

MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Friday, February 08, 2013

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

**PLACE:** Room EW05

**MEMBERS:** Chairman Barrett, Vice Chairman Sims, Representatives Barbieri, Luker, Perry, Clow, Hancey, Harris, Holtzclaw, Horman, Malek, Chew, Kloc, Meline

**ABSENT/  
EXCUSED:** Representatives Perry and Kloc

**GUESTS:** Tony Smith, Benton Ellis; John Eaton and Miguel Legarreta, Realtors; Tyler Mallard and Mark Dunham, Risch Pisca; Kerry Ellen Elliott, Idaho Association of Counties (IAC); Ray Stark, Boise Metro Chamber of Commerce; Ryan Armbruster, Elam and Burke; Pam Beaumont, Garden City Urban Renewal; Teresa Molitor, Lake City Development Corporation (LCDC) and JURA; Elli Brown, Veritas Advisors; Raeleen Welton, Westerberg and Associates; Neil Colwell, Avista Corporation

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

**MOTION:** **Rep. Horman** made a motion to approve the minutes of January 10, 2013. **Motion carried by voice vote.**

**RS 21807:** **Kerry Ellen Elliott**, Idaho Association of Counties, presented **RS 21807**. She stated that the Idaho Association of County Recorders and Clerks requested this change. The proposed legislation would amend Section 31-3205, Idaho Code, to provide uniformity and consistency in the application of recording fees for mining claims. The Legislature increased the recording fees during the 2010 Legislative Session to \$10 for recording every instrument, paper or notice for the first page and \$3 for each additional page, in order to provide necessary funding for county offices to meet new technological requirements and continue providing services. At that time, fees had not increased since the 1980s. When changes were made during the 2010 Session, Sections (h) and (i) for recording location notice of a mining claim and for recording affidavit of labor of mining claims were not changed to reflect the \$10 fee for the first page. This amendment would make the recording fee consistent and would treat all users equally. While there is no fiscal impact to the General Fund, some counties could realize a slight increase in recording fee revenue, dependent on usage. It is estimated that, if this proposed legislation becomes law, statewide recording fees will increase by approximately \$50,000. Ms. Elliott stated that most counties do perform some type of recording of mining claims.

**Chairman Barrett** invoked Rule 38, stating a possible conflict of interest. She said that her husband and family have been involved in mining for many years. She stated that she would be voting on **RS 21807**.

In response to questions, **Ms. Elliott** stated that a four page document that previously cost \$12 to record would cost \$19 to record under the proposed legislation, reflecting an increase of \$7 for the first page. The goal of **RS 21807** is to create uniformity and consistency in the filing of mining claims.

**Rep. Sims** invoked Rule 38, stating a possible conflict of interest. She explained that she sits on the Board of Directors of a mining company in Shoshone County. She stated that she would be voting on **RS 21807**.

**MOTION:** **Rep. Hancey** made a motion to introduce **RS 21807**. **Motion carried by voice vote.** **Rep. Harris** and **Chairman Barrett** requested to be recorded as voting **NAY**.

**RS 21817:** **Rep. Sims** presented **RS 21817**. She stated that this proposed legislation provides an election for the creation of a new revenue allocation area, in order to assure that plans and areas are created with voter approval.

In response to questions, **Rep. Sims** stated that "the electorate" is the electorate that set up the original revenue allocation area. There is no fiscal impact because this would be a ballot measure and a separate election would not be held.

**MOTION:** **Rep. Luker** made a motion to introduce **RS 21817**.

**Rep. Clow** spoke **in opposition** to the motion, stating that in his experience, there might not be time for an election before work begins.

**Chairman Barrett** spoke **in favor** of the motion, stating that citizens should never be denied their right to make decisions about things that affect their finances.

**VOTE ON MOTION:** **Chairman Barrett** called for a vote on the motion to introduce **RS 21817**. **Motion carried by voice vote**. **Rep. Clow** requested to be recorded as voting **NAY**.

