

MINUTES
HOUSE WAYS & MEANS COMMITTEE

DATE: Thursday, February 27, 2014
TIME: 1:30 p.m. or upon adjournment
PLACE: Room C310 JFAC
MEMBERS: Chairman Anderson (1), Representative(s) Moyle, Crane, Vander Woude, Rusche, Burgoyne, Pence
**ABSENT/
EXCUSED:** None
GUESTS: Norm Semanko, Idaho Water Users Association, Inc.

Chairman Anderson (1) called the meeting to order at 1:31 p.m.

**RS 22923 AND
RS 22924:** **Speaker Scott Bedke** stated **RS 22923** and **RS 22924** deal with a conflict between the City of Caldwell and Pioneer Irrigation District. **RS 22923** includes an emergency clause with a retroactivity provision to resolve pending condemnation litigation. Speaker Bedke stated the conflict between municipalities and water districts has largely been resolved around the state with licensing agreements, different types of arrangements and different types of contractual arrangements. The notable exception now is the conflict between the City of Caldwell and Pioneer Irrigation District. He explained in the event the lawsuits are not settled, legislation may be necessary. He noted **RS 22923** is retroactive to June 1, 2012, prior to a district court ruling.

In response to questions, **Speaker Bedke** stated Title 42-1209 has been a source of contention through the years and there have been amendments to this section of Code. The proposed legislation allows for condemnation for concurrent uses if there is capacity in the irrigation district; then that irrigation district cannot keep others from using it. However, to have a city condemn an irrigation district to run it as an irrigation district is thought to be a bridge too far; not only in Canyon County, but everywhere.

Regarding the retroactive clause in the bill of an existing lawsuit, **Speaker Bedke** stated it is somewhat unusual. Regarding the word "entity", Speaker Bedke stated there are drainage ditches that are maintained and used by irrigation companies as well as the Department of Reclamation. He stated in the Treasure Valley there are drains that collect waste water off of one end and that becomes the head waters for the next one and the next one. Pioneer diverts water for three or four other entities.

MOTION: **Rep. Moyle** made a motion to introduce **RS 22923**. **Motion carried by voice vote.**
RS 22924: **Rep. Moyle** stated **RS 22924** is the same as **RS 22923**, without the emergency clause.

MOTION: **Rep. Moyle** made a motion to introduce **RS 22924**. **Motion carried by voice vote.**
RS 23001C1: **Rep. Anderst** presented **RS 23001C1**. He stated the proposed legislation establishes election criteria for certain types of property. Those criteria would be public use facilities, such as libraries and city halls. The grandfather clause states as long as more than \$10,000 has been allocated towards the cost of the project based on the date of July 1, 2014, it would not be subject to this proposed legislation.

In response to whether it is limited to city halls and libraries versus a jail or any other municipal structure, **Rep. Anderst** explained there were always arguments to be made that public works facilities (i.e., fire stations, police stations), could be seen as a larger part of an economic development project.

- MOTION:** **Rep. Crane** made a motion to introduce **RS 23001C1**. **Motion carried by voice vote.** **Reps. Rusche, Burgoyne, and Pence** requested that they be recorded as voting **NAY**.
- RS 22955:** **Rep. Malek** presented **RS 22955**, urban renewal. He stated the purpose of this proposed legislation is to revise and clarify a definition in the Local Economic Development Act, Section 50-2903 Idaho Code relating to urban renewal districts. This amendment clarifies the definition of "municipality" to include "a city, county or any taxing district." The amendment provides that a city, county or other taxing district is eligible to receive reimbursement for services rendered on behalf of an urban renewal district relating to the implementation of an urban renewal project plan.
- MOTION:** **Rep. Rusche** made a motion to introduce **RS 22955**. **Motion carried by voice vote.**
- RS 23004:** **Rep. Crane** presented **RS 23004**. He stated **RS 23004** is known as the "drop dead bill" and it is necessary to pass this in order to complete the legislative session, and have Administrative Rules in full force.
- MOTION:** **Rep. Rusche** made a motion to introduce **RS 23004** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by a voice vote.** **Rep. Crane** will sponsor the bill on the floor.
- RS 23023:** **Kris Ellis**, First American Title, presented **RS 23023**. Ms. Ellis explained when an individual purchases title insurance, the individual is purchasing insurance that covers the title of the property. She stated in the last few years, lenders have begun requiring a guarantee that the funds are good as the funds move through the purchase and sale, or refinance.
- Ms. Ellis** stated the legislation would allow title companies to issue closing or settlement protection to a buyer, borrower or lender to insure the funds, and not be in violation of the mono-line statute. She explained the legislation was written with substantial input from the Department of Insurance, and does not believe there is opposition to the proposed legislation.
- MOTION:** **Rep. Moyle** made a motion to introduce **RS 23023**. **Motion carried by voice vote.**
- ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 1:50 p.m.

Representative Anderson(1)
Chair

Lisa Hamlin
Secretary