a board of commissioners. Effective July 1, 2012, the city council or board of county commissioners would adopt by resolution the method by which existing urban renewal agencies shall select a board of commissioners either by the mayor, by and with the advice and consent of the local governing body, or by provisions provided for in subsection (b) of Section 50-2006.

**Representative Sims** responded to Committee members' questions on specific language in the proposed legislation, the pros and cons of elections for such an agency, the potential lack of election funds and quality of candidates.

Testimony was heard from **Mr. Ronald Harriman**, **Mr. Maurice Clements**, and former Senator **Rachel Gilbert**, Tax Accountability Committee (TAC); and **Mr.**

**Eric Makrush**, Idaho Freedom Foundation, who testified **in favor of H 504**.

Testimony was also heard from **Mr. Ryan Armbruster**, representing the Idaho Falls Redevelopment Agency; and **John Evans**, Mayor of Garden City, who testified in **opposition to H 504**. A lengthy question-and-answer period ensued on all aspects of the merits and disadvantages of the proposed legislation.

**ORIGINAL MOTION:** **Representative Marriott** made a motion to introduce **H 504** with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:** **Representative Luker** made a substitute motion to **HOLD H 504** in committee until a new draft is created to clarify the many questions posed by committee members and to ensure the terminology meets the scrutiny of a legal counsel before a bill is presented on the floor.

**AMENDED  
SUBSTITUTE  
MOTION:**

**Representative Bayer** made an amended substitute motion to send **H 504** to General Orders. After further discussion, Representative Bayer **withdrew the amended substitute motion**.

**SUBSTITUTE  
MOTION:**

**Chairman Barrett** called for a roll call vote to **HOLD H 504** in committee until a new draft is created. **Motion carried by a vote of 8 AYE to 2 NAY. Reps. Collins, Bayer, Malek, Barbieri, Luker, Sims, Higgins, Buckner-Webb and Chairman Barrett. Voting in favor of the motion; Reps. Marriott and Sims voting NAY.**

**H 506:**

**Representative Nonini** presented **H 506**, which amends Sections 50-2007 and 50-2010, Idaho Code, placing additional limitations on the use of eminent domain. The intent is that urban renewal agencies shall not have the authority to exercise the power of eminent domain. Nothing in the proposed legislation shall prohibit a city or county from utilizing its authority of eminent domain within its jurisdiction. Representative Nonini stressed the powers in the current legislation provides authority for non-elected officials, which is too broad.

Testimony was heard by former Senator **Rachel Gilbert, Mr. Maurice Clements, Mr. Eric Makrush, and Mr. Russ Hendricks**, who all spoke **in support of H 506**. **Mr. Ryan Armbruster** spoke **in opposition** to **H 506**, stating he had never seen a need for such a bill.

**Representative Nonini** concluded his presentation of **H 506** by emphasizing that the intent of the bill is to approach the issue in a proactive manner to prevent any possible occurrence of abuse.

**MOTION:**

**Representative Collins** made a motion to introduce **H 506** with a **DO PASS** recommendation. **Motion carried by voice vote. Representative Nonini** will sponsor the bill on the floor.

**H 507:**

**Representative Thompson** presented **H 507**, which amends Urban Renewal Law 50-2008 to remove language included in certain urban renewal plans, to clearly identify the parameters of an urban renewal project with certain specific descriptions, to establish that modifications to a plan shall comply with the same provisions, to establish that a plan shall include a definite start and termination date, and to make a technical correction.

Committee members engaged in a thorough discussion, particularly as relates to clarity of the language; whether or not the wording included in **H 507** conflicts with **H 95**; and the actual purpose of the proposed bill. **Representative Thompson** said the purpose of the bill is to put in place those sideboards that will describe a project with more specificity to prevent occurrence of future abuses.

Testimony was heard by **Mr. Ryan Armbruster**, Idaho Falls Redevelopment Agency, who was of the opinion that the changes are unnecessary. **Ms. Melinda Anderson**, Director of the Twin Falls Urban Renewal Agency, spoke in **opposition** to **H 507**. **Mr. Russ Hendricks**, Idaho Farm Bureau; **Mr. Maurice Clements**; and **Mr. Ron Harriman**, TAC, spoke in **support of H 507**.

