

House State Affairs Committee

Minutes
2010



MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: January 13, 2010

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** Rep. Stevenson, Rep. Luker,

Guests: None

Meeting was called to order at 9:30 a.m. by **Chairman Loertscher**.

Chairman Loertscher welcomed the committee. He told the committee that he will be calling the meetings to order on time. He explained the meeting room set up and amenities. The chairman presented a short power point presentation to introduce the session.

Vice Chairman Anderson was recognized for the purpose of assigning subcommittees for review of Administrative rules.

There will be two subcommittees for reviewing the rules. The chairmen will be **Rep. Bilbao** and **Rep. Luker**. The committees are as follows:

Chair Rep. Bilbao

Rep. Shepherd
Rep. Andrus
Rep. Kren
Rep. Simpson
Rep. Smith
Rep. Pasley-Stuart

Chair Rep. Luker

Rep. Labrador
Rep. Crane
Rep. Mathews
Rep. Palmer
Rep. King
Rep. Higgins

Rep. Bilbao's committee will review the **State Athletic Commission** rules 03-0101-0901 and 02-0101-0902; and the **State Police, Horse Racing** rules 11-0401-0901, 11-0404-0901, 11-0404-0902, 11-0405-0901, 11-0406-0901, 11-0407-0901, 11-0408-0901, 1100409-0901, 11-0410-0901, 11-0411-0901, 11-0414-0901, and 11-0415-0901.

Rep. Luker's committee will review the **Military Division Homeland Security** rule 15-1302-0901; the **Public Utilities Commission** rules 31-1101-0901, 31-2101-0901, 31-2102-0901, 31-4101-0901, 31-4102-0901, 31-4201-0901; the **Department of Administration** rules 38-0301-0901, 38-0404-0901, 38-0404-0902; the **Commission on the Arts** rule 40-0101-0901; and the **Endowment Fund Investment Board** rule 32-0101-0901.

The **Department of Education - Drivers Education** rule 08-0202-0905 will be reviewed by the full committee, possibly on Monday, January 18th.

Vice Chairman Anderson reminded everyone that the rules are due back to the Speaker by Feb. 5th with full committee approval and requested that the subcommittees expedite their meetings.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 9:45 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: January 14, 2010

TIME: 10:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30, Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** Rep. Black

GUESTS: Brian Murphy, Idaho Statesman; Nick Draper, Post Register; John Miller, Associated Press; Wayne Hoffman, Idaho Freedom Foundation; Ty Palmer; Dustin Hurst, IdahoReporter.com; Ron Williams, Williams Bindbury; Russ Hendricks, Farm Bureau; Mike Reynoldson, Micron; Kathie Garrett, Garrett Consulting; Roger Batt, Idaho Eastern Oregon Seed Association

Meeting was called to order at 10:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Higgins** moved to approve the minutes of January 13; **motion carried on voice vote.**

RS 19234: **Rep. Luker** presented **RS 19234** proposed legislation that will repeal the option for political parties to donate on their Idaho Income Tax Return. He stated that this addresses two issues. It addresses the need for more general funds and secondly whether the state should be involved in funding political parties. This provision has been in effect since 1976. This is a voluntary check off. The funds for the political parties come out of general funds and not from a person's refund. Over the years it has been in effect there has been a total of 1.6 million dollars of general fund dollars used. It was approximately \$71,000 in 2008 and 34,000 in 2009. There may also be additional state dollars used to fund a state employee to administer this additional check off option.

MOTION: **Rep. Matthews** moved to introduce **RS 19234**.

There was concern from committee members that this will discourage small contributors' and magnify large contributors'. In answer to questions, Rep. Luker said that the check off amount is a voluntary \$1,00 donation. His reason for bringing the RS is his belief that the state should not be involved in funding political parties and he feels the funds should be left in the general fund. This will not affect 2009 filings. This will not affect the other check off boxes on the tax returns. This is the only check off that comes out of the general fund. He did not know the percentage of filers using this check off. In 2009 there were 34,400 who donated. He was then asked by the committee to bring the percentage information to the bill hearing if the RS is introduced.

**ROLL CALL
VOTE:**

Rep. Pasley-Stuart requested a **roll call vote**. By a vote of 13 aye and 4 nay, the motion passed. Voting in the affirmative: **Reps. Loertscher, Anderson, Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Matthews, Kren, Palmer, Simpson, Shepherd**. Voting in the negative: **Reps. Smith, Pasley-Stuart, King, Higgins**.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 10:20 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

**HOUSE STATE AFFAIRS:
Bilbao Rules Subcommittee**

DATE: January 18, 2010

TIME: 9:30 a.m.

PLACE: Room EW20

MEMBERS: Chairman Bilbao, Andrus, Kren, Simpson, Shepherd, Smith, Pasley-Stuart

**ABSENT/
EXCUSED:** None

GUESTS: Dennis Jackson, Idaho State Racing Commission; Joie McGarvin, Idaho Wins, Inc.; Jeff Anderson, Idaho Lottery Commission; Dennis Stevenson, Department of Administration; and Roger Hales, State Athletic Commission; and Lisa May, private citizen

Chairman Bilbao called the meeting to order at 9:30 a.m.

**DOCKET NOS.
11-0401-0901 &
11-0404-0901:** **Dennis Jackson**, Idaho State Racing Commission, presented **Docket No. 11-0401-0901**, a proposed change to the rules governing horse racing, and **Docket No. 11-0404-0901**, a proposed change to the rules governing disciplinary hearings. Mr. Jackson explained that the existing chapters are being repealed and replaced with several rule Chapters which are written in plain English format.

MOTION: **Rep. Pasley-Stuart** made a motion to recommend acceptance of **Docket Nos. 11-0401-0901 and 11-0404-0901** to the full committee; **motion carried on voice vote.**

**DOCKET NOS.
11-0404-0902 &
11-0405-0901:** **Chairman Bilbao** asked **Rep. Kern** if he had any questions regarding **Docket No. 11-0404-0902**, a proposed change to the rules governing disciplinary hearings and appeals, and **Docket No. 11-0405-0901**, a proposed change to the rules governing advanced deposit wagering.

MOTION: Having no questions, **Rep. Kern** moved to recommend acceptance of **Docket Nos. 11-0404-0902 and 11-0405-0901** to the full committee; **motion carried by voice vote.**

**DOCKET NOS.
11-0406-0901 &
11-0407-0901:** **Chairman Bilbao** asked **Rep. Shepherd** if she had any questions regarding **Docket No. 11-0406-0901**, a proposed change to the rules governing racing officials, and **Docket No. 11-0407-0901**, a proposed change to rules governing racing association fees. Upon ascertaining she had no questions, Chairman Bilbao then asked Mr. Jackson to clarify the \$25.00 racing fee indicated in **Docket No. 11-0407-0901**, to which Mr. Jackson confirmed the fee is already in existence and the rule does not involve a fee increase.

MOTION: **Rep. Shepherd** moved to recommend acceptance of **Docket Nos. 11-0406-0901 and 11-0407-0901**; **motion carried by voice vote.**

DOCKET NOS. **Chairman Bilbao** asked **Rep. Simpson** to comment on **Docket No. 11-**

11-0408-0901 & 0409-0901: **0408-0901**, a proposed change to the rules governing pari-mutual wagering, and **Docket No. 11-0409-0901**, a proposed change to the rules governing claiming races. **Rep. Simpson** indicated that **Docket No. 11-0408-0901** brought the rules more in line with national/international rules and that **Docket No. 11-0409-0901** addressed transfer of ownership issues, as well as the availability and use of public records.

MOTION: **Rep. Simpson** then moved to recommend acceptance of **Docket Nos. 11-0408-0901 and 11-0409-0901** to the full committee; **motion carried by voice vote.**

DOCKET NOS. 11-0410-0901 & 11-0411-0901: **Dennis Jackson**, Idaho State Racing Commission, presented **Docket No. 11-0410-0901**, a proposed new chapter governing live horse races, and **Docket No. 11-0411-0901**, a proposed new chapter governing permitted equine veterinary practices. He explained that the Racing Commission has two primary responsibilities — protection of the wagering and protection of the animals; Chapter 10 governs how the race is run and Chapter 11 addresses the care of horses.

In response to subcommittee questions, Mr. Jackson went into more detail on the appointment of stewards, the breakdown of stewards per race, and the process by which the fitness of horses is determined.

MOTION: **Rep. Kren** then made a motion to recommend acceptance of **Docket Nos. 11-0410-0901 and 11-0411-0901** to the full committee; **motion carried by voice vote.**

DOCKET NOS. 11-0414-0901 & 11-0415-0901: Mr. Jackson then stood for questions on **Docket No. 11-0414-0901**, a proposed change to the rules governing owners, trainers and authorized agents, and **Docket No. 11-0415-0901**, a proposed change to the rules governing controlled substance and alcohol testing. The subcommittee asked what kind of background checks are done, to which Mr. Jackson replied that it would depend on the type of licensee. Criminal background checks, as well as fingerprints and credit reports, are conducted. Jockeys and apprentice jockeys must undergo random drug screens and a practical skills examination (to demonstrate riding skills).

In response to subcommittee questions, Mr. Jackson confirmed that the industry has a sizable drug abuse problem and significant measures are being taken to address it. He indicated that random drug screens are performed on jockeys and that drug screens can also be conducted when and if drug use is suspected.

MOTION: **Rep. Kren** then made a motion to recommend acceptance of **Docket Nos. 11-0414-0901 and 11-0415-0901** to the full committee; **motion carried by voice vote.**

DOCKET NOS. 03-0101-0901 & 03-0101-0902: **Chairman Bilbao** asked **Rep. Smith** if she had any questions or comments regarding **Docket No. 03-0101-0901** and **Docket No. 03-0101-0902**, which are proposed changes to the rules of the State Athletic Commission. She indicated that **Docket No. 03-0101-0901** changed the word “boxer” to “combatant,” which is consistent with the statute, and that **Docket No. 03-0101-0902** included expanded definitions which provided good clarification, making the language more understandable.

MOTION: Rep. Smith then made a motion to recommend acceptance of **Docket Nos. 03-0101-0901 and 03-0101-0902** to the full committee; **motion carried by voice vote.**

The subcommittee then asked **Roger Hales**, Bureau of Occupational Licenses, questions regarding the overall safety of combatants. Mr. Hales indicated that the commission has gone to great lengths to minimize harm, such as conducting medical examinations prior to a match and providing a ringside physician during the event. In addition, combatants are physically well-matched with their opponents.

ADJOURN: There being no further business to come before the subcommittee, the meeting was adjourned at 10:12 a.m.

Representative Bilbao
Chairman

Lisa F. Daniels
Secretary

MINUTES

**HOUSE STATE AFFAIRS
LUKER SUBCOMMITTEE**

DATE: January 18, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Luker, Labrador, Crane, Mathews, Palmer, King, Higgins

**ABSENT/
EXCUSED:** None

GUESTS: Cynthia Ness, Dept. Of Admin.; Teresa Luna, Dept. Of Admin.;Melissa Vandenberg, Dept. Of Admin.; Tim Mason, Dept. Of Admin.; Marc Chavarria, Dept. Of Admin.; Steve Shaw, Connolly & Smyser; Michael Faison, Arts Commission; Mark Hofflund, Arts Commission

Meeting was called to order at 9:00 by **Chairman Luker**

DOCKET NO. 38-0301-0901: **Teresa Luna**, Department of Administration, presented **Docket No. 38-0301-0901**. As a result of HB 173 that passed in 2009, the Department of Administration was directed to “promulgate rules for determining eligibility of active personnel, retired personnel and dependents of such active and retired personnel for participation in any group plans.” This is a result of our promulgating rules to address this directive. It provides definitions for the above and includes a change in the hours and month that an employee must work to be eligible. It outlines the provisions for reimbursing out of pocket expenses for retirees on the Medicare Part D coverage gap and an appeals process. The appeals will be reviewed by the Group Insurance Advisory committee. The Group Insurance Advisory Committee has been formed and has met twice. The funding has been set aside and held in the group insurance fund. The \$15.9M in savings will go to the reserve fund.

MOTION: **Rep. Crane** moved to send **Docket No. 38-0301-0901** to the full committee with a do pass recommendation. **Motion carried on voice vote.**

DOCKET NO. 38-0404-0902: **Tim Mason**, Department of Administration Administrator of Public Works, presented **Docket No. 38-0404-0902**; which is a proposed fee rule change governing Capitol Mall Parking. This rule was last updated in 1978. As a result of a recent legislative audit it was suggested that we repeal the current rules and submit a new rule governing parking. This is the result. It cleans up the parking rules and allows for administration of parking in a more efficient manner. Reserve parking is available to state employees. There are a limited number of reserved spots. There is a reserve waiting list of about 5 years. There are no plans to open more spaces for reserved parking. They have asked for another parking garage, but not been granted the funds to build it yet. This rule does provide an increase in parking penalties.

MOTION: **Rep. King** moved to send **Docket No. 38-0404-0902** to the full committee with a do pass recommendation. **Motion carried on voice vote.**

DOCKET NO. 38-0404-0901: **Tim Mason**, Department of Administration Administrator of Public Works, presented **Docket No. 38-0404-0901**; which repeals the current rules governing Capitol Mall Parking.

MOTION: **Rep. Higgins** moved to send **Docket No. 38-0404-0901** to the full committee with a do pass recommendation. **Motion carried on voice vote.**

DOCKET NO. 15-1302-0901: **General Saylor**, Office of the Governor Military Division, was unable to attend and this docket will be held to be reviewed at the subcommittee's next meeting.

DOCKET NO. 40-0101-0901: **Michael Faison**, Idaho Commission on the Arts, presented **Docket No. 40-0101-0901**; which is a proposed rule change governing the Idaho Commission on the Arts. He recognized **Mark Hofflund**, Board Member of the Arts Commission and Managing Director of the Shakespear Festival, in attendance. The Commission wishes to remove the restrictive language in their rules that limits their ability to grant further QuickFund\$ grants to grantees. This change will allow them to support existing public programs in communities that have proven themselves. This allows them to reach further into Idaho communities and finalizes the changes the Commission has recently made in the granting process.

MOTION: **Rep. Crane** moved to send **Docket No. 40-0101-0901** to the full committee with a do pass recommendation. **Motion carried on voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:47 a.m.

