

AGENDA  
**HOUSE LOCAL GOVERNMENT COMMITTEE**  
**1:30 P.M.**  
**Room EW05**  
**Tuesday, January 16, 2024**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew05/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Organizational Meeting	

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Ehardt  
Vice Chairman Kingsley  
Rep Clow  
Rep Erickson  
Rep Skaug  
Rep Weber

Rep Alfieri  
Rep Cheatum  
Rep Cornilles  
Rep Dixon (24)  
Rep Hawkins  
Rep Healey

Rep Price  
Rep Wroten  
Rep Berch  
Rep Green  
Rep Galaviz

COMMITTEE SECRETARY

Wendy Carver-Herbert  
Room: EW16  
Phone: 332-1147  
Email: [hloc@house.idaho.gov](mailto:hloc@house.idaho.gov)

MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Tuesday, January 16, 2024

**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:** Representatives Weber, Galaviz

**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 1:30 p.m.

**Chairman Ehardt** welcomed the committee back to session and confirmed the committee will continue to operate as an electronic committee. She explained there may be materials provided in the desk folders from time-to-time, including RSs from sponsors who request they not be provided electronically, but for practical purposes, most committee materials will be provided electronically. The committee will offer remote testimony and be open to all who would like to testify, barring any time restraints.

**Chairman Ehardt** asked **Reps. Cheatum** and **Berch** to continue as proofreaders.

**Alma Azócar Agurto**, the committee page for the first half of the session, introduced herself as a senior from Skyview High School in Nampa. She plans for a future in political science and international relations.

**Chairman Ehardt** introduced **Wendy Carver-Herbert** who will serve as the acting committee secretary until **Elijah Phipps** returns in mid-February.

**Chairman Ehardt** stated she anticipates some legislation of significance coming before committee and is open to hearing member-sponsored legislation with a nexus to local government. She also asked committee members, as a matter of courtesy, to keep questions for presenters and testifiers focused and pertinent, and hold off on sharing statements that are more appropriately reserved for discussion and debate.

In answer to a question from the committee, **Chairman Ehardt** reiterated testimony will be accepted from all who wish to testify.

**Chairman Ehardt** closed the meeting by stating she may invite some presenters on topics pertaining to cities and matters of legislative interest.

**ADJOURN:** There being no further business to come before the committee the meeting adjourned at 1:43 p.m.

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Representative Ehardt  
Chair

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Wendy Carver-Herbert  
Secretary

AGENDA  
**HOUSE LOCAL GOVERNMENT COMMITTEE**  
**1:30 P.M.**  
**Room EW05**  
**Tuesday, February 06, 2024**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew05/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS 30944C1</a>	Plats, notice, mail	Rep. McCann
<a href="#">RS 31104</a>	Rec. Districts, Agreements	Rep. Nelsen
<a href="#">H 444</a>	County property, sale, exchange	Rep. Ehlers

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Ehardt  
Vice Chairman Kingsley  
Rep Clow  
Rep Erickson  
Rep Skaug  
Rep Weber

Rep Alfieri  
Rep Cheatum  
Rep Cornilles  
Rep Dixon (24)  
Rep Hawkins  
Rep Healey

Rep Price  
Rep Wroten  
Rep Berch  
Rep Green  
Rep Galaviz

COMMITTEE SECRETARY

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MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Tuesday, February 06, 2024

**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 (Bratnober), Green (Ruckh), Galaviz

**ABSENT/  
EXCUSED:** Representatives Cornilles, Skaug

**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 1:40 p.m.

**MOTION:** **Rep. Cheatum** made a motion to approve the minutes of the January 16, 2024 meeting. **Motion carried by voice vote.**

**RS 30944C1:** **Rep. McCann** presented **RS 30944C1**, relating to expanded notification options for vacation of plats. She explained the legislation was brought forward by the City of Lewiston via the Association of Idaho Cities to help provide some cost burden relief to property owners seeking to vacate their properties. She described the current notification process and said the bill would add the option of sending notification mailings to properties within 300 feet by certified mail rather than requiring the certified mail with return receipt. The RS also requires the petitioner to provide an affidavit confirming notification to be held on file.

**MOTION:** **Rep. Galaviz** made a motion to introduce **RS 30944C1**.

In answer to questions from the committee, **Rep. McCann** explained notices are posted at locations within City Halls and bulk mail was not considered as an option because the number of mailings generally does not qualify for bulk mail rates.

**VOTE ON  
MOTION:** **Motion carried by voice vote.**

**RS 31104:** **Rep. Nelson** presented **RS 31104**, which adds recreation districts to the list of entities authorized to enter into intergovernmental agreements for capital improvements, or for the purpose of collecting and expending development impact fees for system improvements, or both. He said he brought the legislation back from last year because it provides one more tool for local governmental entities to have at their disposal. This only adds recreation districts to the current law.