**ORIGINAL  
MOTION:**

**Representative Higgins** made a motion to introduce **H 507** with a **DO PASS** recommendation.

**SUBSTITUTE  
MOTION:**

**Representative Luker** made a substitute motion to send **H 507** to General Orders, amending the bill as follows:



AMENDMENT TO SECTION 1

On page 3 of the printed bill, delete lines 5 through 9, and insert:

" (h) (i) Any urban renewal plan containing a revenue allocation financing provision shall include the information set forth in section 50-2905, Idaho Code.

(ii) A plan prepared or approved for an urban";  
and delete lines 16 and 17.

CORRECTION TO TITLE

On page 1, in line 2, delete "TO RE-"; delete line 3; in line 4, delete "RENEWAL PLANS,"; in line 7, delete ", TO ESTABLISH THAT A PLAN"; and in line 8, delete "SHALL INCLUDE A TERMINATION DATE".

**Representative Bayer** seconded the substitute motion.

**VOTE ON  
SUBSTITUTE  
MOTION:**

**Motion passed by voice vote. Representative Thompson** 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

AMENDED #1 AGENDA  
HOUSE LOCAL GOVERNMENT COMMITTEE  
1:30 P.M.  
Room EW05  
Thursday, February 16, 2012

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">RS21308</a>	Relating to a moratorium on certain industrial wind farms and wind turbines.	Rep. Simpson
<a href="#">RS21305</a>	Relating to Urban Renewal Law to remove language referring to urban renewal plans; repealing Section 50-2905, Idaho Code.	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	Rep Luker
Vice Chairman Marriott	Rep Perry
Rep Collins	Rep Sims
Rep Bayer	Rep Higgins
Rep Chadderdon(Malek)	Rep Buckner-Webb
Rep Barbieri	

COMMITTEE SECRETARY

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MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Thursday, February 16, 2012

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

**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:** Will Hart and Fred Brog, Idaho Consumer-Owned Utilities Association; Teresa Molitor, Energy Integrity Project; Ben Otto, Idaho Conservation League; Elizabeth Criner, Northwest Food Processors Association/Simplot; Rachel Gilbert, Tax Accountability Committee; Stanley Hawkins, citizen; Hubert Osborne, Powerful Friends; Larry Benton, Benton, Ellis; Robert Boren, citizen; Jim Webb, Lower Valley Energy; Boyd Bowles and Jay Hanson, Fall River Electric; Peter Richardson, Northwest & Intermountain Power Producers; Ron Williams, Idaho Energy Resources Authority; Jake Eimers and John Solberg, Idaho County Light & Power; Orin LaRitchie, Northern Lights, Inc.; Everett Gossett and Doug Elliott, Kootenai Electric; Bear Prairie, Idaho Falls Power; Brent Wallin, City of Burley; Brenda Tominaga, Idaho Irrigation Pumpers Association; Russell Westerberg, Rocky Mountain Power.

**Chairman Barrett** called the meeting to order at 1:31 p.m.

**Chairman Barrett** recognized **Alex Baca**, House Page, whose tenure with the House will be over at the end of this week. He was presented with a gift in appreciation for his good service to the committee.

**RS 21308:** **Representative Simpson** presented **RS 21308**, which places a moratorium on the licensing of certain industrial wind farms and wind turbines to allow the opportunity for lawmakers to adequately assess the wind energy sector in Idaho and make recommendations. Representative Simpson noted that this proposed legislation had been heard in Planning Code.

**Representative Perry** asked why this legislation had been moved to a different section of Code. **Representative Simpson** replied that he was advised to do so because it was a land issue rather than an energy issue.

**MOTION:** **Representative Barbieri** made a motion to introduce **RS 21308**. **Motion carried by voice vote.** **Representative Buckner-Webb** requested that she be recorded as voting **NAY**.

