

MINUTES
SENATE LOCAL GOVERNMENT & TAXATION COMMITTEE

- DATE:** Tuesday, March 19, 2019
- TIME:** 2:00 P.M.
- PLACE:** Room WW53
- MEMBERS PRESENT:** Chairman Rice, Vice Chairman Grow, Senators Hill, Vick, Anthon, Lakey, Cheatham, Burgoyne, and Nye
- ABSENT/ EXCUSED:** None
- NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- CONVENED:** **Chairman Rice** called the meeting of the Local Government and Taxation Committee (Committee) to order at 2:01 p.m.
- HCR 16** **A Concurrent Resolution Rejecting a Certain Rule of the State Tax Commission Relating to Property Tax Administrative Rules**, presented by Representative Thyra Stevenson, District 6. **Representative Stevenson** explained that the House Revenue and Taxation Committee felt several of the rules in **Docket No. 35-0103-1801** were going beyond the intent of making rule and creating law. With so many rules in one docket, after much discussion the House Committee voted to reject the entire docket.
- TESTIMONY:** **Jeremy Pisca**, Risch Pisca, PLLC, representing PotlatchDeltic Corporation, testified against **HCR 16**. **Mr. Pisca** stated that Rule 962 was a negotiated rule with legislative intent.
- DISCUSSION:** **Senator Hill** questioned if **Mr. Pisca** was aware of anyone who opposed Rule 962, or could be injured by it. **Mr. Pisca** responded that to his knowledge there was no one. **Senator Vick** recalled the issue because it had originated in Kootenai County. The classification of forest land had been changed without owner notification, resulting in Rule 962. **Senator Vick** felt it important the rule remain. **Senator Burgoyne** also stated he believed Rule 962 was important and should remain.
- TESTIMONY:** The following people testified against **HCR 16**: **Seth Grigg**, Executive Director, Idaho Association of Counties; **Brian Stender**, Canyon County Assessor; **Ken McClure**, Givens Pursley, LLP; and **Megan Conrad**, Elam & Burke.
Ken Roberts, Chairman, Idaho State Tax Commission, testified to the Committee that **HCR 16** deals with many rules, all negotiated. He stressed the importance that the rules are implemented.
- DISCUSSION:** **Chairman Rice** informed the Committee that should there be a difference in rejection of rules between the Senate Committee and the House Revenue and Taxation Committee, it would always be his practice to revisit the issue.
- MOTION:** **Senator Anthon** moved that **HCR 16** be held subject to the call of the Chair. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

H 130AA

Relating to the Clarification of the Annexation Process for Cities and Property Owners, presented by Representative Jarom Wagoner, District 10, and Representative Bryan Zollinger, District 33. **Representative Wagoner** stated that presently there are three categories of annexation. A Category A annexation is requested by the property owner. They come to the city, pay the application fees, go to the city council, and ultimately have the decision rendered on their behalf. A Category B annexation is initiated by the city. Currently, they are able to annex up to 100 parcels at a time and these must be surrounded by city limits or the impact area. A Category C annexation is arduous, rarely used, and only adds confusion to the code.

Representative Wagoner related that **H 130aa** refers to Category B annexations. It would reduce the number of property owners allowed to be annexed from 100 to 50, and require they be true enclave properties, not including impact areas. The issue that sent **H 130aa** for amendment was the reference to rights of way or contiguity to city limits. A right of way should be contiguous and no more than 150 feet in length.

DISCUSSION:

Senator Lakey related that land cannot be annexed if connected by a highway or right of way. He questioned if it was possible to annex less than 150 feet. **Representative Wagoner** explained the intent was less than 150 feet, to limit a city trying to circumspect the law. **Senator Vick** commented that the issue seemed straight forward. The land must be adjacent and the right of way must be 150 feet wide, meaning no shoestrings allowed. **Representative Wagoner** replied in the affirmative, that was the intent.

TESTIMONY:

John Evans, Association of Idaho Cities, Mayor of Garden City, testified against **H 130aa**. **Mr. Evans** related his concern that a right of way should not be a barrier to annexation. If a property owner desires to be annexed, a state highway should not create an unintended barrier.

MOTION:

Senator Vick moved to send **H 130aa** to the floor with a **do pass** recommendation.

SUBSTITUTE MOTION:

Senator Anthon moved to hold **H 130aa** in Committee. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

ADJOURNED:

Chairman Rice stated the remaining agenda item would be rescheduled to a later date and adjourned the meeting at 3:27 p.m.

Senator Rice
Chair

Machele Hamilton
Secretary