

# House Ways & Means Committee

Minutes  
2006



## MINUTES

### HOUSE WAYS AND MEANS COMMITTEE

**DATE:** February 27, 2006

**TIME:** 12:20 p.m.

**PLACE:** Room 311

**MEMBERS:** Chairman Clark, Representatives Denney, Moyle, Ellsworth, Jaquet, Saylor, Martinez

**ABSENT/  
EXCUSED:**

**GUESTS:**

Rep. Clark called the meeting to order at 12:10 p.m.

**RS 16178:** Jason Hancock, Legislative Services, advised the committee that this RS represented changes to **HB 690**. The first change, page 3, section 2, provides clarification when an appointment of a district supervisor is made by the State Board of Education or the Superintendent of Public Instruction. Secondly, on page 5, section 4, lines 25 and 26, language is added stating any school district with a value index of less than 1.5 shall receive no less than 10% of the interest cost portion of the annual bond interest and redemption payment for bonds passed on or after September 15, 2002. This effectively excludes the very wealthiest districts. The final difference between this legislation and **HB 690** is located on page 10, section 9, lines 34-42, which adds a new section to Idaho Code, Best Practices Maintenance Plan for School Buildings. This section incorporates language from **HB 691** by directing the Administrator of the Division of Building Safety and the State Department of Education to draft a best practices maintenance plan for school buildings, which shall be supplied to the Superintendent of each school district. From this plan, each school district shall develop a 10-year plan for approval by the State Department of Education. Annually, the school district will submit to the State Department of Education a report detailing the work completed as listed on the maintenance plan and any revisions to that plan. Rep. Jaquet expressed concern for the wealthiest districts, who may get in a bind because of fast-growing populations. Rep. Jaquet asked about previous bond issues and whether this legislation addresses existing bond debt. Mr. Hancock stated bonds passed prior to September 15, 2002, would continue making their own payments. In response to Rep. Jaquet's question of funding sources, Mr. Hancock directed her to the Fiscal Impact of the Statement of Purpose. He noted that \$33 million in additional funds would be provided; \$25 million would be one-time money from the General Fund, \$5.8 million in ongoing expenditures for Bond Levy Equalization, and \$16.4 million in ongoing state funding for school facilities maintenance. This represents an \$8 million increase in ongoing funding, consisting of \$500,000 for Bond Levy Equalization and \$7.5 million for facilities maintenance. Of this \$8 million increase, \$5 million will come from the General Fund and \$3 million from dedicated funds.

**MOTION:** Rep. Denney made a motion to introduce RS 16178 and send it to the House Education Committee. Rep. Jaquet remarked that the House Education Committee was scheduled to hold a meeting to discuss **HB 690** and **HB 691**. Speaker Newcomb responded by reiterating the history of the school facilities issue over the past 11-13 years. He stated this legislation provides an ability to remedy the unsafe school facilities issue with a relief mechanism and makes additional subsidies available to the poorest districts. No longer will school districts help pay for school maintenance costs of those districts who do not pass bond levies to cover such costs. Rep. Jaquet raised the question of the 60% majority vote if the school bond election is held on a general election or primary election date. Speaker Newcomb stated school districts have shown they would rather hold such bond elections on off-election days. Rep. Jaquet addressed the myth that the Cottonwood school district had not held any bond elections. Speaker Newcomb noted they held a bond election for the costs of constructing a new gym but not for school maintenance. By voice vote, the motion passed.

**ADJOURN:** There being no further business to come before the committee. Chairman Clark adjourned the meeting at 12:30 p.m.

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Representative Jim Clark  
Chairman

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Susan Frieders  
Secretary

## MINUTES

### HOUSE WAYS AND MEANS COMMITTEE

**DATE:** March 6, 2006

**TIME:** 12:10 p.m.

**PLACE:** Room 311

**MEMBERS:** Chairman Clark, Representatives Denney, Moyle, Ellsworth, Jaquet, Martinez

**ABSENT/  
EXCUSED:** Rep. Saylor

**GUESTS:** See attached sheet

Chairman Clark called the meeting to order at 12:10 p.m. Rep. Moyle made a motion to accept the minutes of February 27, 2006, as written. By voice vote, the motion passed.

**RS 16080:** Rep. Sali asked the committee to return the RS to him. He stated he had received opinions from outside attorneys and the Attorney General which prompted his request.

**MOTION:** Rep. Denney made a motion to return **RS 16080** to the sponsor. By voice vote, the motion passed.

**RS 16195C1:** Rep. Shepherd stated this Joint Memorial to the U.S. Congress requests the transfer of management of national forest system lands within Idaho to the State of Idaho to be managed for the benefit of rural counties and schools.

