

AGENDA
HOUSE LOCAL GOVERNMENT COMMITTEE
1:30 P.M.
Room EW05
Tuesday, January 10, 2023

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
---------	-------------	-----------

Organizational Meeting

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

Elbia Christensen
Room: EW16
Phone: 332-1147
Email: hloc@house.idaho.gov

MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Tuesday, January 10, 2023

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:** 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.

Chairman Ehardt called the meeting to order at 1:35 p.m.

Chairman Ehardt reviewed the order of business for the day saying this has not been as active of a committee in the past but more things will be coming this year. She appointed **Reps. Berch** and **Cheatum** as the proofreaders for the committee's minutes.

Chairman Ehardt acknowledged the people in attendance, saying she was glad they were here.

Committee members introduced themselves giving a brief background of their districts and any relevant experience they may have with local governments.

Chairman Ehardt mentioned if anyone wants to bring an issue to the Committee, it does not need to be legislation driven for the committee to meet on the issue.

Trew Lammers, the Committee Page for the first half of the session introduce herself, saying she has been involved in FFA and explained how she got involved in becoming a Page. **Rep. Dixon (1)** is her sponsor.

ADJOURN: There being no further business to come before the committee the meeting adjourned at 2:05 p.m.

Representative Ehardt
Chair

Susan Werlinger
Secretary

AGENDA
HOUSE LOCAL GOVERNMENT COMMITTEE
1:30 P.M.
Room EW05
Tuesday, January 24, 2023

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
RS 29966C3	Relating to cities	Rep. Skaug

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 (Lesmeister)

Rep Galaviz

COMMITTEE SECRETARY

Local Gov Secretary

Room: EW16

Phone: 332-1147

Email: hloc@house.idaho.gov

MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Tuesday, January 24, 2023

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 (Miller), 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.

Chairman Ehardt called the meeting to order at 1:30 PM.

MOTION: **Rep. Cheatum** made a motion to approve the minutes of the January 10, 2023 meeting. **Motion carried by voice vote.**

Chairman Ehardt introduced individuals in the audience that are expected to frequently attend Local Government Committee meetings this session. **Kelly Packer** with the IAC introduced other individuals with her who will be expected to frequently attend the Committee meetings. Chairman Ehardt stated a new committee rule that only individuals who are 18 years old or older are allowed to give testimony unless invited by the Chairman or committee members, and reviewed with the committee members the use of an RS and how to ask questions during introductory hearings of an RS.

RS 29966C3: **Rep. Skaug** presented **RS 29966C3** and explained how this proposed legislation would be a tax payer defense bill. He stated this proposed legislation would limit the duration cities can lease or lease-purchase property of \$1,000.00 or more by requiring a vote by the people. He clarified this would help prevent cities from accumulating debt without the support of its citizens.

MOTION: **Rep. Healey** made a motion to introduce **RS 29966C3**.

In response to Committee questions, **Rep. Skaug** explained how this bill was inspired by another bill he and other legislative members worked on last year that focused on counties. He clarified how this proposed legislation was not in response to a specific incident but is to act as a preventative measure, and he was not sure whether the bill would require a special election if a city wanted to lease or lease-purchase a property over \$1,000.00.

**ROLL CALL
VOTE:** **Chairman Ehardt** requested a roll call vote on **RS 29966C3**. **Motion carried by a vote of 15 Aye and 2 Nay. Voting in favor** of motion: **Reps. Ehardt, Kingsley, Clow, Erickson, Skaug, Weber, Alfieri, Cornilles, Dixon (24), Hawkins, Healey, Price, Wroten, Miller, and Galaviz. Voting in opposition** to the motion: **Reps. Cheatum and Berch.**

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 1:50 PM.

Representative Ehardt
Chair

Elijah Phipps
Secretary

AGENDA
HOUSE LOCAL GOVERNMENT COMMITTEE
1:30 P.M.
Room EW05
Thursday, January 26, 2023

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
RS 30126C1	Relating to data centers sale tax exemptions	Rep. Gannon
RS 30048	Relates to local government increasing minimum wage	Rep. Berch
RS 30096	Relating to public records	Rep. Erickson

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 (Miller)
Rep Galaviz

COMMITTEE SECRETARY

Elijah Phipps
Room: EW16
Phone: 332-1147
Email: hloc@house.idaho.gov

MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

- DATE:** Thursday, January 26, 2023
- 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 (Miller), Galaviz
- ABSENT/
EXCUSED:** Vice Chairman Kingsley, Rep. Clow
- 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 into order at 1:30 PM.
- MOTION:** **Rep. Berch** made a motion to approve the minutes of the January 24, 2023 meeting. **Motion carried by voice vote.**
- Chairman Ehardt** acknowledge members of the audience, specifically the mayor and city council members of the City of Idaho Falls.
- RS 30126C1:** **Rep. Gannon** presented **RS 30126C1** and said this proposed legislation would allow a data center to either get the sales tax exemption or get the benefit of being in an urban renewal district, rather than getting both. He clarified the bill is drafted so the value of the data center goes into the tax base, which would affect property tax payers by lowering levy rates as a result of the data center's value being added into the tax base.
- When answering questions, he clarified **Rep. Gannon** was only aware of one data center opening in Idaho at this time.
- MOTION:** **Rep. Weber** made a motion to introduce **RS 30126C1**. **Motion carried by voice vote.**
- RS 30048:** **Rep. Berch** presented **RS 30048**, and explained how this proposed legislation would enable local municipalities to increase their minimum wage. He stated this proposed legislation would not require local governments to change their minimum wage or set any new requirements to the minimum wage. This proposed legislation would allow local governments to enact a minimum wage that would allow them to better handle the micro-economics of their own community.
- Rep. Price** pointed out a grammatical error in the SOP.
- MOTION:** **Rep. Miller** made a motion to introduce **RS 30048**. **Motion carried by voice vote.**
- RS 30096:** **Rep. Erickson** yielded his time to **Julie Hart**, representing the City of Idaho Falls. She presented **RS 30096** and explained how it was similar to another bill, **H 618**, that was presented last year. The proposed legislation would define unwarranted invasion of personal privacy. The term is currently used in statute, but is not defined. This would codify the definition, as well as codify a decision by the Idaho Supreme Court between the City of Idaho Falls and the Post Register. This is to help prevent the release of information of victims of domestic violence or mass violence, and to help prevent costly court cases between cities and news outlets on what can and cannot be released.

When answering questions, **Ms. Hart** clarified the context of information this proposed legislation would prevent from becoming public information, such as police reports that contain sensitive information involving juveniles, domestic violence, or mass violence.

MOTION: **Rep. Cheatum** made a motion to introduce **RS 30096**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 1:47 PM.

