

MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Friday, March 06, 2015

TIME: Upon Adjournment of the House

PLACE: Room EW05

MEMBERS: Chairman Luker, Vice Chairman Sims, Representatives Barbieri, Perry, Clow, Horman, Malek, Collins, Cheatham, Loertscher, Redman, Kloc, McCrostie, Nye

**ABSENT/
EXCUSED:** Representative(s) Clow, Horman, Redman

GUESTS: David Gates, IFCA; Dan Friend, IFCA; Gary Rohwer, ISFCA; Joe Stear, ISFCA
Chairman Luker called the meeting to order at 11:55 AM.

H 202: **Joe Stear**, Idaho State Fire Commissioner, presented to the committee **H 202** which gives fire districts the ability to dispose of surplus property without using a certified appraiser. He said there are no certified appraisers in the state of Idaho and it is very costly to receive out-of-state appraisals. The legislation restricts those who made the valuation from making the purchase of that equipment and ensures fire districts can receive fair value for surplus equipment.

MOTION: **Rep. Malek** made a motion to send **H 202** to the floor with a **DO PASS** recommendation.

In response to a question, **Mr. Stear** said most fire districts and departments have rules against selling to employees or department personnel. He explained the main intent of this legislation is to get fair-market value out of the property. Currently, if the property is worth more than \$10,000, the board will lower the value so they do not have to pay the thousands of dollars it costs to have an appraisal.

VOTE ON MOTION: **Motion carried by voice vote. Rep. Moyle** will sponsor the bill on the floor.

H 203: **Gary Rohwer**, Idaho State Fire Commissioner, presented to the committee **H 203**. He said this legislation creates a circumstance in which employment contracts not negotiated under Section 44-1804 of Idaho Code, be limited to two years with an at-will provision. He responded to a question regarding the need for both the term-of-time contract and the at-will provision. He said their intent is to eliminate employment contracts that extend beyond the term of the board and to control the financial burden of the board who, in the past, have had to buy out contracts upon termination of an employee.

MOTION: **Rep. Malek** made a motion to send **H 203** to the floor with a **DO PASS** recommendation.

David Gates, President of the Idaho Fire Chiefs Association, testified in **opposition** to **H 203**. He said public entities are being challenged to be more like private industry but policies are enacted to discourage this. Contracts are offered in private industry to provide stability to an organization to provide time to affect change. This is true for public entities as well. He said this legislation is being offered to provide a statewide change to address local particular circumstances. This is not needed.

Rep. Moyle testified in support of H 203. He said the legislation is result of situations occurring across the state where contracts were extended for long periods of time; the cost to get out of contracts was substantial; and, the at-will concept was not clear. He said the unions wanted to make clear that collective bargaining contracts were not included. This legislation provides for two-year contracts with the ability to renew, so every two years one would have to sit down and talk about their employment with their Chief. It also allows the removal of a Chief with the at-will clause. He impressed the importance of having both the at-will clause and the two-year term in the language.

Members of the committee expressed further concern whether a contract for a term-of-time and an at-will provision represented different concepts within the law. They questioned the need to have both in the legislation.

**UNANIMOUS
CONSENT
REQUEST:**

Rep. Malek made a unanimous consent request to withdraw his original motion. There being no objection, the request was granted.

MOTION:

Rep. Malek made motion to **HOLD H 203** in committee at the call of the chair. **Motion carried by voice vote.**

H 204:

Joe Stear, Idaho State Fire Commissioner, presented to the committee **H 204**. He said there have been fire districts who have increased their boards from three members to five. Since then, some have had difficulties finding people to fill those positions but there is no mechanism to reduce the number of seats back to three. This legislation allows the reduction of the size of the board by a majority vote of 4/5ths. In addition, the geographical jurisdiction of the fire districts is divided by population and land area. In rural areas, this is difficult to do. He said this legislation allows for the subdivision of fire districts by either land mass or population rather than both.

Concern was expressed by members of the committee regarding the change of the term "elector" to "resident." **Rep. Moyle** responded this was a change requested by Legislative Services but was unclear as to the reason.

MOTION:

Rep. McCrostie made a motion to **HOLD H 204** in committee to a time certain date of March 10, 2015. **Motion carried by voice vote.**

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 12:38 PM.

Representative Luker
Chair

Francoise Cleveland
Secretary