

MINUTES
SENATE LOCAL GOVERNMENT & TAXATION COMMITTEE

DATE: Tuesday, January 21, 2014

TIME: 3:00 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Siddoway, Vice Chairman Rice, Senators McKenzie, Johnson, Vick, Bayer, Werk and Lacey

ABSENT/ EXCUSED: Senator Hill

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Siddoway** called the meeting of the Local Government and Taxation Committee (Committee) to order at 3:04 p.m.

RS 22484 **Chairman Siddoway** welcomed Senator Lee Heider to the podium to present **RS 22484**, relating to public airports and zoning proposals. **Senator Heider** shared a brief history of the proposal. He said that over the last four years, there has been conflict between the public and legislation in the planning and zoning of airports. He said this proposal was designed differently. **Senator Heider** said it amends Section 21-503, which provides for political subdivisions having zoning ordinance authority. He said the proposal has been approved by the Association of Idaho Cities and the Idaho Association of Counties. He said the purpose was to discuss how airports fit into the planning scheme of a community and he gave examples of different cities that had issues with their airports when they did not take into account the activities that occur there. **Senator Heider** said to protect public airports and community facilities that provide for transportation alternatives, they would like to adjust Section 67-6508 to have airport facilities be included like any other political subdivision. He said the wording was not a dictate but a recommendation to take into account that airports have special needs. **Senator Heider** then recommended that the Committee send **RS 22484** to print.

Vice Chairman Rice asked if the Idaho Transportation Department (ITD) was consulted. **Senator Heider** replied yes, noting that the Department of Aeronautics is under ITD, and the proposal does not change the relationship between the two departments.

Senator Werk said it looks like the zoning responsibilities were cut out of ITD and placed in city and county government, and he asked why would they not want both agencies involved in that decision making process. **Senator Heider** replied the airports would be a political subdivision but they would still be governed by ITD.

MOTION: **Senator McKenzie** moved, seconded by **Senator Vick**, to send **RS 22485** to print. The motion carried by **voice vote**.

- RS 22573** **Chairman Siddoway** welcomed Senator Todd Lakey to the podium to present **RS 22573** relating to the vacation of plats. **Senator Lakey** said this proposal is a straight forward jurisdictional issue currently under existing code. He said if an individual wanted to vacate a plat that is within one mile of a city, they must have a hearing with the city council. He said this was an older section of the code put in place before impact areas were fully understood. **Senator Lakey** said there was an Idaho Supreme Court case that clarified the jurisdictional issues between cities and counties and the proposal is in line with that ruling. He stated that if someone comes forward to vacate a plat, which is a map of how a piece of property is subdivided, and the property was in the county, they would go before the county commissioners for a decision, and if they were in the city, they would go before the city council for a decision. **Senator Lakey** said the proposal was formed with input from representatives from both the cities and the counties and both were supportive. He said the cities requested notification if the plat was within one mile of the city.
- MOTION:** **Senator Werk** moved, seconded by **Senator Mckenzie**, to send **RS 22573** to print. The motion carried by **voice vote**.
- RS 22501** **Chairman Siddoway** introduced Seth Grigg of the Idaho Association of Counties to present **RS 22501**, relating to electronic transmission of property tax notices. **Mr. Grigg** said this proposal was brought forth by county treasurers in their capacity as tax collectors. He stated that last year, the Committee passed a similar proposal from assessors, which allowed them an electronic assessment notice if the taxpayer requested it. He said the assessors thought it was a good practice and recommended that legislation be introduced to allow county tax collectors to send out an electronic tax notice at the taxpayer's request. **Mr. Grigg** said the proposal would amend Idaho Code Section § 63-902 and insert language that would allow the taxpayer to ask the county tax collector to have their tax notice be submitted electronically, and the county would provide the form for the purpose of uniformity.
- Chairman Siddoway** asked about the number of individuals who filed electronically. **Mr. Grigg** responded that due to timing issues, no requests came in.
- MOTION:** **Senator Werk** moved, seconded by **Vice Chairman Rice**, to send **RS 22501** to print. The motion carried by **voice vote**.
- RS 22502** **Mr. Grigg** then presented **RS 22502**, relating to property ownership that has 14 months to redeem the property. He said this proposal is from the county treasurers who discovered inconsistent language in two code sections. He said that if a taxpayer fails to pay their property tax over a three year period, a tax deed is issued for that property. However, before a county can auction that property, they must give adequate time for the property owner to redeem the tax deeded property. He outlined the code in Section 31-808 which within county title grants the owner 14 months to redeem the property and Section 63-1007 which only allows for 12 months. **Mr. Grigg** said the proposal would allow 14 months across both statutes, creating consistency in code.
- MOTION:** **Senator Johnson** moved, seconded by **Senator Bayer**, to send **RS 22502** to print. The motion carried by **voice vote**.
- RS 22503** **Mr. Grigg** then presented **RS 22503**, relating to the requirements of the county auditor to annually publish a statement of financial condition to the Board of County Commissioners (Board). **Mr. Grigg** stated the proposal came from the Clerks Association. He said the statement must be provided by the second Monday in January each year; however, the outside audit has often not been completed by that time. Additionally, there are other provisions in Idaho law that require the county clerk to provide similar statements to the county on a quarterly basis. He stated that, at the request of the clerks, this legislation would repeal the requirement that they make this statement of financial condition to the Board.

Senator Werk asked about the annual "publishing" of the statement of financial condition. **Mr. Grigg** replied they are not required to publish it, but rather file it with the Board. **Vice Chairman Rice** said the proposal might need some clarification.

MOTION: **Senator Johnson** moved, seconded by **Senator Lacey**, to send **RS 22503** to print. The motion carried by **voice vote**.

RS 22504 **Mr. Grigg** then presented **RS 22504**, relating to the public administrator's ability to pay the debts of a decedent in priority order. He said as a public administrator, the county treasurers are responsible for the estate, possessions and auction of the property of an individual that passes away in the county without heirs. he stated that if the auction yields more than \$1,000, they are required to give notice to any creditors that might have claims against the estate. The county is allowed to take from the profits any debts incurred in the cleaning or auctioning of the estate, as well as the disposal of the remains. **Mr. Grigg** stated that frequently, these costs far exceed the \$1,000 threshold. He said the proposal is a request that the public administrator be able to create in their inventory a list of items from the property and then reduce any debts and projected costs of administration and that the threshold be raised from \$1,000 to \$5,000. He said there is no financial benefit to the county because after debts and creditors have been repaid, all remaining funds go into the State's unclaimed property pool.

MOTION: **Senator Lacey** moved, seconded by **Senator Bayer**, to send **RS 22504** to print. The motion carried by **voice vote**.

S 1213 **Chairman Siddoway** invited Vice Chairman Rice to move to the podium to introduce **S 1213** relating to oil and gas wells and applications for exemptions. **Senator Rice** explained this bill is a paperwork and time reduction bill. He said that last year, they passed an exemption for oil and gas wells and this current bill states it is no longer required to apply for an exemption each year, so the county commissioners will not have to process exemption applications.

MOTION: **Senator Werk** moved, seconded by **Senator Bayer**, to send **S 1213** to the floor with a **do pass** recommendation. The motion carried by **voice vote**.

ADJOURNED: There being no further business, **Chairman Siddoway** adjourned the meeting at 3:37 p.m.

SECRETARY'S NOTE: These minutes were originally recorded by Committee Secretary Marchelle Fias. Upon her departure, Majority Staff Assistant David Ayotte assisted with them.

Senator Siddoway
Chair

Christy Stansell
Secretary