

AGENDA
HOUSE LOCAL GOVERNMENT COMMITTEE
1:30 P.M.
Room EW05
Monday, January 18, 2016

SUBJECT	DESCRIPTION	PRESENTER
	Organizational Meeting	Chairman Luker

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Luker
Vice Chairman Sims
Rep Barbieri
Rep Perry
Rep Clow
Rep Horman
Rep Malek

Rep Collins
Rep Cheatham
Rep Loertscher
Rep Redman
Rep Kloc
Rep McCrostie
Rep Nye

COMMITTEE SECRETARY

Chelsea Cantrell
Room: EW06
Phone: 332-1147
email: hloc@house.idaho.gov

MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Monday, January 18, 2016

TIME: 1:30 P.M.

PLACE: Room EW05

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

**ABSENT/
EXCUSED:** None

GUESTS: None

Chairman Luker called the meeting to order at 1:31 p.m.

Chairman Luker welcomed the committee and introduced this sessions page, secretary, and intern.

Chairman Luker said the committee has one bill on file which may be heard on January 28th. The committee will also have a redo bill from the 2015 Legislative Session, and the committee may also have an Urban Renewal bill come up.

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

Representative Luker
Chair

Chelsea Cantrell
Secretary

AMENDED AGENDA #1
HOUSE LOCAL GOVERNMENT COMMITTEE
1:30 P.M.
Room EW05
Thursday, January 28, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24145	Relating to Fire Protection Districts	Rep. Hixon
RS24111	Relating to Urban Renewal	Jim Clark
RS24129	Relating to Recreational Water and/or Sewer Districts	Rep. Gestrin

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

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Rep Barbieri
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Rep Clow
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Rep Malek

Rep Collins
Rep Cheatham
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Rep Redman
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Rep McCrostie
Rep Nye

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MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Thursday, January 28, 2016

TIME: 1:30 P.M.

PLACE: Room EW05

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

**ABSENT/
EXCUSED:** Rep. Perry, Rep. Horman, Rep. Loertsche

GUESTS: Gary Rohwer, Idaho State Fire Commissioner's Association; Jonathon Parker, Hollan & Hart LLP; Neil Colwell, Avista Corp.; Amber Pence, City of Boise; Callie Foster, Lobby Idaho

Chairman Luker called the meeting to order at 1:32 P.M.

MOTION: **Rep. Nye** made a motion to approve the minutes from the January 18, 2016 meeting. **Motion carried by voice vote.**

RS 24145: **Rep. Hixon** presented **RS 24145**. This proposed legislation gives the option for fire protection boards to reduce the board size from five commissioners to three commissioners. It also specifies time-frames to revise subdistricts in accordance with Idaho Code.

MOTION: **Rep. Malek** made a motion to introduce **RS 24145**. **Motion carried by voice vote.**

RS 24111: **Jim Clark**, Frontier Communications, presented **RS 24111**. This proposed legislation will place language in Idaho Code that will provide a mechanism to recover the cost of relocating telecommunication facilities. Additionally, this proposed legislation sets forth the amount to be recovered and a description of how it would be calculated.

In response to committee questions, **Renee Wheeler**, Frontier Communications, explained that Frontier Communications is not required to go through a regulator to receive authorization for an increase in rates. Frontier Communications does not usually adjust rates due to the competitive marketplace, and Frontier Communications does not have franchise agreements.

In response to committee questions, **Mr. Clark** explained that there will be no reactivity with this proposed legislation.

MOTION: **Rep. Redman** made a motion to introduce **RS 24111**. **Motion carried by voice vote.**

RS 24129: **Rep. Gestrin**, District 8, presented **RS 24129**. This proposed legislation amends the water and sewer district law by providing an annexation into a district or withdraw from a district in an area within the city by resolution and/or ordinance of both governing bodies, it provides for minimum annexation capabilities but also provides for de-annexation. It provides for prior notice to the public for an election, in the event of a petition signed by not less than 10% of qualified electors of the city and/or district as submitted requesting an election. Provides for a rate payer to participate in the annexation discussion if they so choose, provides for an agreement for a transfer of the assets to the water and sewer district, and provides for court action in conformance with formation of the process of the water/sewer district. This proposed legislation amends several parts of statute, and provides clarification that annexation does not change the status of a recreation water/sewer district. This legislation also provides for options to have director zones.

MOTION: Rep. Malek made a motion to introduce **RS 24129. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 1:58 P.M.