**MOTION:** **Rep. Clow** made a motion to introduce **RS 31104**. He stated the legislation deserved introduction and further discussion, but was not yet sure he would support it to the end. **Motion carried by voice vote.**

**H 444:** **Rep. Ehlers** presented **H 444**, which closes a loophole of government taking surplus proceeds in excess of debts owed when the property is transferred to another government entity. He provided an example of how the loophole could be applied and ceded his time to **Madi Clark**, analyst, Mountain States Policy Center. Ms. Clark described a recent Supreme Court case of what is termed "home equity theft". This resulted in a ruling that such takings leave property owners with no recourse and are unconstitutional. This legislation will bring Idaho law into constitutional compliance.

In answer to a question from the committee, **Ms. Clark** explained she was unaware of any instances where the loophole has been used in Idaho.

**MOTION:** **Rep. Wroten** made a motion to send **H 444** to the floor with a **DO PASS** recommendation.

**James Manley**, State Policy Deputy Director for the Pacific Legal Foundation and **David Lehman**, representing AARP, testified **in support** of the bill. They claimed it will bring Idaho law into compliance with the recent Supreme Court finding and it would better protect the elderly who are disproportionately affected by tax foreclosures.

**Rep. Ehlers** stated the Association of Idaho Counties was consulted when writing the bill to ensure it did not include anything it should not.

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

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 2:07 p.m.

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Representative Ehardt  
Chair

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Wendy Carver-Herbert  
Secretary

AGENDA  
**HOUSE LOCAL GOVERNMENT COMMITTEE**  
**1:30 P.M.**  
**Room EW05**  
**Thursday, February 08, 2024**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew05/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS 31207</a>	Emergency Communications Fee	Rep. Manwaring

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Ehardt

Vice Chairman Kingsley

Rep Clow

Rep Erickson

Rep Skaug

Rep Weber

Rep Alfieri

Rep Cheatum

Rep Cornilles

Rep Dixon (24)

Rep Hawkins

Rep Healey

Rep Price

Rep Wroten

Rep Berch (Bratnober)

Rep Green (Ruckh)

Rep Galaviz

COMMITTEE SECRETARY

Elijah Phipps

Room: EW16

Phone: 332-1147

Email: [hloc@house.idaho.gov](mailto:hloc@house.idaho.gov)

MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Thursday, February 08, 2024

**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 (Ruckh), Galaviz

**ABSENT/  
EXCUSED:** Representatives Cornilles, Green

**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 1:32 p.m.

**MOTION:** **Rep. Galaviz** made a motion to approve the minutes of the February 6, 2024 meeting. **Motion carried by voice vote.**

**RS 31207:** **Rep. Manwaring** presented **RS 31207**. This legislation increases the amount of allowed fees for 911 emergency communications services from \$1 per month to an amount no greater than \$3 per month.

In answer to questions from the committee, **Rep. Manwaring** clarified the fee only applies to 911 service, and he will be prepared to answer questions at the bill hearing about what type of phone accounts can be billed for this service.

**MOTION:** **Rep. Weber** made a motion to introduce **RS 31207**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 1:38 p.m.

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Representative Ehardt  
Chair

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Wendy Carver-Herbert  
Secretary

AGENDA  
**HOUSE LOCAL GOVERNMENT COMMITTEE**  
**1:30 P.M.**  
**Room EW05**  
**Monday, February 12, 2024**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew05/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS 31334C1</a>	Cities, threats	Rep. Gannon

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Ehardt  
Vice Chairman Kingsley  
Rep Clow  
Rep Erickson  
Rep Skaug  
Rep Weber

Rep Alfieri  
Rep Cheatum  
Rep Cornilles  
Rep Dixon (24)  
Rep Hawkins  
Rep Healey

Rep Price  
Rep Wroten  
Rep Berch  
Rep Green  
Rep Galaviz

COMMITTEE SECRETARY

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MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Monday, February 12, 2024

**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:** Chairman Ehardt

**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 Kingsley** called the meeting to order at 1:30 p.m.

**MOTION:** **Rep Cheatum** made a motion to approve the minutes of the February 8, 2024 meeting.

**RS 31334C1:** **Rep. Gannon** presented **RS 31334C1**, which would give cities the authority to limit operations of certain sites that pose a threat to public health and safety, or would attract subversive threats. Rep. Gannon explained unprecedented growth is creating a conflict in property uses. While the use of certain properties may be grandfathered, cities are limited when addressing requests for expanding operations of such properties. He described examples of large gas storage facilities and electrical facilities that have posed a threat to nearby neighborhoods.

**MOTION:** **Rep. Green** made a motion to introduce **RS 31334C1**.

In answer to questions from the committee, **Rep. Gannon** explained the section requiring two thirds majority vote by city councils was incorporated to provide a reasonable check-and-balance and encourage consensus. He emphasized the legislation was brought forward because there is a real need in cities grappling with growth, and there needs to be a solution that makes the most sense; therefore he was open to other ideas and recommendations.

Committee discussion focused on concern about giving broader powers to city councils and whether there is a need for the legislation since existing law addresses some of what **Rep. Gannon** described.

