

CITY *of* BOISE

LEGISLATIVE SESSION REPORT

January – May 2021

DRAFT



LEGISLATIVE SESSION REPORT

The 66th Idaho Legislature kicked off on January 11, 2021 and was a truly historic session. Due to the ongoing impacts of the COVID-19 pandemic, the 2021 session became the longest in the State's history, lasting 122 days or over 18 weeks. Throughout the session, more than 600 bills were introduced between the House and Senate, with the City of Boise tracking over 100 bills on a myriad of topics.

This session predominantly focused on a number of key issues for the City of Boise. First and foremost, the largest focus was the continued response to the COVID-19 public health emergency and mitigation efforts taken by Governor Little, as well as local jurisdictions. The City's legislative team was active in working to protect its ability to respond to the pandemic based on science and best health practices and to ensure that Boise's local economy could continue to rebound, while also protecting the health of Boise residents. Additionally, the City prioritized the need for residential property tax relief and worked on behalf of residential homeowners to expand access to the circuit breaker program, restore indexing of the homeowner's exemption and establish development impact fees for schools. The final key priority for the City was the implementation of city council districts through a bill the City of Boise sponsored. However, that bill was amended in an attempt to move all municipal elections to even-number years in an effort to make city elections partisan, which the City ultimately opposed.

Below is a full list of the all the key bills the City of Boise engaged on this session. The bills are organized by their impact on the City's key strategic priorities and includes a synopsis of the bill's context, what position the City took on the bill, and final action taken by the legislature and/or Governor.

To review our work throughout the session, be sure to follow our Government Affairs legislative page for updates: cityofboise.org/legislative-updates

NOTE – *As a bill is amended throughout the legislative process, the bill number will be updated to reflect where it was amended.*

AA – As Amended

AAS – As Amended in the Senate (for bills that originated in the House)

AAH – As Amended in the House (for bills that originated in the Senate)



A SAFE AND HEALTHY CITY FOR EVERYONE

HB 135AAS	Changes to Disaster Preparedness Act	MONITOR
<p>HB 135 would have made significant changes to the Governor’s Executive Authority regarding emergency declarations. In doing so, it would have jeopardized the funding assistance local agencies receive from the Federal Emergency Management Agency (FEMA), which is currently being used to offset unbudgeted expenses in response to the ongoing COVID-19 pandemic. The City of Boise has relied on FEMA funding during the pandemic to pay frontline workers and provide a safe, warm place for residents experiencing homelessness.</p>		
BILL STATUS:	Vetoed by Governor Little 04/21; Veto overridden by the House & sustained by the Senate	

HB 197	Ordinance Infractions	OPPOSE
<p>HB 197 would have removed city authority to craft misdemeanor offenses for city ordinance penalties. Currently, city code covers the gaps in the State’s criminal code and allows cities the flexibility to address individual livability factors state code can’t address. Ultimately, misdemeanors allow cities to police themselves and their unique attributes.</p>		
BILL STATUS:	Introduced in House Judiciary, Rules & Administration Committee	

HB 339A	Mask Mandate Preemption	OPPOSE
<p>HB 339A would have prohibited the State of Idaho and local municipalities from requiring the use of face coverings to prevent or slow the spread of a contagious or infectious disease, limiting how local governments respond to public health emergencies; specifically, the ability to enact measures that are not provided at the state level. In our response to the COVID-19 pandemic, the City of Boise focused our efforts on education and partnership, and worked closely with our local business community to enact reasonable mask requirements that allow businesses to remain open while complying with state and national public health guidelines.</p>		
BILL STATUS:	Passed the House; Held in Senate Health & Welfare Committee	



A SAFE AND HEALTHY CITY FOR EVERYONE

SB 1136AA	Restrictions on Governor’s Emergency Powers	MONITOR
<p>SB 1136AA would have placed new restrictions on the Governor’s emergency powers, which in turn could have jeopardized the authority that local governments use to enact local protections that serve their communities unique needs. Local governments work in partnership with the Governor’s Office to coordinate appropriate responses for their respective communities and often use the emergency declaration under the Governor’s Executive Order as part of the legal basis for local action. It also would have jeopardized the funding assistance local agencies receive from the Federal Emergency Management Agency (FEMA), which is currently being used to offset unbudgeted expenses in response to the ongoing COVID-19 pandemic. The City of Boise has relied on FEMA funding during the pandemic to pay frontline workers and provide a safe, warm place for residents experiencing homelessness.</p>		
BILL STATUS:	Vetoed by Governor Little 04/16; Veto sustained by the Senate	



