

MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Thursday, February 06, 2014

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

**PLACE:** Room EW05

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

**ABSENT/  
EXCUSED:** Representative(s) Perry and Chew

**GUESTS:** Ken Harward, Association of Idaho Cities; Julie Hart and Russ Westerberg, Westerberg and Associates; Tony Smith, Benton Ellis

**Chairman Barrett** called the meeting to order at 1:36 p.m.

**MOTION:** **Rep. Horman** made a motion to approve the minutes of January 30, 2014. **Motion carried by voice vote.**

**S 1235:** **Senator Lakey** presented **S 1235**. He said this bill corrects two existing statutes in Title 50, Chapter 13, Idaho Code, regarding the vacation of plats. It clarifies that decisions to vacate plats are decided by a city if they are located within the city, and by a county if they are located within the county. This would bring Idaho Code into alignment with a Supreme Court decision which stated that cities have jurisdiction over cities, and counties have jurisdiction over counties.

Responding to a question regarding areas of impact, **Senator Lakey** said cities were satisfied with the proposed notification.

**MOTION:** **Rep. Luker** made a motion to send **S 1235** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Clow** will sponsor the bill on the floor.

**RS 22803:** **Rep. Malek** presented **RS 22803**. This would provide that employees with access to facilities occupied by law enforcement may not be excluded from polygraph tests. He expressed that in certain counties, individuals or whole departments working inside Sheriff's Offices are not given polygraph exams the same way police officers are, despite the fact that they have access to the same data as the officers. This is a problem that was brought to his attention by county commissioners.

Responding to questions, **Rep. Malek** said this change would allow but not require polygraph exams for employees who are being newly hired. Any incoming employee, including janitors and secretaries, could be given polygraph exams under this change. Polygraph exams could also be required for contract service workers, such as those who are part of night cleaning crews working in law enforcement buildings, if a specific human resources department decided to make that requirement. Polygraph exams could be used during recredentialing processes. These tests are used to determine whether applicants have been truthful on their applications. He is unsure how many law enforcement agencies across the state use polygraph tests in their hiring processes for police officers, however Rep. Malek is aware that in Kootenai County this is part of the hiring process. Also in Kootenai County, there is an entity housed inside the Sheriff's Department working alongside them, that is not a law enforcement agency.

**MOTION:** **Rep. Clow** made a motion to return **RS 22803** to the sponsor. **Motion carried by voice vote.**

**RS 22794:** **Rep. Morse** presented **RS 22794**. This RS replaces **H 437**, which was heard in this committee on January 30, 2014, as **RS 22645**. Changes have been made and include the addition of specific wording to clarify that beautification is allowed on certain surfaces. He said the intent is virtually the same.

In response to questions, **Rep. Morse** said the intent is to draw a brighter line between zoning authority's regulation to enforce aesthetics on buildings and not to require or mandate structural mandates for beautification purposes. He said this would restrict zoning power to health, safety and general welfare, and not allow structural redesign as part of design review or the permitting process.

**MOTION:** **Rep. Sims** made a motion to introduce **RS 22794**.

**Rep. Luker** said he agrees this should be printed, however he has a concern about the Statement of Purpose, which does not mention health, safety and general welfare.

Responding to additional questions, **Rep. Morse** explained under Section 66-6508, Planning Duties, the planning duties of a governing board are laid out, and there is a mandate for elements of comprehensive planning function. Community design and development does not extend beyond voluntary building beautification, and zoning powers for beautification end at surface finishes. Surface finishes could include texture, color and paint schemes, or siding. There has been confusion over how far community design can go. Some communities have sought to change the shape and functionality of buildings.

**VOTE ON MOTION:** **Chairman Barrett** called for a vote on the motion to introduce **RS 22794**. **Motion carried by voice vote. Chairman Barrett** requested to be recorded as voting **NAY**.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:27 p.m.

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Representative Barrett  
Chair

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Mary Tipps  
Secretary