

MINUTES
SENATE LOCAL GOVERNMENT & TAXATION COMMITTEE

DATE: Thursday, February 06, 2014
TIME: 3:00 P.M.
PLACE: Room WW53
MEMBERS PRESENT: Chairman Siddoway, Vice Chairman Rice, Senators Hill, McKenzie, Johnson, Vick, Bayer, Werk and Lacey
ABSENT/ EXCUSED: None
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 3:02 p.m.

S 1265 **Chairman Siddoway** invited Senator Lee Heider to the podium to present **S 1265** relating to airport zoning and protection of public airports as essential community facilities. **Senator Heider** said the bill deals with two sections of code. He said Idaho Code § 21-503 will give zoning authority to political subdivisions to create zoning for airports around cities and counties, which would empower entities such as county commissioners, county planning and zoning commissions, city planning and zoning commissions or a city council to make decisions surrounding airports. He said the purpose of this act is to create a better environment and safe aviation.

Senator Heider said the bill adds an item (m) to Idaho Code § 67-502, the purpose of which shall be to promote the health, safety and general welfare of the people of the state of Idaho as described in the bill. The new item (m) reads: "To protect public airports as essential community facilities that provide safe transportation alternatives and contribute to the economy of the state."

Senator Heider said the next part of the bill is about planning duties. He said the idea is for airports to be treated like other entities within a city or county when considering planning and zoning issues, with consultation of the manager or person in charge of the local public airport. He said the bill is not asking for anything special, but to have airports given the same consideration in planning as would a school district, for instance. **Senator Heider** gave an example of what happens when a community wants to build a school in an undeveloped area. He said if planning and zoning looks at it and realizes there will be a superhighway going right past that school, or it needs a setback of 50 feet, or other administrative buildings are going to be put in the area, those considerations are taken into account. **Senator Heider** said the bill would allow the same considerations for an airport. He said for example, if a new cell tower or warehouse is needed in Twin Falls, a bad place to put that would be off the approach end or departure end of a runway, as that would be an aviation hazard. He said it would be a bad idea to build a duck pond near an airport.

Senator Heider said airports are indeed a valuable part of the community. He shared an example of encroachment around the airport in Rexburg, which has become landlocked because of lack of planning in conjunction with BYU Idaho, which has a future need for more student housing. He said he is not saying that an airport is the highest and best use for that location, because perhaps it is student housing, but if that's the case, the airport needs to be located in another area. He said planning and zoning needs to be involved in a public hearing setting to select a future site.

Senator Heider gave more examples, mentioning the airport in Burley is now in the middle of town, and the taxiway of the airport in Hailey is too close to the main road through town, and now Hailey is looking to relocate the airport further south. He mentioned issues at airports in Coeur d'Alene and Sandpoint, that the list goes on and on because planning has not been a part of determining airport locations, which has led to encroachments of airports and unharmonious uses around airports. **Senator Heider** said this bill tries to resolve the issue so that airports will be considered prior to granting any special permit or variances that might have a fiscal, economic or airspace impact on aviation.

Senator Heider said issues of planning and zoning around airports were put under the authority of the Idaho Transportation Department (ITD) back in 1947, and this issue hasn't been addressed since then, which is why he said it is so important to move it into title 67 which deals with zoning. He stated there are other aviation authorities present who are available to answer questions and testify if needed. **Senator Heider** noted that there is some wording in a section of the bill that will need to be fixed, so he recommends it be sent to the Amending Order.

Senator Werk asked for clarification on what sections need to be changed.

Senator Heider said there are issues in Sections 21-503 through 21-506, that don't really apply anymore because if planning and zoning is allowed to take responsibility for the planning around airports, then the director of ITD goes out of the picture. He said the sections that deal with ITD making decisions will no longer be in effect, because they will be made under city and county planning and zoning functions.