**MOTION:** Rep. Ellsworth made a motion to introduce **RS 16195C1** and send it to the House Resources and Conservation Committee. In answer to a question regarding the financial responsibility of the Idaho Department of Lands, Rep. Shepherd stated page 3, lines 2-10, of the bill dealt with the issue. Chairman Clark called for a vote on the motion. By voice vote, the motion passed.

**RS 16202:** Rep. Bradford related to the committee that the legislation regarding the High School Re-Design was heard in the House Education Committee where the vote to introduce was a tie. Concerns expressed by the House Education Committee members included the speed with which this legislation had been brought before the committee and the student drop-out rate that could occur because of the strict math requirements. Therefore, the Speaker formed an ad hoc committee comprised of Reps. Bradford, Kemp, Brackett, Boe and Pence. Rep. Kemp stated the ad hoc committee created a questionnaire and sent it to Idaho's school superintendents. A report, based on the questionnaires, was handed out to the Ways & Means Committee members. Rep. Kemp asked that the committee approve a change to the RS on page 1, line 43, striking all words following the word "and", and continuing on page 2, lines 1-3. The new verbage read as follows after the word "and", "upon gathering the

necessary data and information that if it is determined that changes need to be made to the new rule, that the State Board of Education bring those changes forward in the next legislative session.”

**MOTION:** Rep. Moyle made a motion to introduce **RS 16202** and send it to the House Education Committee. By voice vote, the motion passed.

**ADJOURN:** There being no further business to come before the committee, Chairman Clark adjourned the meeting at 12:20 p.m.

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Representative Jim Clark  
Chairman

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Susan Frieders  
Secretary

## MINUTES

### HOUSE WAYS AND MEANS COMMITTEE

**DATE:** March 8, 2006

**TIME:** 12:05 p.m.

**PLACE:** Room 311

**MEMBERS:** Chairman Clark, Representatives Denney, Moyle, Ellsworth, Jaquet, Saylor, Martinez

**ABSENT/  
EXCUSED:**

**GUESTS:** See attached sheet.

Chairman Clark called the meeting to order at 12:05 p.m. Rep. Jaquet made a motion to accept the minutes of March 6, 2006. By voice vote, the motion passed.

**RS 16228:** Speaker Newcomb stated this proposal would provide a very clean and simple two-year moratorium on coal-fired plants. Exemptions are in place for coal-fired power plants owned or constructed by a public utility regulated by the Idaho Public Utilities Commission or by a cooperative or municipality, or operations of the Idaho National Laboratory. The bill does not apply to power plants utilizing the integrated gasification combined cycle technology where coal is not burned but rather is oxidized as a power source. It is felt that a one-year moratorium is not sufficient time to gather data on the coal-fired plants. He indicated there would be a resolution that charges a committee to gather the data.

**MOTION:** Rep. Jaquet made a motion to introduce **RS 16228** and refer it to the House Environment, Energy and Technology Committee. Rep. Martinez advised the committee he would support the two-year moratorium but he would like to see coal gasification included in this legislation. By voice vote, the motion passed.

**RS 16229:** Speaker Newcomb advised the committee that this resolution charges the Environment, Energy and Technology Interim Committee to gather the data on coal-fired plants to develop an integrated state energy plan that provides for the state's power generation needs. Some of the concerns are air quality standards to maintain the health, safety and welfare of Idaho's citizens, as well as the quality and financial security of existing agricultural businesses and industries. The committee will report back to the Legislature as information is gathered and at the end of two years provide the Legislature a final report.

**MOTION:** Rep. Denney made a motion to introduce **RS 16229** and refer it to the Environment, Energy and Technology Committee. Rep. Jaquet stated recommendations she would like to make to the resolution. The changes are: (1) on page 1, line 24, add the words "and water" after the word "air" and following the second word "air" add the word "and water", (2) on page 2, line 4, after the word "business", add ", agriculture" and on the same

line add "the health care community" following the word "community."  
Rep. Jaquet then suggested verbage be added allowing the Interim Committee to meet in Boise, Twin Falls and Pocatello. Speaker Newcomb explained that such an idea would be a decision made by the Committee Chairs if they feel it is prudent.

**AMENDED MOTION:**

Rep. Denney made an amended motion to introduce **RS 16229** and refer it to the Environment, Energy and Technology Committee with the following changes: (1) on page 1, line 24, add the words "and water" after the word "air" and following the second word "air" add the words "and water", (2) on page 2, line 4, after the word "business" add ", agriculture" and add "the health care community" following the word "community." By voice vote, the motion passed.

