

IN THE SENATE

SENATE JOINT RESOLUTION NO. 105

BY STATE AFFAIRS COMMITTEE

A JOINT RESOLUTION

1 PROPOSING AN AMENDMENT TO SECTION 2, ARTICLE III, OF THE CONSTITUTION OF THE
2 STATE OF IDAHO, RELATING TO APPORTIONMENT OF THE LEGISLATURE, TO PROVIDE
3 FOR THE FORMATION OF A COMMISSION FOR REAPPORTIONMENT WHENEVER THERE IS A
4 REASON TO REAPPORTION THE LEGISLATURE, TO PROVIDE FOR MEMBERSHIP OF THE
5 COMMISSION, TO PROVIDE DUTIES FOR THE COMMISSION, TO PROVIDE FOR THE
6 JURISDICTION OVER ACTIONS INVOLVING CHALLENGES TO LEGISLATIVE APPORTION-
7 MENT, TO PROVIDE FOR FORMATION OF CONGRESSIONAL DISTRICTS, AND TO PROVIDE
8 CERTAIN REQUIREMENTS FOR MEMBERS OF THE COMMISSION REGARDING LEGISLATIVE
9 SERVICES, AND PROPOSING AN AMENDMENT TO SECTION 9, ARTICLE V, OF THE CON-
10 STITUTION OF THE STATE OF IDAHO, RELATING TO JURISDICTION OF THE SUPREME
11 COURT, TO PROVIDE ORIGINAL JURISDICTION OF THE SUPREME COURT OVER ACTIONS
12 INVOLVING CHALLENGES TO LEGISLATIVE APPORTIONMENT; STATING THE QUESTION TO
13 BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PRE-
14 PARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE
15 TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.
16

17 Be It Resolved by the Legislature of the State of Idaho:

18 SECTION 1. That Section 2, Article III, of the Constitution of the State
19 of Idaho be amended to read as follows:

20 SECTION 2. MEMBERSHIP OF HOUSE AND SENATE. (1) Following the
21 decennial census of 1990 and in each legislature thereafter, the sen-
22 ate shall consist of not less than thirty nor more than thirty-five
23 members. The legislature may fix the number of members of the house
24 of representatives at not more than two times as many representatives
25 as there are senators. The senators and representatives shall be
26 chosen by the electors of the respective counties or districts into
27 which the state may, from time to time, be divided by law.

28 (2) Whenever there is reason to reapportion the legislature or
29 to provide for new congressional district boundaries in the state, or
30 both, because of a new federal census or because of a decision of a
31 court of competent jurisdiction, a commission for reapportionment
32 shall be formed on order of the secretary of state. The commission
33 shall be composed of six members. The leaders of the two largest
34 political parties of each house of the legislature shall each desig-
35 nate one member and the state chairmen of the two largest political
36 parties, determined by the vote cast for governor in the last guber-
37 national election, shall each designate one member. In the event any
38 appointing authority does not select the members within fifteen cal-
39 endar days following the secretary of state's order to form the com-
40 mission, such members shall be appointed by the Supreme Court. No
41 member of the commission may be an elected or appointed official in
42 the state of Idaho at the time of designation or selection.

43 (3) The legislature shall enact laws providing for the imple-
44 mentation of the provisions of this section, including terms of com-

1 mission members, the method of filling vacancies on the commission,
 2 additional qualifications for commissioners and additional standards
 3 to govern the commission. The legislature shall appropriate funds to
 4 enable the commission to carry out its duties.

5 (4) Within ninety days after the commission has been organized
 6 or the necessary census data are available, whichever is later, the
 7 commission shall file a proposed plan for apportioning the senate and
 8 house of representatives of the legislature with the office of the
 9 secretary of state. At the same time, and with the same effect, the
 10 commission shall prepare and file a plan for congressional districts.
 11 Any final action of the commission on a proposed plan shall be
 12 approved by a vote of two-thirds of the members of the commission.
 13 All deliberations of the commission shall be open to the public.

14 (5) The legislative districts created by the commission shall
 15 be in effect for all elections held after the plan is filed and until
 16 a new plan is required and filed, unless amended by court order. The
 17 Supreme Court shall have original jurisdiction over actions involving
 18 challenges to legislative apportionment.

19 (6) A member of the commission shall be precluded from serving
 20 in either house of the legislature for five years following such
 21 member's service on the commission.

