

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 255

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO DEVELOPMENT IMPACT FEES; AMENDING SECTION 67-8204A, IDAHO CODE,  
2 TO REVISE PROVISIONS REGARDING INTERGOVERNMENTAL AGREEMENTS FOR DEVEL-  
3 OPMENT IMPACT FEES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFEC-  
4 TIVE DATE.  
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 67-8204A, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 67-8204A. INTERGOVERNMENTAL AGREEMENTS. (1) Governmental entities,  
10 as defined in section 67-8203(14), Idaho Code, that are jointly affected by  
11 development are authorized to enter into intergovernmental agreements, in  
12 accordance with section 67-2328, Idaho Code, with each other or with high-  
13 way districts, fire districts, ambulance districts, water districts, sewer  
14 districts, recreational water and sewer districts, or irrigation districts  
15 for the purpose of developing joint plans for capital improvements or for the  
16 purpose of agreeing to collect and expend development impact fees for system  
17 improvements, or both, provided that such agreement complies with any appli-  
18 cable state laws. Governmental entities are also authorized to enter into  
19 agreements with the Idaho transportation department for the expenditure of  
20 development impact fees pursuant to a developer's agreement under section  
21 67-8214, Idaho Code.

22 (2) Governmental entities, as defined in section 67-8203(14), Idaho  
23 Code, are prohibited from entering into intergovernmental agreements for  
24 development impact fees with public agencies that do not have the authority  
25 in their own right to impose development impact fees.

26 SECTION 2. An emergency existing therefor, which emergency is hereby  
27 declared to exist, this act shall be in full force and effect on and after  
28 July 1, 2023.