**VOTE ON MOTION:** **Motion carried by voice vote. Rep. Cheatum** requested to be recorded as voting **NAY**.

**VOTE ON MOTION:** **Chairman Kingsley** called for a vote on the motion to approve the minutes of the February 8, 2024 meeting. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 1:44 p.m.

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Representative Kingsley  
Chair

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Wendy Carver-Herbert  
Secretary

AGENDA  
**HOUSE LOCAL GOVERNMENT COMMITTEE**  
**1:30 P.M.**  
**Room EW05**  
**Wednesday, February 14, 2024**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew05/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 491</a>	Plats, notice, mail	Rep. McCann

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Ehardt  
Vice Chairman Kingsley  
Rep Clow  
Rep Erickson  
Rep Skaug  
Rep Weber

Rep Alfieri  
Rep Cheatum  
Rep Cornilles  
Rep Dixon (24)  
Rep Hawkins  
Rep Healey

Rep Price  
Rep Wroten  
Rep Berch  
Rep Green  
Rep Galaviz

COMMITTEE SECRETARY

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MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Wednesday, February 14, 2024

**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:** Representatives Erickson, Cornilles, Berch, Galaviz

**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 1:30 p.m.

**MOTION:** **Rep. Cheatum** made a motion to approve the minutes of the February 12, 2024 meeting. **Motion carried by voice vote.**

**H 491:** **Rep. McCann** presented **H 491**, which expands notification options for vacation of plats. She explained the current process for notice requires certified mail with return receipt requested, which is more onerous than zoning change requirements. The fee of \$8.69 per piece is expensive and many recipients refuse to pick up certified letters, so they are returned. She reiterated the number of consecutive weeks a notice is published in the newspaper and public notices must be posted at respective city and county halls, giving adequate time for interested parties to submit testimony.

In answer to questions from the committee, **Rep. McCann** stated plat vacancies still proceed regardless of whether certified return receipts are signed, but the records are kept on file. She explained how proof of first class mailing can be retained on file, and the 10 days notice prior to a public hearing is the current law. She suggested extending that timeframe could be taken up in future legislation.

**MOTION:** **Rep. Kingsley** made a motion to send **H 491** to the floor with a **DO PASS** recommendation.

**Kelly Packer**, Executive Director, Association of Idaho Cities spoke **in support** of the legislation.

**VOTE ON  
MOTION:** **Chairman Ehardt** called for a vote on the motion. **Motion carried by voice vote.** **Rep. McCann** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 1:48 p.m.

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Representative Ehardt  
Chair

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Wendy Carver-Herbert  
Secretary

AGENDA  
**HOUSE LOCAL GOVERNMENT COMMITTEE**  
Upon Adjournment  
Room EW05  
Friday, February 16, 2024

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew05/>

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SUBJECT	DESCRIPTION	PRESENTER
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Page Recognition

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Ehardt  
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Rep Clow  
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Rep Weber

Rep Alfieri  
Rep Cheatum  
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Rep Hawkins  
Rep Healey

Rep Price  
Rep Wroten  
Rep Berch  
Rep Green  
Rep Galaviz

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MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Friday, February 16, 2024  
**TIME:** 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:** Representatives Erickson, Skaug  
**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 12:13 p.m.  
**Chairman Ehardt** and the committee recognized and thanked **Alma Azócar Agurto**, the committee page for the first half of the session, for her outstanding service to the committee.  
**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 12:24 p.m.

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Representative Ehardt  
Chair

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Wendy Carver-Herbert  
Secretary

AGENDA  
**HOUSE LOCAL GOVERNMENT COMMITTEE**  
**1:30 P.M.**  
**Room EW05**  
**Tuesday, February 20, 2024**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew05/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 492</a>	Rec districts, agreements	Rep. Nelsen

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

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Rep Clow  
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Rep Skaug  
Rep Weber

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Rep Cheatum  
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Rep Berch  
Rep Green  
Rep Galaviz

COMMITTEE SECRETARY

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MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Tuesday, February 20, 2024

**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

**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** introduced **Elijah Phipps**, the new House Local Government Committee Secretary, and **Silas Frederick**, the new Committee page. Mr. Frederick is home schooled, and has had three older siblings serve as House pages.

**MOTION:** **Rep. Cheatum** made a motion to approve the minutes of the February 14, 2024, and February 16, 2024, meetings. **Motion carried by voice vote.**

**H 492:** **Rep. Nelsen** presented **H 492**, which would add recreational districts to the list of entities that a local community can add to their impact fee areas. This bill would not require every community to have an impact fee, but would provide another tool for local communities to help pay for the growth they are experiencing.

When answering questions, **Rep. Nelsen** clarified **H 492** would allow local jurisdictions to include recreational districts in Capitol Improvement Plans (CIPs), allowing them to receive funds gathered by impact fees. Although impact fees increase the price of a house, Idaho is growing rapidly, and this bill would provide local communities a tool to help address the strain recreational districts are experiencing without relying on creating new annual fees.