Representative Ehardt
Chair

Elijah Phipps
Secretary

AMENDED AGENDA #1
HOUSE LOCAL GOVERNMENT COMMITTEE
1:30 P.M.
Room EW05
Thursday, February 02, 2023

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
RS 30135	Relating to cities regarding the classification and retention of municipal records	Rep. Erickson
RS 30170	Relating to legal notices	Rep. Erickson
RS 30163	Relating to city councils	Rep. Cheatum
H 46	TAXATION - Amends existing law to revise provisions regarding the taxation of property of a qualifying business entity receiving the Idaho information technology equipment sales tax exemption in a revenue allocation area.	Rep. Gannon
H 30	CITIES - Amends existing law to provide for a limitation on certain city lease or lease-purchase agreements.	Rep. Skaug Rep. Hill

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

MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Thursday, February 02, 2023

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:** 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.

Chairman Ehardt called the meeting into order at 1:31 PM.

MOTION: **Rep. Cheatum** made a motion to approve the minutes of the January 26, 2023 meeting. **Motion carried by voice vote.**

RS 30135: **Rep. Erickson** yielded his time to **Julie Hart**, representing the City of Idaho Falls. She presented **RS 30135** and explained how this proposed legislation would reduce the length of time cities would need to hold video footage in storage. Cities are current required to hold video footage for two years. This proposed legislation would allow cities to store video footage that has no evidentiary value for ninety days.

MOTION: **Rep. Wroten** made a motion to introduce **RS 30135**.

When presented with questions, **Ms. Hart** clarified the Association of Idaho Cities had given its support towards this proposed legislation, and the language in the bill had been approved by stakeholders who would be affected.

VOTE ON MOTION: **Chairman Ehardt** called for a vote on the motion to introduce **RS 30135**. **Motion carried by voice vote.**

RS 30170: **Rep. Erickson** yielded his time to **Kelley Packer**, representing the Association of Idaho Cities. She presented **RS 30170** and explained how this proposed legislation would allow local entities that have public hearings, notifications, and publication requirements to have a hold-harmless agreement when sending them to publication. This proposed legislation allows the time stamp for when they are housed in a digital portal to act as the starting time for these publications.

MOTION: **Rep. Weber** made a motion to introduce **RS 30170**.

When answering questions, **Ms. Packer** clarified the proposed legislation would not be removing the print publication requirements, but provides a hold-harmless agreement in the event a publication makes a mistake. She said the use of the digital time stamp would not created additional costs due to publications already being required to post the items in a digital portal. The decision to use the digital time stamp is to show whether the errors in publication are faults of the local entities or the publication service.

VOTE ON MOTION: **Chairman Ehardt** called for a vote on the motion to introduce **RS 30170**. **Motion carried by voice vote.**

RS 30163: **Rep. Cheatum** presented **RS 30163**, and explained how this proposed legislation would provide clarity and help fill vacancies on city councils. The proposed legislation would define the process and provide clear steps for city governments to fill vacant seats.

MOTION: **Rep. Dixon(24)** made a motion to introduce **RS 30163**.

Rep. Cheatum clarified that he would provide detailed answers to committee members questions at the hearing for the bill, such as the difference between nominations and appointments and if this would also apply to city management governments.

VOTE ON MOTION: **Chairman Ehardt** called for a vote on the motion to introduce **RS 30163**. **Motion carried by voice vote.**

Chairman Ehardt turned the gavel over to **Vice Chairman Kingsley**.

H 46: **Rep. Gannon** presented **H 46** and explained how the legislation addresses the issue of data centers being able to come to Idaho and are able to use a sales tax exemption. When a data center is placed in an urban renewal district their property taxes go towards the district's infrastructure, rather than towards the local governments and surrounding districts. This prevents the local tax payer from receiving the expected relief on their property taxes. This legislation allows data centers to choose whether to have the sales tax exemption or the benefits of being in an urban renewal district, but not both.

Chairman Ehardt presented further information on **H 46**, and how urban renewals work and how they have been used. They are meant to assist in urban blight, and property taxes paid by businesses in urban renewal districts do not go towards the local property tax base. According to the House Revenue & Taxation Committee minutes for February 26, 2020, and the SOP for **H 521**, a main justification for the sales tax exemption was data centers will provide a huge increase in the property tax base, which would reduce the levies for local property tax payers. To have the data center be able to take advantage of both the sales tax exemption and the benefits of being in an urban renewal district goes against what was promised under **H 521**.

Tom Shaner with the Idaho Tax Commission was invited to answer questions from the Committee relating to **H 46**. He said there are about twenty data centers in the Boise area. Data centers are expected to request the tax exemption to the Tax Commission, and there has been one data center that has applied for this sales tax exemption. He was not aware of the number of employees working at data centers in Idaho.

Bob Pishue, David Daily, Molly McDonald, Cindy Thorngrin, Randall Morris, Ron Harriman, Chairman of the Concerned Citizens of Canyon County Committee; and **Speaker Mike Moyle** all testified **in support** of the bill. The main statements were regarding the need for property tax relief and how improper uses of urban renewal districts can negatively affect the local tax base. Other statements were made regarding having new data centers in urban renewal districts going against the spirit of **H 521**, which was made with the expectation the property taxes from new data centers would provide relief to the local property tax base.

Alex LaBreau, President of the Idaho Association of Commerce and Industry, testified **in opposition** of the bill. He stated the policy of the state has been to promote large business to come to Idaho, and it is the responsibility of local government to decide on urban renewal districts. The legislation would undermine the incentives the state has made for large business to move to Idaho.

Kelley Packer, Executive Director of AIC, answered questions from the Committee in regards to the City of Kuna. With **H 46** currently applying to one city, the AIC decided not to take a position. She stated the data center plans to heavily invest in the city and the community, and the data center in Kuna is not planning on taking advantage of the benefits of being in an urban district.

When answering questions, **Chairman Ehardt** clarified the state government can set the policies for urban renewal districts. When addressing the fiscal note,

Rep. Berch stated, based on the average life of the data center being 30 years and the average life of a server being 5 years, the amount of money a data center could save from the sales tax exemption would be \$144 million, and the money typically spent on property tax could also be \$108 million over the data center's lifespan.

Rep. Gannon clarified he was not sure how or if **H 46** would affect the data center being built in Kuna, and a data center in an urban renewal district would still pay property taxes, but said taxes would go towards only the urban renewal and not other districts. He discussed the specific parts of the bill which would apply to data centers, the sales tax exemption, and urban renewal.

ORIGINAL MOTION:

Rep. Clow made a motion to **HOLD H 46** in committee for time certain, February 13, 2023.