Senator Werk said he wasn't sure how comfortable he'd feel sending this to the Amending Order because there are too many changes that need to be made. He said perhaps having a piece of trailer legislation that could take care of these issues may be another option for the Committee to consider, and if the deadline for printing legislation is missed, it could be introduced through a privileged committee.

TESTIMONY:

Chairman Siddoway invited Bill Miller to the podium to testify. **Mr. Miller** said he lives in Boise, and as a pilot, he used to fly in the air national guard, as well as commercially throughout the State, and he still flies search and rescue. He said he was at one time the Director of Aeronautics when the state agency operated 30 smaller airports. He said he was also on the commission at the Hailey airport for four and a half years. **Mr. Miller** said from his background, poorly planned airports create a problem for airport managers, the community and users of the airports. He said, as Senator Heider pointed out, airports can be surrounded by other uses that cause problems for the airport, and at the same time, the airports can cause problems for the community and its citizens. He said the purpose of this bill is to use appropriate planning and zoning efforts to ensure surrounding land actions do not limit airport operations and growth or set up the community to be impacted by the airport. He said that's why this is an essential piece of legislation.

Mr. Miller shared a powerpoint presentation with photos of circumstances surrounding several airports (see attachment 1). He pointed out how the airport in Hailey is in a canyon which makes it very noisy for the community when there is a cloud ceiling, not to mention the hazard of the highway running parallel to the runway. He showed a photo of the airport in Santa Monica, California, where the residential community is built right up next to the airport, and there have been lawsuits there for years. He said, "We don't want our airports to get like this."

Vice Chairman Rice asked if ITD has issued any regulations regarding zoning around airports in Idaho. **Mr. Miller** answered he is pretty sure it has not, even though it has had the authority since 1947. The only zoning the Division of Aeronautics, as a small state agency, has ever really done is some of their own small airports that they operate around the State. They have not gone into any community to do zoning for them. In relation to Senator Werk's comments earlier, those provisions of Title 21, Section 5, will be irrelevant if this bill passes.

Vice Chairman Rice asked to clarify that the purpose of this legislation is so cities or counties themselves can do zoning for their airports. **Mr. Miller** answered yes, that is correct, they will do their own comprehensive plan. He said all communities are required to do comprehensive plans, so this provision will add to the items that the plan has to address. He said sometimes an airport will overlap jurisdictions with cities and counties, and they will need to work together on their comprehensive plans.

Vice Chairman Rice commented that instead of making multiple changes to multiple sections, there could be a statement added for § 21-505(b), that requires when cities and counties do comprehensive plans, that zoning around airports be considered and the airport authorities be contacted for that.

Mr. Miller continued with his presentation and mentioned the Division of Aeronautics is working on a draft of a guidebook for airport planning. He said they will have fresh copies distributed to local entities who do comprehensive planning, as a guide on how to plan around an airport, taking into consideration noise, traffic patterns and other technical information.

Senator McKenzie shared his concern about the transfer of power from ITD to cities and counties and how it is a broad power that is specified in code on how they can restrict uses on the land. He said his question is what if someone purchased land around an airport, and then the city regulates the usage of it; it would be akin to a regulatory taking, and if the city does that, the landowner would potentially need to be compensated by the city for the limited use of the land, as is the case for takings for right of ways. He said it seems that ITD hasn't run into that, but cities would if they try to limit height requirements around an airport. **Mr. Miller** answered he wasn't quite sure what the question was, but he understands that takings do exist with other planning and zoning restrictions on what surrounding properties can do, and it seems to him the process would be similar to what occurs with other resources and sites.

Mr. Miller deferred to Kerry Requa of Twin Falls for the remainder of the presentation. **Chairman Siddoway** welcomed Mr. Requa to the podium. **Mr. Requa** introduced himself as the current President of the Idaho Aviation Association, which has about 800 members. He said they are primarily involved with issues around small airports and back country airports. He said this bill is a common sense approach to dealing with problems that he has seen, as well as addressing the importance of recognizing the value of airports to the economy.

