

CITY *of* BOISE

LEGISLATIVE SESSION REPORT

January - April 2023



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The 2023 Idaho Legislative Session kicked off on Monday, January 9, 2023. This year's legislative session was marked by many unknowns, given the significant changeover in state officials, lawmakers, and committee composition. With 42 new lawmakers beginning their term of service in January, the session began slowly as they familiarized themselves with the process and pace of the legislative session.

This year, 595 bills between the House and Senate were introduced, with the City of Boise tracking and monitoring over 60 distinct pieces of legislation. These bills ranged from property tax relief to tenant protections, preemption bills on energy policy, library censorship, restrictions on transportation funding, and further restrictions to municipal public health authority.

The largest trend of legislation the city tracked this year was ongoing restrictions to municipal local control, with the city engaging on over 30 bills that attempted to remove or greatly restrict municipal authority to enact local policies aligned with our community's interests and priorities.

Below is a full list of the all the key bills the City of Boise engaged on during the 2023 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)

LEGISLATIVE PROCESS – How a Bill Becomes a Law

HOUSE BILLS

1. Bill is introduced in House committee
2. Hearing for bill is held in the appropriate House germane committee
3. If the bill passes out of committee with a majority of support from committee members, then a full House floor vote is scheduled
4. If it passes the House floor with a majority of support from House members, then it advances to the Senate
5. Hearing for bill is held in the appropriate Senate germane committee
6. If the bill passes out of committee with a majority of support from committee members, then a full Senate floor vote is scheduled
7. If it passes the Senate floor with a majority of support from Senate members, then it advances to the Governor
8. The Governor can take three final actions: sign the bill into law, allow the bill to become law without his signature within five days, or veto the bill.
9. If the bill is vetoed by the Governor, then the bill first returns to the House floor where the veto can be overridden (bill becomes law) with 2/3 support of all House members, plus 2/3 support of all Senate members.

SENATE BILLS

1. Bill is introduced in Senate committee
2. Hearing for bill is held in the appropriate Senate germane committee
3. If the bill passes out of committee with a majority of support from committee members, then a full Senate floor vote is scheduled
4. If it passes the Senate floor with a majority of support from Senate members, then it advances to the House
5. Hearing for bill is held in the appropriate House germane committee
6. If the bill passes out of committee with a majority of support from committee members, then a full House floor vote is scheduled
7. If it passes the House floor with a majority of support from House members, then it advances to the Governor
8. The Governor can take three final actions: sign the bill into law, allow the bill to become law without his signature within five days, or veto the bill.
9. If the bill is vetoed by the Governor, then the bill first returns to the Senate floor where the veto can be overridden (bill becomes law) with 2/3 support of all Senate members, plus 2/3 support of all House members.



HB 155	Municipal Public Health Authority	OPPOSE
<p>HB 155 would have removed local authority for municipalities to enact future public health and safety measures. Under the bill it would have specifically prohibited testing and vaccine requirements in order to enter or remain in a government venue. By removing these community spread mitigation tactics for future public health crises, it would have unnecessarily restricted the city’s ability to enact health measures that are in alignment with medical and scientific best practices. Additionally, the bill would have barred municipal governments from requiring testing and/or vaccine standards for work related travel and job-site visits, which could have jeopardized city positions that engage with the private sector for necessary city services.</p>		
BILL STATUS:	Passed the House; Passed Senate State Affairs Committee; Held in Senate Amending Order (bill died)	

SB 1130	Coronavirus Pause Act	OPPOSE
<p>Much like the vetoed SB 1381 from the 2022 legislative session, SB 1130 restricts both private and public entities from enacting any vaccine requirements related to employment, event ticketing, receipt of government services or access to a public facility. Most notably, the bill conflicts with the constitutional statutory authority municipal governments have to enact local public health measures that aren’t addressed at the state level. These safety measures ensure that city facilities and services can remain open and accessible to the community amid an emergency situation while keeping resident safety at the forefront. Additionally, the bill impacts the City’s ability to impose public event health restrictions or work with private event organizers to accommodate their own self-imposed vaccine requirements for their events.</p>		
BILL STATUS:	Passed the Senate and House; Signed by Gov. Little on April 06, 2023	



HB 292	Property Tax Relief	MONITOR
<p>HB 292 will provide property tax relief to all taxpayers – both residential and commercial – to the tune of \$355 million in year one. However, the relief provided to taxpayers, especially residential taxpayers most in need, would decline over the years due to reductions in state-level funding provided through the bill’s funding formula. This would unfortunately continue to exacerbate the burden shift felt by residential taxpayers, without a mechanism to rebalance said burden. While the bill will provide material relief to taxpayers, the bill failed to include more meaningful property tax reforms such as reindexing the homeowner’s exemption and authorizing the use of development impact fees for schools.</p>		
BILL STATUS:	Bill Status: Passed the House & Senate; vetoed by Gov. Little; vetoed overridden by the House & Senate (bill became law)	