22 SECTION 2. That Section 9, Article V, of the Constitution of the
 23 State of Idaho be amended to read as follows:

24 SECTION 9. ORIGINAL AND APPELLATE JURISDICTION OF SUPREME
 25 COURT. The Supreme Court shall have jurisdiction to review, upon
 26 appeal, any decision of the district courts, or the judges thereof,
 27 **and** any order of the public utilities commission, **and** any order of
 28 the industrial accident board, **and** any plan proposed by the commis-
 29 sion for reapportionment created pursuant to section 2, article III;
 30 the legislature may provide conditions of appeal, scope of appeal,
 31 and procedure on appeal from orders of the public utilities commis-
 32 sion and of the industrial accident board. On appeal from orders of
 33 the industrial accident board the court shall be limited to a review
 34 of questions of law. The Supreme Court shall also have original
 35 jurisdiction to issue writs of mandamus, certiorari, prohibition, and
 36 habeas corpus, and all writs necessary or proper to the complete
 37 exercise of its appellate jurisdiction.

38 SECTION 3. The question to be submitted to the electors of the State of
 39 Idaho at the next general election shall be as follows:

40 "Shall Section 2, Article III, of the Constitution of the State of Idaho
 41 be amended to require appointment, provide powers and duties, and specify lim-
 42 itations on members of a commission for reapportionment to apportion the Sen-
 43 ate and House of Representatives and to provide for congressional districts
 44 whenever necessary; and shall Section 9, Article V, of the Constitution of the
 45 State of Idaho, be amended to provide that the Supreme Court shall have origi-
 46 nal jurisdiction in appeals of the legislative apportionment plan of the com-
 47 mission for reapportionment?"

48 SECTION 4. The Legislative Council is directed to prepare the statements
 49 required by Section 67-453, Idaho Code, and file the same.

50 SECTION 5. The Secretary of State is hereby directed to publish this prop-
 51 posed constitutional amendment and arguments as required by law.

FROM: 1993 STATEMENTS OF PURPOSE

STATEMENT OF PURPOSE

RS 02593

The purpose of this legislation is to provide for a citizen's committee to reapportion the state when needed. This bi-partisan, equally divided, committee would have to submit a plan within ninety days of given the proper material to complete work. A two-thirds vote would be required for any plan to be approved. The proposed legislation would be placed before the voters for their approval.

Fiscal Impact

Will save money in unknown amount in comparison to current method.

FROM: 1993 DAILY DATA, FINAL EDITION

02/16 Rpt prt - to Loc Gov

SJR104.....By LOCAL GOVERNMENT AND TAXATION TAX AND TAXATION - AD VALOREM PROPERTY - Proposing an amendment to the Constitution of the State of Idaho to limit ad valorem taxes for a piece of real property providing that the amount shall not be increased more than two percent per year as long as the owner of record owns the real property except when the property is sold.

02/15 Senate intro - 1st rdg - to printing
02/16 Rpt prt - to Loc Gov

→ SJR105.....By STATE AFFAIRS REAPPORTIONMENT COMMISSION - Proposing an amendment to the Constitution of the State of Idaho to create a reapportionment commission, provide for appointment of members and to provide duties of the commission.

03/04 Senate intro - 1st rdg - to printing
03/05 Rpt prt - to St Aff
03/05 Rpt out - rec d/p - to 2nd rdg
03/08 2nd rdg - to 3rd rdg
03/09 3rd rdg - PASSED - 26-9-0
NAYS--Cameron, Darrington, Furness, Hawkins, Ingram, Ipsen, Noh, Parry, Thorne.
Absent and excused--None.
Title apvd - to House
03/10 House intro - 1st rdg - to St Aff
03/18 Rpt out - rec d/p - to 2nd rdg
2nd rdg - to 3rd rdg
03/19 3rd rdg - PASSED - 50-17-3
NAYS -- Barraclough, Barrett, Crane, Field, Geddes, Hawkley, Kempton, Larsen, Loertscher, Loosli, McKeeth, Sali, Schaefer, Steele, Taylor, Tilman, Wood.
Absent and excused -- Antone, Linford.
Absent -- Johnson(27).
Title apvd - to Senate
03/22 To enrol
03/23 Rpt enrol - Pres signed
03/24 Sp signed
03/25 To Secretary of State

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SP0101.....By STATE AFFAIRS BANNOCK COUNTY - Commending and honoring Bannock County on the occasion of its centennial celebration.

03/04 Senate intro - 1st rdg - to printing
03/05 Rpt prt - to 10th Ord
03/05 10th ord - ADOPTED, voice vote - title apvd - to House
03/08 House intro - ADOPTED, voice vote
To Senate
Filed with Secretary of the Senate

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SR0101.....By HAWKINS SENATE - COMMITTEE MEETINGS - Amends Senate Rule 20 to require that all persons be permitted to attend committee meetings.