**Tim O'Meara**, representing the Greater Middleton Park and Recreation District, testified **in support** of **H 492**. This bill would allow recreational districts to negotiate with local governments to impose impact fees on new structures, which the counties would collect through building permits and pass the funds down to the recreation district. While there is an annual tax homeowners pay to support the recreational district, the impact fees residents would pay after buying a new house would be used to maintain the level of service and prevent recreational districts from being strained due to an increase in the number of people using their facilities.

**Matthew Garner**, the Executive Director of the Greater Middleton Parks and Recreation District, testified **in support** of **H 492**. Impact fees are a very important and useful tool. With how the city of Middleton has grown, the recreational district does not have enough space in their parks for the community. This bill would help the whole community, and allow recreational districts to provide a better environment for kids.

**Ken Burgess**, representing the Idaho Home Builders Association, testified in **opposition to H 492**. Development impact fees implemented to accommodate new growth, which are designed to pay for the proportionate share of the impact new development and homes will have on current services, and to maintain the current level of services. Because of the growth in Idaho and previous legislation, **H 389** in 2021, which capped cities from increasing their budgets more than 8% annually, cities and local entities have been looking for different ways to increase funds they have available. Home builders are not opposed to impact fees, but they are seeing increases in the amount and size of impact fees, and increases in how communities are using impact fees in areas they are not designed for. Recreational districts have other resources available to collect funds, such as property taxes, club membership fees, and bonds.

**Rep. Nelsen** concluded there many different ways to look at **H 492**. He does not disagree with the developers on how the bill would affect housing prices, but recreational districts near homes affect the properties' value and people's interest in purchasing a property. A number of residential properties do not pay property taxes due to homeowner exemptions, and this can affect the funds available for the local recreational district.

**Rep. Cheatum** spoke in **support of H 492**, stating recreational districts are tightly controlled and regulated by the same budgetary restraints as other districts.

**ORIGINAL MOTION:**

**Rep. Berch** made a motion to send **H 492** to the floor with a **DO PASS** recommendation.

**Rep. Clow** and **Rep. Wroten** spoke against the motion, they stated impact fees are a form of taxation that recreational districts were not originally intended to have, and although impact fees collected from a housing development can provide large amounts of funds, the services they are used to address are not always the same services strained by the housing development.

**SUBSTITUTE MOTION:**

**Rep. Galaviz** made a substitute motion to send **H 492** to the floor with no recommendation. She stated there were valid points made and it would be best to give the House an opportunity to discuss the bill.

**Rep. Green** and **Rep. Berch** spoke in favor of the substitute motion, saying this substitute motion would allow the House to continue the discussion on how to support local communities.

**Rep. Clow** and **Rep. Wroten** spoke against the substitute motion. If the Committee should send **H 492** to the floor, it should be with a solid recommendation.

**AMENDED SUBSTITUTE MOTION:**

**Rep. Wroten** made an amended substitute motion to **HOLD H 492** in committee at the call of the chair.

**ROLL CALL VOTE ON AMENDED SUBSTITUTE MOTION:**

**Chairman Ehardt** requested a roll call vote on the amended substitute motion to **HOLD H 492** in Committee. **Motion carried by a vote of 12 AYE and 4 NAY and 1 Absent/Excused. Voting in favor of the motion: Reps. Ehardt, Kingsley, Clow, Erickson, Weber, Alfieri, Cornilles, Dixon (24), Hawkins, Healey, Price, and Wroten. Voting in opposition of the motion: Reps. Cheatum, Berch, Green, and Galaviz. Rep. Skaug was Absent/Excused.**

**ADJOURN:**

There being no further business to come before the Committee, the meeting adjourned at 2:36 PM.

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Representative Ehardt  
Chair

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Elijah Phipps  
Secretary



AGENDA  
**HOUSE LOCAL GOVERNMENT COMMITTEE**  
1:30 P.M. or Upon Adjournment  
Room EW05  
Wednesday, February 28, 2024

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew05/>

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 608</a>	Agricultural protection areas	Rep. Andrus

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Ehardt  
Vice Chairman Kingsley  
Rep Clow  
Rep Erickson  
Rep Skaug  
Rep Weber

Rep Alfieri  
Rep Cheatum  
Rep Cornilles  
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Rep Price  
Rep Wroten  
Rep Berch  
Rep Green  
Rep Galaviz

COMMITTEE SECRETARY

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Phone: 332-1147  
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MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Wednesday, February 28, 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. Skaug

**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 1:36 PM.

**MOTION:** **Rep. Berch** made a motion to approve the minutes of the February 20, 2024 meeting. **Motion carried by voice vote.**

**H 608:** **Rep. Andrus** presented **H 608**, which creates a new chapter in the Local Land Use Planning Act, which would allow the creation of agriculture protection areas (APAs). When asking agriculture production commissions and organizations on how best to help agriculture production, the consistent response has been the need to protect and preserve agricultural land. This bill attempts to preserve and protect agriculture land while also preserving personal property rights without spending any money to incentivize.

**Braden Jensen**, representing the Idaho Farm Bureau Federation. The disappearance of the limited agriculture land has been one of the greatest challenges for agriculture producers, especially as Idaho is now one of the fastest growing states in the nation. This bill creates an option to protect agriculture land that is voluntary, provides incentives, and would protect property rights for farmers and ranchers. He reviewed and explained the wording of the bill and how certain parts could be implemented.