A HOME FOR EVERYONE

HB 45	Security Deposit Ordinance Preemption	OPPOSE
<p>HB 45 would have prohibited local governments from taking reasonable measures on rental fees, applications fees and security deposits, preventing them from appropriately determining how to regulate the rental housing market so that it serves the best interest of both tenants and landlords in their community. In 2019 the City of Boise City Council adopted a Rental Fee Application Ordinance that outlines application criteria for rentals, requirements for property owners, a set amount for rental fees, rules for current tenants, and potential fines. This ordinance creates greater transparency in the assessment and processing of rental application fees, and helps renters better manage the fees associated with rental applications. In a competitive housing market, local housing ordinances ensure renters have equitable access to shelter that is affordable and allows landlords to navigate a clear process for reviewing tenant applications.</p>		
BILL STATUS:	Introduced in House Judiciary but was not brought to vote, Rules & Administration Committee	



HCR 15	Property Tax Study Committee	MONITOR
<p>HCR 15 creates an interim committee to complete a study of property taxes and revenue expenditures. It continues to build on the 2020 interim legislative committee that also discussed potential property tax reforms in light of Idaho's ongoing housing crisis.</p>		
BILL STATUS:	Adopted by the House & Senate	

HB 254	Building Code Restrictions	OPPOSE
<p>HB 254 attempted to restrict what building code ordinances local jurisdictions could enact. In doing so, the bill would have created significant conflict between the Idaho Building Code Act and other applicable statutes pertaining to plumbing, electrical and mechanical code provisions, in addition to complicating which relevant boards will provide oversight. The bill would have also placed unnecessary restrictions on municipal governments regarding plumbing, electrical and mechanical codes at the local level, which are an important tool to respond to localized needs that are not addressed at the state level.</p>		
BILL STATUS:	Introduced in House Business Committee	

HB 389	Property Tax Budget Caps	OPPOSE
<p>HB 389 attempted to enact comprehensive property tax reform for Idaho residential property owners, but instead focused on municipal budget caps. In summary, HB 389 claims that it provides residents with property tax relief by increasing the homeowner's exemption by 25%; however, it also includes a 150% increased tax break for businesses, which further shifts the burden of property taxes from commercial properties to residential properties. This bill also placed an arbitrary 90% cap on new construction and 80% cap on retiring urban renewal districts which will result in growth not paying for itself. These are not the meaningful tax cuts that residents have been promised and they could result in cuts to municipal services that residents deserve.</p>		
BILL STATUS:	Law; Signed by Governor Little 05/12	



A HOME FOR EVERYONE

SB 1108	Municipal Budget Restrictions	OPPOSE
<p>SB 1108 would have severely limited municipal budgets under the guise of property tax relief. The proposed bill would have placed arbitrary caps on local government budgets, which would have prohibited growth paying for growth, which is an instrumental resource to maintain existing city service levels – such as public safety, sewer services, parks maintenance, etc. – for our rapidly growing community. Instead of capping local government budgets, the City of Boise advocated for the prioritization of re-indexing the homeowner’s exemption, allowing for enhancements to the circuit breaker program, and authorizing expanded use of development impact fees.</p>		
BILL STATUS:	Passed Senate Local Government & Taxation Committee; Failed in the Senate	



MOVEMENT FOR EVERYONE

SB 1106	Local Land Use Planning Preemption	OPPOSE
<p>SB 1106 would have allowed local highway districts, such as the Ada County Highway District, to ignore municipal ordinances outlining local land use policies crafted in partnership with local stakeholders such as developers, planning staff and the community at large. This would have severely undermined local control in advocating for the best economic use for our land, as well as prioritized improvements to enhance pedestrian walkways and visual impacts to neighborhood esthetics.</p>		
BILL STATUS:	Introduced in Senate Local Government & Taxation Committee	