**RS 21305C1:** **Representative Schaefer** presented **RS 21305C1**, which repeals Chapter 20, Title 50, to repeal the authority to create urban renewal districts. The legislation amends one section in Chapter 29, Title 50, and repeals one section in Chapter 29, Title 50, that refers specifically to urban renewal agencies. **RS 21305C1** also provides that the appropriate governing body shall ensure that any obligations or liabilities incurred by the urban renewal agency are appropriately retired in a manner consistent with the terms in which such obligations and liabilities were incurred. Representative Schaefer commented that recent legislation in California rescinded that state's urban renewal law because of fiscal restraints.

**MOTION:** **Representative Sims** made a motion to introduce **RS 21305C1**. **Motion carried by voice vote.** **Representative Higgins** requested that she be recorded as voting **NAY**.

**ADJOURN:**      There being no further business to come before the committee, the meeting was adjourned at 1:50 p.m.

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Representative Barrett  
Chair

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Jeanne Clayton  
Secretary

**AMENDED #1 AGENDA**  
**HOUSE LOCAL GOVERNMENT COMMITTEE**  
**1:30 P.M.**  
**Room EW05**  
**Monday, February 20, 2012**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 484</u></a>	To remove reference to limitation for successive years on a Board of Community Guardian	Rep. Trail
<a href="#"><u>H 482</u></a>	Relating to the time a designated public depository must file an affidavit of capital stock with the county	Seth Grigg, 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 Chairman Marriott  
Rep Collins  
Rep Bayer  
Rep Chadderdon  
Rep Barbieri

Rep Luker  
Rep Perry  
Rep Sims  
Rep Higgins  
Rep Buckner-Webb

COMMITTEE SECRETARY

Jeanne Clayton  
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MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Monday, February 20, 2012

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

**PLACE:** Room EW05

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

**ABSENT/  
EXCUSED:** Representative Higgins

**GUESTS:** Vicky McIntyre and Teresa Baker, Ada County Prosecutor's Office; Tony Poinelli, Idaho Association of Counties; Bill Roden and Sarah Furhiman, Roden Law Office

**MOTION:** **Representative Collins** made a motion to approve the minutes of February 14, 2012, with the following corrections: on page 2, paragraph 3, "**H 206**" should be "**H 506** and on page 3, paragraph 3, "**Representative Thompson**", not "**Representative Luker**", will sponsor the bill on the floor. **Motion passed by voice vote.**

**MOTION:** **Representative Perry** made a motion to approve the minutes of February 16, 2012. **Motion passed by voice vote.**

**H 484:** **Representative Trail** presented **H 484**, which removes the reference to the limitation for successive years on a Board of Community Guardian, thereby allowing any Guardian to be able to serve longer, if they so choose.

Committee members asked questions about the Guardian appointment process, payment structure, and the individuals served by the Guardians. **Representative Trail** called on **Ms. Teresa Baker**, Ada County Prosecutor's Office, to respond to the more specific questions, including the difference between Guardianship and Conservatorship.

**MOTION:** **Representative Collins** made a motion to send **H 484** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Representative Trail** will sponsor the bill on the floor.

**H 482:** **Mr. Tony Poinelli**, Idaho Association of Counties, presented **H 482**, which clarifies the time a designated public depository must file an affidavit of capital stock and surplus with the county by using the date established by the State Treasurer.

There was a brief question-and-answer period about surplus funds, identification of the public depository, and the fact that cities have more flexibility than counties in these processes.

**MOTION:** **Representative Buckner-Webb** made a motion to send **H 482** to the floor with a **DO PASS** recommendation. **Motion passed by voice vote. Representative Buckner-Webb** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:00 p.m.

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Representative Barrett  
Chair

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Jeanne Clayton  
Secretary

AGENDA  
**HOUSE LOCAL GOVERNMENT COMMITTEE**  
1:30 PM or Upon Adjournment  
Auditorium WW02  
Wednesday, February 22, 2012

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 561</a>	Relating to a moratorium on certain industrial wind farms and wind turbines	Rep. Simpson

***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 Chairman Marriott

Rep Collins

Rep Bayer

Rep Chadderdon

Rep Barbieri

Rep Luker

Rep Perry

Rep Sims

Rep Higgins

Rep Buckner-Webb

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MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Wednesday, February 22, 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:** See attached.