**RS 16627:**

Speaker Newcomb stated this legislation is a re-write of **HB 721**, which amends Idaho Code Section 42-108. This RS states any water right or combination of water rights with a diversion rate to be equal to or greater than 2 cfs or storage volume of 145 acre-feet shall require approval of the Legislature if the use of such right is in conjunction with the coal-fired generation of electricity. This legislation will sunset in two years.

**MOTION:**

Rep. Moyle made a motion to introduce **RS 16227** and refer it to the Resources and Conservation Committee. By voice vote, the motion passed.

**RS 16203:**

Speaker Newcomb explained that this joint memorial encourages Taiwan's membership in the World Health Organization (WHO). He emphasized this did not involve membership in the United Nations. With SARS, bird flu, and the chance of a pandemic, it would make sense to have Taiwan included in WHO.

**MOTION:**

Rep. Martinez made a motion to introduce **RS 16203** and refer it to the State Affairs Committee. By voice vote, the motion passed.

**RS 16224:**

Rep. Ellsworth stated this bill increases the salaries of the Idaho Public Utilities Commissioners, Industrial Commissioners and the State Tax Commissioners with a 3% increase. The legislation helps to bring into alignment the salary of the State Tax Commissioners with the salaries of the other two commissions.

**MOTION:**

Rep. Moyle made a motion to introduce **RS 16224** and refer it to the State Affairs Committee. By voice vote, the motion passed.

**ADJOURN:**

There being no further business to come before the committee, Chairman Clark adjourned the meeting at 12:18 p.m.

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Representative Jim Clark  
Chairman

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Susan Frieders  
Secretary

## MINUTES

### HOUSE WAYS AND MEANS COMMITTEE

**DATE:** March 13, 2006

**TIME:** 8:30 a.m.

**PLACE:** Room 311

**MEMBERS:** Chairman Clark, Representatives Denney, Moyle, Ellsworth, Jaquet, Saylor, Martinez

**ABSENT/  
EXCUSED:**

**GUESTS:** See attached sheet.

Chairman Clark called the meeting to order at 8:30 a.m. Rep. Saylor made a motion to accept the minutes of March 8, 2006. By voice vote, the motion passed.

**RS 15895C1:** Rep. Raybould reminded the committee that for two years an interim committee has been working on water issues, and, in particular, how to provide for recharge of the Eastern Snake Plain Aquifer. In the 1984 Swan Falls Agreement, Idaho Power agreed to subordinate its upstream hydropower water rights above the rights granted in the agreement at the Murphy gauge, to all upstream water rights in place at that time. In addition, any unappropriated water above Swan Falls was granted to the State to be held in trust for subsequent beneficial upstream uses. Legislation dealing with additional hydropower water rights for private utilities, making water used for recharge of the aquifers secondary to the hydropower rights, was passed in 1994. This legislation put in question whether water for recharge would be available when needed. Because of this question, Speaker Newcomb asked for an Attorney General's opinion as to the effect the Swan Falls Agreement had on the subsequent 1994 legislation. In response to that Attorney General's opinion, this legislation was prepared. **RS 15985C1** removes language from the 1994 legislation so no question would be permitted by statute limiting the State's authority to designate uses for the trust water provided by the Swan Falls Agreement. The legislation reaffirms the terms of the Swan Falls Agreement and does not affect the rights of the Idaho Power Company provided by the Swan Falls Agreement.

**MOTION:** Rep. Denney made a motion to introduce **RS 15985C1** and refer it to the Resources and Conservation Committee. By voice vote, the motion passed.

**RS 16240:** Patti Tobias, Idaho Supreme Court, stated that after review of data and Joint Finance and Appropriations Committee's (JFAC) actions on other state employees' salaries, Rep. Debbie Field and Sen. Darrington proposed this bill. Rep. Moyle pointed out that other state employees were receiving 3%. Ms. Tobias explained that this legislation was based on similar action being considered by JFAC for a special classification of state employees targeted for an additional 3% increase. Judges should

be in this special classification and given consideration because their salaries are far below market value. Rep. Moyle questioned why the Statement of Purpose (SOP) didn't show a total of 6% instead of 3% plus 3%. Ms. Tobias responded stating that the overall compensation addresses recruitment, retention and market demand and moves to a more market-based system. Chairman Clark asked why this legislation was using a multiple year request rather than one year at a time; the accepted approach. Ms. Tobias responded the RS showed a multiple year approach in order to bring the judges' salaries in line with the market. She mentioned that other state constitutional officers' and commissioners' salaries were handled by multiple years. Rep. Ellsworth agreed that constitutional officers were increased by multiple years, but that **HB 795** adjusted commissioners' salaries for one year.