Mr. Requa provided a letter to the Committee (see attachment 2) and continued with a PowerPoint presentation (see attachment 3), pointing out hazards in the cone-shaped protection zone at the end of a runway in Blackfoot. He said there is also a neighborhood on the edge of a golf course that is at the north end of the runway, and the people there complain about agricultural airplane noise in the summer months. There are also trees in the backyards that could cause safety problems along the edge of the runway, even though a golf course is considered a compatible use at the end of a runway. He said everyone should pay attention to the safety zone around runways.

Mr. Requa said airports need to have protection to grow as a community grows, because they're a vital part of the economy. He shared some of the additional purposes of airports that contribute to the state economy including: air charter, search and rescue, air freight, air national guard, life flight, agricultural operations and all the jobs and business that goes along with them.

Mr Requa said some of the bigger problems at some of the bigger airports will necessitate moving the entire airport, because the community cannot be moved. He said this legislation helps solve these kinds of problems in the future by giving the local communities the guidance and ability to plan, because the local communities have a better view of what is happening at a local level that would benefit all.

Senator Vick asked if cities and counties don't have the authority to plan and zone around airports now, or does this bill mandate what they will have to do. **Mr. Requa** replied, yes, they do, but they haven't had the desire or ability to do so, and that is why airport considerations need to be a requirement in planning and zoning.

Senator Vick said this bill won't fix the problems that already exist, like the ones at the Blackfoot airport, and asked Mr. Requa if the idea is to avoid more problems in the future. **Mr. Requa** said that is correct. He said he isn't looking to resolve the current issues, because that is beyond the ability of this legislation, but it will help in the future. He said he'd like to point out that long ago, Boise was a small town, too, and the airport was much smaller. As communities grow, airports need to be provided the ability to grow with them. He said he thinks this legislation will cause planning and zoning to focus on airports and other land use aspects during planning.

David Mitchell, Vice President of T-O Engineers approached the podium to speak in support of **S 1265**. His presentation can be read in its entirety in the written testimony he submitted (see attachment 4).

Senator Werk asked if the assumption is being made that communities will be friendly to their airports, or if there is a community that may be unfavorably inclined to having an airport in or adjacent to their community. **Mr. Mitchell** answered that is certainly possible, but the idea of the legislation is that ITD and the Division of Aeronautics would have resources available and would provide guidance to those communities to protect the airports as best they can. He said the advantage of the law as written is that airports are required to be addressed, where right now aviation is not addressed or barely addressed in the comprehensive plan.

Senator Johnson asked how the Federal Aviation Administration (FAA) funding fit into this planning. **Mr. Mitchell** answered the FAA does not pay for the planning. He said airports that accept federal grants are required by their grant assurances, which is 14 pages of commitments the airport makes in exchange for that money, to implement zoning that is compatible with the airport and facilities. He said the FAA cannot enforce that, except through the availability of their funds.

David Ulane, Northwest Mountain Regional Manager for Aircraft Owners and Pilots Association (AOPA) was next to the podium to speak in support of **S 1265**. His presentation can be read in its entirety in the written testimony he submitted (see attachment 5).

Senator Johnson asked Mr. Ulane if he had spoken with other associations, like the Idaho Association of Counties, or the Association of Idaho Cities, to get their opinion of this legislation. **Mr. Ulane** answered he has not, and typically the AOPA works with other aviation associations and the airports. **Chairman Siddoway** commented that the sponsor of the bill did say he worked with both the county and city associations.

Bill Carberry, Airport Manager for Magic Valley Regional Airport in Twin Falls and past president of the Idaho Airport Management Association (IAMA) was next to approach the podium in support of **S 1265**. His presentation can be read in its entirety in the written testimony he submitted (see attachment 6).