**Chairman Barrett** called the meeting to order at 2:55 p.m.

**H 561:** **Representative Simpson** presented **H 561**, which places a moratorium on certain industrial wind farms and wind turbines for a time certain; amending Chapter 65, Title 67, Idaho Code, by the addition of a new section 67-6539, Idaho Code, to provide legislative findings and intent, to provide a moratorium on the permitting, licensing or construction of certain industrial wind farms and wind turbines, and to provide for creation of a legislative task force, declaring an emergency and providing a sunset date.

The sunset date is July 1, 2014. Until that time, municipalities, counties and state agencies would be prohibited from granting approval or issuing any new licenses or permits for the construction or operation of wind turbines that exceed 100 feet in height and have a nameplate capacity that exceeds 100 kilowatts. Projects that have been approved, with no legal proceedings against them as of February 1, 2012, would be allowed to continue with construction.

**Representative Simpson** used a PowerPoint presentation to illustrate the rationale for placing a two-year moratorium on wind development in Idaho. The presentation included data on federal energy subsidies, of which wind subsidies are considerably higher than other energy subsidies; limited creation of jobs; high cost to ratepayers; need for more stringent siting regulations; and need for state uniformity of energy controls.

A thorough question-and-answer period ensued covering all aspects presented by **Representative Simpson**, including costs to ratepayers, federal subsidies, job creation, and the negative impact of wind farms on housing developments.

Testimony was heard from **Robert Ellis**, Ridgeline Energy; **Russ Hendricks**, Idaho Farm Bureau; **Don Barnhill**, Murphy Flat Wind; **Dawna Marie Cardwell**, citizen; **Todd Haynes**, Terna Energy; **Bill Block**, J-U-B Engineers; **George Cook**, Colonial Power; **John Steiner**, Idaho Wind Farms; **Randy Reynolds**, Bennett Creek Farms; **Bob Steinlicht**, Power County Building Administrator; **Gilbert Hofmeister**, landowner; **Bill Myers**, Renewable Energy Systems; **John Faulkner**, Faulkner Land and Livestock; **Jared Brackett**, Antelope Springs Ranch; **Matt Thompson**, Bonneville County Cattlemen's Association and self; **Peter Richardson**, (North Idaho) Intermountain Power Coalition; **Elizabeth Criner**, J. R. Simplot Company; and **Brian Jackson**, American Wind Group, and **Rep. Eric Anderson**, who testified in opposition to **H 561**. **Wayne Hoffman**, Idaho Freedom Foundation; **Hubert Osborne**, property owner; **Rayma Cates**, property owner; **Tauna Christensen**, Energy Integrity Project; and **John Eaton**, Idaho Association of Realtors, testified in support of **H 561**.



Committee members posed questions for the individuals testifying, both for and against **H 561**, regarding their specific concerns. Primary issues of those testifying in **opposition** to the legislation were related to the financial impact of a moratorium. Primary arguments of individuals testifying **in favor** of **H 561** were related to the negative impact of adjacent wind farms on their property.

At the request of **Representative Bayer, Mr. Neil Colwell**, a lobbyist for Avista Utilities, provided information on possible financial implications to ratepayers. Mr. Colwell is knowledgeable about regulatory energy structures and rules in Washington State.

**Representative Simpson** summarized his presentation of **H 561** and countered arguments opposing the legislation by reviewing topics discussed in his initial presentation.

**MOTION:** **Representative Barbieri** made a motion to send **H 561** to the floor with a **DO PASS** recommendation.

Committee members expressed their opinions and rationale for supporting or opposing **H 561**. It was the general feeling by those supporting the legislation that time is needed to review the impact of the proliferation of wind farms and make a decision as to regulations. Members who opposed the legislation felt the language was not specific enough regarding time line of permits; other members felt the negative financial impact on projects already in process was too great.