Representative Luker
Chair

Chelsea Cantrell
Secretary

AGENDA
HOUSE LOCAL GOVERNMENT COMMITTEE
1:30 P.M.
Room EW05
Thursday, February 04, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24356C1	Relating to Municipal Records	Seth Grigg, Association of Idaho Cities
H 405	Relating to Fire Protection Districts	Rep. Hixon, District 10

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Luker
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Rep Barbieri
Rep Perry
Rep Clow
Rep Horman
Rep Malek

Rep Collins
Rep Cheatham
Rep Loertscher
Rep Redman
Rep Kloc
Rep McCrostie
Rep Nye

COMMITTEE SECRETARY

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MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Thursday, February 04, 2016

TIME: 1:30 P.M.

PLACE: Room EW05

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

**ABSENT/
EXCUSED:** None

GUESTS: Danny Rentro, Gary Rohwer, Krystal Hinkle, Idaho State Fire Commissioner's Association; Justin Ruen, Seth Grigg, Association of Idaho Cities; David Matte, Annette Polidori, Jim Riley, Alan Butcher, State Archive

Chairman Luker called the meeting to order at 1:33 P.M.

MOTION: **Rep. Nye** made a motion to approve the minutes of the January 28, 2016 meeting. **Motion carried by voice vote.**

RS 24356C1: **Justin Ruen**, Policy Analyst, Association of Idaho Cities, presented **RS 24356C1**. This proposed legislation extends authority to cities to allow them to retain permanent records in a digital format. The proposed legislation also adds a definition of historical records. These are records that, due to age and cultural significance, are artifacts of historical value. Historical records may not be destroyed but may be transferred to the Idaho State Historical Society's Permanent Records Repository upon resolution of the city's council. This proposed legislation also takes language that is in existing Code Section 59-09 and incorporates it into Section 59-07 to make it easier for city clerks to find and reference.

In response to committee questions, **Mr. Reun** explained that county election records stay with the county; this legislation would only apply to cities. He also stated the archives are in a sustainable position to take historical records. They have created space by sending records back to the original entity if they do not meet the historical records criteria. Historical records interpretation may vary from city to city and that is where the professionals at the State Archives will help as they will be able to properly identify which records belong. **Mr. Reun** also explained that if a city decides to store records electronically they need to ensure that they will have the equipment to produce the electronically stored record for the lifetime of that document.

MOTION: **Rep. Kloc** made a motion to introduce **RS 24356C1**. **Motion carried by voice vote.**

H 405: **Rep. Hixon**, Legislative District 10, presented **H 405**. This legislation gives the board the mechanism to go from a five member board to a three member board. In order for change to occur, four of five board members must agree to make the change.

In response to committee questions, **Gary Rohwer**, Fire Commissioner, Parma Fire Department, explained the size of fire districts varies greatly because of population fluctuations. It would not be accurate to average how many people each fire district commissioner represents. **Mr. Rohwer** also explained that if this legislation passes and a fire district chooses to go to a three member board the elections will happen at the next natural election.

MOTION: **Rep. Collins** made a motion to send **H 405** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Hixon** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:01 P.M.

Representative Luker
Chair

Chelsea Cantrell
Secretary

AGENDA
HOUSE LOCAL GOVERNMENT COMMITTEE
1:30 P.M.
Room EW05
Wednesday, February 10, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24279	Cemetery maintenance districts	Senator Dan Johnson
RS24379	Local improvement districts	Kellie Brassfield, Idaho Association of Counties

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Luker
Vice Chairman Sims
Rep Barbieri
Rep Perry
Rep Clow
Rep Horman
Rep Malek

Rep Collins
Rep Cheatham
Rep Loertscher
Rep Redman
Rep Kloc
Rep McCrostie
Rep Nye

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MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Wednesday, February 10, 2016
TIME: 1:30 P.M.
PLACE: Room EW05
MEMBERS: Chairman Luker, Vice Chairman Sims, Representative(s) Barbieri, Perry, Clow, Horman, Malek, Collins, Cheatham, Loertscher, Redman, Kloc, McCrostie, Nye
**ABSENT/
EXCUSED:** Vice Chairman Sims, Representative Barbieri
GUESTS: Kelli Brassfield, Idaho Association of Counties; Miguel Legassete, Ada County Realtors
Chairman Luker called the meeting to order at 1:32 P.M.
RS 24279: **Senator Johnson**, presented **RS 24279**. This proposed legislation will provide legal authority for cemetery districts to consolidate.
MOTION: **Rep. Malek** made a motion to introduce **RS 24279**. **Motion carried by voice vote.**
RS 24379: **Kellie Brassfield**, Idaho Association of Counties, presented **RS 24279**. This proposed legislation would delete a section of statute that gives the City Council or Board of County Commissioners the ability to approve, modify or reject another elected body's decision and the statute that applies to local improvement districts (LID). Currently the County Commissioners or City Council have the ability to overturn decisions made by other elected officials if a certain percentage of residents or owners file a written protest regarding an adoption of a LID and a review is conducted either by the appropriate City Council or Board of County Commissioners. The concern is whether one board of elected officials can override other officials.
In response to committee questions, **Ms. Brassfield** stated the highway districts are the ones that have been setting forth the LID's and then residents are appealing to their City Council or Board of County Commissioners. The Association of Cities and Highway Districts have given their support to this proposed legislation.
MOTION: **Rep. Malek** made a motion to introduce **RS 24379**. **Motion carried by voice vote.**
ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:46 P.M.