Chairman Ehardt informed the Committee that **H 46** is time sensitive, and it would be best to move the proposed legislation forward rather than wait.

SUBSTITUTE MOTION:

Rep. Erickson made a substitute motion to send **H 46** to the floor with a **DO PASS** recommendation.

ROLL CALL VOTE ON SUBSTITUTE MOTION:

Vice Chairman Kingsley requested a roll call vote on **H 46**. **Substitute Motion carried by a vote of 9 AYE and 7 NAY and 1 Absent/Excused. Voting in favor of motion: Reps. Ehardt, Kingsley, Erickson, Skaug, Alfieri, Hawkins, Price, Wroten, and Galaviz. Voting in opposition to the motion: Reps. Clow, Weber, Cheatum, Cornilles, Dixon (24), Healey, and Berch. Rep. Green was absent/excused. Rep. Gannon and Chairman Ehardt will sponsor the bill on the floor.**

Vice Chairman Kingsley put the Committee at ease at 3:05 PM.

The Committee reconvened the meeting at 3:15 PM.

Vice Chairman Kingsley turned the gavel over to **Chairman Ehardt**.

H 30:

Rep. Hill presented **H 30**, and explained how this legislation would require municipal governments to have leases and lease-purchases that cost \$1,000.00 or more and last more than 5 years to be approved by citizens via a vote. When discussing the legislation with multiple mayors in their districts, none spoke against it.

Chuck Stadick, Caldwell City Councilman; **Ron Harriman**, Chairman of the Concerned Citizens of Canyon County Committee; **Hubert Osborn**, **Fred Birnbaum**, Idaho Freedom Foundation Director of Legislative Affairs; and **Braden Jensen**, Idaho Farm Bureau Government Affairs Representative; all testified **in support** of the bill. The main statements were regarding the importance of citizens to have a say on the leases and lease-purchases their cities commit to, how large leases affect local tax payers, the need to lower property taxes, and how the legislation is aligned with the spirit of the Idaho Constitution in regards to preventing local governments from imposing unnecessary debt on their citizens by their spending.

City of Boise Government Affairs Director, **Kathy Griesmyer**, testified in **opposition** of the bill. She stated the Idaho Constitution already had provisions addressing municipal governments requirements to hold an election when accumulating large debt, and the Idaho Supreme Court had ruled in the past the purchasing or leasing of property did not fall under said requirements. She stated having special elections for leases and lease-purchases would cost cities and tax payers far more than what they would save.

AIC Executive Director, **Kelley Packer**, testified in **opposition** to the bill. She stated cities rely on leasing buildings when they do not have the space or funds to build or purchase new property. She said non-appropriation clauses in leases prevent city councils from getting stuck in leases that are unfavorable or when needs change. She reiterated special elections would cost tax payers far more than the cost for leases, and the increase in Idaho's population has increased the need for cities to lease property.

When answering questions, **Ms. Packer** clarified the wording of **H 30** made it uncertain if it applied to leasing only real property or all forms of property, and cities are mainly limited to what they gain in taxes when leasing property.

Rep. Clow stated, if the bill passed through the Committee, he wanted to have it on the record the word "property" in the proposed legislation referred to real property.

When answering questions, **Rep. Skaug** clarified the legislation was targeting long term and multimillion dollar leases, and there was no restrictions on the number of leases a city could vote on at once. He was not sure on how many leases would be prevented by the bill.

MOTION:

Vice Chairman Kingsley made a motion to send **H 30** to the floor with a **DO PASS** recommendation.

Speaking to his motion, **Vice Chairman Kingsley** stated he supported the bill due to his own experiences when the city of Lewiston tried to build a new high school through a bond and the importance of the people having input in what their cities do.

Rep. Weber stated he would not be supporting **H 30**, and it is important to remember the voice of the people is made when they vote for their council members. He explained how a property leased by the city still remains on the tax role while a new property built by the city is exempt from property taxes, and pointed out a conflict in the verbiage in the bill.

Rep. Cheatum stated he would not support the legislation. It is important to let the people at the local level decide what is best for them, and leasing is often the right means for a city.

Rep. Dixon (24) stated there are many opportunities for people to voice their opinions on city leases, this bill would hamper the ability of city governments to be functional, and it seems to be an overreach of the state government.

Rep. Alfieri stated he would support **H 30**. Based on his experiences in the car business, leases are typically pitched to people so they can own better property than they would normally afford.

Rep. Price stated she would support the bill. The legislation provides a means for people to have their voices heard.

**ROLL CALL
VOTE:**

Chairman Ehardt requested a roll call vote. **Motion failed by a vote of 8 AYE and 9 NAY. Voting in favor** of the motion: **Reps. Ehardt, Kingsley, Skaug, Alfieri, Cornilles, Hawkins, Price, and Wroten. Voting in opposition** to the motion: **Reps. Clow, Erickson, Weber, Cheatum, Dixon (24), Healey, Berch, Green, and Galaviz.**

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 4:16 PM.

Representative Ehardt
Chair

Elijah Phipps
Secretary

AMENDED AGENDA #2
HOUSE LOCAL GOVERNMENT COMMITTEE
1:30 P.M.
Room EW05
Wednesday, February 08, 2023

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
RS 30209	Relating to prohibitions on utility connections.	Rep. Dixon (1)
H 89	CITY COUNCILS - Amends existing law to revise provisions regarding the filling of a vacancy on a council and to provide for the filling of a vacancy in certain instances.	Rep. Cheatum

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	Rep Alfieri
Vice Chairman Kingsley	Rep Cheatum
Rep Clow	Rep Cornilles
Rep Erickson	Rep Dixon (24)
Rep Skaug	Rep Hawkins
Rep Weber	Rep Healey (Galloway)

COMMITTEE SECRETARY

Elijah Phipps
Room: EW16
Phone: 332-1147
Email: hloc@house.idaho.gov

MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Wednesday, February 08, 2023

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 (Galloway), 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 into order at 1:32 PM.

RS 30209: **Rep. Dixon (1)** presented **RS 30209**, and discussed what led to the creation of this proposed legislation. Following the state of Oregon's legislation prohibitions on utility connections, he explained this legislation is a preemptive measure.

MOTION: **Rep. Weber** made a motion to introduce **RS 30209**.

When answering questions, **Rep. Dixon (1)** clarified he would provide detailed answers to committee members's questions at the hearing for the bill.

VOTE ON MOTION: **Chairman Ehardt** called for a vote on the motion to introduce **RS 30209**. **Motion carried by voice vote.**

H 89: **Rep. Cheatum** presented **H 89**, and said this legislation will help fill vacant seats on city councils when there is not a quorum, as well as provide more local control of the process for filling vacant city council seats. For city governments that operate differently from the traditional mayor system, this legislation would not negatively affect them.