Representative Luker
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: January 19, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** Rep. Higgins

GUESTS: Dustin Hurst, IdahoReporter.com; Dave Ricks, Idaho Parks and Recreation; Renee Iverson, Idaho Parks and Recreation; Ty Palmer, Joie McGarvin, America's Health Insurance Plans; Julie Taylor, Blue Cross of Idaho; Wayne Hoffman, Idaho Freedom Foundation; Larry Maneely, State Liquor Division; Drew Thomas, Risch-Risca; Colby Cameron, Sullivan & Reberger; Sarah Fuhriman, Rep. Jim Clark, Molly Steckel, Idaho Medical Association; Kathie Garrett, Idaho Academy of Family Physicians; Fairy Hitchcock, Hitchcock Family Advocates

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Luker** moved to approve the minutes of January 14; **motion carried on a voice vote.**

RS 19299: **Rep. Clark** presented **RS 19299** proposed legislation that will be known as the "Idaho Health Freedom Act." It sets in public policy of the state choice with regards to healthcare. The critical language is on page two, lines 1-5. "It is hereby declared that the public policy of the state of Idaho, consistent with our constitutionally recognized and inalienable rights of liberty, is that every person within the state of Idaho is and shall be free to choose or decline to choose any mode of securing health care services without penalty or threat of penalty." Page two provides the duties of the Attorney General. He will police the effort of the health care choice option. This has been vetted with the Attorney General's office. This effort is ongoing nationally with 26 states currently looking at legislation or constitutional changes to address this issue.

In answer to committee questions Rep. Clark said that there is no place in code currently that guarantees this right. If we have this in our state code it will help us in federal court as we fight federal mandates. The \$100,000 figure is a guess of cost for litigation and may not be needed.

MOTION: **Rep. Luker** moved to introduce **RS19299**. **Motion carried on a voice vote.** **Rep. King, Rep. Pasley-Stuart** and **Rep. Smith** requested that they be recorded as voting against the motion.

RS 19112 **Larry Maneely**, of the State Liquor Division, presented **RS 19112** which

is proposed legislation that eliminates ambiguity in the liquor-by-the drink licensees definition of licensed premises. It changes the language of "licensed premises" to "licensees as defined in chapter 9, title 23, Idaho Code." This RS also has some housekeeping measures to eliminate unnecessary, confusing text and to revise terminology to make any reference to the Idaho State Liquor Division as the "division" and not as the "dispensary."

MOTION: **Rep. Smith** moved to introduce **RS19112**. **Motion carried on a voice vote.**

RS 19221: **Dave Ricks**, Deputy Director and **Renee Iverson**, Registration Coordinator for the Parks and Recreation Department, presented **RS 19221** which is proposed legislation that will allow the Parks and Recreation Department the necessary resources to implement the Idaho Protection Against Invasive Species Sticker Program. This RS attempts to make the department whole. The Department was able to implement the program but needs this change to allow the program to pay for itself and to reimburse local vendors for their costs. The Parks and Recreation Department has given \$845,000 to date to the Department of Agriculture to implement the program. They oversee the education, inspection stations, and wash stations.

In response to committee questions, Ms. Iverson said that they tried to mirror current rules in placing vessels in the rule. All boats with a motor are considered motorized, including sailboats. Mr. Ricks said that he does not know the fund balance at the Department of Agriculture. To justify the funds increase he stated that it is at least \$2.00 to even print the stickers. This does not allow for any funds to cover vendor's or extra costs. The reason for the percentage increase being so large is that we are dealing with a small sum to begin with. There has been no reimbursement and pay to the vendors for selling the stickers this past year. Approximately 20 outside vendors participated. They had 8,500 stickers sold through the vendor's or approximately seventeen percent. Each vendor will retain \$1.50 of the \$5.00 fee. They had difficulty getting vendors to sell the stickers this year. Twenty two percent of the stickers were for non-motorized vessels. He did not have the percent of revenue the non-motorized sticker brings in.

Rep. Anderson said that the increase is needed because of the vendors in the field need to cover their cost of distribution. They held many meetings with the non-motorized groups and the outfitters and guides groups. This process is consistent with the way we sell stickers for programs throughout the state. This program was an emergency effort and has been successful. He has information on Lake Meade about the problems they have encountered with invasive species. He shares the concerns about raising the fees, but we do need to pay our vendors to make the program successful.

MOTION: **Rep. Luker** moved to introduce **RS 19221**.

SUBSTITUTE MOTION: **Rep. Pasley-Stuart** offered a substitute motion to return **RS 19221** to the sponsor.

Rep. Anderson said that if they do not have the increase it does limit the amount of money that can be used to run the program. He said there is probably a need for even more money but this will help out greatly. This program has had a great deal of success and this will help them to continue to be successful. He spoke in opposition to the substitute motion. He said the opposition to the program has dwindled. He believes that the Department of Agriculture has effectively shown people how needed the program is. This program effectively inspects and treats all water craft coming into the state. This is a participating fee that is necessary. Motorized will not have an increase this year. This is a minimal amount of participation from the public. This is a protection for the public. This will help the public as a whole with their power bills in the future.

Mr. Ricks said they sold 53,617 stickers and there are believed to be 91,000 state boaters. He was not aware of any fines. Last year the concentration was on the education process. He believes that fines may increase next year. He does not know how our state fees compare to other states.

**VOTE ON
SUBSTITUTE
MOTION:**

Chairman Loertscher called for a vote on the substitute motion to return **RS 19221** to the sponsor. **Motion failed on voice vote.**

**VOTE ON
ORIGINAL
MOTION:**

Chairman Loertscher called for a vote on the motion to introduce **RS 19221**. **Motion failed on voice vote.**

ADJOURN:

There being no further business before the committee, the meeting adjourned at 9:50 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES
HOUSE STATE AFFAIRS
LUKER SUBCOMMITTEE

DATE: January 19, 2010

TIME: 2:30 p.m.

PLACE: Room EW20

MEMBERS: Chairman Luker, Representatives: Labrador, Crane, Mathews, Palmer, King, Higgins

**ABSENT/
EXCUSED:** Rep. Higgins

GUESTS: Bob Wells, Idaho Bureau of Homeland Security; Mary Halverson, Idaho Bureau of Homeland Security; Bill Shawver, Idaho Bureau of Homeland Security; Weldon Stutzman, Idaho Public Utilities Commission; Jim Kempton, Idaho Public Utilities Commission; Ron Law, Idaho Public Utilities Commission; Beverly Barker, Idaho Public Utilities Commission; Don Howell, Idaho Public Utilities Commission; Brenda Tominaga, Idaho Irrigation Pumpers Association, Inc.; Steven Shaw, Connolly & Smyser; Dustin Hurst, IdahoReporter.com; Suzanne Budge, SBS Assoc. LLC.; Molly Steckel, Idaho Telecom Alliance

Meeting was called to order at 2:35 p.m. by **Chairman Luker**.

MOTION: **Rep. King** moved to approve the minutes of January 18; **motion carried on a voice vote.**

**DOCKET NO.
15-1302-0901:** **Bob Wells**, Bureau of Homeland Security, presented **Docket No. 15-1302-0901**. He introduced **Ms. Mary Halverson**, Hazardous Materials Program Manager. She may be able to answer questions he cannot. They worked with the Depart. of Administration and the Attorney General's office to be sure they followed the correct procedure and followed Idaho Statute Title 39, Chapter 71. These rules are directed at response to hazardous substance incidents, as well as the recovery of funds expended by the response agencies during a hazardous substance event. The purpose is to recover those costs incurred by the responding agencies, for a specific hazardous substance event from the responsible party/ies. The person responsible if something arrives on your doorstep is not you, it is the person that spills the waste. There are seven regions across Idaho and they have worked with counties to ensure that every county has a trained team to respond to bomb threats. There were 270 hazardous spills last year throughout Idaho. We help provide the proper training across Idaho.

In answer to questions, Ms. Halverson said that the Bureau of Homeland Security wants to allow local jurisdiction the ability to recover cost and to only charge the responsible party with liability. They have no intention of inserting words not in the statute and will look at subsection 100.05 again. Mr. Wells said they have never gone after a property owner. Their intent is to go after the party causing the spill or damage. Ms. Halverson said that there is no liability to the property owner if the damage is caused by a third party (renter).

MOTION: **Rep. Mathews** moved to send to the full committee with a **recommendation to approve Docket No: 15-1302-0901 with the exception of Section 100.05 . Motion carried on a voice vote.**

DOCKET NO. 31-1101-0901: **Jim Kempton**, President of Public Utilities Commission, presented **Docket No. 31-1101-0901**. The Commission's Safety and Accident Reporting Rules currently adopt by reference several national safety code and federal safety regulations, in particular the International Fuel Gas Code and the International Mechanical Code. This is an attempt to change state rules to accommodate the new rules. The Commission is also proposing to adopt certain provisions of the 2009 Code of Federal Regulations dealing with pipeline safety regulations. The commission is also proposing a requirement that utilities submit written accident reports within twenty-one (21) days when they sustain damage to their property damage in excess of \$200,000 or when a member of the public incurs property damage in excess of \$200,000. The Commission is also proposing several housekeeping corrections to its Safety and Accident Reporting Rules.

In response to committee questions, Mr. Kempton said they are trying to mirror National Code. Mr. Howell said that there are some new sections to allow for incorporation of the International Code. The commission has no fining ability. Public Utilities and Intermountain Gas all need to follow these standards. All contractors were allowed to comment by mail. No responses to the mailing occurred.

Ron Law said his comments were related to the CFR's and he had no information on the standards in the two international Codes being updated. He said that he oversees the pipeline safety program. His program has looked at each of the changes to their program and determined that they are beneficial to making these changes. Nobody from the Commission could answer whether the updated codes had been analyzed for the benefit to Idaho or whether they were just being adopted because it was the new code. Mr. Kempton was asked to have that information for the full committee.

MOTION: **Rep. King** moved to send **Docket 31-1101-0901** to the full committee with an **approve recommendation**. **Rep. Luker** said he has concerns about the adoption of the changes to the rules with the only reason that national code has changed.

SUBSTITUTE MOTION: **Rep. Mathews** offered a **substitute motion** that we send **Docket 31-1101-0901** to the full committee with **no recommendation**. **We request the commission bring further information to the full committee. Motion carried on a voice vote.**

DOCKET NO. 31-2101-0901: **Jim Kempton**, President of the Public Utilities Commission, presented **Docket No. 31-2101-0901**. This is a consolidation of a rule dealing with customer relations for gas, electric, and water. They also propose that water utilities with more than five thousand customers provide consumption data on each customer's bill comparing actual consumption in the current billing period with the corresponding billing period from the previous year. After the relocating of the previously mentioned sections the rules are complete. The Commission proposes the repeal of IDAPA

No. 31.21.02

MOTION: **Rep. King** moved to send **Docket 31-2101-0901** to the full committee with an **approve recommendation**. **Motions carried on a voice vote.**

DOCKET NO. 31-2102-0901: **Jim Kempton**, President of the Public Utilities Commission, presented **Docket No. 31-2102-0901**. This is the repeal of Chapter 31.21.02.

MOTION: **Rep. Labrador** moved to send **Docket 31-2102-090** to the full committee with an **approve recommendation**. **Motion carried on voice vote.**

DOCKET NO. 31-4101-0901: **Jim Kempton**, President of the Public Utilities Commission, presented **Docket No. 31-4101-0901**. The enactment of federal statutes and state statutes since the Idaho Public Utilities last revised its Telephone Customer Relations Rules have significantly changed the regulatory objectives for telecommunications companies. The law changes are intended to encourage competition in telephone services, and the proposed rule changes are consistent with that objective. If a section is stricken, it is addressed in another section.

In answer to question Mr. Kempton said this allows the utility companies to provide service electronically. This allows for better customer relations. Ms. Barker said that a new section addresses how a utility wishing to discontinue service to residents of Idaho can notify customers and the commission when they go out of business. One of the reasons for notification of the commission is to help find a new provider. The goal is to not have service interrupted.

MOTION: **Rep. King** moved to send **Docket 31-4101-0901** to the full committee with an **approve recommendation**. **The motion carried on a voice vote.**

DOCKET NO. 31-4102-0901: **Jim Kempton**, President of the Public Utilities Commission, presented **Docket No. 31-4102-0901**. This is to **repeal Chapter 31.41.02**.

MOTION: **Rep. Mathews** moved to send **Docket 31-4102-0901** to the full committee with an **approve recommendation**. **The motion carried on a voice vote.**

DOCKET NO. 31-4201-0901: **Jim Kempton**, President of the Public Utilities Commission, presented **Docket No. 31-4201-0901** which repeals The Title 62 Telephone Corporation Rules. This completes the consolidation of the rules.

MOTION: **Rep. Palmer** moved to send **Docket 31-4201-0901** to the full committee with an **approve recommendation**. **Motion carried on a voice vote.**

ADJOURN: There being no further business before the committee, the meeting was adjourned at 4:18 p.m.

Representative Luker
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: January 20, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** None

GUESTS: Janet Gallimore, State Historical Society; Jim Adams, Idaho Division of Veterans Services; Benjamin Davenport, Risch-Risca; Ty Palmer, WeThePeopleOfIdaho.com; Joie McGarvin, Westerberg & Associates; Jason Hancock, Department of Education; Nick Smith, State Department of Education; Teresa Molitor, Idaho Association of Profesional Driving Businesses; Sarah Fuhriman, Roden Law Office

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

RS 19130: **Jim Adams**, a Veteran Services Representative, presented **RS 19130** which amends Section 18-7027, Idaho Code. They wish to include a prohibition on entry after the hours posted outside the veterans cemetery. This gives law enforcement the power to arrest someone that is in the cemetery after hours. Cemeteries are enticing places for young adults and others to gather after the cemetery has closed. Often these individuals are engaged in drinking or other inappropriate behavior. They would also like to post the hours at the public access points rather than every 660 feet along the property line.

In response to committee questions Mr. Adams said that they are open to redrafting this RS to make a new paragraph to cover the language regarding the violation being a misdemeanor. The gates to the cemetery are locked after hours and there should be no reason for anyone to be on the property after the gates close. Law enforcement has indicated that unless there is posting and notification present there is no trespass. These officers believe that the violation should be a misdemeanor and not a minor violation.

MOTION: **Rep. Labrador** moved to introduce **RS 19130** with a change on line 18 to make a new paragraph in the printing.

Mr. Adams chose to withdraw **RS 19130** to make changes to address the committees concerns.