**ROLL CALL VOTE:** **Chairman Barrett** called for a roll call vote on **H 561** **The motion carried by a vote of 6 AYE and 5 NAY. Reps. Bayer, Barbieri, Luker, Sims, Higgins, and Chairman Barrett** voting **AYE**; **Reps. Marriott, Collins, Chadderdon, Perry, and Buckner-Webb** voting **NAY**.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 6:50 p.m.

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Representative Barrett  
Chair

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Jeanne Clayton  
Secretary

AGENDA  
HOUSE LOCAL GOVERNMENT COMMITTEE  
1:30 P.M.  
Room EW05  
Friday, February 24, 2012

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">RS21340</a>	Relating to urban renewal law elections of urban renewal agency board of commissioners	Rep. Sims
<a href="#">H 560</a>	Relating to the repeal of authority to create urban renewal districts.	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	Rep Luker
Vice Chairman Marriott	Rep Perry
Rep Collins	Rep Sims
Rep Bayer	Rep Higgins
Rep Chadderdon	Rep Buckner-Webb
Rep Barbieri	

COMMITTEE SECRETARY

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MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Friday, February 24, 2012

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

**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:** The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

**Chairman Barrett** called the meeting to order at 1:40 p.m.

**MOTION:** **Representative Marriott** made a motion to approve the minutes of February 20, 2012. **Motion carried by voice vote.**

**MOTION:** **Representative Perry** made a motion to approve the minutes of February 22, 2012. **Motion carried by voice vote.**

**RS 21340:** **Representative Sims** presented **RS 21340**, which amends Section 50-2006, Idaho Code, to revise provisions relating to urban renewal agency board of commissioners, to establish provisions relating to the election of a board of commissioners, to establish provisions relating to limiting board commissioners from holding certain elective offices, to establish provisions relating to staggered terms to establish provisions relating to an election, to establish provisions relating to an interim director, and to establish provisions relating to terms of office and expiration of terms for commissioners.

**Representative Sims** reminded the committee that similar urban renewal legislation had been before the committee earlier in the session but had been returned to the sponsor for wording clarification. **RS 21340** is the same proposed legislation with clarified language. Representative Sims reviewed the changes and expressed hope that the improved language will result in introduction of **RS 21340**.

**MOTION:** **Representative Barbieri** made a motion to introduce **RS 21340**. **Motion carried by voice vote.** **Representative Higgins** requested that she be recorded as voting **NAY**.

**H 560:** **Representative Schaefer** presented **H 560**, which repeals Chapter 20, Title 50, the authority to create urban renewal districts. It amends one section in Chapter 29, Title 50, and repeals one section in Chapter 29, Title 50, that refers specifically to urban renewal agencies. **H 560** also provides that the appropriate governing body other than an urban renewal agency shall assume the fiduciary responsibility of the urban renewal agency, which governing body shall ensure that any obligations or liabilities incurred by the urban renewal agency are appropriately retired in a manner consistent with the terms in which such obligations and liabilities were incurred.

A question-and-answer period ensued as to impact on existing urban renewal entities and developments, establishment of an appropriate urban renewal law, and voter involvement.

Testimony was heard from: **William Ditz**, Mountain West Group; **Craig Driver**, Gardner Company; **Brian Blad**, Mayor of Pocatello; **David Swindell**, Chief Financial Office, City of Pocatello; **Lon Crowell**, Planning and Zoning Manager, City of Pocatello; and **Steven England**, Mayor of Chubbuck, who testified in **opposition to H 560**. Those who spoke in **opposition to H 560** generally felt there would be a significant negative impact on development in their communities. **Maurice Clements**, Tax Accountability Committee, spoke in favor of **H 560**, arguing that urban renewal districts impose a heavy debt load on the State and citing the example of California, which had repealed a similar law due to debt load.

A lengthy discussion ensued on the pros and cons of **H 560** relative to tax burden, levy rates, and business and infrastructure development.

**Chairman Barrett** called for further testimony and discussion on **H 560** to resume the following week because of prior commitments of certain committee members, who had to leave the meeting.