Chairman Ehardt put the Committee at ease at 1:40 PM due to technical difficulties.

The Committee reconvened at 1:43 PM.

When answering questions, **Rep. Cheatum** clarified how the terms "appointment" and "nomination" were used in **H 89** and the current nomination process. Currently Idaho Code, Section 50-704 defines the process for replacing city council members if there is a quorum. If the number of vacant seats prevent a quorum, Section 50-912, an obscure part of Idaho Code, allows the Governor of Idaho to resolve the matter of appointing individuals to the vacant seats. In a situation a city council can not have a quorum due to vacant seats, this bill aims to keep the process as local as possible. If the process in the legislation fails to resolve the situation, the governor will still have the authority stated in Section 50-912.

Chairman Ehardt and **Rep. Cheatum** discussed the situation involving the city council of Pocatello that led to the creation of **H 89**. The legislation would allow the governor to appoint individuals to fill vacant seats until there are enough council members to have a quorum, which would allow the city council to begin the process of filling the remaining vacant seats.

MOTION: **Rep. Berch** made a motion to send **H 89** to the floor with a **DO PASS** recommendation.

Chairman Ehardt asked if there was any testimony from the audience for **H 89**, which there was none.

**VOTE ON
MOTION:**

Chairman Ehardt called for a vote on the motion to send **H 89** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.**

ADJOURN:

There being no further business to come before the Committee, the meeting adjourned at 1:51 PM.

Representative Ehardt
Chair

Elijah Phipps
Secretary

AGENDA
HOUSE LOCAL GOVERNMENT COMMITTEE
1:30 P.M.
Room EW05
Tuesday, February 14, 2023

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
H 106	PROHIBITIONS ON UTILITY CONNECTIONS - Adds to existing law to prohibit any type of local government entity from restricting certain types of utility connections.	Rep. Dixon (1)

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

MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Tuesday, February 14, 2023

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, Rep. 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.

Chairman Ehardt called the meeting to order at 1:31 PM.

Chairman Ehardt put the Committee at ease at 1:32 PM due to technical difficulties.

The Committee reconvened at 1:33 PM.

MOTION: **Rep. Cheatum** made a motion to approve the minutes for the February 2, 2023 meeting. **Motion carried by voice vote.**

MOTION: **Rep. Berch** made a motion to approve the minutes for the February 8, 2023 meeting. **Motion carried by voice vote.**

H 106: **Rep. Dixon (1)** presented **H 106**, and addressed the questions the Committee asked him during the February 8, 2023 meeting. Municipal governments in several states have passed laws to restrict, prohibit, or ban the use of natural gas. In response, there are twenty states that have passed legislation to prohibit local restrictions on natural gas or other utilities. The purpose of the legislation is to be preemptive and to prevent municipal governments from restricting the utility options for customers and local communities. Restricting natural gas causes an increase in prices for other utilities due to the lack of competition. When reaching out to different cities on the legislation, he stated he had received positive feedback.

MOTION: **Rep. Cheatum** made a motion to send **H 106** to the floor with a **DO PASS** recommendation.

Chairman Ehardt put the Committee at ease at 1:42 PM due to technical difficulties.

The Committee returned at 1:49 PM. Due to technical difficulties, the Committee was unable to hear remote testimonies on **H 106**.

Kate Haas with TC Energy testified **in support** of **H 106**. TC Energy owns an interstate natural gas pipeline that runs from Canada, through Idaho, and to Washington and Oregon. Although they do not provide services to Idaho customers directly, they provide services to businesses who do. When answering questions, Ms. Haas stated she is not familiar with movements against natural gas in Idaho.

Jonathan Oppenheimer with the Idaho Conservation League testified **in opposition to H 106**. He stated the legislation is not needed and is an overreach. There have been no efforts in Idaho to ban natural gas or other utilities. Local governments work hard to plan and provide what customers and citizens need. The bill would force them to provide utilities their citizens may not want, and would cause unintended costs to new construction. The price of natural gas increasing is not due to regulations, but on the fluctuations of the market. When answering questions, Mr. Oppenheimer stated the legislation was trying to address something that is not a problem in Idaho, and it would restrict municipal governments from making the best decisions for their local communities.

Julie Hart with the Association of Idaho Cities testified **in opposition to H 106**. She recognized the concerns shared with **Mr. Oppenheimer**, and stated there could be changes to the bill's language to make it less restrictive to local governments. As the legislation is written now, it would force cities to take on utility connections they do not offer or need to current or new institutions and businesses whether or not they want them.

Rep. Dixon (1) stated when he initially introduced **H 106**, he had seen some of the arguments made against it. He did not feel they are congruent with the legislation, and believes the language is good at this point. When answering questions, he stated the legislation does not prohibit cities from incentivizing certain utilities, such as the City of Boise's geothermal heating. Instead, the bill would only apply to municipal governments restricting or banning a utility. It would not force developers to make available all utilities to new construction, but prevents their choices from being limited by restrictions. It is a preemptive legislation, and, if it passes, he did not believe it would cause any additional costs to municipal governments or new construction.

**SUBSTITUTE
MOTION:**

Rep. Green made a substitute motion to send **H 106** back to the sponsor to make amendments.

Speaking to her motion, **Rep. Green** stated she was not opposed to **H 106**, and appreciates the effort **Rep. Dixon (1)** has made. With the recommendations made by stakeholders that would be affected by the legislation, she stated amendments should be made to address their concerns.

Rep. Hawkins spoke **in opposition** to the substitute motion. He stated **H 106** does not force people or local governments to have access to all utilities, but instead prevents restrictions. **Rep. Weber** stated citizens should be able to choose what utilities they would like to use, and this legislation ensures their choices are not restricted by their local governments.

Rep. Galaviz spoke **in support** of the substitute motion. She agreed with **Rep. Hawkins** and **Rep. Weber** on the importance of maintaining local control, and stated the substitute motion would be a means to talk to stakeholders and cities in order to strengthen the legislation.

Rep. Clow spoke **in support** of the original motion. He stated it is one thing if a subdivision is not able to provide a utility due it being too expensive to provide infrastructure for it, and entirely another if a subdivision was set up to provide a utility and the said utility was banned by the local government. **Chairman Ehardt** stated she had spoken to the manager of Idaho Power about **H 106**, and he had no issues.

Rep. Clow pointed out to the Committee could not proceed with the substitute motion due to its wording. The Committee could not send **H 106** back to the sponsor like they would for a RS.

**MOTION
WITHDRAWN:**

Rep. Green requested to withdraw her substitute motion to send **H 106** back to the sponsor to make amendments. There being no objection, the request was granted.