RS 19238: **Rep. Clark** presented **RS 19238** which authorizes manufacturers of distilled spirit beverages to conduct distilled spirit sample tastings on the

manufacturer's premises or on premises licensed by the state of Idaho for the retail sale of liquor by the drink, subject to the same restrictions and requirements as set forth in the Idaho wine sample tasting legislation. He brings this RS to the committee at the request of a distillery in his district that wants to hold tastings at their facility. He used the language from the wine sampling tasting legislation that was passed 6 years ago. These wine tasting events have been successful and the distilleries would like to be part of this process.

In answer to committee questions, Rep. Clark said that this will apply to all manufacturers of distilled spirits. The wine tasting legislation allows off premises tastings. If there is a concern about not limiting the number of samples a person may consume, he will address it after the bill is printed.

MOTION: **Rep. Anderson** moved to introduce **RS 19238. Motion carried on voice vote.**

RS 19150: **Janet Gallimore**, Idaho Historical Society, presented **RS 19150** which shifts the responsibility for vertebrate paleontological sites, resources, and deposits to the Idaho Museum of Natural History at Idaho State University. The current law was enacted in 1963 when it seemed appropriate to place historic, archaeological, and paleontological resources within the scope of the Idaho State Historical Society. However, it is now clear that vertebrate paleontological resources should be permitted and regulated under a qualified professional with appropriate training, education, and resources. To this date there has not been a lot of activity in permitting and code violations relating to vertebrate paleontological findings. With the stimulus-driven increases in energy corridor activity across much of the state, permits for excavation on state land will become more common.

In answer to committee questions Ms. Gallimore said the definitions for these terms are in section 7 of the historical society rules and will still remain. There should be no need for someone to seek two permits for vertebrate paleontological finds. This permitting process only pertains to animals that have spines and only applies to a construction project that may come across this type of remains. This is all covered by statute not by rules.

Dr. Ken Reid, State Archeologist, said that there is no charge to issue a permit. There has only been one such process in the past so they have no way to determine a cost. They have no funding dedicated to this paleontological work in state preservation project funding .

MOTION: **Rep. King** moved to introduce **RS 19150. Motion carried on voice vote.**

DOCKET NO. 08-0202-0905 **Jason Hancock**, Deputy Chief of Staff, presented **Docket No. 08-0202-0905**. The Department of Education oversees public driver education and training programs. During the 2009 Legislative Session, private driver education businesses were moved out from under the State Department of Education, to the Division of Occupational Licensure. This move made it necessary to revise the Idaho Operating Procedures

for Public Driver Education Programs document to address public driver education programs and their new relationship with private driver education programs. They have worked to better align state standards with national standards for Driver Education and Training programs. These rules do not affect private driving schools. This does not change the ability of school districts to contract for driver education courses. State Code requires background checks on any unsupervised setting with contractors and public instructors. School districts are required by rule to establish standards that meet the minimum standard established by the state. Districts must meet the standard in order to be reimbursed. The new manual puts all information in one place.

In response to committee questions Mr. Hancock said that the Department of Education can only regulate private driving schools if they are offering a certificate through the state. This applies to private driving schools contracting with the Department of Education. They did take public input and incorporated all but two areas of the comments. They did not include comments on criminal background checks and course content.

Chairman Loertscher said that he would like to reschedule the hearing at a different time. The Senate is holding a hearing at the same time and we have presenters that need to be heard. The rule will be scheduled for another hearing at a later date.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 9:50 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: January 21, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** None

GUESTS: Ted Roper, Department of Administration; Kit Coffin, Department of Administration; Bill Farnsworth, Department of Administration; Melissa Vandenberg, Attorney Generals Office; Barbara Jordan, Idaho Trial Lawyers Association; Dustin Hurst, IdahoReporter.com; Erik Makrush, Idaho Freedom Foundation; John Eaton, Idaho Realtors Association; Joel Teuber, Fraternal Order of Police; Jennifer Quinno, Idaho Lottery; Tim Hurst, Secretary of State; Wayne Hammon, Department of Financial Management; Dennis Stevenson, Department of Administration; Russ Hendricks, Farm Bureau; Kathie Garrett, Partners in Crisis

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Luker** moved to approve the minutes of January 19; **motion carried on a voice vote.**

MOTION: **Rep. Pasley-Stuart** moved to approve the minutes of January 20; **motion carried on a voice vote.**

H 379: **Rep. Luker** presented **H 379**, which repeals the campaign funding check off option on individual income tax returns. The number of personal filings is approximately 741,000. The percentage of donation for single filers is 4.6%. If one third of the filings are joint, the percentage of donation is 3.5%. The declining receipts can be attributed to fact that in the past there was a two year reporting period. If the \$71,000 is divided it results in between \$35,000 and \$36,000 yearly.

Eric Makrush, Idaho Freedom Foundation, spoke in favor. He said the check - off puts political parties ahead of other organizations. This bill is good public policy.

MOTION: **Rep. Bilbao** moved to send **H 379** to the floor with a **DO PASS** recommendation. **Motion carried on a voice vote.** **Rep. Smith** requested that she be recorded as voting against the motion. **Rep. Luker will sponsor the bill on the floor.**

Vice Chairman Anderson assumed the chair of the committee.

RS 19141:

Bill Farnsworth, Department of Administration, presented **RS 19141** which authorizes public agencies to pass bank fees by credit card companies to the user. This allows agencies to choose to absorb the fee or pass the fee onto the consumer. Currently thirteen agencies and twenty two counties use online services. All of the small fees being charged by credit companies and banks add up to larger amounts. The automation has helped with less handling of paper and bad checks. Thus there is a savings of employee hours.

In answer to committee questions, Mr. Farnsworth said that the cost of handling a paper check is between \$6 and \$7. The cost to handle it electronically is about \$1.25 per transaction. The Tax Commission has been able to cut back on the number of temporary employees they use at tax time. There is a substantial savings. There is approximately \$3.4 million in savings currently. There are agencies that cannot afford to create the online payment option unless they can pass the fee on to the consumer. The Portal Fee is approximately 1% of the purchase and the Bank or Credit Card Charges are between 2.25 and 2.75 percent

Mr. Farnsworth said that this is the exact bill they heard in committee last year. He said they are trying to encourage agencies to collect fees online and would like to be able to have them pass the cost on if they choose. He said that the agencies will only retain the portal fee. The bank fee will be passed on to cover the charge. The agency will recoup the initial cost for signing up. There is a private vendor contract to create, maintain and update the applications. The Portal Fees will be used to pay his contract. He currently does about 80 applications. They leave it up to the agencies to analyze the need for the service. Some people will always continue to send in a paper check. Some agencies have chosen to continue paying the fee to encourage customers to pay online. It depends on the customer base. He does believe this may apply to the Lottery Commission.

MOTION:

Rep. King moved to return **RS 19141** to sponsor. She feels we should also pass on the cost of paying by paper check to the consumer

**SUBSTITUTE
MOTION:**

Rep. Loertscher offered a substitute motion to introduce **RS 19141**.

Wayne Hammon, Director of the Division of Financial Management, spoke in favor of **RS 19141**. This does not change anything that is in practice in Idaho. Several agencies already use this option. There are smaller agencies that do not have this option and may wish to set up the online services. It does not create barriers. He believes it is written well enough that the principle behind it can allow it to work.

In response to committee questions Mr. Hammon said he does not believe this will help the state lottery. He does not believe they sell anything online at this point. There was concern from the committee that we are penalizing the on-line users and not those paying with paper checks.

**VOTE ON
SUBSTITUTE
MOTION:**

Rep. Luker requested a **roll call vote**. By a vote of **10 aye and 8 nay**, the motion **carried**. Voting in the affirmative: **Reps. Loertscher, Anderson, Stevenson, Black, Andrus, Bilbao, Labrador, Palmer, Simpson, Higgins**. Voting in the negative: **Reps. Luker, Crane, Mathews, Kren, Shepherd, Smith, Pasley-Stuart, King**.

RS 19117:

Ted Roper, Department of Administration, presented **RS 19117** which amends the Industrial Special Indemnity Fund statute to eliminate the fund. This fund was created to encourage companies to hire injured workers. The fund is funded completely by employers. The need for the fund has decreased over the years as other help has become available. This RS outlines a process to eventually close the fund. They reviewed the fund by committee and the consensus was that it was not fulfilling its original purpose. This fund is not an insurance company. We operate on a pay as you go basis. The savings to employers is about 1 million per year. There are about \$300,000 in administrative expense per year. This will decrease future unfunded liabilities. There are changes to the code to allow us proceed with the closure without liability.

MOTION:

Rep. Labrador moved to introduce **RS 19116**. **Motion carried on voice vote.**

RS 19116:

Kit Coffin, Department of Administration, presented **RS 19116** which amends the statute that outlines the Risk Management Program. This and the next RS are a result of zero based budgeting. The Risk Management Committee will eliminate only this item of the code.

MOTION:

Rep. Pasley-Stuart moved to introduce **RS 19116**. **Motion carried on voice vote.**

RS 19145:

Kit Coffin, Department of Administration, presented **RS 19145** which amends the statute that requires state agencies conduct an inventory of their personal property yearly and report to the Department of Administration. This is a duplication of notification and reporting on agencies and does not provide any benefit. It is still a requirement for the agency to conduct an inventory. This only eliminates the notification of the Department of Administration.

In response to committee questions, Ms. Coffin said that the Department of Administration is only interested in the value of property for insurance purposes. She will provide a history of the reported losses at the bill hearing.

MOTION:

Rep. Pasley-Stuart moved to introduce the **RS 19145**. **Motion carried on voice vote.**

RS 19318:

Rep. Hagedorn presented **RS 19318** which amends current code descriptions that involve bomb threats and other such acts to include "Hoax Destructive Devices" as well. It defines the penalty for creating and using such devices with the intent to cause any other person to believe that the device is a real destructive device. We had an incident recently where a mall complex was shut down for an extended period of time because someone set several hoax bombs throughout the mall. We have no law to allow for a charge against someone using a "Hoax

Destructive Device.” The intent is to discourage this type of activity.

In response to committee questions, Rep. Hagedorn said the penalty is consistent with similar crimes. He will bring information about how federal law addresses this issue. There was some confusion because the SOP and the RS language on the penalty do not match. He agreed that we may need to look at the definitions again to cover all concerns. The worst charge law enforcement can use currently is disturbing the peace. We do not have a way to deter people from doing bomb threats or creating hoax devices. We are seeking a way to charge someone if they are creating a problem with a large entity. The enforcement is left to the discretion of law enforcement. This is only to give a tool to law enforcement for someone with an intent to hurt others. He will address the concern about the state penitentiary language at the bill hearing.

MOTION:

Rep. Mathews moved to **introduce RS 19318** to include a change in the SOP language making it consistent with the RS. **Motion carried on voice vote.**

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 10:30 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: January 25, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** None

GUESTS: Becky Schroeder, Idaho Lottery; Amber French, Idaho Lottery; James Stoll, Idaho Athletic Commission; Brad Hunt, Department of Administration; Dennis Stevenson, Department of Administration; Melissa Vandenberg, Department of Administration; Don Howell, Public Utilities Commission; Jim Kempton, Idaho Public Utilities Commission; Ron Law, Public Utilities Commission; Jeff Anderson, Idaho Lottery; Joie McGarvin, Westerberg & Associates; Jeremy Pisca, Idaho Allied Dailies; Drew Thomas, Risch-Pisca, PLLC; Colby Cameron, Sullivan & Reberger; Neil Colwell, Avista Corp; David Schunke, Public Utilities Commission

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep Pasley-Stuart** moved to approve the minutes of January 21; **motion carried on voice vote.**

RS 19155: **Dennis Stevenson**, Department of Administration, presented **RS 19155** which amends the Administrative Procedure Act and allows the administrative bulletin to be published electronically and eliminates the requirement that the Idaho Administrative Bulletin be published in a printed document. It also ensures that the electronic publication is the official copy, which allows judicial notice to be taken of all documents published in the electronic version. This eliminates the distribution of copies to repositories throughout Idaho. There is a savings of between \$16,000 to \$20,000 per fiscal year in printing, binding, and mailing of the Idaho Administrative Bulletin.

In response to questions, Mr. Stevenson said that this will do away with the ability to have a hard copy. People will have access online or at their public library online.

MOTION: **Rep. Simpson** moved to introduce **RS 19155**. **Motion carried on voice vote.**

Vice Chairman Anderson assumed the chair of the committee.

RS 19173: **Dennis Stevenson**, Department of Administration, presented **RS 19173** which amends the Administrative Procedure Act to allow the administrative rules to be published electronically and on electronic media, eliminating the requirement that the Idaho Administrative Code be published in printed and

bound volumes. It also ensures that the electronic publication of the Idaho Administrative Code is the official copy, and that judicial notice can be taken of all documents published electronically. If necessary, repositories will continue to receive the annual Idaho Administrative Code publication on CD-ROM, or other electronic media, at no charge. This legislation will allow Idaho Code to reflect current practice. Currently, State agencies send their temporary rules to the Administrative Rules Coordinator, not the Legislative Services Office. The Administrative Rules Coordinator then sends the temporary rules to LSO.

In response to committee questions, Mr. Stevenson said that electronic is not defined in code. Electronic material continues to change and is hard to define. He will look at finding a definition. The information will continue to be available at libraries and through the Department of Administration. If an individual needs help to find something they can call the Department of Administration and they will help.

MOTION: **Rep. King** moved to introduce **RS 19173**. **Motion carried on voice vote.**

RS 19159C1: **Dennis Stevenson**, Department of Administration, presented **RS 19159C1** which amends the Idaho Administrative Procedure Act to no longer require that the public notice of proposed rule makings be in the current specified typeface and format (used for newspaper display advertisements), but instead will require public notice of rule making to be in an official legal notice typeface and format. We currently pay the same price as a commercial advertisement. We can reduce cost by at least 50% by using this format The General Fund savings is approximately \$120,000 per year.

In response to questions from the committee, Mr. Stevenson said he currently publishes in 37 statewide newspapers.

MOTION: **Rep. Bilbao** moved to introduce **RS 19159C1**. **Motion carried on voice vote.** Rep. Bilbao and Rep. Simpson commended Mr. Stevenson and his department for finding these savings.