**AMENDED  
MOTION:**

**Representative Bayer** requested that the minutes of February 22, 2012, which had been approved earlier in the meeting, be corrected to reflect, on page 2, that **Representative Eric Anderson** testified **in opposition to H 561**, not **in favor of H 561**. **Motion carried by voice vote.**

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 3:40 p.m.

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Representative Barrett  
Chair

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Jeanne Clayton  
Secretary

AMENDED #1 AGENDA  
**HOUSE LOCAL GOVERNMENT COMMITTEE**  
1:30 or Upon Adjournment  
Room EW05  
Tuesday, February 28, 2012

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 560</a>	Continuation of Urban Renewal Law, repeal	Rep. Schaefer
<a href="#">H 580</a>	Relating to Urban Renewal Law bonds issuance	Rep. Roberts

***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 Chairman Marriott  
Rep Collins  
Rep Bayer  
Rep Chadderdon  
Rep Barbieri

Rep Luker  
Rep Perry  
Rep Sims  
Rep Higgins  
Rep Buckner-Webb

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MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Tuesday, February 28, 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:** Representative Buckner-Webb

**GUESTS:** The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

**Representative Barrett** called the meeting to order at 2:28 p.m.

**MOTION:** **Representative Perry** made a motion to approve the minutes of February 24, 2012. **Motion carried by voice vote.**

**H 560:** Testimony continued from the meeting of February 24, 2012, on **H 560**, which amends Section 50-2904, Idaho Code, to remove language referring to urban renewal plans and repeals the authority to create urban renewal districts.

Testimony was heard from **Ron Harriman** and **Rachel Gilbert**, Tax Accountability Committee; **Wayne Hoffman**, Idaho Freedom Foundation; **Paul Alldredge** and **Don Brandt**, private citizens, who testified in support of **H 560**. Those in support of **H 560** felt the legislation would curtail increased taxes and unabated development. **Karen Sander**, Downtown Boise Association; **Jeff Huber**, White-Leasure Development Company; **Scott Schoenherr**, Downtown Boise Association; **Scott Turlington**, Meridian Development Corporation; **John Watts**, Idaho Chamber Alliance; **Russ Westerberg**, Capital City Development Corporation; and **Jayson Ronk**, Idaho Association of Commerce and Industry, testified in opposition to **H 560**, arguing that urban renewal agencies are the one tool that can revitalize core areas, thereby attracting new businesses and creating economic vitality. A question was also raised about a possible problem with language in the legislation.

A lengthy question-and-answer period ensued on development abuses, tax debt, business retention, and infrastructure development.

**Representative Schaefer** expressed appreciation to the testifiers for their input on **H 560** and summarized the salient points in the legislation, after which he asked for unanimous consent to **HOLD H 560** in committee until a time certain.

**MOTION:** **Representative Sims** made a motion to **HOLD H 560** in committee subject to call of the Chair.

**SUBSTITUTE  
MOTION:** **Representative Luker** made a substitute motion to **HOLD H 560** in committee.

**ROLL CALL  
VOTE:** A roll call vote was requested. **The substitute motion carried by a vote of 5 AYE to 4 NAY. Voting in favor** of the substitute motion: **Reps. Marriott, Collins, Luker, Perry, and Higgins. Voting in opposition** to the substitute motion: **Reps. Bayer, Chadderdon, Sims, and Barrett. Representative Barbieri was absent/excused.**

**H 580:** **Representative Roberts** presented **H 580**, which specifies that an urban renewal agency may issue bonds required to finance a project upon approval by two-thirds (2/3) of the qualified electors voting in an election held for such purpose. Representative Roberts discussed the specific changes to the Urban Renewal Law, which he said would more closely follow the Idaho Constitution.

Testimony was heard from **Russ Hendricks**, Idaho Farm Bureau, and **Paul Aildredge**, private citizen, who testified **in support** of **H 580**, the primary argument being that the legislation would more closely represent the intentions in the Idaho Constitution. **Melinda Anderson**, Twin Falls Redevelopment Association, testified **in opposition** to **H 580**. Ms. Anderson said the legislation would limit the ability of urban renewal agencies to respond quickly to development opportunities.