Stephen Freiburger, President of Paragon Consulting for Civil Engineering, was next to approach the podium in support of **S 1265**. **Mr. Freiburger** said he is one of the co-authors of this bill. He said the need for this bill was identified a couple of years ago. Idaho airports are vital to the Idaho economy, providing \$2.1 billion in economic benefits. He distributed a booklet to the Committee called "Idaho Airport System Plan Executive Summary 2010" (see attachment 7). He said the biggest impact of airports is how they support other economic growth in Idaho. He said businesses will look at the community's airport and other infrastructure as a main consideration when looking at locating in Idaho.

Mr. Freiburger said the report indicates that ITD has identified \$740 million in capital improvement needs for the airport system over the next 20 years. He said a significant portion, almost half, of that is due to relocation of airports and other issues related to improper zoning and incompatible uses around airports. **Mr. Freiburger** said as an engineer, he considers himself a problem solver, so he asked to sit down with the cities and counties to find a solution to the problems. He said the discussion indicated that part of the problem has been that ITD does not have the local knowledge, community or funding to do planning for all the airports in the State. Another part of the problem is the counties and cities don't have the subject matter experts who understand aviation and airports to be able to zone properly. **Mr. Freiburger** said one thing the authors looked at in this bill is how to set up the system so that communities have the expertise they need.

Mr. Freiburger said the provision in the bill in Title 21 removes the land use portion of zoning from ITD and puts it into Title 67 and includes airports as one of the things to be considered when local entities do their planning and zoning. He said to look specifically at item (q), which provides that the land use agencies will do the planning and zoning, and ITD with its expertise and airport managers with their knowledge of rules, will be available to help educate communities at the community's request.

Mr. Freiburger said Title 21 was put together over a period of years which resulted in a hodgepodge of things in it, so this bill simplifies the code and puts zoning effort into Title 67 and keeps the airspace and aviation hazards under ITD authority, so it becomes a shared responsibility. Airspace is ITD's responsibility, zoning is the local entity's responsibility, and there is a mechanism for support and assistance from subject matter experts.

Mr. Freiburger said he reviewed the bill with people at ITD Aeronautics Division, and they told him this is a good balance as they are out of the land use zoning authority business and instead play a support role, which is what they want.

Mr. Freiburger said the counties and cities associations agree they are the entities that should be doing the zoning, and this bill is what is needed for communities to get the support they need to make educated decisions about their airports.

Mr. Freiburger described some history of the bill, and how it took about two years to get to this point. He said part of the difficulty was some wording in Title 21, which distracted from the main point being simply to separate zoning and airspace authority. He said Senator Heider directed them to simplify the bill and take into account concerns from the opposition, and strike a balance between airspace preservation and land use issues.

Mr. Freiburger said he would address some of the other questions that have come up during testimony on this bill before the Committee. He said Section 505 (b) is there because there are currently two entities with the ability to zone around airports, and the section requires that if there are differences in zoning, the more stringent rule applies. By removing the authority from ITD and placing it with local entities, there is no longer a need for that part of code. He next addressed the question regarding takings and compensating people whose property rights may be affected by zoning. He said current code indicates that if mitigation cannot be made, the local entity has the right to raise public funds to be expended to mitigate the aviation hazard.

Mr. Freiburger said one of the nice things about this legislation is that it does not tell communities to zone in a certain manner, and if a community decides that the economic viability of their airport is not that important to them, they have the right to zone it the way they see fit; however, if a community wants to develop their economic viability and draw in businesses and make the airport a centerpiece of that growth, they are given the technical expertise to do that.

Mr. Freiburger commented on Senator Heider's recommendation to send **S 1265** to the Amending Order in order to remove Sections 504 through 507, which are those sections that reference ITD, the Department, or the Director having responsibility on zoning issues. Anything that has to do with airspace preservation or aviation hazard issues will remain. He said there are two items that need to be negotiated for specific language in Sections 502 and 503, but he said he feels that can be worked out with the opponents. **Mr. Freiburger** said, with that, he highly encourages the Committee to send this bill to the Amending Order.