**REPORT BILBAO
SUBCOMMITTEE
ON RULES:** **Rep. Bilbao** presented his subcommittee report on rules.

MOTION: **Rep. Pasley-Stuart** moved to approve the minutes from the subcommittee January 18, 2010 meeting; **motion carried on voice vote.**

Rep. Bilbao read the committee's letter to Chairman Loertscher stating the completion of its review of the administrative rules assigned to their committee. The recommendation of the subcommittee is to approve all pending and fee rules of the Idaho State Racing Commission and the Idaho Athletic Commission.

MOTION: **Rep. Higgins** moved to accept the recommendations of the Bilbao Subcommittee on Rules and recommend approval of **Docket No.'s 11-0401-0901, 11-0404-0901, 11-0404-0902, 11-0405-0901, 11-0406-0901, 11-0407-0901, 11-0408-0901, 11-0409-0901, 11-0410-0901, 11-0411-0901,**

11-0414-0901, 11-0415-0901 from the Idaho State Racing Commission and **Docket No.'s 03-0101-0901, 03-0101-0902** from the Idaho Athletic Commission. **Motion carried on voice vote.**

**REPORT LUKER
SUBCOMMITTEE
ON RULES:**

Rep. Luker reported that his committee had reviewed the rules given to his committee.

MOTION:

Rep. King moved to approve the subcommittee minutes of January 19; **motion carried on voice vote.**

Rep. Luker reported the committee recommends that **Docket No. 31-1101-0901** from the Public Utilities Commission be referred to the full committee for review. The committee also recommends that Military Division **Docket No. 15-1302-0901** be approved with the exclusion of Section 100.05. The committee felt this docket was not within the legislative intent of the statute. This particular section deals with strict liability and inserted liable parties not within statute. The rules broadened the base of liable parties. Reimbursement in statute requires responding agencies to work through the Military Division. This rule allows them to go after the parties without the military division.

Vice Chairman Anderson said they will set both dockets for review by the full committee at a later date.

MOTION:

Rep. Stevenson moved to accept the recommendation of the committee and approve Department of Administration **Docket No.'s 38-0301-0901, 38-0404-0901, 38-0404-0902**; Idaho Commission of the Arts **Docket No. 40-0101-0901**; Public Utilities Commission **Docket No.'s 31-2101-0901, 31-2102-0901, 31-4101-0901, 31-4102-0901, 31-4201-0901**. **Motion carried on voice vote.**

Chairman Loertscher assumed the chair of the committee.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 9:35 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: January 26, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** Rep. Higgins

GUESTS: Drew Thomas, Risch Pisca; Mike Ryals, Idaho Driving Business; Mike Arnell, Idaho Driving Business; Teresa Molitor, Idaho Association of Professional Driving Businesses; Tony Smith, Eiguren Public Policy; Jason Hancock, Department of Education

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Bilbao** moved to approve the minutes of January 25; **motion carried on voice vote.**

RS 19337: **Rep. Hagedorn** presented **RS 19337** which is proposed legislation that will allow resident college tuition for veterans of the Armed Forces and for their family members when relocating to Idaho for educational purposes. Currently they can receive resident tuition when they are stationed in Idaho.

In response to questions, Rep. Hagedorn said deployment may cause veterans to relocate their families with the intention of coming to Idaho for residency. This applies to any veteran relocating to Idaho. This is a recruitment tool. Typically veterans are good students and the state colleges have requested this legislation to help them recruit good students. This should produce an increase in tuition dollars to our universities and colleges. The GI Bill is a fixed fee and does not cover out-of-state tuition. He has compared this proposed legislation to **SB 1260**. **SB 1260** limits the availability of residency to veterans discharged under honorable conditions. This legislation does not limit access by discharge conditions.

MOTION: **Rep. Pasley-Stuart** moved to introduce **RS 19337**. **Motion carried on voice vote.**

RS 19353C1: **Rep. King** presented **RS 19353C1** which is proposed legislation that will increase the time from 14 days to 28 days for a potential candidate to declare as a write-in candidate. This will give county election officials more time to test ballots. The software for ballots is complicated and one error may cause a major problem in tabulating ballots.

Mr. Tim Hurst, Chief Deputy Secretary of State, said there is no conflict with federal election law if these dates are changed. The Secretary of State office is in support of this legislation.

MOTION: **Rep. Simpson** moved to introduce **RS 19353C1**. **Motion carried on voice vote.**

DOCKET NO. 08-0202-0905: **Jason Hancock**, Assistant Chief of Staff at Department of Education, said the department is no longer seeking approval of **Docket No. 08-0202-0905** which is the rule governing driver education operating procedure.

MOTION: **Rep. Anderson** moved to rejected **Docket No. 08.0202-0905**. **Motion carried on voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:18 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

- DATE:** January 27, 2010
- TIME:** 9:00 a.m.
- PLACE:** Room EW40
- MEMBERS:** Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins
- ABSENT/
EXCUSED:** Rep. Higgins
- GUESTS:** Bob Wells, Bureau of Homeland Security; Mary Halverson, Bureau of Homeland Security; Drew Thomas, Risch & Pisca; Benjamin Davenport, Risch & Pisca; Tim Hurst, Secretary of State; Dennis Stevenson, Department of Administration; Jim Kempton, Public Utilities Commission; Ron Law, Public Utilities Commission, Don Howell, Public Utilities Commission; David Schunke, Public Utilities Commission; Colby Cameron, Sullivan & Reberger; Neil Colwell, Avista Corp.
- Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**
- MOTION:** **Rep. King** moved to approve the minutes of January 26; **motion carried on voice vote.**
- RS 19323:** **Tim Hurst**, Chief Deputy Idaho Secretary of State, presented **RS 19323** which is proposed legislation that allows the Secretary of State to provide for electronic filing of lobbyist and campaign finance Sunshine reports. On-line filing applications will be developed, or obtained from another state and modified to work for Idaho, by the IT staff currently employed in the office of the Secretary of State.
- In response to questions, Mr. Hurst said that they will continue to have the forms in PDF format. Currently you enter the information and then you have to physically deliver the information. They will still allow faxing or hand delivery. This will not be mandatory. This is a way of providing another access for filing reports.
- MOTION:** **Rep. Black** moved to introduce **RS 19323** and send directly to the **Second Reading Calendar. Motion carried on voice vote. Rep. Black will sponsor the bill on the floor.**
- Vice Chairman Anderson** assumed the chair of the committee.
- DOCKET NO.
31-1101-0901:** **Jim Kempton**, President of Public Utilities Commission, presented **Docket No. 31-1101-0901.** The Commission's Safety and Accident Reporting Rules currently adopt by reference several national safety code and federal safety regulations, in particular the International Fuel Gas Code and the International Mechanical Code. This is an attempt to change state rules to accommodate the new rules.

In response to questions from the committee, Mr. Kempton said the committee operates in a matter of routine. They follow the administrative rules process for proposed pending rules. All of the utilities have had the chance to comment and review the proposed changes. The commission only regulates utilities.

Neil Colwell, Avista Corporation lobbyist, said that his organization reviewed the rules and is in full support of the proposed rules.

MOTION: **Rep. King** moved to accept **Docket No. 31-1101-0901**. **Motion carried on voice vote.** Rep. Simpson requested that he be recorded as voting no.

DOCKET NO. 15-1302-0901: **Bob Wells**, Bureau of Homeland Security, presented **Docket No. 15-1302-0901**. These rules are directed at response to hazardous substance incidents, as well as the recovery of funds expended by the response agencies during a hazardous substance event. The purpose is to recover those costs incurred by the responding agencies, for a specific hazardous substance event from the responsible party. He said that after the subcommittee meeting they reviewed the rule in subsection 100.05 and determined that indeed they had overstepped the legislation. They are in agreement with the subcommittee's recommendation to reject subsection 100.05.

MOTION: **Rep. Luker** moved to accept the recommendation of the subcommittee that **Docket 15-1302-0901** be approved with the **rejection of subsection 100.05**. He said that deleting this subsection does not hamper the ability for the Bureau of Homeland Security because they can still operate under the statute. **Motion carried on voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:35 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: January 28, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** None

GUESTS: Dustin Hurst, IdahoReporter.com; Tony Smith, Eiguren Public Policy; Erik Makrush, Idahovotes.org; Steve Rector, Idaho Housing and Finance; Kathie Garrett, Idaho Academy of Family Physicians; Jonathan Parker, Idaho Republican Party; Chris Pintico, Ron Crane, Idaho Treasurer; Jennifer Hobbs, Treasurers Office; Benjamin Davenport, Risch Pisca

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**

MOTION: **Rep. Mathews** moved to approve the minutes of January 27; **motion carried on voice vote.**

RS 19253: **Rep. Burgoyne** presented **RS 19253**, which is a proposed constitutional amendment to limit regular legislative sessions to 90 calendar days. There will be a positive fiscal impact on the General Fund because regular sessions longer than 90 days will no longer occur. The word regular was placed in the legislation to distinguish a difference between special sessions and regular sessions. He believes that we should be cost effective and continue with a citizens legislature. Thirty-nine states have these limits.

In answer to questions, Rep Burgoyne said he has taken into account the time needed to review rules in the first two weeks of sessions. He believes this is an appropriate length of time for sessions. He will check to see how often the 39 states that have limited legislative sessions are called back into special session and how often they are meeting. He is not opposed to amendments to this in the future.

MOTION: **Rep. Pasley-Stuart** moved to introduce **RS 19253**. **Motion carried on voice vote.**

RS 19400: **Treasurer Ron Crane**, presented **RS 19400** which is proposed legislation to repeal Section 67-1222, Idaho Code. Due to the establishment of Electronic Municipal Market Access (EMMA), by the Municipal Securities Rulemaking Board (MSRB) (in accordance with MSRB rule G-36), there is no longer a need to require the submission of debt information to the State Treasurer's office. The Treasurer's Office has been a repository for debt in Idaho. This information is now available electronically.

In answer to questions, Mr. Crane said that all bonded debt in Idaho is currently required to file with the Treasurer's Office. This is all debt not just state guaranteed debt.

MOTION: **Rep. Black** moved to introduce **RS 19400**. **Motion carried on voice vote.**

HB 391: **Rep. Clark** presented **HB 391**, a bill that sets choice with regard to healthcare in public policy. We have constitutionally recognized rights to choose or decline to choose any mode of securing health care services without penalty or threat of penalty. This bill provides the Attorney General with the means to protect that right. This effort is ongoing nationally with 26 states currently looking at legislation or constitutional changes to address this issue. This legislation will be known as the "Health Freedom Act." It ensures access to health services without waiting lists. It helps to keep health care costs within affordable means. It may shield Idaho from a federal mandate.

In answer to questions, Rep. Clark said that there may not be any additional cost for attorney fees. It is well worth any cost to protect our right to choose.

Jonathan Parker, Executive Director of the Idaho Republican Party, was asked to let the committee know that the Idaho Republican Central Committee passed a resolution at the January meeting urging the Idaho Legislature to oppose any action to impose National Health Care on Idahoans.

MOTION: **Rep. Luker** moved to send **HB 391** to the floor with a **DO PASS** recommendation. He said that congress cannot pass legislation that is not covered within the U.S. Constitution. It is time for our state to set a policy in this area. **Reps. Clark and Luker will sponsor the bill on the floor.**

ROLL CALL VOTE: **Roll call vote** was requested. By a vote of **13 aye and 5 nay**, the motion **carried**. Voting in the affirmative: **Reps. Loertscher, Anderson, Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson**. Voting in the negative: **Reps. Shepherd, Smith, Pasley-Stuart, King, Higgins**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:45 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

- DATE:** February 1, 2010
- TIME:** 9:00 a.m.
- PLACE:** Room EW40
- MEMBERS:** Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd, Smith, Pasley-Stuart, King, Higgins
- ABSENT/
EXCUSED:** None
- GUESTS:** Eddie Goldsmith, Emergency Communications Commission; Melissa Vandenberg, Department of Administration; Glenna Christensen, Attorney; Judy Wise, Industrial Commission; Bill Gardiner, Emergency Communications Commission; Alan Gardner; Phil Barber, American Insurance Association; Dave Whaley, Idaho AFL-CIO; Mindy Montgomery, Industrial Commission; Larry Maneely, Liquor Dispensary; Dennis Burks, Idaho Insurance Guaranty; Brad Eidam, Idaho Trial Lawyers Association; Dyke Nally, Liquor Dispensary; Barbara Jordan, Idaho Trial Lawyers Association; John Barrett; James Alcorn, State Insurance Fund; Alex LaBeau, IACI; R.D. Maynard, Idaho Insurance Guaranty; Pam Eaton, Idaho Retailers Assoc. And Idaho Lodging & Restaurant Assoc.; Woody Richards, Assoc. Loggers Exchange & Workers Comp. Exchange; Paul Jackson, Farmers Insurance; Teresa Baker, Emergency Communications Commission; Erik Makrush, Idaho Votes
- Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.
- MOTION:** **Rep. Higgins** moved to approve the minutes of January 28; **motion carried on voice vote.**
- PRESENTATION:** **Nampa Mayor Garrett Nancolas**, presented the Idaho Emergency Communications Commission 2010 Annual Report. They have worked since 2004 to address the needs throughout Idaho and to improve the 911 telephone systems operated in Idaho counties and cities. The early years were spent determining the needs. This report tells what they are doing to address the needs of the emergency systems throughout the state. Their funding comes from the \$1.00 per line fee assessed to customers of phone service providers. They have used the \$187,626 from these fees to implement the Enhanced Grant Fund Award program. These grants are given by application approval throughout Idaho. All grants have been funded and distributed. Nine counties have the reverse 911 systems. They are working on a pilot project that would give any county that wishes to use the 911 system access to it. They hope to have the assessment completed by next year.

Vice Chairman Anderson assumed the chair of the committee.