**MOTION:** Rep. Moyle made a motion to introduce **RS 16420** and refer it to the Judiciary and Rules Committee with a change to the SOP to reflect increases per year. He stated he didn't want to see a precedent set where salary requests were made on a multiple year basis. By voice vote, the motion passed.

**ADJOURN:** There being no further business to come before the committee, Chairman Clark adjourned the meeting at 8:45 a.m.

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Representative Jim Clark  
Chairman

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Susan Frieders  
Secretary

MINUTES

**HOUSE WAYS AND MEANS COMMITTEE**

**DATE:** March 15, 2006

**TIME:** 8:30 a.m.

**PLACE:** Room 311

**MEMBERS:** Chairman Clark, Representatives Denney, Moyle, Jaquet, Saylor, Martinez

**ABSENT/  
EXCUSED:** Representative Julie Ellsworth

**GUESTS:** See attached list.

Chairman Clark called the meeting to order at 8:30 a.m. Rep. Martinez made a motion to accept the minutes of March 13, 2006. By voice vote, the motion passed.

**RS 16127C3:** Rep. JoAn Wood told the committee this legislation will help maintain good transportation of Idaho's market products across the State. This bill sets in place the Rural Economic Development and Integrated Freight Transportation Program. The Statement of Purpose (SOP) clarifies the Department of Commerce and Labor as the holding agency for a revolving loan account that can be utilized for small rail transportation. The working group established by this legislation will include LTAC (Legislative Technical Assistance Council) as a representative of local government. She pointed out that on page 3, starting on line 38, there is an explanation of the revolving loan fund. Rep. Wood advised the committee that one such group is in operation in the Minidoka area, and this legislation will help develop more throughout the State. Rep. Moyle asked Roger Madsen, Department of Commerce and Labor, if there were any federal funds available for this project or if the Joint Finance and Appropriations Committee (JFAC) would be appropriating money this year or next. Mr. Madsen stated he was unaware of any federal funds available, but he would explore that option. According to Mr. Madsen, Rep. Bedke had advised him JFAC would not finance any FTE's (full time employees), but that committee would consider appropriating funds for the next year if there wasn't enough money.

**MOTION:** Rep. Moyle made a motion to introduce **RS 16127C3** and refer it to the Transportation Committee. By voice vote, the motion passed.

**ADJOURN:** There being no further business to come before the committee, Chairman Clark adjourned the meeting at 8:40 a.m.

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Representative Jim Clark  
Chairman

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Susan Frieders  
Secretary

MINUTES

**HOUSE WAYS AND MEANS COMMITTEE**

**DATE:** March 17, 2006

**TIME:** 8:35 a.m.

**PLACE:** Room 311

**MEMBERS:** Chairman Clark, Representatives Moyle, Jaquet, Sayler, Martinez

**ABSENT/  
EXCUSED:** Representatives Denney and Ellsworth

**GUESTS:** See attached list.

Chairman Clark called the meeting to order at 8:35 a.m. Rep. Martinez made a motion to accept the minutes of March 15, 2006. By voice vote, the motion passed.

**RS 16257:** Rep. Henbest advised the committee this legislation was a result of the work by the Office of Performance Evaluation (OPE) and the Joint Legislative Oversight Committee (JLOC). This measure will expand membership of the Board of Health & Welfare, which oversees the Department of Health & Welfare, and will increase the Board's role. Presently, the Health & Welfare Board is not as empowered as similar Boards for other agencies.

**MOTION:** Rep. Moyle made a motion to introduce **RS 16257** and refer it to the Health & Welfare Committee. By voice vote, the motion passed.

**RS 16263:** Rep. Henbest stated this measure was also a result of the work of OPE and JLOC. It will establish an inter-agency committee, which will focus on substance abuse and treatment, within the Department of Health & Welfare. The inter-agency committee would be charged with assessing our needs for substance abuse and treatment and make sure the plan is carried forward. The committee would be set up so there will be rotating Chairs. Chairman Clark asked if the Legislature would be represented. Rep. Henbest responded by stating that the Chairs of the House and Senate Judiciary Rules & Administration and Health & Welfare committees would be members.

**MOTION:** Rep. Jaquet made a motion to introduce **RS 16263** and refer it to the Health & Welfare Committee. In response to a query if Sen. Shawn Keough should be listed as a sponsor, Rep. Henbest agreed. By voice vote, the motion passed.

**ADJOURN:** There being no further business to come before the committee, Chairman Clark adjourned the meeting at 8:40 a.m.