Chairman Siddoway invited Justin Ruen with the Association of Idaho Cities (AIC) to the podium. **Mr. Ruen** shared a letter from the AIC with the Committee (see attachment 8). He said this bill has been a collaborative effort over a few years with the IAC, ACEC Aviation Committee, as well as ITD Division of Aeronautics. He said they are trying to raise awareness among local officials about the importance of airport zoning, and educate their own people about it, and at the same time try to update the law to reflect the current division of labor that exists between cities, counties and ITD. He said this legislation does not make major changes to the way the process works now.

Mr. Ruen said he sees of merit in that there will be notice to the airport manager when there are development proposals that might impact the airport, which will ensure the airport is better represented and considered in those land use cases and hearings. He said the bill also provides for a more detailed analysis of the airport's needs in the comprehensive plan. He said relocating airports is a brutally expensive process, so it only makes sense that a comprehensive plan address in a detailed way the potential of expansion and other projects required to maintain the airport as a viable resource.

Senator Werk said he has been reviewing Chapter 5 of the Airport Zoning Act, and he said there is substantial work to do in order to line up with what is in this bill. He said he doesn't know why this bill is before the Committee without Chapter 5 being completely redone, noting that some of it would impact operations in cities and counties. He said he doesn't have a problem with the bill, but it seems like only half of a proposal. **Senator Werk** asked if it has been considered how the bill may impact city or county planning and zoning employees ability to do their jobs. **Mr. Ruen** replied that it is his understanding that most of those sections of concern will be repealed, but he would defer to the sponsor on that. He said it may not be quite as heavy of a lift as it may seem.

Vice Chairman Rice asked to clarify his understanding, stating that the idea is to have the Division of Aeronautics give guidance on what is appropriate in zoning of airports by providing information to cities and counties, but the cities and counties do the actual zoning with that consultation process in place. **Mr. Ruen** said that is exactly correct. He said counties and cities have land use regulatory authority, but they are informed in their decision making process by the technical expertise and resources provided by aeronautics. He referred to a very extensive manual on airport zoning best practices that is extremely helpful, which he has been working on with the Division of Aeronautics, with the goal of raising awareness of those best practices, to ensure that the best possible decisions are being made.

Chairman Siddoway invited John Eaton, Government Affairs Director for the Idaho Association of Realtors (Association) to the podium. **Mr. Eaton** said his association has been involved with the issue for the past several years, and he thinks this bill is a good conclusion if it gets moved forward to the Amending Order to get the amendments he thinks it needs to make it work. He said the Association's concerns are with the first section of the bill.

Mr. Eaton said the Association originally had concerns with the second section as well, but their legislative committee reviewed it and now believes it is appropriate. He said there needs to be more of a "call out" and focus in the comprehensive plan for airports and zoning around airports. **Mr. Eaton** said the Association had a statement added on page 5 of the bill, where it refers to public airport facilities, that there be "an analysis prepared with the assistance from the ITD Division of Aeronautics, if requested by planning and zoning." He said that way, it is still the local governments' decision on what to do in the plan, but there is a separate analysis in the plan dedicated to airports. **Mr. Eaton** said the issue was the word "may" in the language, where it read "the component may also include port, harbor, aviation, and other related transportation facilities." He said "aviation" is being removed from that sentence, so that it is now a component that will be considered, rather than may be considered. He mentioned the same thing was done a few years ago with the agricultural component in the analysis.

Mr. Eaton returned to the original concern, not with the overall objective of the bill, but with language that their attorney, Mr. Risch, felt could create potential conflicts. He said the legislation gives local governments the authority to plan, but then left in outdated language from 1947 that leaves the ITD Director still in charge. He offered an example of a city making a zoning plan, but then needing to go through an application process with the ITD Director to ask for a variance. **Mr. Eaton** said he spoke with the Director, who said he wanted no part of that and asked that Mr. Eaton convey that to the Committee. **Mr. Eaton** said the Director's preference is to have that authority taken away from ITD and transferred to the locals, which is what Section 2 does.

