

House Local Government Committee

Minutes
2009



MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: February 12, 2009

TIME: 1:30 p.m.

PLACE: Room 316

MEMBERS: Chairman Barrett, Vice Chairman Bilbao, Representatives Collins, Clark, Bayer, Chadderdon, Henderson, Palmer, Boe, Burgoyne, Higgins

**ABSENT/
EXCUSED:**

GUESTS: John Buck, Idaho State Association of County Coroners; Tony Poinelli, Idaho Association of Counties

The meeting was called to order at 1:34 p.m. by **Chairman Barrett**.

**DOCKET #
RS18305:** **Representative Bilbao** welcomed **John Buck**, Gem County Coroner, to present **RS18305**. Mr. Buck stated that **RS18305** would raise the fee that citizens pay to receive a certified copy of a death certificate by one dollar. The money generated would be placed in a fund to be used for the education of coroners throughout the State of Idaho.

Mr. Buck stated that County Coroners are currently receiving 24 hours of training each year, however, those programs that can offer free and/or local training have been exhausted. He stated that judges and law enforcement personnel receive funds from fines, but that County Coroners have not had a means to provide for their own continuing education. Mr. Buck believes that this extra dollar paid for death certificates would be a way to raise those funds. He stated that along with the need to continue to educate Coroners, most counties have Deputy Coroners who are volunteers, but who also need to be aware of many different causes of death, forensics, statutes, methods, and information that changes with technology. He stated that it is important for Coroners to have up-to-date information in order to avoid mistakes and maintain accuracy and competency.

In response to questions, Mr. Buck stated that in line 10, page 1, the current fee to receive a certified death certificate is \$13.00, not \$4.00, as stated in the text. He said that the \$4.00 fee was the original cost when the existing statute began, however, he said that the Department of Health and Welfare has rule making ability and has increased the fees over the years. He also stated that the Bureau of Idaho Statistics operates under the Department of Health and Welfare.

He explained that the statute reading "\$4.00" has not been updated to reflect the current rate of \$13.00, however, his belief is that the fee will continue to be raised as costs increase, and his focus is not on changing the existing statute, but on adding an amendment that would allow for this extra dollar to be charged and to provide for training.

In response to questions, Mr. Buck said that County Coroners have not

received all of the funding they require from their counties and in fact are never fully funded. Currently they are receiving funds from property taxes. He believes that rather than asking for more tax money, asking individuals to pitch in this extra dollar is a better way to serve the community.

He stated that almost anyone can run for County Coroner, and there are no prerequisites as far as training or experience. If someone who has had no training is elected and doesn't know how to collect samples, or where to send them, or the laws involved, this has a negative impact on the community as a whole. Also as technology changes and there are advances made in forensics, it is important for our Coroners to remain updated and to learn how to use the new technologies.

MOTION: **Representative Boe** moved to send **RS18305** to print.

SUBSTITUTE MOTION: **Representative Clark** moved to return **RS18305** to the sponsor, so that the cost of a death certificate can be accurately presented in the text.

VOTE ON SUBSTITUTE MOTION: Roll call vote was requested on the motion to send **RS18305** back to the sponsor. **Motion passed, 10-1.** Voting in favor of the motion: Reps. Bilbao, Collins, Clark, Bayer, Chadderdon, Henderson, Palmer, Boe, Higgins, and Barrett. Voting in opposition: Rep. Burgoyne.

RS18306: **Mr. Buck** presented information on **RS18306**. He reiterated the importance of providing education to our Coroners and stated that there are disease processes that could put the Coroner and the community at risk, if the Coroner is not aware of how to handle specimens and what to look for. He also said that it is important for Coroners to be trained on how to preserve evidence.

In response to questions, Mr. Buck stated that a penalty for Coroners who do not complete the proposed required number of training hours has not been established. Mr. Buck said that if a Coroner does not fulfill the obligations of the job he was elected to perform, it can be handled locally by the County Commissioners. He stated that he does not believe this will be a problem, because Coroners do want to receive this education.

Also in response to questions, Mr. Buck said that he had been hopeful that **RS18305** would provide the funds for this proposed continuing education requirement.

MOTION: **Representative Burgoyne** moved to return **RS18306** to the sponsor, as this RS depends on funding from **RS18305**, which will be returned to the sponsor. **Motion passed on a voice vote.**

Representative Henderson asked for a Point of Personal Privilege, and offered thanks and compliments Mr. Buck for his professionalism and for what he wants to accomplish. He suggested that Mr. Buck have the Idaho Association of Counties help with the revision process for the related pieces of legislation.

RS18307: **Mr. Buck** presented **RS18307** to the Committee, stating that between 10 and 15 Idaho Coroners have attended the school in St. Louis, and not only

is the training vital and comprehensive, but there is an exam at the end of the training that helps to determine where individual Coroners need to continue to focus on expanding their knowledge and training.

In response to questions, Mr. Buck stated that Idaho Coroners generally do have longevity.