- RS 19432:** **Rep. Crane** presented **RS 19432** which is a resolution congratulating Boise State for being an outstanding university. It also acknowledges and congratulates Boise State football team for an outstanding winning season and for winning the 2010 Fiesta Bowl.
- MOTION:** **Rep. Bilbao** moved to introduce **RS 19432** and send directly to the **second reading calendar**. **Motion carried on voice vote**. **Rep. Crane will sponsor the bill on the floor**.
- HB 390:** **Dyke Nally**, Idaho Liquor Division Superintendent, presented **HB 390**; which is a housekeeping bill seeking to clarify ambiguous language referring to liquor-by-the-drink licensees as “licensed premises.” There are other housekeeping measures to eliminate unnecessary and confusing text. It revises the terminology to correct references that refer to “dispensary” as “division.”
- MOTION:** **Rep. Bilbao** moved to send **H 390** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote**. **Rep. Bilbao will sponsor the bill on the floor**.
- HB 401:** **Ted Roper**, Industrial Special Indemnity Fund Manager, presented **HB 401**; which is a bill to amend the Industrial Special Indemnity Fund (ISIF) statutes to eliminate the ISIF. The ISIF was created in 1927, for the purpose of encouraging employers to hire employees who have preexisting injuries. Today, other federal laws such as the Americans with Disabilities Act provide more effective resources and tools to achieve this same purpose, making the ISIF less relevant. The ISIF continues to create unfunded liabilities, and unfairly assesses those employers who have a safe work environment record, as all employers are assessed the same amount.

Chairman Loertscher assumed the chair of the committee.

In answer to questions, Mr. Roper said there is no change in the employee’s benefits. If the ISIF closes, their assessment will drop. The business assessment is harder to determine. There is a possibility small business insurance premiums may increase. He made the point that this is an unfunded pension plan. He believes we need to stop the unfunded liability now.

Alan Gardner, a private citizen, said he is concerned about the unfunded liability and the aging work force. He feels that we may not have had enough discussion as to how this legislation affects the small business owners. He would like to see more discussion held before a vote is taken.

Phil Barber, of the American Insurance Association, said they are not opposing the legislation but are not supporting it either. He believes that they need more time to discuss and look at this bill. His group asked that the bill be held in committee to allow for further discussion.

Woody Richards, representing the Associated Logger Exchange and

Workers' Comp Exchange, testified that they were not represented on the committee but did attend a meeting. They are in support of **HB 401**. They feel that small employers have been represented and were able to discuss the closure. They do have concerns about the "last employer liable" question, but feel they can address the issue next year.

Dave Whaley, Idaho AFL-CIO President, testified that they formed a committee to look at the closure from all sides. This bill is not like the one they have looked at and requested more time to study this bill.

Due to time constraints Chairman Loertscher said the committee will hear further testimony at the next meeting.

ADJOURN: The meeting adjourned at 10:20 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: February 2, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** Representatives: Higgins, Kren, Crane

GUESTS: John Barrett; Glenna Christensen; Barbara Jordan, Idaho Trial Lawyers Association; Judy Wise, Woodgrain Millwork; Dennis Burks, Idaho Industrial Commission; Bob Shosted, J.R. Simplot; Roy Galbraith, J.R. Simplot; Melissa Vandenberg, Department of Administration; Pam Eaton, Idaho Retailers Association and Idaho Lodging and Restaurant Association; Benjamin Davenport, Risch Pisca; Dave Whaley, AFL-CIO; Paul Jackson, Farmers Insurance; Al Gardner; Brad Eidam, Idaho Trial Lawyers Association; Max Sheils; Tom Limbaugh, Idaho Trial Lawyers Association; Ed Hawley, Department of Administration; Dennis Stevenson, Department of Administration; Suzanne Budge, SBS Associates; Woody Richards, Associated Logger Exchange and Workers Compensation Exchange

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Pasley-Stuart** moved to approve the minutes of February 1; **motion carried on voice vote.**

H 401: **Dave Whaley**, President AFL-CIO, testified that they have not had a chance to look at the current bill and would like more time to study the proposed legislation.

Pam Eaton, Idaho Retailers Association and Idaho Lodging and Restaurant Association, testified that they are aware that some states that have closed their second injury funds. The associations she represents are concerned about the last employer liable language in the current statute. They are not opposed to the concept, they just wish for some type of protection for small employers. Last week was the first time she looked at the current legislation. That was when she realized their concerns were verified.

John Barrett, Attorney; testified that the issue is not whether the fund will be closed, but when it will be closed. This fund is not a major player in the disability funds of the state. This is an inefficient built in fund. This fund is only one tenth of a percent of the payments made for disability. The longer we wait the more expensive it will be. The last employer liable concern has always existed. The small percentage of those covered by

the second injury fund are the only ones this will affect.

Barbara Jorden, Idaho Trial Lawyers Association, testified that they are on the fence with this bill. They have come to the decision that they believe the injured worker is protected. They do have a small change in punctuation. They would like to have parentheses placed around the S in the word impairments.

Glenna Christensen, chairman of the subcommittee that considered the closure of the ISIF; testified that many interests were involved in the committee. They tried to include anyone that was interested. The original purpose of the ISIF was to encourage employers to hire disabled workers by having a fund to cover them if they become injured. The subcommittee found employers' were not looking at injured workers that way. The consensus of the committee determined that the injured worker would continue to receive benefits even if the fund is phased out. The last thing they looked at was how this would affect employers. There will be an effect. Every year insurance rates do go up. As it is phased out there should be an equaling of the payments.

Judy Wise, Human Resource Director for Woodgrain Millwork, testified she represents the mid-sized employer. She is also on the Industrial Commission Advisory Committee. She was involved in the discussion of the committee looking at the ISIF closure. In the fifty years her company has been working they have never used this fund. She believes the best way to bring down the cost is to concentrate on safety. Their company has been able to bring down their insurance cost by concentrating on safety. She supports this bill.

Max Sheils, Attorney, testified that he was chairman of the advisory committee in 2008 when this issue first came up. This idea has been studied for two years and all the players that wanted to have been involved. He believes the increase in cost to employers will be negligible.

Mr. Roper was recognized to close testimony on H 401. He pointed out that the paragraph in question was inserted as a result of a recent supreme court decision. This paragraph applies to the admission of liability. This paragraph will allow the ISIF to negotiate settlements without admitting liability. This should stop forced litigation to determine liability. He stated that the ISIF would be okay with making the change requested by Barbara Jorden. As the fund closes there will be a decrease in assessments to employers.

MOTION: **Rep. Black** moved send **H 401** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. Anderson** offered a substitute motion, to **HOLD H 401** in committee.

AMENDED SUBSTITUTE MOTION: **Rep. Luker** offered an amended substitute motion, to **Hold H 401** to a **time certain** at the discretion of the chair. **Motion failed on voice vote.**

VOTE ON **Chairman Loertscher** called for a vote on the substitute motion to **HOLD**

**SUBSTITUTE
MOTION:**

H 401 in committee. **Motion carried on voice vote.**

H 412:

Dennis Stevenson, Administrative Rules Coordinator, presented **H 412**; which changes the Idaho Administrative Procedure Act to allow the administrative rules to be published electronically and on electronic media. This eliminates the requirement to publish in printed and bound volumes the Idaho Administrative Code. It also ensures that the electronic publication is the official copy. The General Fund savings will be \$10,000 in printing, binding and mailing costs. The repositories have told him that they would be happy with a CDROM. His subscriptions are down and he is not covering the cost through subscriptions. This will help to cover the cost of publication.

MOTION:

Rep. Simpson moved to send **H 412** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Simpson will sponsor the bill on the floor.**

H 413:

Dennis Stevenson, Administrative Rules Coordinator, presented **H 413**; which amends the Idaho Administrative Procedure Act to allow the Idaho Administrative Bulletin to be published electronically and eliminates the requirement that the Idaho Administrative Bulletin be published in a printed document. It also ensures that the electronic publication is the official copy. The General Fund savings will be between \$16,000 to \$20,000 per fiscal year in printing costs.

Vice Chairman Anderson assumed the chair of the committee.

MOTION:

Rep. Mathews moved to send **H 413** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Mathews will sponsor the bill on the floor.**

H 414:

Dennis Stevenson, Administrative Rules coordinator, presented **H 414**; which amends the Idaho Administrative Procedure Act to no longer require that the public notice of proposed rulemakings be in the current specified typeface and format used for newspaper display advertisements. It will require instead, public notice of rulemaking to be in an official legal notice typeface and format. There will be a General Fund savings of approximately \$130,000 per year.

MOTION:

Rep. Labrador moved to send **H 414** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Labrador will sponsor the bill on the floor.**

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 10:34 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: February 3, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** Representatives: Labrador, Palmer

GUESTS: Melissa Vandenberg, Department of Administration; Kit Coffin, Risk Management at Department of Administration

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Pasley-Stuart** moved to approve the minutes of February 2; **motion carried on voice vote.**

RS 19300: **Rep. Higgins** presented **RS 19300**, which is a proclamation commending the people of Ada County and the City of Garden City for bringing the community together through the Chinese Heritage Day and Dragon Parade. It endorses the annual celebration and encourages sponsorship of similar events in other communities of our great state of Idaho. The first event was held in 2007. It has continued to grow and in 2009 they had more than thirty vendors and held an entire day of events.

MOTION: **Rep. Pasley-Stuart** moved to introduce **RS 19300** and send directly to the **Second Reading Calendar. Motion carried on voice vote. Representative Higgins will sponsor the bill on the floor.**

H 404: **Kit Coffin**, Risk Management Program Manager, presented **H 404**; which amends state statute to eliminate the requirement that the director convene and consult with a risk management advisory committee. A risk management advisory committee has not been utilized in the last eight years. When it has convened, it has been used by the Director to consult with industry professionals. The committee is not able to give advice or guidance with regard to coverage issues, as coverage is governed by statute. There is no statutory requirement needed to consult with industry professionals and consultation is sought when necessary. This committee was identified for being eliminated during zero-based budgeting.

Vice Chairman Anderson assumed the chair of the committee.

- MOTION:** **Rep. Smith (30)** moved to send **H 404** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Smith (30) will sponsor the bill on the floor.**
- H 405:** **Kit Coffin**, Risk Management Program Manager, presented **H 405**; which amends state statute to eliminate the requirement to conduct and maintain an inventory of personal property for the Department of Administration. This is a duplicate process and may hinder the agency's efforts in developing and maintaining an inventory. This does not remove the requirement to conduct an inventory. It only removes the reporting requirement of completion.
- In response to committee questions, Ms. Coffin said there is a designated person in each agency to load the inventory to a web-based program that is monitored by the Department of Administration. There are two types of information gathered. Statute requires agencies to gather inventory for fixed asset reporting. Risk Management is asking to remove only the reporting requirement of completion of inventory. They believe that this is unneeded tracking.
- MOTION:** **Rep. Luker** moved to send **H 405** to **General Orders** with committee amendments attached; **Rep. Crane seconded the motion.** The amendment restores the original language which was being deleted on lines thirty-three through thirty-seven of **H 405**.
- SUBSTITUTE MOTION:** **Rep. King** offered a substitute motion to send **H 405** to the floor with a **DO PASS** recommendation.
- ROLL CALL VOTE:** **Vice Chairman Anderson** requested a **roll call vote**. By a vote of **5 aye and 10 nay**, the motion **failed**. Voting in the affirmative: **Reps. Anderson, Stevenson, Black, Smith (30), King**. Voting in the negative: **Reps. Andrus, Bilbao, Luker, Crane, Mathews, Kren, Simpson, Shepherd, Pasley-Stuart, Higgins**.
- VOTE ON ORIGINAL MOTION:** **Vice Chairman Anderson** called for a vote on the motion to send **H 405** to **General Orders** with committee amendments attached; **motion carried on voice vote. Rep. Luker will sponsor the bill on the floor.**
- ADJOURN:** There being no further business to come before the committee, the Vice Chairman adjourned the meeting at 9:25 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

- DATE:** February 4, 2010
- TIME:** 9:00 a.m.
- PLACE:** Room EW40
- MEMBERS:** Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins
- ABSENT/
EXCUSED:** Representatives: Labrador, Palmer
- GUESTS:** Rickey L. Helsley, American Legion; Charles F. Price, American Legion; Harold Ott, Idaho Rural Schools Association; Dave Whaley, AFL-CIO; Ron Crane, State Treasurer; Sam Haws, State Tax Commission
- Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**
- MOTION:** **Rep. Pasley-Stuart** moved to approve the minutes of February 3; **motion carried on voice vote.**
- RS 19428:** **Rep. Eskridge** presented **RS 19428**, it is a resolution recognizing and honoring the American Legion and the American Legion Auxiliary's sponsorship of the Boys State and Girls State programs. These programs provide an opportunity for Idaho's young citizens to explore what it means to be engaged in the government processes of our state and country. It also helps them understand the value of the American democratic process and traditions.
- MOTION:** **Rep. Bilbao** moved to **introduce RS 19428** and send directly to the **Second Reading Calendar. Motion carried on voice vote. Rep. Eskridge will sponsor the bill on the floor.**
- RS 19494:** **Rep. Cronin** presented **RS 19494**, which is a memorial urging Congress to take swift action to counter the United States Supreme Courts Citizens United v. Federal Elections Commission decision; so that corporations will not be permitted to exercise unbridled influence over our electoral system. He believes this is a nonpartisan issue and everyone should be concerned about corporate use of funds to influence elections. He does not believe that corporations should have the same rights as an individual.

Senator Kelly testified about the legal issues of the Supreme Court Decision. The result was that Federal and State governments cannot limit independent expenditures of corporations and unions. This does not affect Idaho law. It does affect Federal campaign law. The issue is a first amendment rights issue. This memorial asks congress to take action to respond to this decision. There is no distinction between foreign corporations and U.S. corporations.