01/13 Senate intro - 1st rdg - to printing
01/14 Rpt prt - to Jud

SR0102.....By HAWKINS

SENATE COMMITTEE MEETINGS - Amends Senate Rule 20 to eliminate executive sessions of committee meetings.

01/13 Senate intro - 1st rdg - to printing
01/14 Rpt prt - to Jud

SR0103.....By SENATE HEARINGS - Amends Senate Rule 20 to eliminate the authority to exclude persons from committee hearings.

01/13 Senate intro - 1st rdg - to printing
01/14 Rpt prt - to Jud

SR0104.....By SENATE ATTACHES - Establishes compensation for attaches for the First Regular Session of the Fifth Legislature.

01/15 Senate intro - 1st rdg - to printing
Rpt prt - rls susp - ADOPTED 32-0-3
NAYS -- None
Absent & excused -- Davis, D. Hansen, Reed
Title apvd - to Secretary of Senate

SR0105.....By SENATORS - FLOOR VOTES MISSED - Amends Rule 39 of the Senate to provide that a Senate member missing more than 40 floor votes may be subject to a complaint of procedural violation of the Senate rules.

01/20 Senate intro - 1st rdg - to printing
01/21 Rpt prt - to Jud

SR0106.....By FREEDOM OF SPEECH - SENATORS - Adding a new rule to the Rules of the Senate to provide for the protection of member's freedom of speech.

01/20 Senate intro - 1st rdg - to printing
01/21 Rpt prt - to Jud

SR0107.....By JUDICIARY LEGISLATURE - COMMITTEE HEARINGS - Amends Rule 20 of Senate Rules to bring it into compliance with "Manual of Legislative Procedure" and the open meeting law.

02/15 Senate intro - 1st rdg - to printing
02/16 Rpt prt - to 10th Ord
02/17 10th ord - ADOPTED - 32-2-1
NAYS--Furness, Hawkins.
Absent and excused--Wetherell.
Title apvd - to Secretary of Senate

AGENDA

SENATE STATE AFFAIRS COMMITTEE

3:00 p.m.

Room 437

MONDAY

March 1, 1993

Bill No.	Description	Sponsor
S 1193	Freeze position of state employees	D. Hansen/ Richardson
S 1194	Plats - Archival Permanence	Richardson
RS 02671	Elections initiative process	Reed
RS 02327	Annual or Biennial Legislature	Hawkins
RS 02550	Firefighters Fact Finding Comm./Decisions Binding & Final	Lloyd
→ RS 02593	Reapportionment Commission	Frasure
HCR 12	State Agency Reports - Paper Reduction	Rep. Stone
H 128	Refund of Credit Insurance Premiums	Crane

Senator Mark G. Ricks, Chairman

Code, which has not been changed or updated since its original enactment in 1971, provides that a creditor must refund any prepaid credit insurance premiums in an amount greater than one dollar (\$1.00). This bill would increase that amount to five dollars (\$5.00), to make it consistent with the Insurance Department's rule. He answered questions from the committee.

Belton Patty of the Department of Finance spoke in favor of this bill.

MOTION **Kerrick MOVED**, seconded by **Lloyd**, that **H 128** be sent to the floor with a **DO PASS** recommendation. **MOTION CARRIED** with a voice vote. **Kerrick** will be the floor sponsor.

→ **RS 02593** **Senator Frasure** spoke to this SJR which provides for a citizen's committee to reapportion the state when needed. This bi-partisan, equally divided, committee would have to submit a plan within ninety days of given the proper material to complete work. A two-thirds vote would be required for any plan to be approved. The proposed legislation would be placed before the voters for their approval. He answered questions from the committee. There was some discussion among the committee. It was decided that the word "general" on page 1, line 36, of this legislation should be changed to "gubernatorial."

Rep. Ahrens spoke to this legislation and urged the committee to print this RS and send it to the floor with the needed change.

MOTION **Twiggs MOVED**, seconded by **Davis** that **RS 02593** be sent to print and to the floor with a **DO PASS**, with the recommended change. There was some discussion among the committee. **MOTION CARRIED** with a voice vote. **Ricks** voted **NO**.

RS 02662 **Ricks** read a letter from the Resources and Environment Committee asking that **RS 02662** and **RS 02570** be printed and returned to that committee. **RS 02662** addresses ownership interests in small hydro projects and **RS 02570** is a SJM dealing with solving the forest health crisis. There was some discussion among the committee.