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Representative Jim Clark  
Chairman

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Susan Frieders  
Secretary

## MINUTES

### HOUSE WAYS AND MEANS COMMITTEE

**DATE:** March 21, 2006

**TIME:** 12:20 p.m.

**PLACE:** Room 311

**MEMBERS:** Chairman Clark, Representatives Denney, Moyle, Ellsworth, Jaquet, Saylor, Martinez

**ABSENT/  
EXCUSED:**

**GUESTS:** See attached list.

Chairman Clark called the meeting to order at 12:20 p.m. Rep. Martinez made a motion to accept the minutes of March 17, 2006. By voice vote, the motion passed.

**RS16261:** Rep. Bruce Newcomb, Speaker of the House, stated this legislation, a trailer bill to **H 800**, adds a section to the bill to provide an emergency clause in order to do re-charge this year. He pointed out that sections 2 and 3 of this RS appear to be redundant, but both Mike Nugent and Carl Bianchi, Legislative Services, assured him this was the proper terminology. Rep. Newcomb asked the committee to send this legislation to the second reading calendar.

**MOTION:** Rep. Denney made a motion to introduce **RS 16261** and refer it to the second reading calendar. By voice vote, the motion passed.

**RS 16262:** Maurice Ellsworth, Attorney at Law, stated this measure amends the Idaho Regulatory Takings Act first passed in 1994 and amended in 2003. This will amend certain takings of private property by a governmental agency or entity by adding a new category, per se. This category, per se, deals with instances when taking of private property would allow a property owner to ask for compensation.

**MOTION:** Rep. Moyle made a motion to introduce **RS 16262** and refer it to the State Affairs Committee. By voice vote, the motion passed.

**RS 16268:** Rep. Raybould stated this Joint Memorial pertains to U.S. off-shore energy development. An Executive Order is now in place prohibiting such development on the nation's Outer Continental Shelf. This RS asks that the Executive Order be revoked to direct Mineral Management Service to contract for test wells and to do so in an environmentally responsible manner.

**MOTION:** Rep. Ellsworth made a motion to introduce **RS 16268** and refer it to the second reading calendar. By voice vote, the motion passed.

**RS 16271:** Rep. Garrett advised the committee this resolution acknowledges the importance of recruiting and retaining highly educated, qualified and

respected faculty to ensure continued educational excellence at Idaho's institutions of higher education. It requests that the Idaho State Board of Education study the challenges facing Idaho's institutions of higher education in the recruitment and retention of faculty and to make recommendations. Rep. Garrett stated it became clear through work of the Interim Committee and the House Commerce & Human Resources Committee that personnel issues and other issues that impact our colleges and universities are unique and different than those facing other state agencies. This legislation would request that the State Board of Education assist in the assessment and report back to the House & Senate Commerce & Human Resources and Education committees. Rep. Jaquet questioned the cost of such an assessment. Dwight Johnson, State Board of Education (SBOE), stated much of this information is available from the education institutions, and gathering and analyzing this information should not add much to the workload of the SBOE. He stated the Board is in favor of this endeavor.

**MOTION:** Rep. Ellsworth made a motion to introduce **RS 16271** and refer it to the Commerce & Human Resources Committee. By voice vote, the motion passed.

**ADJOURN:** There being no further business to come before the committee, Chairman Clark adjourned the meeting at 12:30 p.m.

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Representative Jim Clark  
Chairman

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Susan Frieders  
Secretary

MINUTES

**HOUSE WAYS AND MEANS COMMITTEE**

**DATE:** March 22, 2006

**TIME:** 12:07 p.m.

**PLACE:** Room 311

**MEMBERS:** Chairman Clark, Representatives Denney, Moyle, Ellsworth, Jaquet, Saylor, Martinez

**ABSENT/  
EXCUSED:**

**GUESTS:** See attached list.

Chairman Clark called the meeting to order at 12:07 p.m. Rep. Denney made a motion to accept the minutes of March 21, 2006. By voice vote, the motion passed.

**RS 15600:** Rep. Shirley Ringo outlined the basic details of the measure. Section one raises the minimum wage from \$5.15/hour to \$6.15/hour. The legislation would index the state minimum wage to the Consumer Price Index. In Section two there is no change in the tip allowance, but it will be based on the new minimum wage. Section 3 increases the training wage from \$4.25/hour to \$5.08/hour, the same percentage increase as the minimum wage (19%). In addition, the age allowed to receive this training wage is lowered from 20 years to 18 years.

**MOTION:** Rep. Jaquet made a motion to introduce **RS 15600** and refer it to the State Affairs Committee. By voice vote, the motion passed.

**ADJOURN:** There being no further business to come before the committee, Chairman Clark adjourned the meeting at 12:10 p.m.