- MOTION:** **Rep. Anderson** moved to **return RS 19494 to sponsor.**
- SUBSTITUTE MOTION:** **Rep. King** offered a substitute motion, to **introduce RS 19494. Motion failed on voice vote.**
- ROLL CALL VOTE ON ORIGINAL MOTION:** **Rep. Pasley-Stuart** requested a **roll call vote**. By a vote of **11 aye and 4 nay**, the **motion passed**. Voting in the affirmative: **Reps. Loertscher, Anderson, Stevenson, Andrus, Bilbao, Luker, Crane, Mathews, Kren, Simpson, Shepherd (2)**. Voting in the negative: **Reps. Smith (30), Pasley-Stuart, King, Higgins.**
- RS 19477:** **Ron Crane**, State Treasurer, presented **RS 19477**; which is proposed legislation to transfer the Unclaimed Property Division from the State Tax Commission to the Office of the State Treasurer. This transfer comes at the request of the State Tax Commission and has been agreed to by the State Treasurer. It is the belief of the Tax Commissioners that Unclaimed Property is a better fit within the mission of the State Treasurer.
- MOTION:** **Rep. Luker** moved to **introduce RS 19477 with changes**. Changes are line 32, page 1, add "hers" to the word "his," and line 21, page 5, replace "granted to" with "held by."
- SUBSTITUTE MOTION:** **Rep. Andrus** offered a substitute motion, to **introduce RS 19477. Motion carried on voice vote.**
- RS 19482:** **Rep. Nielsen** presented **RS 19482**, which is a resolution congratulating the University of Idaho for being an outstanding university in the State of Idaho. It also acknowledges and congratulates the University of Idaho football team for an outstanding winning season and for winning the 2010 Humanitarian Bowl. It congratulates Coach Robb Akey for a job well done and for his work inspiring his team to adopt positive personal attributes.
- MOTION:** **Rep. Higgins** moved to **introduce RS 19482** and send it directly to the **Second Reading Calendar. Motion carried on voice vote. Rep. Nielsen will sponsor the bill on the floor.**
- ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:18 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

- DATE:** February 8, 2010
- TIME:** 9:00 a.m.
- PLACE:** Room EW40
- MEMBERS:** Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins
- ABSENT/
EXCUSED:** None
- GUESTS:** Becky Schroeder, Idaho Lottery; Jeff Anderson, Idaho Lottery; Amber French, Idaho Lottery; Mike Helppie, Idaho Lottery; Jennifer Quinno, Idaho Lottery; John Buck, Gem County Coroner; Amy Yardley; James Aydelotte, Bureau of Vital Statistics; Jill Smith; Jack Lyman, Idaho Mining Association; Ben Ysursa, Secretary of State
- Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.
- MOTION:** **Rep. Pasley-Stuart** moved to approve the minutes of February 4; **motion carried on voice vote.**
- PRESENTATION:** **Jeff Anderson**, Director of the Idaho Lottery Commission, presented their bi-annual performance review. Their mission is to responsibly provide entertaining games with a high degree of integrity to maximize the dividend for Idaho Public Schools and the Permanent Building Fund. They receive no general fund appropriations. They are working to bring more balance to their games for variety and to increase demand. They have been able to find savings in their budget and continue to watch for opportunities to reduce further costs. They monitor and enforce best practices on charitable gaming to keep them honest. They had a record dividend in FY09 and are on track to have another record in FY10. Their security and integrity remains unblemished. They investigate and prosecute when they find fraud. They use their strategic planning and are reaching their benchmarks and goals.
- RS 19426:** **Ben Ysursa**, Secretary of State, presented **RS 19426**; which is legislation that removes the requirement that a voter's pamphlet be mailed to every household in the state containing any proposed constitutional amendment and the argument for and against the proposed amendment. The requirement, put into law in 2007, has yet to be used. Proposed amendments will continue to be published three times in every newspaper in the state as required by the Idaho Constitution. When a voter's guide is required for voter initiatives, any proposed amendments with their arguments will be included in that pamphlet.

In response to questions, Mr. Ysursa said that he is concerned about

having a well educated voting public. He is aware that many people are not reading the newspapers. He thinks the state should look for other means of publication and distribution in the future. His office will try to get the information on amendments out to the public.

MOTION: **Rep. Anderson** moved to **introduce RS 19426. Motion carried on voice vote.**

RS 19368: **Rep. Gibbs** presented **RS 19368**, which would add an additional one dollar fee to each certified death certificate issued. The funds generated from the fee will solely be used for training of new county coroners as well as the continuing education of coroners. This will also enable the coroners to provide training around the state for part-time deputy coroners. The bill amends the statute to reflect the current fee charged for a certified copy of a death certificate which has been increased over time through the rule making process as allowed per this statute. Section two of this bill requires new coroners to attend a coroner's school or training endorsed by the Idaho State Association of County Coroners within one year of taking office as a county coroner.

Section three of this bill will require county coroners to complete twenty-four hours of continuing education classes every 2 years. The classes will be developed, sponsored and monitored by the Idaho State Association of County Coroners. This will help professionalize the office of county coroner. On a short term basis, the St. Louis University School of Medicine offers a week long course which is widely recognized nationwide.

It is estimated that this will generate approximately \$50,000 that will be deposited in the State Treasurer's Local Government pool account. The Bureau of Vital Statistics will be reimbursed for all setup costs associated with this legislation.

In response to questions, Rep. Gibbs said that they are open to changes in wording to not have a set fee in statute and making the bill gender neutral.

MOTION: **Rep. Anderson** moved to **introduce RS 19368. Motion carried on voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:05 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

- DATE:** February 9, 2010
- TIME:** 9:00 a.m.
- PLACE:** Room EW40
- MEMBERS:** Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins
- ABSENT/
EXCUSED:** None
- GUESTS:** Brent Olmstead, Idaho Business Coalition for Immigration Reform; Susan Lowman-Thomas, Idaho Veterans Services; Sara Stover, Division of Financial Management; Kent Lauer, Idaho Barm Bureau; Dave Brasuell, Idaho Veterans Services; Jim Adams, Idaho Veteran Services
- Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.
- MOTION:** **Rep. Higgins** moved to approve the minutes of February 8; **motion carried on voice vote.**
- PRESENTATION:** **Dave Brasuell**, Veterans Services Division Administrator, presented their biannual performance review. They are focused on caring for America's heroes. There are more than 137,000 veterans living in Idaho. They provide help in filing claims, long term care, a cemetery, advocacy and special programs honoring veterans throughout Idaho. They are concerned with health care reform and will try to keep the care of veterans uninterrupted. They have amazing volunteers to help care for Idaho's veterans. The need for another cemetery in Idaho outside the treasure valley will wait for better economic times.
- RS 19401:** **Rep. Moyle** presented **RS 19401**, which is legislation that requires each elector at the polls to show photo identification before receiving a ballot or to sign an affidavit in lieu of personal identification. This will cause no fiscal impact to the state, but may have a minimal impact on counties in training and forms.
- In response to committee questions, Rep. Moyle said this bill does not address absentee voting. Absentee voting will require more research and they hope to address the issue at a later date. He said there is still the need to check signatures by county clerks.
- MOTION:** **Rep. Crane** moved to **introduce RS 19401. Motion carried on voice vote.**
- RS 19473C1:** **Rep. Hart** presented **RS 19473C1**, which is a bill that would penalize Idaho employers who hire persons who are illegally in the United States. If enacted, this legislation will allow for the suspension of Idaho employer

licenses for knowingly employing illegal aliens. Professional licenses are excluded from this legislation. The first offense will be suspension until the employer signs an affidavit stating that the employer will not hire an unauthorized alien in the future. If signed within three days of the court ruling, no suspension will take place. The second offense in a three-year period will be suspension for up to ten days. The third offense in a three-year period will be suspension for up to one year. There is also a section on the Legislative Findings declaring that some Idaho employers need the federal government to provide a workable guest worker program. This will make it a misdemeanor for a person to falsely impersonate another in order to seek employment. The enforcement of this statute will be primarily by the counties.

In response to questions from the committee, Rep. Hart said he will find information about how much it will cost counties to enforce this bill. He said that if an employee has moved on by the time the employer discovers the employee is here illegally the employer is not liable.

MOTION: **Rep. Mathews** moved to **introduce RS 19473C1. Motion carried on voice vote. Rep. King** requested that she be recorded as voting against the motion.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:35 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: February 10, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** Representative Black

GUESTS: Ron Law, Idaho Public Utilities Commission; M.C. Niland, WITCO/Access-Idaho; H. Dwight Whittaker, Access-Idaho; Jim Kempton, Idaho Public Utilities Commission; Jacque Linville, Idaho Division of Vocational Rehabilitation; Michael Graham, Idaho Division of Vocational Rehabilitation

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Higgins** moved to approve the minutes of February 9; **motion carried on voice vote.**

PRESENTATION: **Jim Kempton**, President of the Public Utilities Commission, presented their biannual performance review. They regulate utility companies serving Idaho citizens. They investigate rail crossings for hazardous material violations. The federal railroad administration is given the information and they handle the formal investigation. They feel good about their progress the past two years. They have tried to monitor rate increases in a responsible manner. They feel the Idaho Legislature should probably look at the 2007 energy plan and update provisions of the law. They do not regulate transmission lines, but will regulate the price of the power the lines generate. Regulating energy resources is a real balancing act and they work hard to address the issues.

RS 19525: **Rep. King** presented **RS 19525**, which is a bill to allow a taxpayer to donate to the political party of his/her choice via an income tax check off. The funds will be subtracted from the tax payers refund or liability and can be up to \$50.00. This is to keep the amount under campaign sunshine reporting requirements. Administrative procedures for this bill are identical to other income tax check off's. There is no fiscal impact to the General Fund.

As a co-sponsor of **RS 19525**, **Rep. Higgins** said this is a convenience that ever since the 1970's when the check-off was created people in Idaho have come to rely on this opportunity to contribute to their political preference.

MOTION: **Rep. Pasley-Stuart** moved to **introduce RS 19525. Motion carried on voice vote.** **Rep. Palmer** requested that he be recorded as voting against the motion.

RS 19503: **Rep. Rusche** presented **RS 19503**, which is a resolution recognizing the strong ties between Taiwan and Idaho, and encourages Taiwan's

meaningful participation in organizations discussing international aviation and climate change. These concerns are coming from the Chinese Taiwanese delegation and they have asked for a statement of support for their efforts. There are other western states being asked to do this also.

In response to committee questions, Rep. Rusche said he would be willing to make changes to the resolution to make it more acceptable to the committee.

MOTION: Rep. Smith moved to **introduce RS 19503.**

SUBSTITUTE MOTION: Rep. Luker offered a substitute motion to **return RS 19503 to sponsor.**

Rep. Rusche requested to **withdraw RS 19503** to address committee questions about language relating to international aviation and climate change. His request was granted.

RS 19501: Rep. Thompson presented **RS 19501**, which is legislation to create a State Use Council. It amends the practice, since 1984, of utilizing an Executive Order and adds to the existing law to authorize the State Board of Education to appoint a State Use Council to promote the purchase, by state agencies, of goods and services produced by people with severe disabilities in private nonprofit community rehabilitation programs; and to monitor, study and report annually on the purchasing program authorized by this law; and that such council members shall serve without any cost to the State of Idaho. The council will only meet twice a year.

In response to committee questions, Rep. Thompson said there will be no reimbursement for any cost incurred by members of the council. The State Board of Education Division of Vocational Rehabilitation will oversee this council. There will not be any need for additional staff to cover the council. This only codifies the work being accomplished already.

Dwight Whittaker, ACCSES-Idaho, said his organization represents the nonprofit's that this will apply to. The work will be divided out to not be a burden to one agency or nonprofit.

MOTION: Rep. Luker moved to **introduce RS 19501. Motion carried on voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:20 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: February 11, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** None

GUESTS: Sarah Fuhriman, Roden Law Office; Edward Lodge, Qwest; Mckinsey Miller, Gallatin; Skip Smyser, AT&T; Tony Poinelli, Idaho Association of Counties; Ryan Fitzgerald, Principle Strategic; Rep. Marc Gibbs; Kris Ellis, Idaho Land Title Association; Seth Grigg, Idaho Association of Counties; Tom Katsilometes, Idaho Athletic Commission; Bill Roden, Qwest

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Pasley-Stuart** moved to approve the minutes of February 10; **motion carried on voice vote.**

PRESENTATION: **Tom Katsilometes**, Idaho Athletic Commissioner, presented the Idaho Athletic Commission biannual performance review. He is the only commissioner and he has four deputy commissioners to help with overseeing mixed martial arts. These events have exploded. Mixed martial arts includes the cage fighting, grappling and tough man contests. Grappling is becoming more popular. It has a lot of wrestling and choke-holds, so it will need to be monitored. Boxing has leveled off. There are usually about four or five per year and are usually held on the Indian Reservation in Coeur d'Alene. The commission currently has a deficit of approximately \$88,000. Most of the deficits are for legal fees and professional fees dealing with the oversight of mixed martial arts. He believes they will catch up over the next several years. They currently have a 5% gate fee, but proposed legislation to change the fee to a \$1.00 per ticket is in a committee this year. Their revenue is generated by event charges.

RS 19459: **Rep. Crane** presented **RS 19459**, this will be known as the Idaho Video Services Act. It establishes a streamlined statewide process that will enable new providers of wire-line video service to receive a certificate of franchise authority from the Idaho Secretary of State for the provision of video service within the state. The act preserves the authority of local units of government to control and regulate the use of public rights of way and to assure such use is in compliance with local governmental requirements.

The Act provides for equality of treatment between incumbent cable service providers and new video service providers and continues the right of local governments to receive video franchise fees from all video and incumbent cable service providers. This is a result of collaboration between the cable and video industries.

In response to committee questions, Rep. Crane said that as a new company comes into the state they will only have to visit the Secretary of State office to register and will not have to approach every local government before entering the market.

Bill Roden, Qwest, was recognized to answer committee questions regarding paid fees. He said contracts for paid fees and public access channels will continue as long as cities wish to have them. Franchise fees and paid channels will continue to be negotiable with Idaho cities. Idaho Cities and Counties did participate in the negotiations for this legislation.

MOTION: **Rep. King** moved to **introduce RS 19459. Motion carried on voice vote. Rep. Smith (30)** requested that she be recorded as voting against the motion.

RS 19522C1: **Kris Ellis**, Idaho Land Title Association, and **Seth Grigg**, Idaho Association of Counties, presented **RS 19522C1**; which is proposed legislation with two amendments to **Title 32-3105**. First, the legislation will increase the user fee to record a document to ten dollars (\$10) for the first page of each recorded document. The fee to record each additional page of a recorded document will remain three dollars (\$3.00) a page.

Second, the legislation will establish a statutory user fee of five cents (\$0.05) per page or image to make duplications of recorded documents in electronic format if the duplication request is made on a recurring basis. The user fee increase will generate approximately \$3.3 million for the support of county recording departments.

Many counties in Idaho are not creating enough revenue to cover costs of recording and copying documents. Idaho's fees are the lowest in the country. This is an attempt to have user fees cover the cost for recording documents, and not tax dollars.

MOTION: **Rep. Mathews** moved to **introduce RS 19522C1. Motion carried on voice vote. Representatives King, Kren, and Simpson** requested that they be recorded as voting against the motion.