Representative Luker
Chair

Chelsea Cantrell
Secretary

AGENDA
HOUSE LOCAL GOVERNMENT COMMITTEE
12:15 PM or Upon Adjournment
Room EW05
Friday, February 12, 2016

Meeting will take place at the later time.

SUBJECT	DESCRIPTION	PRESENTER
RS24355C1	Cemeteries, lots, recover/resell	Seth Grigg, Association of Idaho Cities

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

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Rep Barbieri
Rep Perry
Rep Clow
Rep Horman
Rep Malek

Rep Collins
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Rep Loertscher
Rep Redman
Rep Kloc
Rep McCrostie
Rep Nye

COMMITTEE SECRETARY

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MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Friday, February 12, 2016
TIME: 12:15 PM or Upon Adjournment
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) Barbieri, Perry
GUESTS: Seth Grigg, Association of Idaho Cities; Jonathon Parker, Holland & Hart LLP
Chairman Luker called the meeting to order at 12:15 P.M.
MOTION: **Rep. Nye** made a motion to approve the minutes of the February 4, 2016 meeting.
Motion carried by voice vote.
RS 24355C1: **Seth Grigg**, Executive Director, Association of Idaho Cities, presented **RS 24355C1**. This proposed legislation provides a process for cities and cemetery districts to follow in cases where burial lots that were purchased at least 50 years ago and have not been used for burial purposes can be reclaimed by the city or district for burial purposes. This process would include notifying the owner or heir of the existence of the lot and give them the opportunity to inform the city or districts whether they intend to use the lot. If the owner or heir does not express interest in the lot after notice is provided, the city or district may follow the prescribed process to reclaim the lot for burial purposes. In the case that the owner or heir contacts the city or district to use a lot for burial that has been reclaimed by the city or districts and resold to another person the city or district must either provide another lot in the cemetery for burial or compensate the owner or heir for the reasonable value of the lot as of the date the individual contacted the city or district.
MOTION: **Rep. Loertscher** made a motion to introduce **RS 24355C1**. **Motion carried by voice vote.**
ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 12:18 P.M.

Representative Luker
Chair

Chelsea Cantrell
Secretary

AGENDA
HOUSE LOCAL GOVERNMENT COMMITTEE
1:30 P.M.
Room EW05
Tuesday, February 16, 2016

SUBJECT	DESCRIPTION	PRESENTER
H 404	Telecom service reimbursement	Jim Clark, Frontier Communications

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Luker
Vice Chairman Sims
Rep Barbieri
Rep Perry
Rep Clow
Rep Horman
Rep Malek

Rep Collins
Rep Cheatham
Rep Loertscher
Rep Redman
Rep Kloc
Rep McCrostie
Rep Nye

COMMITTEE SECRETARY

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MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Tuesday, February 16, 2016

TIME: 1:30 P.M.

PLACE: Room EW05

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

**ABSENT/
EXCUSED:** None

GUESTS: John Evans, Seth Grigg, Association of Idaho Cities; Roger Seiber, Steve Price, Ada County Highway Districts; Meghan Conrad, RAI; Russell Westerberg, Capital City Development Corporation

Chairman Luker called the meeting to order at 1:31 P.M.

MOTION: **Rep. Collins** made a motion to approve the minutes of the February 10, 2016 meeting. **Motion carried by voice vote.**

MOTION: **Rep. Horman** made a motion to approve the minutes of the February 12, 2016 meeting. **Motion carried by voice vote.**