**ROLL CALL
VOTE ON
MOTION:**

Chairman Ehardt requested a roll call vote on **H 106. Motion carried by a vote of 12 AYE and 3 NAY and 2 Absent/Excused. Voting in favor of the motion: Reps. Ehardt, Kingsley, Clow, Erickson, Weber, Alfieri, Cheatum, Cornilles, Dixon (24), Hawkins, Price, and Wroten. Voting in opposition to the motion: Reps. Berch, Green, and Galaviz. Reps. Skaug and Healey were absent/excused. Rep. Dixon (1) will sponsor the bill on the floor.**

ADJOURN:

There being no further business to come before the Committee, the meeting adjourned at 2:22 PM.

Representative Ehardt
Chair

Elijah Phipps
Secretary

AMENDED AGENDA #1
HOUSE LOCAL GOVERNMENT COMMITTEE
1:30 P.M.
Room EW05
Thursday, February 16, 2023

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
<u>H 90</u>	LEGAL NOTICES - Amends existing law to revise provisions regarding electronic publication of legal notices.	Rep. Erickson
<u>H 88</u>	CITIES - Amends existing law to define terms and to revise provisions regarding the retention of municipal media recordings and law enforcement media recordings.	Rep. Erickson

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

MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Thursday, February 16, 2023

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, Rep. Cornilles

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.

H 90: **Rep. Erickson** presented **H 90**, and yielded his time to **Kelley Packer**, Executive Director of the Association of Idaho Cities. This legislation recognizes publication services can put required public notices on an electronic platform, and gives the option for local public entities, such as city councils or county governments, to use the digital time stamp as a starting time frame for required public notices. This legislation also provides a hold-harmless provision. This provision would provide, in the event the publication service provides the correct information for public notices on the electronic platform but said information is incorrect on the physical publication, the local public entity and the publication services will be held harmless, and the required process of providing public notice will not have to restart.

MOTION: **Rep. Wroten** made a motion to send **H 90** to the floor with a **DO PASS** recommendation.

When answering questions, **Ms. Packer** clarified **H 90** would allow a municipal government to use either the online publication or physical publication for starting time for the required public notices. This legislation would not create additional cost to municipal governments since most newspapers already post public notices to their electronic platforms.

VOTE ON MOTION: **Chairman Ehardt** called for a vote on the motion to send **H 90** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Price** requested to be recorded as voting **NAY**. **Rep. Erickson** will sponsor the bill on the floor.

H 88: **Rep. Erickson** presented **H 88**, and yielded his time to **Julie Hart**, representing the City of Idaho Falls. This legislation would add two new categories for the classification of city records; municipal media recordings and law enforcement media recordings. It would not change the retention schedule of the four categories of classification outlined in the Idaho Code; permanent records, semi-permanent records, temporary records, and historical records. This legislation would allow digital recordings that hold no evidentiary value to be held for a minimum of 90 days, instead of the minimum of two years. This would help cities lower the costs of storing video footage. Municipal media recording would be digital files containing visual or audio components, but does not contain evidentiary information. Law enforcement media recordings would be digital files created by municipal law enforcement. Municipal media recordings and law enforcement media recordings associated by a law enforcement report or prosecution within 90 days will be classified as a permanent, semi-permanent, or temporary record by the city council.

This legislation will help cities reduce the cost of storing digital recordings, with the City of Idaho Falls expected to save \$1.7 million a year if **H 88** passes. Most of the current costs generated from cities storing footage with no evidentiary value.

Rep. Berch pointed out a mistake in the wording of **H 88**, which stated municipal and law enforcement recordings may be destroyed without the approval of the city council.

When answering questions, **Ms. Hart** clarified **H 88** would have municipal and law enforcement recordings associated with a law enforcement report or prosecution would be reclassified and saved after 90 days. What is deleted after the 90 day minimum would not be dictated by an individual, but by Idaho statute. Idaho Falls has done its best to keep the costs of storing footage as low as possible, but such footage takes a heavy amount of data. Much of this footage has no evidentiary value, and are having to be stored for a minimum of two years. Cities like Idaho Falls have no intention of removing footage that could be related to crime or public safety.

Rep. Alfieri stated it seems cities have put themselves into a financial corner due to recording their citizens, and are now having to ask for relief for that decision. It is an issue when cities say they have the right to record, then have the right to delete these recordings without the say of the people.

Randy Fife, city attorney of the City of Idaho Falls, testified **in support** of **H 88**. He stated every city in Idaho is required to retain every document it creates for a minimum of two years whether or not it has evidentiary value, which takes up a lot of storage. When determining whether footage is relevant to a crime or incident, the part of the footage involving the crime or incident will be kept, while the remaining footage, having no evidentiary value, can be deleted after 90 days.

When answering questions, **Mr. Fife** clarified municipal and law enforcement media records not associated with a law enforcement report or prosecution could be deleted after the minimum 90 days. When a law enforcement report is made, the relevant times of the recordings would be connected with the report. There would not be an intent to manually review every recording, but to review the relevant footage connected to a law enforcement report. He agreed with **Rep. Berch** that there is an inconsistency with the bill's language, and stated a correction was needed. The purpose of this legislation is to allow cities to reduce the burden made by documents that hold no governmental purpose. Counties do not have the same record retention requirements as cities, and are able to delete footage with no governmental value after 14 days.

MOTION:

Rep. Healey made a motion to **HOLD H 88** in Committee until February 22, 2023.

Rep. Berch spoke to the motion. He stated what is needed is a corrected bill, and was not sure if holding **H 88** until another meeting would address what needs to be changed.

Joseph Nilsson, chief information technology officer for the City of Idaho Falls, spoke **in support** of **H 88**. The \$1.7 million stated in the fiscal note is not the current amount Idaho Falls would save. If this legislation passes, the city will plan to purchase more cameras, and will expect to still save money since they will no longer need to hold for two years the extra non-evidentiary footage the cameras will make. The intent of this bill is not to get rid of anything evidentiary, but to allow cities to better serve their citizens by decreasing their spending.

When answering questions, **Mr. Nilsson** clarified Idaho Falls has two half-petabyte data centers for holding video footage, and they try not to overburden their taxpayers with the storage they use.

Field Herrington, deputy city attorney for the City of Post Falls, spoke **in support** of **H 88**. As they are making the move from on-site storage to the enhanced security of the cloud and the police department retaining an average of 60 to 80 terabytes a year, it has become very costly and unmanageable. With this legislation, the 90 days minimum would provide enough time to see if there is any evidentiary value of a recording. Any municipal or law enforcement media recordings holding evidentiary value would be reclassified as a permanent, semi-permanent, or temporary record and would not be deleted after 90 days.