RS 19256: **Rep. Gibbs** presented **RS 19256**, which is a new section of **Idaho Code 6-2801 and 6-2802**. It provides clarification with respect to the potential liability of emergency responders across state boundaries. This legislation extends the provisions of existing **Idaho Code Section 49-623**, incorporating specific references to out of state personnel. Finally, this legislation provides enhanced protection to out of state emergency responders by amending **Idaho Code Section 56-1014**.

Bear Lake is two-thirds in Utah and one-third in Idaho. There are no

boundaries to separate states. A fishing license for Bear Lake can be either Idaho or Utah. As a result of a lawsuit, emergency vehicles from Utah will no longer cross the state line. The ambulance in Utah now has to wait at the border for an ambulance from Idaho to transport the injured person to the Bear lake County Hospital in Montpelier. There is an emergency clause in this proposed legislation to help expedite the ability for Utah to cross the state line. At this time there is no agreement with Utah as to whether this legislation will be acceptable to them.

MOTION: **Rep. Crane** moved to **introduce RS 19256. Motion carried on voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:50 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: February 15, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** Rep. Crane

GUESTS: Don Drum, PERSI; Joel Teuber, Fraternal Order of Police; Ben Ysursa, Secretary of State; Drew Thomas, Risch Pisca; Kip Higby, Boise Police; Benjamin Davenport, Risch Pisca, Rep. Clark, Rep. Hagedorn, Rep. Lake; Dyke Nally, Liquor Dispensary

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Pasley-Stuart** moved to approve the minutes of February 11; **motion carried on voice vote.**

H 393: **Rep. Clark** presented **H 393**, which is proposed legislation to authorize distilled spirit sample tastings. This legislation is mirrored after the 2004 wine sample tasting's bill.

Brands of distilled spirit products are marketed to the public through Idaho state liquor stores and licensed retail liquor by the drink establishments. Tastings give the adult consumer a chance to sample, compare, and ultimately choose beverage alcohol products. This legislation limits the sample size; the number of tastings that may be conducted; it provides that the manufacturer will provide the product to be sampled and remove unused product at the conclusion of the tasting; and, that the people serving the samples for tasting are employees or agents of the manufacturer and must be at least 21 years of age.

This is a small business bill, economic development bill, and jobs bill. The portion of distilled spirits is the exact same size as that of wine tastings or any other alcoholic beverage tasting.

In response to questions from the committee, **Director Nally** from the Liquor Dispensary, said that the percentage of alcohol content is dependant upon the mixture and processing of the product. They have jurisdiction if there is 14% alcohol in distilled spirits and 16% in wine. For the manufacturer to be able to sell their product on their premises; they will need to be a contract facility with the State Liquor Dispensary.

MOTION: **Rep. Higgins** moved to send **H 393** to the floor with a **DO PASS**

recommendation.

**ROLL CALL
VOTE:**

Rep. Luker requested a **roll call vote**. By a tie vote of **8 aye and 8 nay**, the motion **failed**. Voting in the affirmative: **Reps. Anderson, Black, Bilbao, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, Higgins**. Voting in the negative: **Reps. Loertscher, Stevenson, Andrus, Luker, Mathews, Kren, Palmer, King**.

H 491:

Ben Ysursa, Idaho Secretary of State, presented **H 491**; which is proposed legislation that removes the requirement that a voter's pamphlet be mailed to every household in the state, containing any proposed constitutional amendment and the argument for and against the proposed amendment. Proposed amendments will continue to be published three times in every newspaper in the state as required by the Idaho Constitution. Whenever a voter's guide is required for voter initiatives, any proposed amendments with their arguments will be included in that pamphlet. The result will be a savings to the general fund of approximately \$130,000 in FY2011.

In response to committee questions, Mr. Ysursa said there will be a voter guide from their office on amendments, but they would not print a pamphlet to send to every household in Idaho.

MOTION:

Rep. Pasley-Stuart moved to send **H 491** to the floor with a **DO PASS** recommendation. **Motion passed on voice vote**. **Rep. Andrus** requested that he be recorded as voting against the bill. **Rep. Pasley-Stuart** will sponsor the bill on the floor.

RS 19569:

Rep. Hagedorn presented **RS 19569**, which amends the current code descriptions that involve bomb threats and other such acts to include "Hoax Destructive Devices." It defines that persons selling, giving, mailing or using such devices with the intent of causing fear of serious bodily injury or death is guilty of a felony punishable by a term of imprisonment, not to exceed five years.

It further defines that persons who use a "Hoax Destructive Device" in the commission or attempted commission of a felony are guilty of a felony, punishable by a term of imprisonment not to exceed 15 years and a fine of up to \$15,000.

MOTION:

Rep. Kren moved to **introduce RS 19569**. **Motion passed on voice vote**.

RS 19607:

Rep. Lake presented **RS 19607**, which is a resolution that amends the actions of the Public Employee Retirement System Board at its December 2009 meeting wherein they granted a 2.48% cost of living adjustment (COLA) to retired members. Current law required the board to give a minus 1.48% COLA which adjusts to the consumer price index. With their action then granting a 2.48% COLA, the net effect was to increase retirees' payments by 1%. At a time when active employees are faced with furloughs and in the near future an increase in their contribution rate to PERSI; it is not appropriate to have the retirees receive an increase. With this amendment the retired employees will continue to receive exactly the same retirement check, as they were before the action of the

board.

MOTION: **Rep. Mathews** moved to **introduce RS 19607** and send it directly to the **second reading calendar**. He requested this because the Chairman brought to the attention of the committee that there is a deadline of February 24th on this legislation.

SUBSTITUTE MOTION: **Rep. Pasley-Stuart** offered a substitute motion, to **introduce RS 19607**. She stated she believes this bill deserves a full hearing. **Motion carried on voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:50 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

- DATE:** February 16, 2010
- TIME:** 9:00 a.m.
- PLACE:** Room EW40
- MEMBERS:** Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins
- ABSENT/
EXCUSED:** None
- GUESTS:** Tana Cory, Bureau of Occupational Licenses; Joe Webber, Division of Human Resources; Mike Ryals, IBOL Driver Business; Mike Arnell, IBOL Driver Business; Dennis Stevenson, Department of Administration; Tony Smith, Eiguren Public Policy; Benjamin Davenport, Risch Pisca; Mike Gwartney, Department of Administration; Rep. Jarvis; Rep. Trail
- Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.
- MOTION:** **Rep. Pasley-Stuart** moved to approve the minutes of February 15; **motion carried on voice vote.**
- PRESENTATION:** **Mike Gwartney**, Director of the Department of Administration, presented the agencies' biannual performance review. The agency provides an avenue for Information Technology, purchasing, group insurance, public works, risk insurance, geo-spacial mapping, administrative rules, and oversight of the Special Indemnity Fund. They have overseen the renovation of the Idaho House and the newly renovated Capital. They have worked hard to look for areas of consolidation and have had great success in the email consolidation. He does still feel it important to abolish the Special Indemnity Fund. They oversee about a billion dollars and they are very cautious about how they spend it. They are very proud of the results of the Capital renovation. They have closed 252 public building projects. They are responsible for agency leases and payments. They are on schedule to hook Idaho schools up to broadband. The ability to negotiate and coordinate purchasing saves the state money. They are looking at agency leases to see if we can move them into state owned buildings. This would create a savings to the state. They are working toward making the courthouse annex into a law complex.
- RS 19208:** **Tana Cory**, Director of the Bureau of Occupational Licenses, presented **RS 19208**; which is proposed legislation to clarify language dealing with background checks and disciplinary action for licensees of the Driving Business Licensure Board. The bill will also require an applicant for an instructors license to possess a high school diploma, its equivalent, or a degree in higher education. It clarifies that a medical certificate is required for renewal of a license and it adds a continuing education requirement. Finally, it requires a copy of the driving record from the

state in which the applicant is licensed. This legislation also declares an emergency for enactment.

In answer to committee questions, Ms. Cory said this legislation gives them the ability to promulgate more specific rules with the requirements for licensure.

MOTION: **Rep. Simpson** moved to **introduce RS 19208. Motion carried on voice vote.**

RS 19383C1: **Rep. Jarvis** presented **RS 19383C1**, which is proposed legislation to provide more privacy to public employees by publishing the last name and first initial only in public records. Currently their full names are listed.

In answer to committee questions, Rep. Jarvis said that a constituent called and requested this change to the statute. The public employee felt that having her full name listed makes her vulnerable to unwanted calls and solicitations.

MOTION: **Rep. Black** moved to **introduce RS 19383C1. Motion carried on voice vote.**

RS 19639: **Rep. Jarvis** presented **RS 19639**, which is a concurrent resolution that deals with the scope and power defined by the Tenth Amendment of the United States. It states that the Federal Government was created by the States specifically to be an agent of the States and that Congress is urged to pass legislation implementing the findings provided for this resolution. Those findings include balancing the Federal budget, extinguishing the public debt, providing for government transparency, maintaining the growth of the Federal government, preventing unfunded mandates, prohibiting government from taking ownership of private sector enterprise and providing for the presence of "God" in the public domain. If passed, this will be distributed to all 50 states and they will be asked to pass a similar resolution.

In answer to committee questions, Rep. Jarvis said that for us to maintain freedom we need to maintain a strong country. He is very concerned about our Federal government. Balancing the budget will make our nation stronger and we need to begin that effort. He does not believe there is a conflict in passing this legislation and the request to be considered for the F-35's.

MOTION: **Rep. Luke** moved to **introduce RS 19639** with a change. The change is to delete the word "she" on page 2, line 39. Speaking in favor of the motion **Rep. Mathews** said the States created the Federal Government, the Federal Government did not create the States.

SUBSTITUTE MOTION: **Rep. King** offered a substitute motion, to **return RS 19639 to sponsor.**

ROLL CALL VOTE: **Rep. Pasley-Stuart** requested a **roll call vote**. By a vote of **4 aye and 14 nay**, the motion **failed**. Voting in the affirmative: **Reps. Smith (30), Pasley -Stuart, King, Higgins**. Voting in the negative: **Reps.**

Loertscher, Anderson, Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Matthews, Kren, Palmer, Simpson, Shepherd (2).

**ORIGINAL
MOTION:**

Chairman Loertscher called for a vote on the original motion to **introduce RS 19639** with a change. **Motion carried on voice vote.** **Reps. King and Pasley-Stuart** requested that they be recorded as voting against the motion.

RS 19276C1:

Rep. Trail presented **RS 19276C1**, which is proposed legislation that relates to disclosure of personal information. It provides for notice when breaches of security by government entities occurs to affected Idaho residents and the Office of the Idaho Attorney General. It provides for violations and penalties; provides notice and cooperation by governmental entities with owners of licensees of certain information upon a breach of security; and to provide that notice by governmental entities may be delayed if so advised by a law enforcement entity.

MOTION:

Rep. Labrador moved to **introduce RS 19276C1.** **Motion carried on voice vote.**

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 9:50 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: February 17, 2010

TIME: 8:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** None

GUESTS: Richard Rogers; Gwen Smith; Joe Morris, Kootenai Medical Center; Steve Millard, Idaho Hospital Association; Toni Lawson, Idaho Hospital Association; Don Drum, PERSI; Bill Oldham, PERSI; Jody Olson, PERSI; Bob Maynard, PERSI; Juanna Guilfay, PERSI; Donna Yule, IPEA; Robin Nettinga, IEA; Dale Tankersley, IPEA; Margaret Soulen-Hiusin, Weiser Memorial Hospital; Shelley Shannon, Idaho Health Facilities; Susie Pouliot, Idaho Medical Association; Charlie Brown, Retired Educators; Jim Coleman, Retired Educators; Jennifer Hobbs, State Treasurer's Office; Ron Crane, State Treasurer; Michael Stoddard, Idaho Health Facilities Association; Bill Spence, Lewiston Tribune; Drew Thomas, Risch Pisca; Alex neiwirth, Idaho Association of Government Employees; Rep. Lake; Rep. Wood; Ron Law, PUC

Meeting was called to order at 8:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Bilbao** moved to approve the minutes of February 16; **motion carried on voice vote.**

H 446: **Ron Crane**, Idaho Treasurer, presented **H 446**; which is proposed legislation to repeals **Section 67-1222, Idaho Code**. Due to the establishment of Electronic Municipal Market Access (EMMA), by the Municipal Securities Rulemaking Board (MSRB) (in accordance with MSRB rule G-36), there is no longer a need to require the submission of debt information to the State Treasurer's office.

MOTION: **Rep. Pasley-Stuart** moved to send **H 446** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Higgins will sponsor the bill on the floor.**

HJR 004: **Rep. Wood (27)** presented **HJR 004**, which is a Joint Resolution regarding the 2006 Idaho Supreme Court decision that addressed the "ordinary and necessary" exception to voter approval of financing public entity debt. This decision casts serious doubt on the ability of county and district hospitals to incur debt without voter approval.

Nearly half of the hospitals in Idaho are owned by either a county or a

hospital district. While both types of hospitals have access to ad valorem taxes, for most, very small amounts of taxes are levied for the purpose of hospital operations.

This resolution amends the Idaho Constitution to clarify the ability of county and district hospitals to incur indebtedness without vote, provided that no ad valorem tax revenue is used for the purpose of paying for the indebtedness. The fiscal impact will be the cost associated with adding this amendment to the general election ballot.

Rep. Wood disclosed that he is employed by a private hospital. There is no conflict of interest because his hospital will not be affected by this bill.

Joe Morris, CEO of the Kootenai Medical Center, testified in **favor of HJR 004**. Public hospitals have a record of borrowing money and meeting their payments. It puts a burden on hospitals that need operating funds to have to wait for the designated election days and then they must receive a two third majority vote of approval.

Susie Pouliot, CEO of the Idaho Medical Association, testified in **favor of HJR 004**. They feel this is critical legislation for the hospitals. This will enable them to continue to provide quality care to Idaho citizens.

MOTION:

Rep. Simpson moved to send **HJR 004** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Wood (27) will sponsor the bill on the floor.**

HCR 42:

Rep. Lake presented **HCR 42**, which is a Concurrent Resolution amending the actions of the Public Employee Retirement System Board decision granting a 2.48% cost of living adjustment (COLA) for retired members. At a time when active employees are faced with furloughs and in the future an increase in their contribution rate to PERSI it is not appropriate to have the retirees receive an increase. With this amendment the retired employees will continue to receive exactly the same retirement check, as they were before the action of the board. There will be a \$50 million savings , over time, to the PERSI retirement fund.