HB 324	Appropriation for Emergency Rental Assistance	SUPPORT
<p>HB 324 is an appropriation bill that provides an additional \$32 million into the State’s emergency rental assistance program (ERAP). This COVID-19 relief funding, provided under the American Rescue Plan, is to ensure that renters who are unable to pay their rent or utility bills are able to remain housed by using ERAP funds to cover their costs. The City of Boise has been running its own Boise-focused ERAP program in partnership with the Boise City/Ada County Housing Authority, and the additional funds available at the state level will help ensure Boise’s program continues to have funding as needed.</p>		
BILL STATUS:	Bill Status: Passed the House and Senate; Signed into law by Gov. Little on April 03, 2023	

HB 376	Trailer bill to HB 292; Property Tax Relief	MONITOR
<p>HB 376 is a companion bill to HB 292, which intends to address Governor Little’s opposition with the bill which ultimately resulted in his veto. Most notable in HB 376, it protects funding for the Transportation Expansion and Congestion Mitigation Fund, which was a key concern from the Governor to ensure that major transportation projects across the state had the funding they needed without first being redirected to property tax relief programs.</p>		
BILL STATUS:	Bill Status: Passed the House and Senate; Signed into law by Gov. Little on March 31, 2023	



A HOME FOR EVERYONE

SB 1039AA	Rental Fees Protection	SUPPORT
<p>SB 1039aa ensures that late fees assessed by a landlord to a renter remain reasonable and in line with the agreed upon rate outlined in a formal lease. During such an extremely competitive rental market (Boise has a less than 2% vacancy rate currently; a healthy vacancy rate for a community should be between 5-8%) surprise fees – whether it be late fees, renewal fees, payment processing fees, etc. – can significantly impact a renter’s ability to remain within their housing budget and ultimately housed in an affordable unit. The City of Boise supports this tenant-protection effort to ensure that no Boisean loses access to affordable housing.</p>		
BILL STATUS:	Bill Status: Passed the Senate & House; Signed by Gov. Little on March 20, 2023	

SB 1073AA	Changes to Area of Impact Process	OPPOSE
<p>SB 1073 would have enacted sweeping changes to the process for designing and approving area of impact boundaries. The legislation would have given counties total discretion over areas of impact, despite cities providing significant infrastructure in growth areas as a part of their comprehensive plan. Additionally, the bill would have reduced areas of impact to no more than one mile from existing city limits, which seemed to be arbitrarily decided and does not reflect current planning best practices and procedures.</p>		
BILL STATUS:	Bill Status: Passed the Senate; Held in House Ways & Means Committee (bill died)	



A CLEAN CITY FOR EVERYONE

HB 106	Energy Utility Preemptions	OPPOSE
<p>HB 106 enacts restrictions barring municipal governments from imposing prohibitions, or restrictions, on energy utility connections. The bill was unnecessary because there are no current Idaho cities that have prohibited the connection of any particular type of energy utility, and there are already rules governing connection, disconnection, or reconnection of utility service established by the Idaho Public Utilities Commission. However, HB 106 inadvertently impacts the City of Boise’s own geothermal utility as the unclear language in the bill jeopardizes the city’s ability to incentivize future connections to our municipal geothermal heating utility.</p>		
BILL STATUS:	<p>Passed the House & Senate; Signed by Gov. Little March 20, 2023</p>	

HB 287	Local Energy Code Preemption	OPPOSE
<p>HB 287 further restricts local government energy code standards by removing a long-standing grandfather clause that has allowed the city to enact energy efficient building codes for new construction. They include attic insulation requirements, energy rating index scores, and blower door tests to address air leakage. Additionally, the legislation now bars cities from addressing local energy needs through municipal code, ordinance, process, policy or guidance, further restricting how the city could potentially enact its own energy efficiency standards on municipal buildings/facilities and how we provide public education on energy efficiency best practices.</p>		
BILL STATUS:	<p>Bill Status: Passed the House and Senate; Signed into law by Gov. Little on March 31, 2023</p>	