H 404: **Jim Clark**, Frontier Communications, presented **H 404**. This legislation will create a policy of relocation of assets for the Telecommunication industry. Six years ago legislation was passed with the goal of reducing relocation costs. Frontier Communications has not seen savings or reductions in relocation costs as a result of this past legislation. Last session **S 1017** was brought forward to reimburse telecommunication companies for mandated relocation cost by the state, local highways, and URD's. An opinion of The Attorney General that stated that the state and local highway districts cannot pay relocation cost due to the state highways dedicated fund because it would be in violation of the code. It also stated that there are no constitutional issues with URD's mandated to pay relocation costs. The legislature is the responsible body to set the policy. Lastly the opinion states the Urban Renewal provisions are likely constitutionally defensible. This new piece of legislation only includes URD's, the legislation last year included URD's, highway districts and the Idaho Transportation Department. Road improvement projects continue to increase at the very time telecommunication carriers are making large investments in availability and speed of broadband infrastructure. These road projects are very costly and divert limited capital dollars away from network infrastructure improvements that benefits customers. With that being said, this legislation would amend a section of the Urban Renewal Law of 1965, 50-2007, Power Section. This is the same section of code that was recommended by the Attorney General's opinion. The language comes from the state of Utah's relocation of assets section of code. The language in the bill states that telecommunication providers will pay 100% of the cost of the relocation. **H 404** only provides service for phone and cable companies. **H 404** amends a section of the code that will catch the policy up with the telecommunication market place. Adding this language into code provides clear policy direction for URD relocation requests.

In response to committee question, **Mr. Clark** stated he is aware there is a Urban Renewal Interim Committee and he is bringing this legislation now instead of waiting for them to complete their work because this legislation will not be one of the sections that he believes will be revamped. **S 1017** was only asking for 75% reimbursement and this legislation is asking for 100% reimbursement. Urban Renewal agencies own the land and easements.

In response to committee questions **Renee Willer**, Frontier Communications, explained that Urban Renewal Agencies have the final say in how projects proceed. The right of ways may be owned by a city or highway district and the law requires the Urban Renewal Agency to consult with the city or highway district about designs or locations, but it is money from the Urban Renewal district that pays for projects. Franchise agreements are not intended to cover the cost of relocation. This legislation for the most part is concerning right-aways.

John Evans, Garden City Mayor and Legislative Chairman of the Association of Idaho Cities, is requesting **H 404** to be held in committee. Idaho Code 40-2010 already requires local governments to consult and coordinate with utilities if they are going to impact the infrastructure that is in the right-away. This practice is intended to minimize the cost. Urban Renewal agencies cannot operate in a right of way under their own authority. Currently URA's are able to negotiate with service providers for voluntary reimbursements as funds allow. **H 404** would single out urban renewal agencies requiring them to pay for utility relocation with public funds that no other public agency is required to do.

In response to committee questions, **Mr. Evans** explained telecommunication companies do not pay franchises if cable is combined because then there is a franchise component. Garden City does not have a franchise agreement with a telecommunication company that discusses relocation of facilities and expenses. He also explained that projects are contained in approved URA plans and the right of ways are usually owned by the city if it is outside city limits it is probably owned by a highway districts. The first step would be to have an approved project, then design the plan including the owner of the right of way.

Meghan Conrad, attorney with Elam and Burke, asked the committee to hold **H 404** in committee. Their concerns include the constitutionality of **H 404** and that the language is unclear. Several Idaho Supreme court cases have addressed these concerns and have reaffirmed the common law rule that utilities are permissive uses of right of way and are responsible for the cost of relocations. The language creates a requirement to pay relocation costs but is not limited by any ability to pay urban renewal agencies that have no authorizations to levy funds to pay relocation costs and there are new districts that have zero revenue stream. Should these expenses occur it may impact existing obligations. This legislation includes language that shows an intent to apply relocation costs retroactively. These costs were not contemplated in the current existing projects so it is unreasonable to force those payments at this time. Definition of cost or relocation is very broad and would allow or appear to allow a telecommunications providers to also include cost of upgrades to relocation cost. At a minimum language should be added to provide that any increase in value in a new facility should be deducted from the cost of relocations. It is not good policy to single out urban renewal agencies for relocation cost with public money when no other public entity is required to pay, when in the end the fund used to relocate facilities will not be owned by the public.

In response to committee questions, **Mrs. Conrad** explained that when talking about telecommunication providers and there is no franchise agreements, URD's would be stuck with the bill but no other public entity would get stuck with these costs. There is no specific retro-active date but it would apply to existing projects which did not contemplate these relocation costs.