When answering questions, **Braden Jensen** clarified, in order to qualify for APA status, the land has to be 5 acres or more and be taxed as agriculture or forestry land. **H 608** would require counties to establish an APA commission advisory board, would abide by open meeting laws, and will be proactively looking and planning for agriculture production. This could cause potential issues for annexing land for road and land development.

The bill will affect counties planning for growth and development by preventing imminent domain from being used for read easements on lands in an APA, However, the process for reviewing and accepting an APA application will allow for such concerns to be taken into consideration before approving, denying, or recommend changing an application. The bill would apply to county jurisdictions and cities, and counties will be able to develop ordinances if a landowner in an APA fails to use the land for agricultural production. This also prevents individuals from using APAs so they can get the benefits before quickly dissolving it and develop the land at will.

**Seth Grigg**, Idaho Association of Counties; **Ben Weymouth**, East Side Highway District; **Stephen Freiburger**, Buhl resident; **Bruce Bayne**, Highway District No. 4; testified **in opposition of H 608**. There are many great pieces in this bill, but their main concern is how it restricts condemnation authority and how it restricts highway districts. They requested for the bill to allow eminent domain for rights of ways purposes, such as expanding a highway. Taking away the use of eminent domain could prevent counties from purchasing land in an APA if the landowner tries to sell it above fair market value.

**Roger Batt**, Idaho Eastern Oregon Seed Association; **Lorell Skosberg**, HM Clause, Inc.; **John Hoadley**, Coalition for Agriculture's Future; **Wyatt Penfold**, self; **Jason Fellows**, self; **Debra Reeves**, Idaho Dairy Farmers; **Marta Hammon**, Fremont County Farm Bureau; **Patricia Nilsson**, self; **Galen Lee**, self; **Jennifer Riebe**, commissioner of Payette County; **Stacey Satterlee**, Idaho Grain Producers Association; testified **in support of H 608**. Although they would like to see more incentives for landowners, this bill greatly helps farmers and protects agricultural land from being lost to development. There is a limited agricultural land in the state, and there are heavy pressure for farmers to sell to developers. This would protect farmers, gives them a means to let counties know their intentions to maintain their agricultural lands, and promote strategic planning for counties by identifying land dedicated for long term agricultural use. County commissioners can take into account the needs and plans of highway districts when reviewing APA applications, allowing them to deny or recommend changes to applications conflicting with a highway district's development plans for right of ways.

**Rep. Andrus** stated there are many ways **H 608** could create problems for road access planning, but there are many ways it will be beneficial. Eminent domain is meant for the public good, and this would help ensure agricultural land and sources of food are protected.

**ORIGINAL  
MOTION:**

**Rep. Galaviz** made a motion to send **H 608** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE  
MOTION:**

**Rep. Cheatum** made a substitute motion to send **H 608** to **General Orders**. He stated it is a good bill, but it would be better by removing the part restricting eminent domain as a whole. This bill will help ensure communication between counties and landowners, but relies too much on individuals not taking advantage of APAs to force counties to pay higher than market value without fear of eminent domain.

**Rep. Wroten**, **Rep. Weber**, and **Rep. Dixon (24)** spoke against the substitute motion. **H 608** would provide some comfort to participants of APAs by helping them preserve their agricultural land without fear of it being taken away through a statute. The process is voluntary, it allows counties to keep agricultural needs in mind when planning, and the process does not prevent county commissioners to take into account right of way and highway districts' needs when reviewing APA applications.

**Rep. Green** and **Rep. Alfieri** spoke in favor of the substitute motion. **H 608** is important, and it helps protect the state's farmland and produce. However, the concerns on how this would affect right of ways shows how the bill could negatively affect counties by preventing them from using eminent domain on lands in APAs when needed. Without eminent domain, counties will not be able to meet the needs of their growing populations.

**Rep. Clow** spoke in favor of the substitute motion, but stated he felt **H 608** may be too complicated to be sent to General Orders. It is a good bill, but the technical issues raised show parts of the bill need to be reworked to better address these issues.

**ROLL CALL  
VOTE ON THE  
SUBSTITUTE  
MOTION:**

**Chairman Ehardt** requested a roll call vote on the substitute motion to send **H 608** to General Orders. **Substitute motion failed by a vote of 4 AYE and 12 NAY and 1 Absent/Excused. Voting in favor** of the motion: **Reps. Clow, Alfieri, Cheatum, and Green. Voting in opposition** of the motion: **Reps. Ehardt, Kingsley, Erickson, Weber, Cornilles, Dixon (24), Hawkins, Healey, Price, Wroten, Berch, and Galaviz. Rep. Skaug was Absent/Excused.**

**ROLL CALL  
VOTE ON THE  
ORIGINAL  
MOTION:**

**Chairman Ehardt** requested a roll call vote on the original motion to send **H 608** to the floor with a **DO PASS** recommendation. **Motion carried by a vote of 15 AYE and 1 NAY and 1 Absent/Excused. Voting in favor** of the motion: **Reps. Ehardt, Kingsley, Erickson, Weber, Alfieri, Cheatum, Cornilles, Dixon (24), Hawkins, Healey, Price, Wroten, Berch, Green, and Galaviz. Voting in opposition** of the motion: **Rep. Clow. Rep. Skaug was Absent/Excused.**

**ADJOURN:**

There being no further business to come before the Committee, the meeting adjourned at 3:46 PM.