A question-and-answer period ensued concerning revenue allocation in tax increments, county taxpayers' obligation in certain jurisdictions, and liability issues. **Attorney Ryan Armbruster** answered questions pertaining to judicial confirmation and other legal issues.

**MOTION:** **Representative Collins** made a motion to **HOLD H 580** in committee for time certain, subject to call of the Chair. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 4:45 p.m.

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Representative Barrett  
Chair

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Jeanne Clayton  
Secretary

**AMENDED #1 AGENDA**  
**HOUSE LOCAL GOVERNMENT COMMITTEE**  
**1:30 or Upon Adjournment**  
**Room EW05**  
**Thursday, March 08, 2012**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 597</u></a>	Relating to Limitations of Urban Renewal Board of Commissioners	Rep. Sims
<a href="#"><u>H 551</u></a>	Revising Provisions related to Burial or Cremation of Unclaimed Bodies	Rep. Bilbao
<a href="#"><u>H 505</u></a>	Relating to the Charter of City of Bellevue Term of Office	Rep. Jaquet
<a href="#"><u>H 477</u></a>	Bringing the Land Board and Dept. of Lands into Conformance with the Idaho Code and Constitution	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	Rep Luker
Vice Chairman Marriott	Rep Perry
Rep Collins	Rep Sims
Rep Bayer	Rep Higgins
Rep Chadderdon	Rep Buckner-Webb
Rep Barbieri	

COMMITTEE SECRETARY

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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

**AMENDED #2 AGENDA**  
**HOUSE LOCAL GOVERNMENT COMMITTEE**  
**1:30 P.M.**  
**Room EW05**  
**Wednesday, March 14, 2012**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 647</u></a>	Defines emergency "incident response" fees relating to motor vehicle incidents.	Rep. Perry

***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 Chairman Marriott  
Rep Collins  
Rep Bayer  
Rep Chadderdon  
Rep Barbieri

Rep Luker  
Rep Perry  
Rep Sims  
Rep Higgins  
Rep Buckner-Webb

COMMITTEE SECRETARY

Jeanne Clayton  
Room: EW49  
Phone: (208) 332-1147  
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MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Wednesday, March 14, 2012

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

**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:** Karl Malott, Idaho Fire Chiefs Association; Dennis Dean, Boise Fire Department; Mike Irwin, Pocatello Fire Department; Corey Child, Madison Fire Department; Kent Lauer, Idaho Farm Bureau; Leon Duce, Association of Idaho Counties; Woody Richards, Attorney/Lobbyist, representing insurance companies; Teresa Baker, Ada County Prosecutor; Lyn Darrington, Lobbyist, representing State Farm Insurance Company; Phil Barber, American Insurance Association; Jim Trent, State Farm Insurance Company

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

**MOTION:** **Representative Marriott** made a motion to approve the minutes of March 8, 2012, with one correction, which was a typographical error in the spelling of his name on page 3. **Motion carried by voice vote.**

**H 647:** **Representative Perry** presented **H 647**, which defines emergency "incident response" fees relating to motor vehicle incidents, which are sometimes charged by counties, cities and fire districts, or those contracting with counties, cities or fire districts. The bill defines which of the incident response fees may be charged and which incident response fees are prohibited from being charged to those involved in motor vehicle incidents. Representative Perry said the drafters of **H 647** worked closely with insurance companies, fire districts and others to define and make consistent certain fees that can be charged for time and materials.

**Mr. Woody Richards**, an attorney and lobbyist for insurance companies, spoke in support of **H 647**, emphasizing that 13 states, including Utah, have limited or banned third-party charges related to accidents. He said that eight or ten of the 156 fire districts in Idaho are currently supported by third party vendors, whose fees are various and unregulated.

**Karl Malott**, Idaho Fire Chiefs Association; **Dennis Doan**, Boise Fire Department; **Mike Irwin**, Pocatello Fire Department; and **Corey Child**, Madison Fire Department, testified in opposition to **H 647**, expressing the belief that the legislation would place an undue burden on fire departments that work with vendors in response to incidents in areas that are not within the sphere of a particular fire district. They said that if fire districts are not allowed to charge a fee for needed incidentals, they would not survive as viable emergency responders. They said the issue of vendor fees should be left to local jurisdiction.