When answering questions, **Mr. Herrington** clarified there is not a possibility of lawsuits on recording individuals without permission due to people not having a reasonable expectation of privacy when they are out in public, and citizens are able to make those same kind of recordings when out in public. Police recordings are generally accepted.

Ms. Hart thanked the Committee for the time and interests committed to **H 88**. She said the city is trying to find a happy medium in regards to recordings in public and privacy.

Committee members expressed concerns regarding the legislation not being ready, and whether to pass **H 88** and fixing it later or having new legislation made with the corrections needed. Committee members discussed having one piece of legislation addressing storing footage for all levels of government, and whether it being better to hold **H 88** and address the issue next session.

VOTE ON MOTION:

Chairman Ehardt called a vote on the motion to **HOLD H 88** in Committee until February 22, 2023. **Motion carried by voice vote.**

Chairman Ehardt acknowledge the House page, **Trew Lammers**, and this being her last meeting with the Committee. Ms. Lammers stated the experience has been eye opening, and she has learned more about the inner workings of our state government.

ADJOURN:

There being no further business to come before the Committee, the meeting adjourned at 2:53 PM.

Representative Ehardt
Chair

Elijah Phipps
Secretary

AMENDED AGENDA #1
HOUSE LOCAL GOVERNMENT COMMITTEE
1:30 P.M.
Room EW05
Wednesday, February 22, 2023

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
S 1041	COUNTY TREASURER AND TAX COLLECTOR - Adds to existing law to authorize a county treasurer to make certain investments.	Senator Ricks

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

MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

- DATE:** Wednesday, February 22, 2023
- 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. Erickson
- 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 PM.
- MOTION:** **Rep. Berch** made a motion to approve the minutes of the February 14, 2023 meeting with the following correction: On page 2, paragraph 7, second sentence should say "She agreed with **Rep. Hawkins** and **Rep. Weber** on the importance of maintaining local control..." and not "She agreed with **Rep. Hawkins** and **Rep. Weber** on the need for **H 106**..." **Motion carried by voice vote.**
- Chairman Ehardt** recognized the high school classes in the audience from Idaho Falls.
- Jason Richardson**, teacher at Deseret Study Abroad Academy, introduced his class. They come every year and spend a week at the Idaho capital building to learn more about the Idaho legislature. As a micro school, the students work all summer to help pay for educational trips like this and abroad.
- Kym Drake** and **Pam Kentack**, teacher and administrator at Shelley High School, introduced their class. They are at the Idaho capital building for the State Leadership conference. Their students will be competing in various subjects relating to business and leadership.
- Chairman Ehardt** shared with the students in the audience on how the bill hearing process works in the Local Government Committee.
- S 1041:** **Senator Ricks** presented **S 1041**, and yielded his time to **Annette Dygert**, Owhyee Treasurer and also representing the Idaho Association of County Treasurers. The section of Idaho Code dictating investments county treasurers can make is the same as the state treasurer, but there is currently no reference made to this in the section of Idaho Code dictating the duties of county treasurers. This legislation would point to this section of Idaho Code, the authority the county treasurers have in investing funds, and the list of allowable investments. This will make it easier for new county treasurers to better understand and abide by their duties in regards to investments.
- When answering questions, **Ms. Dygert** clarified **S 1041** addresses investment responsibilities and authorities county treasurers already have, and would make it easier for new treasurers to find these in Idaho Code. This legislation would not change how counties make investments.
- MOTION:** **Rep. Weber** made a motion to send **S 1041** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Chairman Ehardt** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 1:45 PM.

Representative Ehardt
Chair

Elijah Phipps
Secretary

AGENDA
HOUSE LOCAL GOVERNMENT COMMITTEE
1:30 P.M.
Room EW05
Tuesday, February 28, 2023

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
H 136	DEVELOPMENT IMPACT FEES - Amends existing law to provide that recreation districts may enter into certain intergovernmental 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

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

MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Tuesday, February 28, 2023

TIME: 1:30 P.M.

PLACE: Room EW05

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

**ABSENT/
EXCUSED:** Rep. Erickson

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 1:33 PM.

MOTION: **Rep. Berch** made a motion to approve the minutes of the February 16, 2023 meeting. **Motion carried by voice vote.**

MOTION: **Rep. Cheatum** made a motion to approve the minutes of the February 22, 2023 meeting. **Motion carried by voice vote.**

H 136: **Rep. Nelsen** presented **H 136**, which would add recreation districts to the list of districts in Section 67-8203 (14) in Idaho Code that can collect impact fees and can enter into joint agreements with the Idaho Department of Transportation. The purpose of this legislation is to clean up a part of Idaho Code, and to address the issues communities are experiencing with rapid growth.

When answering questions, **Rep. Nelsen** stated he was not sure why recreational water districts were in this section of Idaho Code. He clarified **H 136** would not be circumventing the people by allowing recreational districts to use impact fees, and this would provide impact fees as an option for recreational districts to better provide services to their community. The affects of this legislation will vary between communities.

Rep. Berch stated to the Committee there is a formal definition of recreational water and sewer districts in Idaho Code 42-3202A. These districts, which are currently able to use impact fees, are required to be located away from large urban areas. **Rep. Nelsen** stated, on the services provided by recreational districts verses those provided by municipal recreational departments, they can vary or be similar depending on the city and community, and can have much or no overlap.

Chairman Ehardt put the Committee at ease at 1:56 PM to review the sections of Idaho Code referencing recreational districts and recreational water and sewer districts and how they related to **H 136**.

Chairman Ehardt returned the Committee to order at 2:00 PM.

Tim O'Meara, representing the Greater Middleton Park and Recreation District, testified in support of **H 136**. He clarified the difference between recreational water and sewer districts. He stated the rapid growth of the local communities has increased the cost of services and maintenance of the sites in his recreational district. It is difficult for smaller communities to fund a recreational district, and, while recreational districts cannot use impact fees, a city can use impact fees for their park and recreation departments.

Ron Nate, representing the Idaho Freedom Foundation, testified **in opposition** to **H 136**. He stated the rationale behind impact fees is to have new developments help fund community services. New developments increase the value of land and property taxes, which, in time, should provide the funding for the services provided by recreational districts. He argued allowing recreational districts to impose impact fees would increase the cost of construction and impose a double tax on home buyers: once when purchasing the house, and a second in property taxes. Allowing recreational districts to impose impact fees will put greater costs to tax payers and businesses.

Julie Hart, representing the Association of Idaho Cities, testified **in support** of **H 136**. She stated by allowing recreational districts to impose impact fees, this will provide them an additional tool to better fund and provide their services to their local communities. She clarified impact fees help municipal governments better fund the increase in services as their communities grow, and they are a one-time fee, which is only paid when purchasing a house or property.