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Representative Jim Clark  
Chairman

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Susan Frieders  
Secretary

MINUTES

**HOUSE WAYS AND MEANS COMMITTEE**

**DATE:** March 23, 2006

**TIME:** 12:10 p.m.

**PLACE:** Room 311

**MEMBERS:** Chairman Clark, Representatives Denney, Moyle, Ellsworth, Jaquet, Saylor, Martinez

**ABSENT/  
EXCUSED:**

**GUESTS:** See attached list.

Chairman Clark called the meeting to order at 12:10 p.m. Rep. Jaquet made a motion to approve the minutes with one correction. The statement at the end of the paragraph regarding **RS 15600** should read "In addition, the age allowed to receive this training wage is lowered from under 20 years of age to under 18 years of age. By voice vote, the motion passed.

**RS 16278c1#:** Rep. John Rusche stated this legislation would change Idaho Code regarding workers' compensation by requiring compensation for work-related severe psychological injury. In the past workers' compensation only covered physical injury. In response to a question regarding the final paragraph of the measure, Rep. Rusche explained that this section of Idaho Code was written in 1994 allowing a retroactive application, which is no longer applicable.

**MOTION:** Rep. Martinez made a motion to introduce **RS 16278c1** and refer it to State Affairs. By voice vote, the motion passed.

**ADJOURN:** There being no further business to come before the committee, Chairman Clark adjourned the meeting at 12:15 p.m.

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Representative Jim Clark  
Chairman

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Susan Frieders  
Secretary

MINUTES

**HOUSE WAYS AND MEANS COMMITTEE**

**DATE:** March 24, 2006

**TIME:** 12:17 p.m.

**PLACE:** Room 311

**MEMBERS:** Chairman Clark, Representatives Denney, Moyle, Ellsworth, Jaquet, Saylor, Martinez

**ABSENT/  
EXCUSED:**

**GUESTS:** See attached list.

Chairman Clark called the meeting to order at 12:17 p.m. Rep. Saylor made a motion to accept the minutes of March 23, 2006, as written. By voice vote, the motion passed.

**RS 16290:** Rep. Jaquet noted the committee was familiar with the issue of beer and wine in movie theaters (**H 777a**). This new measure would grandfather those movie theaters who have been serving beer and wine as of January 1, 2006. She asked that this legislation be referred to State Affairs Committee.

**MOTION:** Rep. Ellsworth made a motion to introduce **RS 16290** and refer it to the State Affairs Committee. By voice vote, the motion passed.

**ADJOURN:** There being no further business to come before the committee, Chairman Clark adjourned the meeting at 12:20 p.m.

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Representative Jim Clark  
Chairman

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Susan Frieders  
Secretary

## MINUTES

### HOUSE WAYS AND MEANS COMMITTEE

**DATE:** March 28, 2006

**TIME:** 11:50 a.m.

**PLACE:** Room 311

**MEMBERS:** Chairman Clark, Representatives Denney, Moyle, Ellsworth, Jaquet, Saylor, Martinez

**ABSENT/  
EXCUSED:**

**GUESTS:** See attached list.

Chairman Clark called the meeting to order at 11:50 a.m. Rep. Denney made a motion to accept the minutes of March 24, 2006. By voice vote, the motion passed.

**RS 16296  
MOTION:** Without discussion, Rep. Denney made a motion to introduce **RS 16296**, which recognizes Carl Bianchi, Director, Legislative Services, upon his retirement for his services to the Legislature, and send it to the second reading calendar. By voice vote, the motion passed. Speaker Newcomb will serve as floor sponsor.

**RS 16269:** Mike Nugent, Legislative Services, stated this legislation extends all agency rules approved by the Legislature by statute, Idaho Code, Section 67-5292, until July 1, 2007, unless they expire sooner.

**MOTION:** Rep. Denney made a motion to introduce **RS 16269** and refer it to the second reading calendar. Rep. Jaquet asked for Mr. Nugent's input on how this legislation would impact the Math & Science rules still to be considered by the House Education Committee. Mr. Nugent advised the committee that this legislation will not affect those rules because they are pending and, if they are accepted, would be affected by this legislation in 2007. By voice vote, the motion passed. Rep. Denney will serve as floor sponsor.

**RS 16177:** Rep. Moyle stated the legislation proposed would restrict cities' ability to annex outside of their negotiated area of impact. A city would not be able to annex without the approval of the city holding that piece of property. In addition, the city holding the piece of property could not arbitrarily refuse the request. This legislation is a first attempt to rectify the situation of abutting areas of impact and allow the cities and counties to hold discussions between this session and the next.

**MOTION:** Rep. Ellsworth made a motion to introduce **RS 16177** and refer it to the Local Government Committee. Rep. Jaquet questioned what would happen to those cities still negotiating their areas of impact. Rep. Moyle reiterated that this measure is a starting point leading to discussions between the parties. By voice vote, the motion passed. Chairman Clark and Rep. Jaquet asked to be recorded as voting nay.