Mr. Eaton said what has been proposed is that the Association, ITD, cities, counties, and the proponents of the legislation will work together to remove references to zoning from anything that relates to ITD. He said those concerns have been identified, and those sections will be repealed, which removes the conflict, and the responsibility for zoning lies in the cities and counties. **Mr. Eaton** said he will get the amendments in order for the bill.

Vice Chairman Rice said the changes made in Section 21-503 are not clear about having the Division of Aeronautics provide guidelines, and he feels that the amendments may require more tweaking than just repealing those other sections. **Vice Chairman Rice** suggested **Mr. Eaton** look at that and leave "guideline authority" in for the Division of Aeronautics and ITD. **Mr. Eaton** said what had been discussed is actually eliminating the first section of the bill as well, and then repealing other sections to do whatever needs to be done to make sure none of the agency's existing functions are being harmed. He said, in speaking with Senator Heider, that what the legislation portends on page 5 is that when a local entity does its analysis that it can ask ITD for help, but that would be up to the local jurisdiction to decide whether or not to ask for that help. **Mr. Eaton** said there is already a great deal of information on the ITD website about zoning, and that will remain, so there is plenty of opportunity for local entities to find that, as well as an opportunity for ITD to be proactive in letting communities know that it is there to help if they want it. He said local airport managers have a lot of the same information available. He said this legislation "inputs" them into the process. **Mr. Eaton** said the preference from ITD is that ITD would be out of this statute and the land use planning component would be completely with the cities and counties.

Chairman Siddoway invited Senator Heider back to the podium. **Senator Heider** said he appreciates the interesting discussion. He said the plan of the bill is to remove ITD from the zoning process and go strictly to counties and cities. He said when airports ask for money from the FAA, they get a 95 percent - 5 percent split. **Senator Heider** said when he was on the city council and served on the airport commission, he was always thrilled when the airport came to them with projects to seal the runway, fix a taxiway or build a new building, because the federal government would pay 95 percent of it, and the city would only pay 5 percent. He said it is wonderful that the city would get the benefit of that, except if the airport is not in compliance, the city doesn't get the money. That is why it is important that airports are in compliance with FAA rules, relative to zoning around airports. **Senator Heider** said the bill has been before AIC, IAC, Idaho Association of Commerce and Industry (IACI), and other interested parties, who may or may not have supported this legislation in the past. He said the goal is to get ITD out of the picture, and give authority to cities and counties, which is why this bill needs to go to the Amending Order.

Senator Heider said, "We need to work with land use planners in cities and counties, make sure our airports are safe, make sure they're compatible with other planning and zoning efforts, and whatever zoning is taking place, certainly the airport manager or person in charge of an airport, needs to be consulted when these changes are coming their way and affect airport use."

Senator Hill asked to make certain that everyone in the room is in agreement on what amendments are going to be made, or will that be battled out on the floor of the Senate. **Senator Heider** replied there is agreement on what needs to be done, and they have worked with those who drafted the legislation, and it will be the revocation of a section and the references to that section so that ITD is out of planning and zoning. It will also fix places where it reads "the Director shall" so there will not be conflict. **Senator Hill** commended the parties for working together.

MOTION: **Vice Chairman Rice** moved, seconded by **Senator Hill**, to send **S 1265** to the floor with the recommendation that it be sent to 14th Order for possible amendment.

DISCUSSION: In discussion, **Senator Werk** thanked everyone for working together on this legislation, and he appreciates the intent. He said, however, he doesn't have a sense that there is a time limit on what is needed in this legislation, such that things need to move quickly. He said he has looked at Chapter 5 and he is concerned about making rather wholesale large changes, and he thinks it would need to be rewritten instead. He said he will not support the motion because he does not think the 14th Order is the appropriate place to make these changes. **Senator Werk** said he thinks a better procedure would be to either pass it as it is and then have a trailer bill to make the changes needed, so that two different committees can vet the changes to make sure it's right. He said there was mention of Section 1 of this bill also needing to go, and he has concerns about doing all of that in the Amending Order.

