

MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Tuesday, February 14, 2023

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

**PLACE:** Room EW05

**MEMBERS:** Chairman Ehardt, Vice Chairman Kingsley, Representatives Clow, Erickson, Skaug, Weber, Alfieri, Cheatum, Cornilles, Dixon(24), Hawkins, Healey, Price, Wroten, Berch, Green, Galaviz

**ABSENT/  
EXCUSED:** Rep. Skaug, Rep. Healey

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Ehardt** called the meeting to order at 1:31 PM.

**Chairman Ehardt** put the Committee at ease at 1:32 PM due to technical difficulties.

The Committee reconvened at 1:33 PM.

**MOTION:** **Rep. Cheatum** made a motion to approve the minutes for the February 2, 2023 meeting. **Motion carried by voice vote.**

**MOTION:** **Rep. Berch** made a motion to approve the minutes for the February 8, 2023 meeting. **Motion carried by voice vote.**

**H 106:** **Rep. Dixon (1)** presented **H 106**, and addressed the questions the Committee asked him during the February 8, 2023 meeting. Municipal governments in several states have passed laws to restrict, prohibit, or ban the use of natural gas. In response, there are twenty states that have passed legislation to prohibit local restrictions on natural gas or other utilities. The purpose of the legislation is to be preemptive and to prevent municipal governments from restricting the utility options for customers and local communities. Restricting natural gas causes an increase in prices for other utilities due to the lack of competition. When reaching out to different cities on the legislation, he stated he had received positive feedback.

**MOTION:** **Rep. Cheatum** made a motion to send **H 106** to the floor with a **DO PASS** recommendation.

**Chairman Ehardt** put the Committee at ease at 1:42 PM due to technical difficulties.

The Committee returned at 1:49 PM. Due to technical difficulties, the Committee was unable to hear remote testimonies on **H 106**.

**Kate Haas** with TC Energy testified **in support** of **H 106**. TC Energy owns an interstate natural gas pipeline that runs from Canada, through Idaho, and to Washington and Oregon. Although they do not provide services to Idaho customers directly, they provide services to businesses who do. When answering questions, Ms. Haas stated she is not familiar with movements against natural gas in Idaho.

**Jonathan Oppenheimer** with the Idaho Conservation League testified **in opposition to H 106**. He stated the legislation is not needed and is an overreach. There have been no efforts in Idaho to ban natural gas or other utilities. Local governments work hard to plan and provide what customers and citizens need. The bill would force them to provide utilities their citizens may not want, and would cause unintended costs to new construction. The price of natural gas increasing is not due to regulations, but on the fluctuations of the market. When answering questions, Mr. Oppenheimer stated the legislation was trying to address something that is not a problem in Idaho, and it would restrict municipal governments from making the best decisions for their local communities.

**Julie Hart** with the Association of Idaho Cities testified **in opposition to H 106**. She recognized the concerns shared with **Mr. Oppenheimer**, and stated there could be changes to the bill's language to make it less restrictive to local governments. As the legislation is written now, it would force cities to take on utility connections they do not offer or need to current or new institutions and businesses whether or not they want them.

**Rep. Dixon (1)** stated when he initially introduced **H 106**, he had seen some of the arguments made against it. He did not feel they are congruent with the legislation, and believes the language is good at this point. When answering questions, he stated the legislation does not prohibit cities from incentivizing certain utilities, such as the City of Boise's geothermal heating. Instead, the bill would only apply to municipal governments restricting or banning a utility. It would not force developers to make available all utilities to new construction, but prevents their choices from being limited by restrictions. It is a preemptive legislation, and, if it passes, he did not believe it would cause any additional costs to municipal governments or new construction.

**SUBSTITUTE  
MOTION:**

**Rep. Green** made a substitute motion to send **H 106** back to the sponsor to make amendments.

Speaking to her motion, **Rep. Green** stated she was not opposed to **H 106**, and appreciates the effort **Rep. Dixon (1)** has made. With the recommendations made by stakeholders that would be affected by the legislation, she stated amendments should be made to address their concerns.

**Rep. Hawkins** spoke **in opposition** to the substitute motion. He stated **H 106** does not force people or local governments to have access to all utilities, but instead prevents restrictions. **Rep. Weber** stated citizens should be able to choose what utilities they would like to use, and this legislation ensures their choices are not restricted by their local governments.

**Rep. Galaviz** spoke **in support** of the substitute motion. She agreed with **Rep. Hawkins** and **Rep. Weber** on the importance of maintaining local control, and stated the substitute motion would be a means to talk to stakeholders and cities in order to strengthen the legislation.

**Rep. Clow** spoke **in support** of the original motion. He stated it is one thing if a subdivision is not able to provide a utility due it being too expensive to provide infrastructure for it, and entirely another if a subdivision was set up to provide a utility and the said utility was banned by the local government. **Chairman Ehardt** stated she had spoken to the manager of Idaho Power about **H 106**, and he had no issues.

**Rep. Clow** pointed out to the Committee could not proceed with the substitute motion due to its wording. The Committee could not send **H 106** back to the sponsor like they would for a RS.

**MOTION  
WITHDRAWN:**

**Rep. Green** requested to withdraw her substitute motion to send **H 106** back to the sponsor to make amendments. There being no objection, the request was granted.

**ROLL CALL  
VOTE ON  
MOTION:**

**Chairman Ehardt** requested a roll call vote on **H 106. Motion carried by a vote of 12 AYE and 3 NAY and 2 Absent/Excused. Voting in favor of the motion: Reps. Ehardt, Kingsley, Clow, Erickson, Weber, Alfieri, Cheatum, Cornilles, Dixon (24), Hawkins, Price, and Wroten. Voting in opposition to the motion: Reps. Berch, Green, and Galaviz. Reps. Skaug and Healey were absent/excused. Rep. Dixon (1) will sponsor the bill on the floor.**

**ADJOURN:**

There being no further business to come before the Committee, the meeting adjourned at 2:22 PM.

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Representative Ehardt  
Chair

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Elijah Phipps  
Secretary