

IN THE SENATE

SENATE BILL NO. 1106

BY LOCAL GOVERNMENT AND TAXATION COMMITTEE

AN ACT

1
2 RELATING TO LOCAL LAND USE PLANNING; AMENDING SECTION 67-6528, IDAHO CODE,
3 TO PROVIDE THAT PLANS AND ORDINANCES SHALL NOT APPLY TO STATE AND LOCAL
4 TRANSPORTATION SYSTEMS AND ESSENTIAL FACILITIES AND TO MAKE TECHNICAL
5 CORRECTIONS.

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 67-6528, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 67-6528. APPLICABILITY OF ORDINANCES. The state of Idaho, and all its
10 agencies, boards, departments, institutions, and local special purpose dis-
11 tricts, shall comply with all plans and ordinances adopted under this chap-
12 ter unless otherwise provided by law. In adoption and implementation of ~~the~~
13 plans and ordinances, the governing board or commission shall take into ac-
14 count the plans and needs of the state of Idaho and all agencies, boards, de-
15 partments, institutions, and local special purpose districts. The provi-
16 sions of plans and ordinances enacted pursuant to this chapter shall not ap-
17 ply to state and local transportation systems of statewide importance and
18 essential facilities as may be determined by the Idaho transportation board
19 or governing board of the applicable local highway jurisdiction. The Idaho
20 transportation board shall consult with the local agencies affected specif-
21 ically on site plans and design of transportation systems within local ju-
22 risdictions. If a public utility has been ordered or permitted by specific
23 order, pursuant to title 61, Idaho Code, to do or refrain from doing an act
24 by the public utilities commission, any action or order of a governmental
25 agency pursuant to titles 31, 50 or 67, Idaho Code, in conflict with said pub-
26 lic utilities commission order, shall be, insofar as it is in conflict, null
27 and void if prior to entering said order, the public utilities commission has
28 given the affected governmental agency an opportunity to appear before or
29 consult with the public utilities commission with respect to such conflict.