Seth Grigg, Executive Director, Association of Idaho Cities, encouraged the committee to hold this bill in committee. Within the state of Idaho, Urban Renewal Agencies are not the primary owners. Idaho cities, highway districts, counties, and irrigation districts are the primary owners and care takers of right of ways. Urban Renewal agencies should operate within right of ways. Courts have held and referenced an Attorney General's opinion that the bill is unconstitutional to have a city, or county highway district, or ITD pay relocation cost of a telecommunication infrastructure associated with a project. They feel this singles out a governmental entity to get around the fact that cities, county highway districts, and ITD are prohibited from repaying relocation cost to a telecommunication company. Telecommunication companies operate in existing public owned right of ways with privileges other utilities don't have. Urban Renewal Agencies do not levy property tax they rely solely on tax increment revenue to pay for projects. They may have outstanding debt that needs paid and have sufficient funds to pay those debts but if priority goes to relocation fees there could be insufficient funds to pay resulting in that agency going into default.

In response to committee questions, **Mr. Grigg** explained he is not aware of any circumstance where a URA has paid for relocation cost in process of negotiation, however the law is clear that if the Urban Renewal Agency wants to pay those relocation costs and has been approved they can do that. Idaho law allows for cities and counties to enact by ordinance franchise fee agreements for the right to use the right of ways and those funds can be used by the governmental entity for general purposes. Most of the time the franchise fees get put back into transportation costs. They may be applied to other utilities if it is a city project. When the Urban Renewal Agency submits plans for a project they can they include in their plans the cost of relocation.

Steve Price, General Council for Ada County Highway District, testified in **opposition of H 404**. The district has 4,763 lane miles of public right of ways and is the oldest urbanized area in the state of Idaho. This legislation is an attempt to ignore a time honored rule in the state that the utilities use the public right of ways as a permissive use and only at the convenience of the public. This legislation contradicts several other applicable laws regarding utilities and relocation. It is an attempt to shift the expense from a private telecommunication company to tax payers.

In response to committee questions, **Mr. Price** stated franchise fees are entirely for use of public right of ways. The Ada County Highways do not receive any of those franchise fees and while it is perceived they are for the use of public right of ways they are really used as a way to pay and compensate the municipality for not competing against that company. This relates to competition and the sole right to provide that service for economic gain. Permissive rights are a time honored rule. Idaho Code 62-701 states telephone corporations can instruct or install lines along the surfaces of a road or highway, beneath surface, or across water in such manner as not to invoke public use of the road or interrupt navigation of waters. Streets and highways belong to the public.

Mr. Clark, stated there has never been an attempt to go around anybody and this legislation just trying to come up with a solution to solve the problem of increasing costs of relocation.

MOTION:

Rep. Barbieri made a motion to send **H 404** to the floor with a **DO PASS** recommendation.

ROLL CALL VOTE: Chairman Luker called for a vote on the motion to send **H 404** to the floor with a **DO PASS** recommendation. Roll Call vote was requested. **Motion failed by a vote of 3 AYE, 11 NAY. Voting in favor** of the motion: **Vice Chairman Sims, Reps, Barbieri, and Cheatham. Voting in opposition** to the motion: **Chairman Luker, Reps. Perry, Clow, Horman, Malek, Collins, Loertscher, Redman, Kloc, McCrostie, and Nye. .**

MOTION: **Rep. Klock** made a motion to **HOLD H 404** in committee time certain at the discretion of the chair. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:47 P.M.

Representative Luker
Chair

Chelsea Cantrell
Secretary

AGENDA
HOUSE LOCAL GOVERNMENT COMMITTEE
1:30 P.M.
Room EW05
Thursday, February 18, 2016

SUBJECT	DESCRIPTION	PRESENTER
H 443	Municipal records, Retention/Storage	Justin Ruen, Association of Idaho Cities

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Luker
Vice Chairman Sims
Rep Barbieri
Rep Perry
Rep Clow
Rep Horman
Rep Malek

Rep Collins
Rep Cheatham
Rep Loertscher
Rep Redman
Rep Kloc
Rep McCrostie
Rep Nye

COMMITTEE SECRETARY

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MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Thursday, February 18, 2016

TIME: 1:30 P.M.

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 Perry

GUESTS: Justin Ruen, Association of Idaho Cities; David Matte, Idaho State Archives

Chairman Luker called the meeting to order at 1:32 P.M.

H 443: **Justin Ruen**, Association of Idaho Cities, presented **H 443**. This legislation would extend the authority that has already been granted to highway districts, and counties to cities that allows them to retain permanent records using digital media. The changes in this legislation will include adding a definition of historical records that states that historical records are records that due to age or cultural significance, are themselves artifacts of historical value that should be retained by the city if perpetuity or transferred to the State Archives. Provisions from Idaho Code 50-909 that deal with retention of records using photographic or digital media are now incorporated in Idaho Code 59-907 to make it easier for city clerks to find; this puts all city records retention provisions in one code section. Once a permanent, semi-permanent, or temporary record is retained in non-paper medium as authorized by this section then the original paper document is considered a duplicate of the record and can be disposed of or returned to sender. The provisions of the section that relates to retention and destruction of municipal records apply only to the record that is retained in the non-paper medium. In this legislation it requires city clerks to keep any equipment necessary to view and print records throughout the life of the record when they choose to keep a record in digital or photographic media.