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Representative Ehardt  
Chair

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Elijah Phipps  
Secretary

AGENDA  
**HOUSE LOCAL GOVERNMENT COMMITTEE**  
**1:30 PM or Upon Adjournment**  
**Room EW05**  
**Wednesday, March 06, 2024**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew05/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">S 1298</a>	Plats and surveys	Senator Ruchti
<a href="#">S 1316</a>	Cemetery districts, elections	Rep. Pickett Rep. Handy

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Ehardt  
Vice Chairman Kingsley  
Rep Clow  
Rep Erickson  
Rep Skaug  
Rep Weber

Rep Alfieri  
Rep Cheatum  
Rep Cornilles  
Rep Dixon (24)  
Rep Hawkins  
Rep Healey

Rep Price  
Rep Wroten  
Rep Berch  
Rep Green  
Rep Galaviz

COMMITTEE SECRETARY

Elijah Phipps  
Room: EW16  
Phone: 332-1147  
Email: [hloc@house.idaho.gov](mailto:hloc@house.idaho.gov)

MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Wednesday, March 06, 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:** Reps. Skaug, Cornilles, 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.

**MOTION:** **Chairman Ehardt** called the meeting to order at 1:30 PM.  
**Rep. Cheatum** made a motion to approve the minutes of the February 28, 2024 meeting. **Motion carried by voice vote.**  
**Chairman Ehardt** put the committee at ease at 1:32 PM due to technical difficulties.  
**Chairman Ehardt** resumed the meeting at 1:36 PM.

**S 1298:** **Sen. Ruchti** presented **S 1298**, which makes the same change in two sections of code regarding Basis of Bearing. This will restore this section of law to its original intent by allowing surveyors to have two choices of representing Basis of Bearing.

**MOTION:** **Rep. Cheatum** made a motion to send **S 1298** to the floor with a **DO PASS** recommendations. **Motion carried by voice vote.** Rep. Cheatum will sponsor the bill on the floor.

**S 1316:** **Rep. Handy** presented **S 1316**, which address cemetery districts. Small cemeteries districts have difficulty keeping people on their boards. This bill would allow small, rural cemetery districts to conduct at-large elections of district board members if the cemetery district has 5,000 living people or less.

**MOTION:** **Rep. Wroten** made a motion to send **S 1316** to the floor with a **DO PASS** recommendation.

**VOTE ON  
MOTION:** **Chairman Ehardt** called a vote on the motion to send **S 1316** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Handy** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 1:44 PM.

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Representative Ehardt  
Chair

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Elijah Phipps  
Secretary

**AMENDED AGENDA #1**  
**HOUSE LOCAL GOVERNMENT COMMITTEE**  
**1:30 p.m. or Upon Adjournment**  
**Room EW05**  
**Thursday, March 14, 2024**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew05/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">S 1293aa</a>	Cities, annexation	Senator VanOrden Rep. Young

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Ehardt  
Vice Chairman Kingsley  
Rep Clow  
Rep Erickson  
Rep Skaug  
Rep Weber

Rep Alfieri  
Rep Cheatum  
Rep Cornilles  
Rep Dixon (24)  
Rep Hawkins  
Rep Healey

Rep Price  
Rep Wroten  
Rep Berch  
Rep Green  
Rep Galaviz

COMMITTEE SECRETARY

Elijah Phipps  
Room: EW16  
Phone: 332-1147  
Email: [hloc@house.idaho.gov](mailto:hloc@house.idaho.gov)

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

AGENDA  
**HOUSE LOCAL GOVERNMENT COMMITTEE**  
8:30 A.M.  
Room EW05  
Friday, March 22, 2024

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew05/>

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">S 1403</a>	Planning, zoning, areas of impact	Senator Lakey Rep. Manwaring

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Ehardt

Vice Chairman Kingsley

Rep Clow

Rep Erickson

Rep Skaug

Rep Weber (Mendenhall)

Rep Alfieri

Rep Cheatum

Rep Cornilles

Rep Dixon (24)

Rep Hawkins

Rep Healey

Rep Price

Rep Wroten

Rep Berch

Rep Green

Rep Galaviz

COMMITTEE SECRETARY

Elijah Phipps

Room: EW16

Phone: 332-1147

Email: [hloc@house.idaho.gov](mailto:hloc@house.idaho.gov)

MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Friday, March 22, 2024

**TIME:** 8:30 A.M.

**PLACE:** Room EW05

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

**ABSENT/  
EXCUSED:** Rep. Green

**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 8:30 AM.

**MOTION:** **Rep. Berch** made a motion to approve the minutes of the March 14, 2024 meeting. **Motion carried by voice vote.**

**S 1403:** **Rep. Manwaring** presented **S 1403**, which deals with area of impact. Areas of impact are outside of city limits and are areas cities plan to grow. He reviewed key parts of the bill, including how it establishes the criteria for implementing areas of impact boundary decisions, a two mile standard for creating these areas, a five year planning time for review, clarifies jurisdiction, clear direction for judicial review, and to ensure areas of impact do not overlap. There has been work to respect city and county jurisdiction.