**H 673aa** Without discussion, Rep. Denney made a motion to hold **H 673aa**, liquor  
**MOTION:** licenses for year-round resorts, for time certain-call of the chair. By voice  
vote, the motion passed. Rep. Jaquet asked to be recorded voting nay.

**ADJOURN:** There being no further business to come before the committee, Chairman  
Clark adjourned the meeting at 12:00 p.m.

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Representative Jim Clark  
Chairman

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Susan Frieders  
Secretary

MINUTES

**HOUSE WAYS AND MEANS COMMITTEE**

**DATE:** March 29, 2006

**TIME:** 8:35 a.m.

**PLACE:** Room 311

**MEMBERS:** Chairman Clark, Representatives Denney, Moyle, Ellsworth, Jaquet, Saylor, Martinez

**ABSENT/  
EXCUSED:**

**GUESTS:** See attached list.

Chairman Clark called the meeting to order at 8:35 a.m.

**RS 16308:** Rep. Martinez told the committee this RS replaces **S 1342**, EMS Physicians Commission. Two changes were made to the bill: (1) one more citizen was added to the Commission and (2) when a seat is vacated on the Commission, three names will be given to the Governor as candidates for that vacancy. Dia Gainor, Chief, Emergency Medical Services Bureau, Health & Welfare, explained that the Board of Medicine is the ruling body for EMS (emergency medical services). However, as emergency services have become more complex, it is felt a commission comprising members of the health care profession dealing with emergency care would be more qualified to oversee this service.

**MOTION:** Rep. Denney made a motion to introduce **RS 16308** and send it to the second reading calendar. By voice vote, the motion passed. Rep. Martinez will serve as floor sponsor. Rep. Denney requested the approval of the committee to include in the minutes a copy of a letter he received from Dia Gainor. He stated the letter helped to alleviate his concerns regarding the original legislation as well as provided a fiscal impact. The committee agreed with his request.

**ADJOURN:** There being no further business to come before the committee, Chairman Clark adjourned the meeting at 8:40 a.m.

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Representative Jim Clark  
Chairman

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Susan Frieders  
Secretary

MINUTES

**HOUSE WAYS AND MEANS COMMITTEE**

**DATE:** April 5, 2006

**TIME:** 8:32 a.m.

**PLACE:** Room 311

**MEMBERS:** Chairman Clark, Representatives Denney, Moyle, Ellsworth, Saylor, and Martinez

**ABSENT/  
EXCUSED:** Rep. Jaquet

Chairman Clark called the meeting to order at 8:32 a.m. Rep. Saylor made a motion to accept the minutes of March 28, 2006, and March 29, 2006, as written. By voice vote, the motion passed.

**RS 16316:** Rep. Bilbao advised the committee this memorial recognizes the historical event of a permanent peace treaty between the Basque Homeland and Spain. The memorial will be sent to the leaders of the Basque Autonomous Region and the King of Spain showing the support of Idaho citizens for a permanent peace in the region.

**MOTION:** Rep. Martinez made a motion to introduce **RS 16316**. By voice vote, the motion passed.

**ADJOURN:** There being no further business to come before the committee, Chairman Clark adjourned the meeting at 8:35 a.m.

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Representative Jim Clark  
Chairman

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Susan Frieders  
Secretary

## MINUTES

### HOUSE WAYS AND MEANS COMMITTEE

**DATE:** April 6, 2006

**TIME:** 8:35 a.m.

**PLACE:** Room 311

**MEMBERS:** Chairman Clark, Representatives Denney, Moyle, Ellsworth, Jaquet, Saylor, Martinez

**ABSENT/  
EXCUSED:**

**GUESTS:** See attached list.

Chairman Clark called the meeting to order at 8:35 a.m. Rep. Saylor made a motion to approve the minutes of April 5, 2006, as written. By voice vote, the motion passed.

**SCR 132:** Rep. Deal stated this concurrent resolution is a request for an interim committee to study postsecondary education including a discussion regarding community colleges. The community college dialogue will include how the funding should take place. There have been many ideas floated, i.e. sales tax, property tax, liquor tax. This study will allow time to more thoroughly study the many ideas, talk to citizens and make a good decision as to how a community college system should look.

