

MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Thursday, March 14, 2024

**TIME:** 1:30 pm or Upon Adjournment

**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. Weber

**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.

**MOTION:** **Chairman Ehardt** called the meeting to order at 2:31 PM.

**Rep. Cheatum** made a motion to approve the minutes of the March 6, 2024 meeting. **Motion carried by voice vote.**

**Chairman Ehardt** acknowledged the House page, **Boyden Andriievskiy**, and this being his last meeting with the Committee. Mr. Andriieskyi shared about himself and why he wanted to be a page. His experience as a page has been fun, and he greatly enjoyed this opportunity.

**S 1293aa:** **Sen. VanOrden** presented **S 1293aa**, which organizes and clarifies existing legislation on annexation. This bill provides clarity for citizens and cities, and maintains the intent and effect of the current law.

**Rep. Young** discussed the need for **S 1293aa**, stating the current statute has been confusing, disorganized, and problematic. She discussed the issues in the current statute, and compared how **S 1293aa** corrects and reorganizes it. This bill removes the requesting of city services by a property owners as giving implied consent to be annexed by a city, changes the definition of enclave. For an area to be annexed, it will require 60% or more of property owners, who own 50% or more the land, to want to be annexed by the city.

When answering questions, **Rep. Young** clarified **S 1293aa** would require a property owner to give expressed written consent to be annexed by a city if they request city services. Currently, property owners are not aware how asking for city services gives implied consent to be annexed by the city. The bill decreases the size of an enclave a city can forcibly annex from 100 to 30 parcels. It also changes the definition of an enclave to require it be surrounded on all sides by a city. In current statute, cities are able to use the current definition for enclaves to annex large amount of land without hearing, notice, or consent on the edge of the city. The purpose of the phrase "meaningful opportunity" in the bill is meant to ensure public input at city council meetings on annexation.

**Russ Hendricks**, representing the Idaho Farm Bureau, clarified how agriculture protection areas, under **H 608**, would not affect annexations by cities if **H 608** and **S 1293aa** became law. Already in Idaho law the owner of a parcel of land over 5 acres and dedicated to agriculture or forestry can refuse to be annexed by a city.

**Kelly Packer**, executive director of Idaho Association of Idaho Cities, testified in **opposition** of **S 1293aa**. She thanked the bill's sponsors for seeking input from stakeholders on the bill. The changes made in the bill greatly fixed the current statute. However, she felt this created two issues; the property owners wanting to be annexed needing to own 50% of the area considered for annexation, and the changes to enclaves. She stated These issues were why **Sen. Schroeder** voted against the bill in the Senate. If 60% or more of landowners want to be annexed by a city, but own less than 50% of the land, they cannot be annexed. For enclaves, the reduction of 100 to 30 parcels that can be annexed at once would dramatically increase costs if a city tries to annex an enclaves larger than 30 parcels. The definition for an enclave to being land surrounded on all sides by a city would also prevent cities from annexing enclaves with one or more sides surrounded by another city or natural barriers. A minor concern is the word "meaningful" when cities provide opportunities for public input on an annexation due to the word being legally ambiguous. She asked for the bill to be sent to General Orders or to hold it in Committee.

When answering questions, **Kelly Packer** clarified it is not always possible to annex only the property owners who do want to be annexed due to the larger property owners preventing some from bordering the city.

**Kristi Crookham**, self; **Scott Johnson**, self; and **Colleen Hammon**, self; testified in **support** of **S 1293aa**. Many farmers have moved much of their operations into Oregon due to how disruptive the spread of cities through annexation has been. The cost of forced annexation can be vague and a great financial burden for homeowners. The costs of connecting to city services can be in the tens of thousands of dollars, and, if unable to pay outright for the hookups, the cost can stay with the home and reduce the property value if the owner decides to sell. Although some property owners may not need city services, regulations could force them to connect to city services after being annexed, and it could be years after annexation before they receive the services. Decreasing the maximum parcels in an enclave to be annexed from 100 to 30 would better allow property owners to have their voices heard.

**Rep. Clow** and **Rep. Cheatum** stated an issue with **S 1293aa** is how it can prevent a city from annexing an area as an enclave if it's bordered by a natural feature, another county, another city, or federal or state land, which prevents the city from surrounding it.

**Rep. Young** stated cities have not used forcible annexation of enclaves except in extremely rare exceptions. Many cities have enclaves, and choose not to annex them, even though they do have the authority, because it is not good practice. She addressed **Sen. Schroeder's** part in when amending **S 1293aa**, and his interest in its success. The purpose of this bill is to protect property owners with a large amount of land who find themselves being surrounded by a city, and nothing prevents a city from annexing small property owners who wish to be annexed. The change in the definition of enclaves to be surrounded on all sides by a city in order to be forcibly annexed is only an issue if a city wants to forcibly annex property on its periphery.

**Chairman Ehardt** put the committee at ease at 4:05 PM for a ten minute break.

**Chairman Ehardt** resumed the meeting at 4:15 PM.

**ORIGINAL  
MOTION:**

**Rep. Skaug** made a motion to send **1293aa** to **General Orders**. He state there has been much hard work put into this bill, but the issues in it need to be fixed.

**SUBSTITUTE  
MOTION:**

**Rep. Cheatum** made a substitute motion to **HOLD 1293aa** in Committee indefinitely.

**Rep. Alfieri** spoke in favor of the original motion, stating he likes how **S 1293aa** protects property owners and address government growth. He agreed the issues in it needs to be addressed, and can be clarified in General Orders.

**Rep. Clow** spoke in favor of the substitute motion. He thanked **Sen. VanOrden** and **Rep. Young**, stating **S 1293aa** is a much better written bill. The main issues in it need to be fixed, but he was not sure if there was time left in the session to address them.

**AMENDED  
SUBSTITUTE  
MOTION:**

**Rep. Hawkins** made an amended substitute motion to send **S 1293aa** to the floor without recommendation. He stated this bill helps protect the rights of the people by making it more difficult for a city to forcibly annex property.

**Rep. Skaug** requested to hear the sponsors' response to having **S 1293aa** sent to General Orders. **Rep. Young** stated she is willing to have the issues about the bill, such as the definition of an enclave, addressed in General Orders if it is the will of the Committee.

**MOTION:**

**Rep. Hawkins** made a motion to withdraw his amended substitute motion. **Chairman Ehardt** called a vote on withdrawing the amended substitute motion. **Motion carried by voice vote. Rep. Cheatum** requested to be recorded as voting **NAY**.

**ROLL CALL  
VOTE ON  
SUBSTITUTE  
MOTION:**

**Chairman Ehardt** requested a roll call vote on the substitute motion to **HOLD S 1293aa** in Committee indefinitely. **Motion carried by a vote of 8 AYE and 7 NAY and 2 Absent/Excused. Voting in favor of the motion: Reps. Clow, Cheatum, Cornilles, Dixon (24), Wroten, Berch, Green, and Galaviz. Voting in opposition of the motion: Reps. Ehardt, Kingsley, Erickson, Skaug, Alfieri, Hawkins, and Price. Reps. Weber and Healey were Absent/Excused.**

**ADJOURN:**

There being no further to come before the Committee, the meeting adjourned at 4:27 PM.

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Representative Ehardt  
Chair

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Elijah Phipps  
Secretary