**Sen. Lakey** disclosed that his law firm does work with public entities, as well as private property owners involved in land use processes. He discussed how **S 1403** clarifies a city's area of impact is still within the jurisdiction of the county, and how it improves relations and communication between counties and cities. Although this is a legislative decision, this bill provides a limited judicial review for the courts when reviewing area of impact decisions.

When answering questions, **Sen. Lakely** clarified **S 1403** provides for a limited judicial review due to this being the common methodology for repealing a planning and zoning decision, the financial responsibilities for cities and counties when providing public hearing notices, and encourage adjacent cities to negotiate with each other and the county on their areas of impact before a public hearing. This bill also removes the mandate to hold a second hearing if the county commissioners feel it is not necessary, and encourage counties to negotiate with cities when implementing ordinances specific to an area of impact. A city will still be able to voluntarily annex property outside of its area of impact. In order to ensure area of impacts are used as to identify growth in the near future, this bill prevents cities from expanding past two miles. Although the bill requires areas of impact to be reviewed every five years, changes to an area of impact can be made at any time, and it will not automatically expand if a city annexes property within its area of impact.

**Kris Crookham**, representing self; **Theresa Denham**, representing self; **Martin Denham**, representing self; **Keri Smith**, representing the Coalition for Agricultures; and **Ron Amarel**, representing self, testified **in opposition** to **S 1403**. They stated the bill damages both rural and urban communities and agriculture, and gives cities more power over those living in areas of impacts. Removing the requirement to hold a second public hearing will damage property rights and give local governments opportunities to change their decisions without notice. Implementing judicial review as a means to overturn decisions will create contention between cities and counties and will be costly for citizens. Currently, not all property owners are ensured they'll receive a notice of a public hearing, and this bill prevents citizens from challenging area of impact decisions if they did not receive a notice. Implementing a five year requirement for reviewing areas of impact will overwhelm local government planners. The five year requirement to review, as well as the size of a city's area of impact, should be based on the size and needs of a city rather than a general rule for all.

**Seth Grigg**, representing the Idaho Association of Counties, testified **in support** of **S 1403**, stating the Idaho Association of Cities, realtors, and home builders are also supportive of the bill. Several provisions in the current statute are invalid due to case decisions. He clarified the bill establishes two miles as the maximum size of an area of impact. This bill does not negate the advisory role of planning and zoning commissions. This bill also better guards against areas of impact being used by one city to prevent another city from expanding in a certain area, as well as prevent areas of impact from overlapping.

**Sen. Lakey** stated **S 1403** has been a collaborative process with county and city policy makers, and these policy makers were able to receive input from their planning staff. The bill does not negate counties' comprehensive plans or their approach towards preserving agriculture. It clarifies county jurisdiction, places limitations and requirements on areas of impact planning, and promotes more local control. This would tighten growth and promote more regular planning so as to negate expansive growth. The five year review requirement allows local officials to ensure their area of impact is still appropriate for their needs, and does not force them to readjust their area of impact or from meeting sooner. The bill allows county commissioners to have discretion on how they implement the process for public hearings, and allows commissioners to decide whether a second public hearing is necessary. The adding of a limited judicial review allows for an additional opportunity for addressing decisions on areas of impact. The bill requires each property owners to receive notices by mail, and gives counties the opportunity to publish notices. He clarified Section 67-6526 (1) in the bill addresses legislative findings and intent.

**Rep. Manwaring** clarified many of the key parts of **S 1403**, including the removal of the second public hearing requirement and judicial review, were proposals made and supported by local city and county officials. This bill is an effort to respect city and county jurisdiction, and to have a process which ensures planning decisions are made thoughtfully and with due course.

**MOTION:**

**Rep. Cheatum** made a motion to send **S 1403** to the floor with a **DO PASS** recommendation.

**Rep. Clow** spoke **in support** of the motion. He stated cities and counties have been in difficult situations when dealing with areas of impact. **S 1403** does a better job making it clear who has jurisdiction over areas of impact, but he wished there was more flexibility in the bill regarding the five year requirement.

**Rep. Mendenhall** spoke **in support** of the motion. He stated, as a county commissioner, **S 1403** helps address issues counties and cities run into with areas of impact.

**Rep. Hawkins** spoke in **opposition** to the motion. He stated there is a lot covered in **S 1403**, and there are questions about the language which bring him concerns

**Rep. Wroten** spoke in **support** of the motion. There is support from his city for **S 1403**, it helps cities experiencing large growth, and there is enough flexibility for cities of various sizes and needs.