Justin Ruen, Association of Idaho Cities, presented proposed amendments to **H 443**. These proposed amendments would include adding the following language, "historical records have enduring value based on the administrative, legal, fiscal, evidential, or historical information they contain to the historical records definition." The paragraph with the amended definition would also be amended to refer to Idaho Code Section 67-4126 which is the code section that empowers state archives to accept records from a state agency or local government. Another change will be to provide a process for notification of the State Archives when there is a proposal for permanent records to be preserved on a photographic or digital media, and are proposed to be destroyed.

In response to committee questions **Mr. Ruen** stated when semi-permanent record or temporary records are proposed for destruction the City Attorney needs to sign off on those records as part of the process. This prevents records from being destroyed in the event there is litigation or potential issues that may come up. All records are available to the public whether they are housed at the City or State Archives. Records can be changed to other forms of digital media if they can be successfully converted.

David Matte, Idaho State Archives, testified in support of H 443. The State Archives are in full support of this bill and believe this will help their partnerships with cities, in managing records, and identifying historical records.

MOTION: **Rep. Malek** made a motion to send H 443 to General Orders with amendments. **Motion carried by voice vote. Rep. McCrostie** will sponsor the bill on the floor.

Chairman Luker recognized the Page, **Olivia Thomas** for her help to the committee during the first half of the session.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:52 P.M.

Representative Luker
Chair

Chelsea Cantrell
Secretary

AGENDA
HOUSE LOCAL GOVERNMENT COMMITTEE
1:30 P.M.
Room EW05
Monday, February 22, 2016

SUBJECT	DESCRIPTION	PRESENTER
H 406	Water sewer districts, zones, annex	Rep. Gestrin

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Luker
Vice Chairman Sims
Rep Barbieri
Rep Perry
Rep Clow
Rep Horman
Rep Malek

Rep Collins
Rep Cheatham
Rep Loertscher
Rep Redman
Rep Kloc
Rep McCrostie
Rep Nye

COMMITTEE SECRETARY

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MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Monday, February 22, 2016
TIME: 1:30 P.M.
PLACE: Room EW05
MEMBERS: Chairman Luker, Vice Chairman Sims, Representatives Barbieri, Perry, Clow, Horman, Malek (Chadderdon), Collins, Cheatham, Loertscher, Redman, Kloc, McCrostie, Nye
**ABSENT/
EXCUSED:** Representative(s) Perry
GUESTS: None

Chairman Luker called the meeting to order at 1:31 P.M.

Chairman Luker introduced the committee's page **Rebecca Georgeson**.

H 406: **Rep. Gestrin** presented **H 406**. This legislation amends the water and sewer district law by providing a process for the district to annex a city and the city has the ability to approve or deny the requests. Currently two public entities doing the same function in the same geographical area using the same water and sewer treatment facility can combine and provide a cost effective service to the patrons.

William F. Gigray, Attorney, White Peterson Law, is presenting on behalf of **H 406**. There is an amendment to section 4, which will clarify that this proposed process for annexation does not interfere with the existing process for annexation into a water or sewer district that is in Idaho Code 42-3218. This bill proposes an additional method by which areas within a city can be annexed into a water and sewer district or can be withdrawn. Currently there is only one process allowed which refers to petitions from property owners within cities to seek annexation into water or sewer districts and that is done by individual property owners, or owners of parcels that own 60% of the area that is to be annexed, or having 20% of landowners who are also tax payers petition to be annexed into a water or sewer district.

Mr. Gigray stated that this legislation will amend the water and sewer district law by providing a process for the governing bodies of a water and sewer district and a city to include or remove areas within a city, to or from a water and/or sewer district by resolution and/or ordinance, subject to minimum qualifications where there is an existing water or sewer system. This legislation provides a process for public hearings and special election options. This maintains the status of a recreational water and sewer district upon completion of the annexation, and it provides an option to establish residence zones for election of directors of water and sewer districts.

Mr. Gigray explained this legislation would provided an additional option for cities and districts to consolidate water and sewer services under one governance to reduce cost and improve efficiency. It would help with the expense of constructing and maintaining portable water and sanitary sewer systems. The steps for the process of adding this additional annexation tool include, the governing boards drafting an agreement of annexation or withdrawal including post withdrawal or annexation operations, then both governing boards hold a joint public hearing to receive testimony. This is preceded by a published notice with the information, then a joint public hearing is held, followed by both governing boards either taking 30 days or the approved resolution for a special election then both governing boards approve a resolution or ordinance including terms and conditions. The final step

would require a certification or ordinance and election to District Court for Order of annexation or withdrawal.