MOTION CARRIED **Twiggs MOVED**, seconded by **Reed**, that **RS 02662** be sent to print and returned to the Resources and Environment Committee. **MOTION CARRIED** by voice vote.

MOTION CARRIED **Reed MOVED**, seconded by **Davis**, that **RS 02570** be sent to print and returned to the Resources and Environment Committee. **MOTION CARRIED** by voice vote.

RS 02327 **Senator Hawkins** spoke to this RS which would place on the ballot an amendment

Date 3-1-93

STATE AFFAIRS COMMITTEE

VISITOR RECORD

Name	Association	Bills Interested In	Testify Yes/No	FOIA AGA
David Jones	PFFI			
RICH RANDOLPH	PROFESSIONAL FIREMEN OF IDAHO	RS02550	<input checked="" type="checkbox"/>	FOIA
Blaine Patterson	PFFI			
Betty Woodruff	League of Women Voters of Idaho	RS0 2593		
John Hoag	PFFI			
Dennis Dibben	PFFI	RS02250	NO	FOIA
Bill Swim	PFFI	"	NO	FOIA
Mark Aubrey	PFFI	RS02250	NO	FOIA
K. Mike Miller	PFFI	RS02250	No	FOIA
Shirley Davis	AFL-CIO	RS02530 RS 2593	NO	FOIA
LARRY DUNN	Dept. Insurance	HB 128	NO	
Edward Skuff	PFFI	RS0 2550	NO	FOIA
Dan Cochran	P.F.F.I	RS02550	NO	FOIA
Darrel Knoll	P.F.F.I.	RS02550	NO	FOIA
RANDY R. LAMMERS	P.F.F.I	RS02550	NO	FOIA
Jack R. Barnes	PFFI	RS02550	NO	FOIA
Daryl Miller	Learning Links			
Loreo Sutton	PFFI	RS02550	NO	FOIA
Carol Silvers	Idaho State Library	HCR 12	<input checked="" type="checkbox"/>	

HOUSE STATE AFFAIRS COMMITTEE

DATE: March 17, 1993
TIME: 8:30 A.M.
PLACE: Statehouse, Room 412
PRESENT: Chairman Ahrens, Vice Chairman Deal, Representatives Alexander, Berain, Crane, Danielson, Judd, King, Lance, Loertscher, Newcomb, Stoicheff, Stone, Sutton, Tippetts, Vandenberg and Wood

**ABSENT/
EXCUSED:** Rep. Stennett

GUESTS: Betty Woodruff, Vernon L. Bisterfeldt and Gary Glenn

The Chairman called the meeting to order at 8:35 A.M.

MOTION: Rep. Tippetts moved, seconded by Rep. Sutton, to accept the minutes from the meeting held March 16, 1993 as written. Motion carries.

→ **SJR 105** Sen. Evan Frasure said that last year we took a look at a reapportionment committee bill. We have rearranged that committee. The reapportionment committee would be composed of six members, three Republican and three Democrats; this is an equally divided committee that is chosen by leadership of both minority and majority parties as well as the state chairmen from the minority and majority parties. Those six members will be charged with the reapportionment issue. As a true citizens committee those individuals could not run for the legislature for five years after serving on this committee, so they would have no personal vested interest. It would take a two-thirds vote of this committee in order for them to pass out a piece of law. You have to have bi-partisan support in order for any reapportionment plan to become law. It is very fair to both parties.

Both Sen. Twiggs and House Speaker Simpson spoke in favor of the Bill.

MOTION: Rep. Danielson moved, seconded by Rep. Sutton, to send SJR 105 to the Floor with a DO PASS recommendation. Motion carries. Rep. Ahrens and Speaker Simpson are sponsors.

S 1160 Sen. McLaughlin said this is an important piece of legislation which we sometimes forget about - burial expense for funerals for workmens' compensation. The reason I have this before you this morning is that it has not been changed since 1987, the top benefit of \$3,000. At this time I have a \$10,000 level which I am willing to change. We had a conference among several of us and thought perhaps \$10,000 was too high and we should send it to your General Orders and have it lowered a little. This is a sum that a worker's dependents receive after his death in a job related death. If a single person loses his/her life in a job related death, if that person has no dependents, this is the only sum of money that family receives to bury that person. Last year a family found themselves \$1,200 over the \$3,000 that they received. The employer was gracious enough to pick up the added expense for the family. He didn't think if fair after paying the high workmens' comp insurance for several years for him to pay the extra death benefits. So, he brought this to my attention.