HB 139	Library Material Restrictions	OPPOSE
<p>HB 139 would have created a subjective \$10,000 civil cause of action against public libraries for anyone claiming dissemination of material harmful to a minor. If this bill were to have been enacted, it could have been used to intimidate library staff and restrict First Amendment protected access to books, magazines, movies, audio recordings and other materials that one may subjectively find “obscene.” Idaho libraries, including the City of Boise’s public libraries, already have a process for separating library materials with appropriate flags to guide age-appropriate content. This is done in partnership with elected and/or appointed trustee members and librarians who know and are well-connected with their specific community.</p>		
BILL STATUS:	Held in House Education Committee (bill died)	

HB 227	Library Material Review Policy	SUPPORT
<p>HB 227 would have created a statewide policy requiring public libraries and public schools to have a clear material selection and access policy that includes public oversight. HB 227 aims to address concerns regarding the access of age-appropriate materials in public and school libraries, and further reiterates how public libraries, such as the Boise Public Library, already have robust review policies that allow for a member of the public to request reconsideration of library materials, with several opportunities for appeal up to the Library Board of Trustees.</p>		
BILL STATUS:	Held in House Education Committee (bill died)	

HB 314AAS	Library Private Right of Action	OPPOSE
<p>HB 314aaS was a revived version of HB 139, which would have created a subjective civil cause of action against public libraries for dissemination of material harmful to a minor. The bill would have allowed a cause of action to be brought by a minor simply for a library having a book in their collection without a plaintiff demonstrating direct harm or that they even checked out the material in question. If found to be in violation, the library would have to pay its own costs to defend the suit, the attorney fees for the other party, and \$2,500 per incident from public taxpayer funds.</p>		
BILL STATUS:	Passed the House & Senate; Vetoed by Governor Little, Veto override vote failed in the House (bill died)	



HB 25AAS	Restrictions on Local Roadway Authority	OPPOSE
<p>HB 25aaS requires that any vehicular alteration to the roads surrounding the Idaho Statehouse must be approved by a number of state actors, including the Governor, Department of Administration, legislative leadership, and the Idaho State Capitol Commission. This will result in unnecessary bureaucracy to gain approval on any changes to routine roadway maintenance, street design, road improvements and other construction projects. Additionally, the bill raises constitutional concerns regarding Article III, Section 19 of the Idaho Constitution which prohibits special or local laws regarding streets and roads not owned by the State of Idaho.</p>		
BILL STATUS:	Passed the House & Senate; Signed by Governor Little on April 5, 2023	

HB 237	Restriction on Highway District Property Tax Funds	OPPOSE
<p>HB 237 will now require that highway user revenues and ad valorem (property tax) levies only be used for the primary benefit of motor vehicles as opposed to being available to address the full breadth of transportation needs for any community. HB 237 calls into question whether a local highway district would have the ability to take on standalone bicycle or pedestrian safety projects, and specifically creates ambiguity for what funding streams highway districts can utilize to pursue federal grants for projects like pedestrian safety.</p>		
BILL STATUS:	Passed the House & Senate; Signed by Governor Little on April 4, 2023	

MISCELLANEOUS

HB 30	Public Vote on City Leases	OPPOSE
<p>HB 30 would have enacted unnecessary restrictions on municipal leases unless approved by a public vote. In doing so, it would have complicated the city's ability to enter into a lease for routine city operations and would subject the city to additional taxpayer cost when special elections must be held to approve a lease longer than five years. Ultimately, this bill would have interrupted day-to-day municipal operations where leases are in place, such as storage facilities for BPD equipment and files, space in the Ada County Courthouse for our misdemeanor prosecution, several fire stations throughout the city, as well as public park space for the downtown Cherie Buckner Webb Park.</p>		
BILL STATUS:	Held in House Local Government Committee (bill died)	

HB 189	Restrictions on Municipal Financial Options	OPPOSE
<p>HB 189 would have barred municipal governments from entering into contract with any company for goods or services unless it can be verified that said company is not engaged in any boycott related to the fossil fuel or firearm industry. In doing so, it could impact municipal governments' ability to work with top-tier banking underwriters who may be precluded from entering into contract with municipal governments. This could in turn jeopardize the city's ability to access the most fiscally prudent underwriters, potentially resulting in unnecessary increases in costs for city infrastructure financing that will ultimately cost taxpayers.</p>		
BILL STATUS:	Passed the House; Held in Senate State Affairs Committee (bill died)	

SB 1077	Restrictions on Airport Leases with Profit Sharing	Oppose
<p>SB 1077 would have enacted restrictions on airport property being leased to a private entity if there was a profit-sharing component to said lease. This legislation would have severely restricted day-to-day operations at the Boise Airport and would have jeopardized many of the lease agreements currently in place, ranging from airline and flight agreements, concession operators, and service providers.</p>		
BILL STATUS:	Held in Senate Local Government & Taxation Committee (bill died)	



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