**Phil Barber**, American Insurance Association, **Lyn Darrington**, representing State Farm Insurance Company; **Kent Lauer**, Idaho Farm Bureau; and **Michael Kane**, representing Property Casualty Insurers Association, testified in support of **H 647**, arguing that third-party vendors take excessive, unregulated markups on materials, which ultimately raise insurance costs for everyone and result in double taxation.

Committee members pursued comprehensive responses from those opposed to and in support of **H 647** relative to billing procedures, specific charges, hazmat practices, cost recovery, transparency, and general logistics issues.

**Representative Perry** summarized by thanking the firefighters for their important and vital work and pointed out that **H 647** pertains to motor vehicle incidents only, addresses the need for third party fee standardization and eliminates the issue of double taxation.

Committee members expressed appreciation for both sides of the argument but generally felt that consistency and transparency were required for third party vendor billings.

**MOTION:** **Representative Luker** made a motion to send **H 647** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Representative Perry** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 3:35 p.m.

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Representative Barrett  
Chair

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Jeanne Clayton  
Secretary

AGENDA  
**HOUSE LOCAL GOVERNMENT COMMITTEE**  
1:30 or Upon Adjournment  
Room EW05  
Tuesday, March 20, 2012

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 691</a>	Amends existing law relating to special use permits	Rep. Moyle

***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 Chairman Marriott  
Rep Collins  
Rep Bayer  
Rep Chadderdon  
Rep Barbieri

Rep Luker  
Rep Perry  
Rep Sims  
Rep Higgins  
Rep Buckner-Webb

COMMITTEE SECRETARY

Jeanne Clayton  
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email: [jclayton@house.idaho.gov](mailto:jclayton@house.idaho.gov)

MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Tuesday, March 20, 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:** Representative Higgins

**GUESTS:** Ken McClure, Givens Pursley; Elizabeth Criner, representing Northwest Food Processors Association; Alex LaBeau, representing Idaho Association of Commerce and Industry; Brent Olmstead, representing Milk Producers of Idaho; Jeremy Pisca, and John Eaton, representing Idaho Association of Realtors; Pam Eaton, representing Idaho Retailers Association; Miguel Legarreta, representing Ada County Association of Realtors

**Chairman Barrett** called the meeting to order at 1:35 p.m.

**MOTION:** **Representative Perry** made a motion to approve the minutes of March 14, 2012. **Motion carried by voice vote.**

**H 691:** **Representative Luker** presented **H 691**, which amends the statute governing Conditional Use Permits to address issues arising from the recent Idaho Supreme Court decision in Burns Holdings, LLC v. Teton County Board of Commissioners, January 25, 2012.

The court decision interpreted the law contrary to legislative intent and to practices that have been followed for over 30 years, and places in question prior permits issued through an otherwise valid hearing process. Consequently, **H 691** does three things: (1) It clarifies that the Legislature intended the conditional use permit to be a process through which waivers of or exceptions to zoning standards could be permitted; (2) It strengthens notice requirements to those owning property near a property for which a conditional use permit is being sought, and (3) It makes the application of the clarified conditional use permit language retroactive to demonstrate that this was the Legislature's original intent. Retroactivity, however, is only applied to the permitting standards originally intended, and does not retroactively extinguish causes of action for damages including diminishment of valuation.

**Ken McClure**, Givens Pursley, on behalf of several clients, spoke **in support** of **H 691** and pointed out the bill amends the same section of the Idaho Code twice: first, to cover conditional use permits retroactively, so that everyone can have assurances that their investments are sound and, second, to cover future conditional use permits, both of which will be codified together in accordance with legislative intent.

**MOTION:** **Representative Collins** made a motion to send **H 691** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Representative Moyle** will sponsor the bill on the floor.



**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:50 p.m.

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Representative Barrett  
Chair

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Jeanne Clayton  
Secretary