

MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Wednesday, February 28, 2024

**TIME:** 1:30 PM or Upon Adjournment

**PLACE:** Room EW05

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

**ABSENT/  
EXCUSED:** Rep. Skaug

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Ehardt** called the meeting to order at 1:36 PM.

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

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

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

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

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

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

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

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

**ORIGINAL  
MOTION:**

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

**SUBSTITUTE  
MOTION:**

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

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

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

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

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

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

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

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

**ADJOURN:**

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

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Representative Ehardt  
Chair

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Elijah Phipps  
Secretary