Ken Burgess, representing the **Idaho Home Builders Association**, testified **in opposition** to **H 136**. He clarified impact fees are a fee that is charged for a new home or new construction in general. Impact fees are meant to maintain, and not improve, the current level of services as a community grows, and they can only be used for capital improvements and not operations. IHBA is not opposed to reasonable impact fees, but they are opposed to allowing recreational districts to be able to collect impact fees. He stated, with the amount of growth, taxing districts have been creating and increasing impact fees. To deal with the new growth, there has been a reaction by communities to impose new fees that didn't exist before, and this has greatly affected developers financially. Nearly 25% of the sale price of a new family home is due to government regulations.

Emily Barros testified **in support** of **H 136**. She stated the legislation will allow districts to better address emergency situations and to better share the costs of maintaining public structures and services, as well as bring peace of mind to community members.

Lyle Johnstone testified **in opposition** to **H 136**. He stated the legislation would increase government and increase house prices.

Rep. Wroten stated impact fees are meant for providing the funds necessary to provide current services for new growth. They are not meant for repairing buildings or improving services.

Rep. Nelsen stated the services recreational districts provide are wanted, and this legislation would allow a local entity like a recreational district to be able to provide such services more easily.

**ORIGINAL
MOTION:**

Rep. Wroten made a motion to **HOLD H 136** in Committee.

Rep. Clow spoke in favor of the motion, stating there is a lot of confusion on impact fees. From his experience, impact fees are a great undertaking, and they cannot be used to make new or improve current services. They are only meant for local communities to better provide current level of service to new growth, and they cannot be used on services a community is currently behind on. Recreational districts already have the means, such as bonds, to fund services they are lacking.

Rep. Cheatum spoke against the motion, stating **H 136** provided another tool for local communities to use to better address their needs.

**SUBSTITUTE
MOTION:**

Rep. Green made a substitute motion to send **H 136** to the floor with a **DO PASS** recommendation.

Speaking to the substitute motion, **Rep. Green** stated this legislation provides tools for local communities to better handle growth. Recreational districts are not able to provide better services due to the unexpected growth. **H 136** will provide them a tool to better provide the services they need to accommodate growth, and it does not require them to use impact fees if they do not want to.

Rep. Skaug spoke in favor of the substitute motion, stating impact fees allow those moving to communities to pay for the access to services rather than having the community as a whole take on the burden.

Rep. Weber spoke in favor of the original motion, stating it is concerning to allow another tax to people when there is a need to address property taxes. Impact fees are overused and seem to become a new means to gain revenue without seeking approve from the tax payers first.

Chairman Ehardt stated this subject has been confusing due to the amount of information connected with impact fees, and will plan to have informative meetings in the future to help committee members to be more informed on subjects they may make decisions on.

Rep. Berch spoke in favor of the substitute motion, **H 136** is consistent with new growth paying for itself and letting local governments decide the best means for them to fund services.

Rep. Alfieri spoke in support of the original motion, stating impact fees hide the true cost of growth to a community. They are often used for quick fixes, but the ongoing cost of growth is never fully addressed in terms of increased services and maintenance.

**ROLL CALL
VOTE ON
SUBSTITUTE
MOTION:**

Chairman Ehardt requested a roll call vote on the substitute motion to send **H 136** to the floor with a **DO PASS** recommendation. **Motion failed by a vote of 7 AYE and 9 NAY and 1 Absent/Excused. Voting in favor of the motion: Reps. Skaug, Cheatum, Cornilles, Dixon (24), Berch, Green, and Galaviz. Voting in opposition to the motion: Reps. Ehardt, Crawford, Clow, Weber, Alfieri, Hawkins, Healey, Price, and Wroten. Rep. Erickson was absent/excused.**

**ROLL CALL
VOTE ON
ORIGINAL
MOTION:**

Chairman Ehardt requested a roll call vote on the original motion to **HOLD H 136** in Committee. **Motion carried by a vote of 9 AYE and 7 NAY and 1 Absent/Excused. Voting in favor of the motion: Reps. Ehardt, Crawford, Clow, Weber, Alfieri, Hawkins, Healey, Price, and Wroten. Voting in opposition of the motion: Reps. Skaug, Cheatum, Cornilles, Dixon (24), Berch, Green, and Galaviz. Rep. Erickson was absent/excused.**

ADJOURN:

There being no further business before the Committee, the meeting adjourned at 2:51 PM.

Representative Ehardt
Chair

Elijah Phipps
Secretary

AGENDA
HOUSE LOCAL GOVERNMENT COMMITTEE
1:30 P.M.
Room EW05
Tuesday, March 14, 2023

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
S 1061	PIPELINES - Amends and adds to existing law to provide that plats shall show certain pipelines, to require filing of certain information with counties, and to require certain notice regarding zoning ordinance changes and development proposals.	Rep. Cheatum

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

MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Tuesday, March 14, 2023

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. Alfieri and 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 1:30 PM.

MOTION: **Rep. Berch** made a motion to approve the minutes of the February 28, 2023 meeting. **Motion carried by voice vote.**

S 1061: **Rep. Cheatum** presented **S 1061**, which aims to help inform and protect in regards to natural gas and petroleum pipelines. There are currently four natural gas and petroleum pipelines in Idaho, with these having been built between fifty to seventy years ago. These pipelines were initially built far from developed areas, and have experienced development near or around the pipelines due to the growth in the state. This legislation would require pipeline companies to inform county governments the locations of these pipelines and maps of where the pipelines are located. If there is development within one thousand feet of a pipeline, the county will be required to inform the pipeline company, developers, and property owners.

MOTION: **Rep. Weber** made a motion to send **S 1061** to the floor with a **DO PASS** recommendation.

When answering questions, **Rep. Cheatum** yielded his time to **Senator Schroeder**. He stated **S 1061** would not require a board to be created, but would require a pipeline company to designate three natural people to act on the companies behalf, and who would be the ones notified by a county government when there is development near their pipeline. He clarified the term natural person would be an individual, while the term legal person could include an individual or a company.

Tayla Snapp, representing TC Energy, testified in support of **S 1061**. She stated they have a natural gas pipeline that goes across three Idaho counties. With these counties having experienced much growth and development since the pipeline was built, this bill will allow advanced notification to TC Energy of development near or at their pipeline, which will help ensure safety of their operators and current and future neighbors. Similar bills have become law in other states, and will provide an improved notification process.

When answering questions, **Ms. Snapp** clarified, when people call 811, companies like TC Energy have two days to respond and mark where their pipeline is located. This process is the same whether its for a mailbox being installed or a developer constructing several hundred new homes. **Senator Schroeder** clarified **S 1061** would add pipeline companies to the list of entities counties would be required to notify when there is development in an area.