Chairman Siddoway repeated the motion under consideration. The motion carried by **voice vote**. **Senator Werk** asked to be recorded as voting no.

S 1241

Chairman Siddoway welcomed Senator Jim Guthrie to the podium to present **S 1241**, relating to trespass to revise trespass posting provisions. **Senator Guthrie** said the bill seeks to amend Idaho Code § 18-7008, 18-7011, and 36-1603. He said right now there are a variety of ways people can post against trespass, including signage, orange posts, or steel posts every 650 feet, which all work pretty well. He said what this legislation addresses is situations where public roads go through private property and big tracks of land that are unfenced. He said this would allow a sign at the start of the area, indicating that for the next amount of miles, the land on either side of the road is off limits and then there would be another sign at the end when the property is no longer guarded against trespass. The legislation also allows for a map to be posted that depicts what is private and public land.

Senator Guthrie said he owns property and some of it happens to be conducive to rock chuck and goose hunting, and perhaps deer and cougar hunting, too. He said he has never posted and they allow people to hunt if they ask and treat the property with respect. He said he thinks it is an individual property owner's option. He said sometimes people think that there are posts because someone is fearful of having their property trashed, but most people are respectful and ask for permission and treat property with respect. He said he thinks the people who don't are the same ones who will take their truck and pull the sign out of the road, and that will always exist. He said the question has come up about enforcement, and he said he thinks the ones who want to trash property or sign, that will remain a challenge. **Senator Guthrie** said he feels this bill does give property owners one more tool, and one more opportunity to alert the public, and those who hunt and fish and hike want to know where they are welcome, so this is a benefit both directions. He asked the Committee to send **S 1241** to the floor with a do pass recommendation.

Senator Hill said he completely supports the bill and would like to know how it was put together. He said there are three different sections with verbiage that is repeated three times. He asked when working with legislative services on this, if there was consideration of setting up the parameters once and then referring to that part of the code in each of the other sections, so there weren't so many pages added to statute. **Senator Guthrie** replied that it is his understanding that it is in different sections of code because it needs to be reiterated in those sections, and perhaps an attorney would have an opinion on that. He said perhaps it could have been cleaned up further or better. **Senator Hill** said he defers to their judgment and wanted to understand if it had been discussed.

Chairman Siddoway invited Dennis Tanakuni, the Assistant Director of Governmental Affairs for the Idaho Farm Bureau (Bureau) to the podium. **Mr. Tanakuni** said the Bureau supports this bill as it will provide a lot of its members more efficient and economic ways to post their property should they choose to do so. He said it's an alternative to the orange paint or sign every 650 feet. He said the Bureau did speak with the prosecutors who were neutral on the issue, trial lawyers had no response, and the sheriff's associations had no complaint. A letter was submitted to the Committee from the Idaho Farm Bureau Federation (see attachment 9).

Chairman Siddoway invited Jim Lowe with Food Producers of Idaho to the podium. **Mr. Lowe** spoke in favor of the bill, noting he was engaged with the sponsor and had an opportunity to be involved with the discussion. A letter was submitted to the Committee from the Food Producers of Idaho, Inc. (see attachment 10).

Kate Haas with the Grain Producers Association approached the podium to voice support of **S 1241**. She said trespass is an issue many of their members deal with and this bill is a great first step to handle that. She said some members have people trespass on their land and claim it was not marked or they didn't know, so for circumstances where there is a public road or right of way going through the land, this is a great step to address the problem.

Senator Guthrie closed the discussion by noting to Senator Hill's point that he is open to cleaning up the language down the road if needed. **Senator Hill** asked about the motivation for this bill. **Senator Guthrie** replied that he has always been a private property rights advocate, and he was approached by the Farm Bureau to help build healthy relationships between landowners and those who want to use the land.

MOTION: **Senator Hill** moved, seconded by **Senator Werk**, to send **S 1241** 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 4:29 p.m.

Senator Siddoway
Chair

Christy Stansell
Secretary