**RS 21847:** **Rep. Barbieri** presented **RS 21847**. He stated that this proposed legislation would amend Section 67-6503, Idaho Code, to say that any changes to a comprehensive plan, resolution or ordinance be submitted for approval to the local voters. It would also establish a property rights council, made up of taxpayers in the taxing district, for recommendations to the governing board.

In response to questions, **Rep. Barbieri** stated that Kootenai County is in the final stages of preparing a comprehensive plan. Establishing these plans requires a great deal of time on the part of County Commissioners. The word "may" is in place to allow flexibility. Certain property owners have indicated dismay that plans have been put in place without their input because of inadequate or ineffective notice. Those areas that have established a comprehensive plan and determined that it is best to move forward would institute a property rights council to ensure that someone represents the taxpayers.

**MOTION:** **Rep. Sims** made a motion to introduce **RS 21847**.

**Rep. Clow** spoke **in opposition** to the motion, stating that he is concerned about the use of the word "may" and believes that this proposed legislation could actually institute a reduction in the number of citizens who provide input.

**Rep. Luker** spoke **in support** of the motion, but indicated that he does have some concerns related to allowing areas to opt out.

**VOTE ON MOTION:** **Chairman Barrett** called for a vote on the motion to introduce **RS 21847**. **Motion carried by voice vote**. **Representatives Chew, Meline** and **Clow** requested to be recorded as voting **NAY**.

**RS 21942:** **Rep. Malek** presented **RS 21942**. He stated that currently in Idaho Statute, at the time a plat is filed with a county clerk or county recorder, a copy must also be filed. Idaho Code, Section 50-1310, requires that silver image emulsion be used to make such a copy, because it does not fade. Silver image emulsion is costly, rare and currently unavailable in some Idaho counties. He explained that there are suitable alternatives that serve the same permanent purpose, and this change would allow for such substitutions. There is an emergency clause that would allow Idaho counties to begin using alternatives immediately, as they are currently unable to create copies as required.

**MOTION:** **Rep. Harris** made a motion to introduce **RS 21942**.

In response to questions, **Rep. Luker** stated that silver emulsion is an old-fashioned photograph, and currently he believes no one is producing film.

**VOTE ON MOTION:**

**Chairman Barrett** called for a vote on the motion to introduce **RS 21942. Motion carried by voice vote.**

**RS 21816:**

**Rep. Malek** presented **RS 21816**. He stated that this proposed legislation would clarify that public hospital districts and county hospitals may invest funds generated from the operational revenues of the public hospital districts or county hospitals in prime commercial paper, bonds, debentures or notes. He said that this shall not be construed to enlarge or expand the powers of the treasurer for public hospital districts or county hospitals to invest funds generated through ad valorem taxes, assessments or levies. Currently public hospitals are required to deposit their funds in U.S. banks or U.S. treasuries. Allowing public hospitals to maximize their investment earning will assist them in meeting their financial potential, possibly preventing them from needing to raise property taxes.

In response to questions, **Rep. Malek** stated that this proposed legislation is modeled after the authority given in Idaho Code to the State Treasurer.

**David Lehman**, Kootenai Health, stated that this would provide added certainty and security. The funds in question are excess or reserve funds that are generally reserved for capitol projects. Very few investment grade corporations are involved in defaults. The investments being proposed are safer than municipal bonds with a higher rate of return than U.S. securities.

**MOTION:**

**Rep. Hancey** made a motion to introduce **RS 21816. Motion carried by voice vote.**

**RS 21915:**

**Rep. Malek** presented **RS 21915**. He stated that urban renewal agencies currently have the power to enter any building or property in any urban renewal area, including private residences. This proposed legislation would remove that power.

**MOTION:**

**Rep. Horman** made a motion to introduce **RS 21915**.

In response to questions, **Rep. Malek** stated that urban renewal districts do have eminent domain authority.

**Chairman Barrett** stated that when too many people have eminent domain rights, individual property rights become diminished.

**VOTE ON MOTION:**

**Chairman Barrett** called for a vote on the motion to introduce **RS 21915. Motion carried by voice vote.**

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 2:25 p.m.

---

Representative Barrett  
Chair

---

Mary Tipps  
Secretary