In response to committee questions **Mr. Gigray** stated that yes the amendment resolves concerns with this legislation.

MOTION

Rep. Malek made a motion to send **H 406** to General Orders with an amendment attached. **Motion carried by voice vote.** **Rep. Gestrin** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 1:57 P.M.

Representative Luker
Chair

Chelsea Cantrell
Secretary

AGENDA
HOUSE LOCAL GOVERNMENT COMMITTEE
1:30 P.M.
Room EW05
Wednesday, February 24, 2016

SUBJECT	DESCRIPTION	PRESENTER
H 496	Cemeteries, lots, recover/resell	Seth Grigg, Association of Idaho Cities

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Luker
Vice Chairman Sims
Rep Barbieri
Rep Perry
Rep Clow
Rep Horman
Rep Malek

Rep Collins
Rep Cheatham
Rep Loertscher
Rep Redman
Rep Kloc
Rep McCrostie
Rep Nye

COMMITTEE SECRETARY

Chelsea Cantrell
Room: EW06
Phone: 332-1147
email: hloc@house.idaho.gov

MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Wednesday, February 24, 2016
TIME: 1:30 P.M.
PLACE: Room EW05
MEMBERS: Chairman Luker, Vice Chairman Sims, Representatives Barbieri, Perry, Clow, Horman, Malek, Collins, Cheatham, Loertscher, Redman, Kloc, McCrostie, Nye
**ABSENT/
EXCUSED:** Representatives, Barbieri, Horman
GUESTS: Meghan Conrad, Meridian Cemetery District; Jonathan Parker, City of Caldwell; Seth Grigg, Association of Idaho Cities

Chairman Luker called the meeting to order at 1:30 P.M.

H 496: **Seth Grigg**, Executive Director, Association of Idaho Cities, presented **H 496**. This legislation would require a city or cemetery district to pass a resolution when a cemetery plot has been vacant for over 50 years. The city or cemetery district would then be required to serve notice to the owner of record of the resolution and if that person cannot be contacted they must identify any potential heirs and notify them of the existence of the plot. If no one is identified they will be required to post it in the paper for 3 weeks. After 60 days if no one comes forward and express's interest in using that plot then it would revert back to the city or cemetery districts ownership. There is language in the bill that states if after the city or cemetery district has gained ownership over a lot and a owner or heir of that lot comes forward they would be entitled to that lot. If that lot was resold the owner or heir would be entitled to another lot in that cemetery or the value of the original lot.

In response to committee questions, **Mr. Grigg** explained that every possible heir to a lot will be notified and just one heir has to come forward and express they want that lot.

In response to committee questions **Aaron Seable**, Attorney, explained when they issue the new conveyance document which would include language that states a revisionary clause that would have 30-50 years built in.

MOTION: **Rep. Kloc** made a motion to send **H 496** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Clow** will sponsor the bill on the floor

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:38 P.M.

Representative Luker
Chair

Chelsea Cantrell
Secretary

AGENDA
HOUSE LOCAL GOVERNMENT COMMITTEE
1:30 P.M.
Room EW05
Wednesday, March 02, 2016

SUBJECT	DESCRIPTION	PRESENTER
H 541	Purchasing laws/local govt exclusion	Rep. Erpelding

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Luker
Vice Chairman Sims
Rep Barbieri
Rep Perry
Rep Clow
Rep Horman
Rep Malek

Rep Collins
Rep Cheatham
Rep Loertscher
Rep Redman
Rep Kloc
Rep McCrostie
Rep Nye

COMMITTEE SECRETARY

Chelsea Cantrell
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MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Wednesday, March 02, 2016
TIME: 1:30 P.M.
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 McCrostie
GUESTS: Amber Pence, City of Boise
Chairman Luker called the meeting to order at 1:31 P.M.
MOTION: **Rep. Nye** made a motion to approve the minutes from the February 18, 2016 meeting. **Motion carried by voice vote.**
MOTION: **Rep. Nye** made a motion to approve the minutes from the February 24, 2016 meeting. **Motion carried by voice vote.**
H 541: **Rep. Erpelding** presented **H 541**. This legislation provides a process for counties and cities to procure supplies. Currently political subdivisions are allowed to piggyback onto contracts that were competitively bid by the state of Idaho. The state of Idaho is part of an organization called National Association of State Procurement Officials. Through this organization, Idaho will work with other states that will do a procurement bid. This clearly identifies that political subdivisions are then able to participate in those contracts that have been procured by members of the National Association of Procurement Officials.
MOTION: **Rep. Collins** made a motion to send **H 541** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Erpelding** will sponsor the bill on the floor.
ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:36 P.M.