A CLEAN CITY FOR EVERYONE

HB 274	Energy Building Code Preemption	OPPOSE
<p>HB 274 attempted to create the Idaho Energy Conservation Code, which in turn, would have attempted to regulate municipal ordinances that address energy needs at the local level. This bill would have specifically created state baselines for energy code standards that would have prevented the City of Boise from implementing its Building Energy Code that allows for energy efficiencies in residential and commercial properties within the city that meet consumer needs and reduce energy costs.</p>		
BILL STATUS:	Introduced House Business Committee	



OPPORTUNITY FOR EVERYONE

HB 291	Business Bill of Rights	OPPOSE
<p>HB 291 attempted to prevent any enforcement of public health orders because doing so would nullify the associated disaster declaration or public health order. Using enforcement tools as a mechanism to nullify local and state health orders would have had significant consequences on our efforts to navigate the current COVID-19 pandemic and put all future emergency declarations at risk, including those for floods, drought, or wildfires.</p>		
BILL STATUS:	Passed the House; Held in Senate State Affairs Committee	

HB 73	Local Government Budget Reporting	MONITOR
<p>HB 73 created a uniform approach to budget transparency and reporting for local governments and education providers. Under the uniform approach, the City of Boise will submit budget and expense data to the State Controller’s Office where that information will be publicized on Controller’s Office website. Early in 2021, the City of Boise also introduced its own open budget platform for residents to be able to access information related to the city’s budget. The new platform provides access to the city’s budget in a simplified, interactive format where residents can easily find details around the City of Boise’s budget, spending and staffing.</p>		
BILL STATUS:	Law; signed by Governor Little 03/16	

HB 90	Legislative Approval for Monuments Removal	OPPOSE
<p>HB 90 would have required that local governments secure a concurrent resolution supported by the majority of both bodies of the Idaho Legislature in order to remove any local monument or public art piece that depicts a “historical event.” If HB 90 were to have been enacted, it would have complicated the maintenance of public art, memorials, and monuments and removed local decision making on community spaces.</p>		
BILL STATUS:	Passed the House; Held in Senate State Affairs Committee	

HB 311	Limits on Public Art Expenditures	OPPOSE
<p>HB 311 would have required that local governments put to vote any public art expenditure above \$25,000, requiring a 60% majority vote in order to approve any project. As drafted, HB 311 would have created unnecessary administrative hurdles for cities who utilize their public art programs and would have specifically jeopardized the City of Boise’s Percent-for-Public-Art Ordinance which already implements transparency, fiscal responsibility, and community engagement efforts in the procurement of public art.</p>		
BILL STATUS:	Held in House Revenue & Taxation Committee	

HB 319AA	Even-Year Municipal Elections	OPPOSE
<p>HB 319aa attempted to move the elections of city officers, mayors and municipal bonds and levies to even-numbered years on the November general ballot in an effort to make local non-partisan races more partisan. Local races have remained nonpartisan for decades because voters recognize that issues affecting public safety, roads, city services, and clean drinking water are issues that rise above partisanship to serve the betterment of their communities. HB 319 was also amended to adopt provisions of SB 1111 (see below) which would have created a path forward for implementing city council election districts. Because of the combined changes to municipal races, representing a significant shift in municipal election policy, the City of Boise joined cities across the state – both large and small, urban and rural – in addition to the Association of Idaho Cities, in opposing this bill.</p>		
BILL STATUS:	Passed the House; Held in Senate State Affairs	

SB 1111AAH	City Council District Implementation	OPPOSE
<p>SB1111 was a City of Boise endorsed bill that would have created an implementation process for establishing city council districts for local elections as required with the passage of HB 413 from the 2020 legislative session. Specifically, this bill would have aligned the timing of district boundary mapping with the State’s reapportionment process in order to save taxpayer dollars by removing the need to draw council district maps twice within a two-year election cycle (once in 2021 to meet initial implementation under HB 413 and again to match council districts with updated precinct maps due to Idaho’s reapportionment process). It also would have provided additional clarity regarding how cities can create and implement council districts for local elections. SB 1111, however, was amended to include provisions of HB 319 to move all city races to even-year election cycles, which would have complicated the adoption of city council districts. Because of the combined changes to municipal races, representing a significant shift in municipal election policy, the City of Boise joined cities across the state – both large and small, urban and rural – in addition to the Association of Idaho Cities, in opposing this bill.</p>		
BILL STATUS:	Non-amended bill passed the Senate; Amended bill passed the House; House amendments failed in Senate State Affairs	



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