**Rep. Berch** stated he was not sure how he would vote on **S 1403**, and requested a roll call vote on the motion. He was concerned with how the bill diminishes public recourse on area of impact decisions due to the bill being described as a legislative decision.

**Rep. Healey** spoke in **support** of the motion. She stated **S 1403** helps keep the decisions on areas of impact with locally elected officials, and better allows them to make decisions based on what their people need.

**ROLL CALL  
VOTE ON  
MOTION:**

**Chairman Ehardt** requested a roll call vote on the motion to send **S 1403** to the floor with a **DO PASS** recommendation. **Motion carried by a vote of 10 AYE and 6 NAY and 1 Absent/Excused. Voting in favor of the motion: Reps. Ehardt, Clow, Erickson, Mendenhall, Cheatum, Cornilles, Dixon (24), Healey, Wroten, and Galeviz. Voting in opposition of the motion: Rep. Kingsley, Skaug, Alfieri, Hawkins, Price, and Berch. Rep. Green was Absent/Excused. Rep. Manwaring** will sponsor the bill to the floor.

**Rep. Healey** requested a consideration of having before the Committee **S 1293aa**. She was unable to stay for the vote on the bill on March 14, 2024, due to a medical emergency, and requested the Committee reconsider its vote on the bill. **Chairman Ehardt** explained the process for reconsidering a bill the Committee has heard in a previous meeting.

**Chairman Ehardt** put the committee at ease at 10:03 AM to review and clarify the process.

**Chairman Ehardt** resumed the meeting at 10:04 AM.

**MOTION:**

**Rep. Healey** made a motion to reconsider the Committee's actions on **S 1293aa**.

**ROLL CALL  
VOTE ON  
MOTION:**

**Chairman Ehardt** requested a roll call vote on the motion to reconsider **S 1293aa**. **Motion carried by a vote of 10 AYE and 6 NAY and 1 Absent/Excused. Voting in favor of the motion: Reps. Ehardt, Kingsley, Erickson, Skaug, Mendenhall, Alfieri, Cornilles, Hawkins, Healey, and Price. Voting in opposition to the motion: Reps. Clow, Cheatum, Dixon (24), Wroten, Berch, and Galaviz. Rep. Green was Absent/ Excused. Rep. Young** will sponsor the bill to the floor.

**MOTION:**

**Rep. Skaug** made a motion to send **S 1293aa** to **General Orders**.

**Rep. Berch** spoke in **opposition** to the motion. He stated he was concerned on the reasoning to reconsider **S 1293aa** when there was a committee member absent during this process.

**ROLL CALL  
VOTE ON  
MOTION:**

**Chairman Ehardt** requested a roll call vote on the motion to send **S 1293aa** to **General Orders**. **Motion carried by a vote of 10 AYE and 6 NAY and 1 Absent/Excused. Voting in favor of the motion: Reps. Ehardt, Kingsley, Erickson, Skaug, Mendenhall, Alfieri, Cornilles, Hawkins, Healey, and Price. Voting in opposition to the motion: Reps. Clow, Cheatum, Dixon (24), Wroten, Berch, and Galaviz. Rep. Green was Absent/ Excused.**

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 10:11 AM.

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Representative Ehardt  
Chair

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Elijah Phipps  
Secretary

AGENDA  
**HOUSE LOCAL GOVERNMENT COMMITTEE**  
**1:30 P.M.**  
**Room EW05**  
**Thursday, March 28, 2024**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew05/>

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SUBJECT	DESCRIPTION	PRESENTER
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Approval of Minutes

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Ehardt  
Vice Chairman Kingsley  
Rep Clow  
Rep Erickson  
Rep Skaug  
Rep Weber (Weber)

Rep Alfieri  
Rep Cheatum  
Rep Cornilles  
Rep Dixon (24)  
Rep Hawkins  
Rep Healey

Rep Price  
Rep Wroten  
Rep Berch  
Rep Green  
Rep Galaviz

COMMITTEE SECRETARY

Elijah Phipps  
Room: EW16  
Phone: 332-1147  
Email: [hloc@house.idaho.gov](mailto:hloc@house.idaho.gov)



MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Thursday, March 28, 2024

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

**PLACE:** Room EW05

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

**ABSENT/  
EXCUSED:** None

**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 1:40 PM.

**Rep. Cheatum** made a motion to approve the minutes of the March 22, 2024 meeting. **Motion carried by voice vote.**

**Chairman Ehardt** acknowledged the House page, **Silas Frederick**, and this being his last meeting with the Committee. Mr. Frederick thanked the Committee, and shared what he learned and enjoyed while here. Chairman Ehardt thanked Mr. Frederick on how professional he has been and his hard work, and present him a gift from the Committee.

**Chairman Ehardt** acknowledged the Committee secretary, **Elijah Phipps**, the work he's done for the Committee, and presented him a gift. Mr. Phipps thanked Chairman Ehardt and the Committee

**Chairman Ehardt** thanked the Committee for their hard work during this legislative session.

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 1:49 PM.

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Representative Ehardt  
Chair

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Elijah Phipps  
Secretary