Representative Luker
Chair

Chelsea Cantrell
Secretary

AGENDA
HOUSE LOCAL GOVERNMENT COMMITTEE
1:00 P.M.
Room EW05
Friday, March 18, 2016

SUBJECT	DESCRIPTION	PRESENTER
S 1388aa	Tax deeds/ party of interest defined	Senator Bart Davis

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Luker
Vice Chairman Sims
Rep Barbieri
Rep Perry
Rep Clow
Rep Horman
Rep Malek

Rep Collins
Rep Cheatham
Rep Loertscher
Rep Redman
Rep Kloc
Rep McCrostie
Rep Nye

COMMITTEE SECRETARY

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MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Friday, March 18, 2016

TIME: 1:00 P.M.

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) Loertscher, Perry, Barbieri

GUESTS: Jerry Deckard, Roger Seiber, ACHD; Chris Meyer, Givens Pursley; Rich Hahn, Idaho Power; Jonathon Parker, Caldwell City; Neil Colwell, Avista Corp.
Chairman Luker called the meeting to order at 1:00 P.M.

MOTION: **Rep. Horman** made a motion to approve the minutes from the meeting on February 16, 2016. **Motion carried by voice vote.**

MOTION: **Rep. Horman** made a motion to approve the minutes from the meeting on February 22, 2016. **Motion carried by voice vote.**

MOTION: **Rep. Horman** made a motion to approve the minutes from the meeting on March 2, 2016. **Motion carried by voice vote.**

S 1388AA: **Chris Meyer**, Givens Pursley, represents Idaho Association of Highway Districts, presented **S 1333aa**. There was a decision in court case *Regan v. Owen* that resulted in a precedent, that if followed, would cause destruction of easements every time a tax deed is conveyed. Tax deeds work to convey clear title eliminating mortgage or other liens which notice is provided to those lien holders. The court decision would also determine clear title means it destroys every property interest, even of third parties that have received no notice, even if it is in the interest of the public that might benefit from having those easements which is not the intention of the legislature. If allowed to go forward how it currently stands it, would destroy easement, including private and public right-of-ways, utility easements, ditch rights, and conservation easements. The legislation also includes an emergency provision because of concerns about tax deeds that may be created next week and the thousands that are currently out. If we don't fix this, there could be an explosion of litigation that could have catastrophic consequences.

In response to committee questions, **Mr. Meyer** explained that it does have an emergency clause to get these laws back on track immediately.

MOTION: **Rep. Nye** made a motion to send **S 1388aa** with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Luker** will sponsor the bill on the floor.

ADJOURN: With no further business to come before the committee, the meeting was adjourned at 1:11 P.M.

Representative Luker
Chair

Chelsea Cantrell
Secretary

AGENDA
HOUSE LOCAL GOVERNMENT COMMITTEE
1:30 P.M. or Upon Adjournment
Room EW05
Tuesday, March 22, 2016

SUBJECT	DESCRIPTION	PRESENTER
	Minutes Approval	

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Luker
Vice Chairman Sims
Rep Barbieri
Rep Perry
Rep Clow
Rep Horman
Rep Malek

Rep Collins
Rep Cheatham
Rep Loertscher
Rep Redman
Rep Kloc
Rep McCrostie
Rep Nye

COMMITTEE SECRETARY

Chelsea Cantrell
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MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Tuesday, March 22, 2016
TIME: 1:30 PM or Upon Adjournment
PLACE: Room EW05
MEMBERS: Chairman Luker, Vice Chairman Sims, Representative(s) Barbieri, Perry, Clow, Horman, Malek, Collins, Cheatham, Loertscher, Redman, Kloc, McCrostie, Nye
**ABSENT/
EXCUSED:** Representative(s) Barbieri, Horman, Malek, Kloc
GUESTS: None
Chairman Luker called the meeting to order at 4:24 P.M.
MOTION: **Rep. Nye** made a motion to approve the minutes from the meeting on March 18, 2016. **Motion carried by voice vote.**
Chairman Luker thanked the Committee Page, **Rebecca Georgeson**, for her work this session, he also thanked Secretary, **Chelsea Cantrell**. **Chairman Luker** expressed his appreciation to the committee members for a great year and their hard work this session.
ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 4:27 P.M.

Representative Luker
Chair

Chelsea Cantrell
Secretary