MOTION: **Representative Burgoyne** moved to return **RS18307** to the sponsor, as it also depends on funding that would have been provided through **RS18305**.
Motion passed on a voice vote.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:27 p.m.

Representative Lenore Barrett
Chairman

Mary Tipps
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: February 16, 2009

TIME: 1:30 p.m.

PLACE: Room 316

MEMBERS: Chairman Barrett, Vice Chairman Bilbao, Representatives Collins, Clark, Bayer, Chadderdon, Henderson, Palmer, Boe, Burgoyne, Higgins

**ABSENT/
EXCUSED:**

GUESTS: Zach Hauge, Capitol West; McKinsey Miller, Gallatin Public Affairs; Kent Lauer, Idaho Farm Bureau

The meeting was called to order at 1:30 p.m. by **Chairman Barrett**.

Minutes from February 12, 2009 were presented for approval.

MOTION: **Representative Burgoyne** moved to accept the minutes as written.
Motion passed on a voice vote.

RS 18648: **Chairman Barrett** welcomed **Representative Luker** to present **RS 18648**. Representative Luker expressed that prior to July 1, 2008, hooking up to city water or sewer services acted as an implied consent to be annexed into the city in Category B and C annexations. In 2008, as part of amendments 50-222, implied consent to annexation was eliminated for property owners requesting hook up to city water and sewer services after July 1, 2008. After the bill passed the House, it was learned that a court decision in Southeast Idaho raised questions about whether language in the new legislation unintentionally allowed the use of implied consent for Category A annexations requiring consent where hook ups to city water and sewer were requested before July 1, 2008. This was not the intent, and was not the practice before the amendment. To address the problem temporarily, an amended Statement of Purpose was added to the bill in the Senate. **RS 18648** clarifies the language in accordance with the intent, to better organize the paragraph addressing consent to annexation.

In response to questions, Representative Luker said that he would be happy to get a copy of the aforementioned court case for Representative Clark. He also expressed that Subsection 3(a)(ii) defines "enclaved lands."

MOTION: **Representative Clark** moved to introduce **RS 18648**.

In response to a question, **Representative Luker** expressed that this proposed legislation has been discussed with the city of Boise. There being no further discussion, the **motion passed on a voice vote**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:44 p.m.

Representative Lenore Barrett
Chairman

Mary Tipps
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

- DATE:** February 18, 2009
- TIME:** 1:30 p.m.
- PLACE:** Room 316
- MEMBERS:** Chairman Barrett, Vice Chairman Bilbao, Representatives Collins, Clark, Bayer, Chadderdon, Henderson, Palmer, Boe, Burgoyne, Higgins
- ABSENT/
EXCUSED:**
- GUESTS:** Justin Ruen, Association of Idaho Cities; Barbara Jorden, Idaho Trial Lawyers Association; Ken Howard, Association of Idaho Cities
- Chairman Barrett** called the meeting to order at 1:31 p.m.
- Meeting minutes from February 16, 2009, were introduced for approval.
- MOTION:** **Representative Higgins** moved to approve the minutes of February 16, 2009 as written. **Motion passed on a voice vote.**
- H0143:** **Chairman Barrett** welcomed **Representative Luker** to the committee. He shared that **H0143** is a fix-it bill that makes it clear that implied consent to annexation was not to apply to Category A. He stated that as per Representative Clark's request, he had given Representative Clark a copy of the court case that brought to light the need for this legislation.
- MOTION:** **Representative Clark** moved to send **H0143** to the floor with a **DO PASS** recommendation. **Motion carried on a voice vote.**
- H0102:** **Representative Lake** was welcomed to the committee, to present H0102. He stated that this bill began in Judiciary and Rules because of a Jefferson County court case alleging that a Herd District had not been created appropriately.
- H0102** establishes that if a district is created, established, disestablished, dissolved, or modified, challenges shall not be heard or considered following the lapse of a certain period of time.
- MOTION:** **Representative Burgoyne** moved to send **H0102** to the floor with a **DO PASS** recommendation. Arguing in favor of the motion, Representative Clark stated that he and other Representatives on the committee had heard this bill presented in the Judiciary and Rules committee, and that it is a great idea. Chairman Barrett called for a vote on the motion; **motion carried on a voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:40 p.m.

Representative Lenore Barrett
Chairman

Mary Tipps
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: April 17, 2009

TIME: 11 A.M.

PLACE: Room 316

MEMBERS: Chairman Barrett, Vice Chairman Bilbao, Representatives Collins, Clark, Bayer, Chadderdon, Henderson, Palmer, Boe, Burgoyne, Higgins

**ABSENT/
EXCUSED:** Representatives Clark, Chadderdon, Henderson and Higgins

GUESTS: None

Chairman Barrett called the meeting to order at 11 A.M. and a silent roll was taken.

MOTION: Rep. Bayer made a motion to approve the minutes from the February 18th, 2009 meeting as submitted. On a voice vote, the motion carried.

ADJOURN: There being no further business to be brought before the Committee, Chairman Barrett adjourned the meeting at 11:02 A.M.

Representative Lenore Barrett
Chairman

Claudia Howell
Secretary