**MOTION:** Rep. Moyle made a motion to send **SR 132** to the Floor with a do pass recommendation. Rep. Ellsworth stated she felt it was inappropriate for this committee to deal with the issue of community colleges when legislation on this subject was not allowed to progress through the legislative process and receive an "up or down" vote on the Floor. Using that process, the pros and cons could have been outlined. Rep. Jaquet asked if Mike Rush, Administrator, Professional-Technical Education, could tell the committee whether counties paid for professional-technical classes; how I-Tech is funded. Mr. Rush advised the group that Idaho's system of professional-technical schools are 100% funded by state funds. The distribution is decided by his agency based on students per year. If classes are held in another state education institution, funds are provided for faculty, maintenance, etc. As for I-Tech, which is a stand alone campus, all costs are borne by the professional-technical budget. In answer to an inquiry, Mr. Rush stated the Boise State University campus in Nampa hosts a professional-technical program. Rep. Moyle reminded the committee this is a good resolution; one that the House and Senate Leadership encouraged. By voice vote, the motion passed. Reps. Deal, Bolz and Bilbao will sponsor the bill on the Floor.

**ADJOURN:**

There being no further business to come before the committee, Chairman Clark adjourned the meeting at 8:45 a.m.

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Representative Jim Clark  
Chairman

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Susan Frieders  
Secretary

MINUTES

**HOUSE WAYS AND MEANS COMMITTEE**

**DATE:** April 6, 2006

**TIME:** 11:55 a.m.

**PLACE:** Room 311

**MEMBERS:** Chairman Clark, Representatives Denney, Ellsworth, Jaquet, Sayler, Martinez

**ABSENT/  
EXCUSED:** Rep. Moyle

**GUESTS:** See attached list.

Chairman Clark called the meeting to order at 11:55 a.m.

**H 673aas:** Rep. Snodgrass explained this bill refers to establishment of a liquor license for a year-round resort facility and provides definition of such a resort. The Senate amended this measure by putting a cap of three liquor licenses per year-round resort and changing the amount of money required for the initial establishment of each license to \$25,000.

**MOTION:** Rep. Jaquet made a motion to send **H 673** to the Floor with a do pass recommendation. By voice vote, the motion passed. Rep. Snodgrass will sponsor the bill on the Floor

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 11:58 a.m.

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Representative Jim Clark  
Chairman

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Susan Frieders  
Secretary

## MINUTES

### HOUSE WAYS AND MEANS COMMITTEE

**DATE:** April 11, 2006

**TIME:** 11:35 a.m.

**PLACE:** Room 311

**MEMBERS:** Chairman Clark, Representatives Denney, Moyle, Ellsworth, Jaquet, Saylor, Martinez

**ABSENT/  
EXCUSED:**

Chairman Clark called the meeting to order at 11:35 a.m. Rep. Ellsworth made a motion to accept the minutes of April 6, 2006 (8:35 a.m. and 11:55 a.m.), as written. By voice vote, the motion passed.

**RS 16351:** Speaker Newcomb explained that this RS makes a change in House rules defining when the House can hold executive sessions. He pointed out line 13 states all regular meetings would be open to the public. Caucus meetings would not fall under the definition of regular meetings. Beginning with line 22, Speaker Newcomb read from the legislation the circumstances under which a closed meeting would be held and when a 24-hour meeting notice would be given. He emphasized that a preliminary investigation of an ethics complaint against a member of the House would be closed. At that time allegations would be discussed to find out if they were unfounded and, in that way, protect the privacy of the House member.

**MOTION:** Rep. Denney made a motion to introduce **RS 16351** and send it to the second reading calendar. Rep. Jaquet based her comments on line 39 and 40 regarding the make-up of the committee for House Rule 76. She felt the committee should be comprised of 3 majority members and 3 minority members. She felt a 3-3 membership provided a checks & balance and protected members of both parties. Rep. Martinez stated he concurred with Rep. Jaquet. The Speaker stated the committee make-up merely reflected the Senate rule on that subject. By voice vote, the motion passed. Reps. Jaquet, Saylor and Martinez asked to be recorded as voting nay. Speaker Newcomb will serve as Floor sponsor.

**RS 16353:** Speaker Newcomb stated this legislation removes language that conflicts with other provisions of House rules. He explained that House Rule 76 deals with a House ethics committee. In the past twenty years, only two incidents have occurred prompting an ethics committee. Should the committee be made up of 3 members of each party, a tie vote could occur making any decision moot. Rep. Jaquet expressed her opinion that a 4-3 committee causes the public to feel there was transparency in the proceedings. She said she would be in favor of this legislation if the committee had a 3-3 membership.

**MOTION:** Rep. Moyle made a motion to introduce **RS 16363** and send it to the second reading calendar. By voice vote, the motion passed. Reps.

Jaquet, Saylor and Martinez asked to be recorded as voting nay.  
Speaker Newcomb will serve as Floor sponsor.

**ADJOURN:**

There being no further business to come before the committee, Chairman Clark adjourned the meeting at 11:50 a.m.

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Representative Jim Clark  
Chairman

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Susan Frieders  
Secretary