Ron William, representing Marathon Petroleum Pipeline, testified in support of **S 1061**. He stated their petroleum pipeline run across southern Idaho, and this legislation would allow everyone to know where the pipelines are and solves a safety and notification issue. When future developments move forward, this will ensure developers and home owners are aware and can take into account the pipeline in their area.

Rep. Cheatum stated **S 1061** will provide a simple fix, and will help prevent a possible safety issue by ensuring developers and county governments are aware of pipelines' locations in their areas.

VOTE ON MOTION:

Chairman Ehardt called a vote on the motion to send **S 1061** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Cheatum** will sponsor the bill on the floor.

ADJOURN:

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

Representative Ehardt
Chair

Elijah Phipps
Secretary

AGENDA
HOUSE LOCAL GOVERNMENT COMMITTEE
1:30 P.M.
Room EW05
Monday, March 20, 2023

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
S 1114	DEVELOPMENT IMPACT FEES - Amends existing law to revise provisions regarding a development impact fee advisory committee and to provide for a development impact fee advisory committee for intergovernmental agreements between governmental entities and certain districts.	Senator Schroeder

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

MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Monday, March 20, 2023

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:** Reps. Erickson and 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 2:33 PM.

MOTION: **Rep. Berch** made a motion to approve the minutes of the March 14, 2023 meeting. **Motion carried by voice vote.**

S 1114: **Senator Schroeder** presented **S 1114**, and stated it is a simple bill focusing on impact fees. He read through Idaho Code 67 chapter 82 on the requirements for implementing impact fees and the role of development impact fee advisory committees. This legislation would amend the makeup of the advisory committee, specifically by allowing for individuals that reside outside of city limits but within the area of service of the entity or entities imposing the impact fee to be a part of the advisory committee.

When answering questions, **Senator Schroeder** clarified **S 1114** would not force members off of current development impact fee advisory committees. It would only change the requirements for who can be on these advisory committees by expanding the area of where possible members reside and removing the requirement of having two or more members who are not active in the business of development, building, and real estate. This would make it easier to find potential committee members who are willing to serve on an advisory committee. This legislation would not change the role of these committees.

Rep. Green declared Rule 80, and stated she works for a county single-wide highway district in Idaho.

Senator Schroeder acknowledged, with **S 1114** requiring two or more members to be active in the business of development, building, or real estate, it is possible for a development impact fee advisory committee to have a large majority or be entirely made up of members who are active in these businesses and it would be possible for a majority to have a conflict in interest. He stated these advisory committees do not make any decisions in regards to impact fees, but are there to give recommendations and provide a capital improvement plan to the governing body, such as a city council. Only the governing body can make decisions and choose whether or not to accept the committee's plan or recommendations.

Warren Wilson, city attorney of the City of Post Falls, testified **in support of S 1114**. He stated it is a laudable bill, and the parts the city had concerns with could be addressed with **Senator Schroeder** after this legislative session.

Ken Burgess, representing the Idaho Home Builders Association, testified in support of **S 1114**. He stated this legislation gave flexibility to who districts could select to be a member of these advisory committee.

MOTION:

Rep. Wroten made a motion to send **S 1114** to the floor with a **DO PASS** recommendation.

Rep. Clow spoke against the motion, and stated it was difficult to understand the changes **S 1114** was making. He did not see the necessity of allowing as many members of an advisory committee to be individuals in the business of development, building, and real estate and removing the requirement for having at least two members who are not active in these businesses.

Rep. Cornilles spoke in favor of the motion. He stated, based on his experience on a development impact fee advisory committee, there can be much difficulty finding individuals who want to be members. Expanding the area possible members can reside will make it easier to find individuals who want to be on these committees, and can be a good remedy for smaller communities.

Rep. Berch spoke against the motion, and stated he needed more information before he felt he could support **S 1114**. He agreed with the need the legislation was trying to address. However, the issues with conflicts of interests and possible unintended consequences that could occur due to this. Unless there are protections against conflicts of interests overriding the decisions and recommendations by an advisory committee, he could not support the legislation.

Rep. Weber spoke in favor of the motion. He stated, based on the language of **S 1114**, governmental employees or elected officials acting in their official capacity can not be appointed to a development impact fee advisory committee.

Rep. Alfieri spoke against the motion. He stated he shared **Rep. Berch's** concerns, and, based on what he has seen in the past, development impact fees advisory committees will often make the decision and city councils rubber stamp the decisions. If the intent of advisory committees to help the people have a say in these decisions, he stated he did not see this in **S 1114**.

Senator Schroeder stated development impact fees advisory committees are not site specific, and exist during the period of time that encompasses a ten year capital improvement plan. An advisory committee are only able to advise its governing body. There are already safe guards in place in current legislation that address impact fees.

**ROLL CALL
VOTE ON
MOTION:**

Chairman Ehardt requested a roll call vote on the motion to send **S 1114** to the floor with a **DO PASS** recommendation. **Motion carried by a vote of 12 AYE and 3 NAY and 2 Absent/Excused. Voting in favor of the motion: Reps. Ehardt, Kingsley, Weber, Cheatum, Cornilles, Dixon (24), Hawkins, Healey, Price, Wroten, Green, and Galaviz. Voting in opposition to the motion: Reps. Clow, Alfieri, and Berch. Reps. Erickson and Skaug were absent/excused. Rep. Weber** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the Committee, the meeting adjourned at 3:23 PM.

Representative Ehardt
Chair

Elijah Phipps
Secretary

AGENDA
HOUSE LOCAL GOVERNMENT COMMITTEE
1:30 PM, or Upon Adjournment or Recess
Room EW05
Friday, March 24, 2023

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
	Approval of the 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

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

MINUTES
HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Friday, March 24, 2023

TIME: 1:30 PM, or Upon Adjournment or Recess

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. Clow, Rep. Skaug, Rep. Hawkins, Rep. Price, Rep. Berch, Rep. 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 10:32 AM.

MOTION: **Rep. Cheatum** made motion to approve the minutes of the March 20, 2023 meeting. **Motion carried by voice vote.**

Chairman Ehardt acknowledged the House page, **Tate Manley**, and this being his last meeting with the Committee. Mr. Manley stated his experience has been amazing. His time with the legislature has helped him see how each person brings different perspectives and understandings to the table, and seeing Representatives more as who they are as people.

Chairman Ehardt stated **Mr. Manley** always had a smile on his face and willing to work whenever he entered her office.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 10:36 AM.

Representative Ehardt
Chair

Elijah Phipps
Secretary