In answer to questions from the committee, Rep. Lake said the legislature is following state law and he does not wish to speak for the PERSI Board.

Jody Olson, Chairman of the Public Employee Retirement System Board, believes that their recommendation is appropriate. In answer to committee questions, Mr. Olson said that the fiscal note is accurate on the Statement of Purpose. The Board does think they will be able to have a better return over time to make up the funds.

In answer to committee questions **Robert Maynard**, the chief investment officer for the fund, said they have a very stable and balanced fund with 70% in equity funds and 30% in debt funds. We have investments all across the world. The boards view is that it is a world economy and that we need to invest internationally. The performance of the fund over the past ten years is 4.2%. There were losses in 2001 , 2002, 2008, and 2009. All other years we made gains to make the over all increase of

4.2%.

In answer to committee questions, **Mr. Olson** said it appears the investment fund is still down 6% over the last ten years. It did not make a large difference to the fund last year because we did not give a COLA last year. There is a requirement to increase contribution rates for state employee's if we do not meet a 7% fund increase.

Richard Rogers, PERSI retiree, testified in **opposition to HCR 42**. He lives well within his means and he will lose 4% of his buying power without the increase this year. Utilities will continue to rise, prescription costs are continuing to rise, and gasoline costs are still going up. He would like to see the COLA increase be given to retiree's.

Donna Yule, Idaho Public Employees Association, testified in **opposition to HCR 42**. They believe this will not save the state any money. The fund is built up from employee funds, not general funds. Retiree's have higher medical costs and this increase will help them meet the increases they incur. We should trust the PERSI Board and their recommendation.

Robin Nettinga, Idaho Education Association, testified in **opposition to HCR 42**. They feel the COLA is a fair award. Retiree spending from this COLA will help Idaho's economy. We should trust the PERSI Board decision and vote against this legislation.

Dale Tankersley, a retired state employee, testified in **opposition to HCR 42**. In 1965 the Public Employee Retirement System was implemented. It is a good plan and has helped many retirees. The proposed COLA will help cover the increase in insurance and prescription costs retirees face.

Charlie Brown, Retired Educator's of Idaho, testified in **opposition to HCR 42**. The money from the COLA will help the economy of the state of Idaho. He recommends that we do not pass this bill.

Alex Niewirth, Idaho Association of Government Employees, testified in **opposition to HCR 42**. In these economic times it is important to keep money flowing into the economy. The COLA is a good way to keep it flowing.

Rep. Lake was recognized to close testimony on **HCR 42**. He pointed out that over time the fund will be drawn down \$50 million dollars. Public employee's will face a risk of an increase to their contribution's. There is only a 4% increase over the last ten years and they need to have a 7% increase to stop an increase in contributions. He believes this is not the year to give a COLA increase. In the future, if the return on the fund increases, we can work to make up the difference.

MOTION: **Rep. Higgins** moved to **HOLD HCR 42** in committee.

ROLL CALL **Rep. Pasley-Stuart** requested a **roll call vote**. By a vote of **13 aye and**

VOTE: 5 nay, the motion **carried**. Voting in the affirmative: **Reps. Anderson, Black, Bilbao, Labrador, Luker, Mathews, Kren, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins**. Voting in the negative: **Reps. Loertscher, Stevenson, Andrus, Crane, Palmer**.

RS 19578: **Rep. Anderson** presented **RS 19578**, which updates the Public utility Commission's regulatory jurisdiction. This bill would eliminate the Commission's authority to regulate vessels, docks, wharfs, and warehouses used in the transport of persons or property upon the waters of Idaho. Because there are no regularly operating public vessels or ferries over posted routes, the Commission believes that it no longer needs to economically regulate such activities.

Commercial boating operations on rivers and streams are subject to the jurisdiction of the Idaho Outfitters and Guides Board. The operation of commercial vessels on lakes, rivers and streams of Idaho is subject to the Idaho Safe Boating Act and the Vessel Titling Act found in Idaho Code; and the U.S. Coast Guard. Regulation of warehouses used to store or clean dried beans or peas is governed by the Bonded Warehouse Law.

In answer to committee questions **Ron Law**, from the Public Utility Commission, said the Port of Lewiston is falls under interstate commerce ant the jurisdiction of the Coast Guard. This legislation does not affect them.

MOTION: **Rep. Labrador** moved to **introduce RS 19578**. **Motion carried on voice vote**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:25 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

- DATE:** February 18, 2010
- TIME:** 9:00 a.m.
- PLACE:** Room EW40
- MEMBERS:** Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins
- ABSENT/
EXCUSED:** Rep. Labrador
- GUESTS:** Dustin Hurst, Idahoreporter.com; Lyn Darrington, Boise Airport; Brent Olmstead, Idaho Business Coalition for Immigration Reform; Richard McConnell, Boise Airport; Matthew Wilde, Boise City Attorney's; Richard Turner, Idaho Air Guard; Alex LaBeau, Idaho Association of Commerce and Industry; Jayson Ronk, Idaho Association of Commerce and Industry; Shelly Shannon, Idaho Health Facilities; Hannah Saona, ACLU; Taryn Magrini, Idaho Women's Network; Dennis Tanikuni, Idaho Farm Bureau; Leo Morales, Idaho Community Action Network; Alicia Clements, Idaho Community Action Network; Donna Yule, Idaho Public Employees Association; Will Rainford, Catholic Charities Roman Catholic Diocese; Steve Millard, Idaho Hospital Association; Mike Stoddard, Idaho Health Facilities Association; Tony Smith, Eiguren Public Policy; Benjamin Davenport, Risch Pisca; Will Ledbetter, Milk Producers of Idaho; Bob Naerebout, Idaho Dairymen's Association; Ken McClure, Milk Producers of Idaho; Brian Kane, Attorney General's Office; Greg Ledbetter; Kristy Sternes; Elizabeth Criner, J.R. Simplot Co.
- Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.
- MOTION:** **Rep. Higgins** moved to approve the minutes of February 17; **motion carried on voice vote.**
- RS 19332:** **Rep. Bedke** presented **RS 19332**, which is proposed legislation that allows an officer of a state agency to regulate the closure of his office due to mandatory leave without pay. This corrects a problem within the provision of the law for office closure on business days.
- MOTION:** **Rep. Anderson** moved to **introduce RS 19332. Motion carried on voice vote.**
- HJR 005:** **Rep. Wood (27)** presented **HJR 005**, which is a constitutional amendment that creates a new Section 3E to allow political subdivisions and regional airport authorities operating an airport to incur debt without voter approval, so long as the debt is payable solely from airport revenues and no tax funding is pledged or put at risk for the repayment. The new Section 3E deems airport projects, acquisitions, and facilities to be "public-purpose." No debts or liabilities incurred under this section can

ever be secured by the taxing power of the subdivision operating the airport. No tax dollars can be implicated or pledged for any debts under the new section.

Richard McConnel, Airport Director for the Boise Airport, testified in **support of HJR 005**. This resolution is critical to the airport and economic development in Boise. The Boise Airport gets their revenue from federal funds, passenger charges, customers using airport services, state grants from fuel taxes and tenants of the airport. There are no taxpayer dollars used to fund the airport. Idaho National Guard is one of the largest tenants of the Boise Airport. This legislation is important to the F-35 project.

Alex LaBeau, Idaho Association of Commerce and Industry, testified in **support of HJR 005**. The airport is a very vital part of economic development and commerce in the state of Idaho. Boise needs a third runway and this will give them a chance to expand the airport.

In answer to a committee question; **Colonel Turner**, Idaho Air National Guard, said this legislation is vital to the F-35 project. In answer to another question he said, it is important, but not a deal breaker.

MOTION: **Rep. Simpson** moved to send **HJR 005** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote.** **Rep. Palmer** requested that he be recorded as voting against the motion. **Rep. Wood (27) will sponsor the bill on the floor.**

H 497: **Rep. Hart** presented **H 497**, which is proposed legislation that will penalize Idaho employers who hire persons who are illegally in the United States. This will allow for Idaho employers to have their licenses suspended for knowingly employing illegal aliens. It includes a three-step procedure for issuing penalties. This will also make it a misdemeanor for a person to falsely impersonate another in order to seek employment.

In answer to questions, Rep. Hart said that if an employer uses the I-9 process then he will be protected by a good faith effort. If he chooses to use e-verify, he will have an absolute defense. The Attorney General or County Prosecuting attorney can follow up on a filed complaint. It is left to their discretion. We can only apply penalties by using the penalty applied to business licenses because of federal law. This penalty is not going to cover everyone. This is trying to set a balance to address the issue of illegal employment. It is difficult to address the farmer with this legislation.

Rep. King wondered if we will be losing revenue by not hiring illegal aliens. She figures they add \$30 million to our state revenue.

Brent Olmstead, Idaho Business Coalition for Immigration Reform, testified in **opposition to H 497**. The members of his coalition are concerned about their ability to find labor to work in their industries. The federal immigration system is broken. The supply of labor does not meet the demand. Experience shows that employers are finding it difficult to find employees willing to work in the agricultural industry. Uniformity in applying the penalties mentioned in this legislation is a concern to his members. We need a federal guest worker program to address this

employment problem. Idaho Food Producer, Idaho Farm Bureau, Idaho Retailers Association, Idaho Association of Commerce and Industry, and Idaho Lodging and Restaurant Association are all opposed to this legislation.

Alex LaBeau, Idaho Association of Commerce and Industry, testified in **opposition to H 497**. They are members of the Idaho Business Coalition for Immigration Reform. His organization is concerned about the selective enforcement in this legislation. We already have a federal law to address hiring illegal immigrants. They prefer that we make it clear to congress that they need to address the guest workers' immigration system.

Alicia Clements, Idaho Community Action Network, testified in **opposition of H 497**. They would like to see a fair solution to the illegal immigrant issue. They do not want enforcement action only to deal with this. Enforcement of laws to control immigration is expensive and do not help to control the problem. Immigrant workers are important to our economy.

Bob Naerebout, Idaho Dairyman's Association, testified in **opposition to H 497**. Their concern is with the penalty of pulling licenses. The inability to sell their milk would cause a hardship to the dairyman. Dairy products and Livestock are the number one export in Idaho.

Ken McClure, Milk Producers of Idaho, testified in **opposition to H 497**. The problem is not employers knowingly hiring illegal immigrants. The problem is with federal law. Employers are not allowed to look further into verifying I-9 information.

Rep. Hart was recognized to close testimony on **H 497**. Rep. Hart does not think we will be able to find common ground on this issue. At the state level we can only do what we can to deal with the problem. This bill is not as harsh as previous attempts to address this issue.

- MOTION:** **Rep. Andrus** moved to **HOLD H 497** in committee. He feels that we need to have the federal government address this issue. The State does not have the ability to enforce this.
- SUBSTITUTE MOTION:** **Rep. Luker** offered a substitute motion to send **H 497** to **general orders** with a committee recommendation to delete "sections 4 and 5" on page 2, line 28 through page 6, line 39.
- ROLL CALL VOTE ON SUBSTITUTE MOTION:** **Rep. King** requested a **roll call vote**. By a vote of **6 aye and 11 nay**, the motion **failed**. Voting in the affirmative: **Reps. Loertscher, Luker, Crane, Mathews, Kren, Simpson**. Voting in the negative: **Reps. Anderson, Stevenson, Black, Andrus, Bilbao, Palmer, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins**.
- VOTE ON ORIGINAL MOTION:** **Chairman Loertscher** called for a vote on the motion to **HOLD H 497** in committee. **Motion carried on voice vote**. **Reps. Simpson, Crane, and Kren** requested that they be recorded as voting against the motion.
- RS 19518:** **Rep. Harwood** presented **RS 19518**, which is proposed legislation to exempt from federal law or federal regulations firearms and ammunition

manufactured in the state of Idaho, using parts manufactured in the state of Idaho. This bill asserts the right of the State of Idaho to regulate the intrastate use and acquisition of firearms pursuant to the reserved powers of the State from intrastate commerce. Firearms manufactured or sold in Idaho under the provisions of the bill shall bear the words "Made in Idaho," stamped on a central metallic part.

In response to questions, Rep. Harwood said that we are not encouraging dealers and sellers of firearms to discontinue doing background checks. The Defense Council mentioned in this legislation is set up to defend sovereignty issues and is an ongoing budget fund.

MOTION: **Rep. Anderson** moved to **introduce RS 19518. Motion carried on voice vote. Reps. King and Pasley-Stuart** requested they be recorded as voting against the motion.

MOTION TO RECONSIDER: **Rep. Anderson** moved to **reconsider HCR 42.** New information has come forward regarding this resolution and the committee needs to consider this information.

ROLL CALL VOTE: **Rep. Pasley-Stuart** requested a **roll call vote.** By a vote of **12 aye and 5 nay**, the motion **passed.** Voting in the affirmative: **Reps. Loertscher, Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Crane, Mathews, Kren, Palmer, Simpson.** Voting in the negative: **Reps. Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins.**

Vice Chairman Anderson assumed the chair of the committee.

MOTION: **Rep. Loertscher** moved to send **HCR 42** to the floor with a **DO PASS** recommendation.

Rep. Loertscher said that currently there are three billion dollars in unfunded liability to the PERSI fund. A hand out of pages 28, 34, 35, and 36 of the Public Employee's Retirement System Actuary Report were distributed. The chart on page 35 shows that the fund is not keeping pace with expenses. The contributions graph line is declining rapidly. The retiree numbers are going up and the contributions are not keeping up with the expenses. By law if the fund does not perform properly, the fund will need to have a supplement from the general fund. The reality is that we have not met the 7% level of increase needed to maintain the fund.

Several members of the committee indicated their displeasure with testimony they received at the February 17th meeting. They were led to believe that the COLA would have no fiscal impact on the PERSI fund. The information they received in the handout shows a different story.

Some members of the committee expressed unhappiness that this reconsideration was not on the agenda and that the PERSI Board was not notified of this action.

ROLL CALL VOTE: **Chairman Anderson** called for a vote on the motion to send **HCR 42** to the floor with a **DO PASS** recommendation. **Rep. King** requested a **roll call vote.** By a vote of **12 aye and 4 nay**, the motion **passed.** Voting in

the affirmative: **Reps: Loertscher, Anderson, Stevenson, Black, Andrus, Bilbao, Luker, Crane, Mathews, Kren, Palmer, Simpson.**
Voting in the negative: **Reps. Shepherd (2), Smith (30), King, Higgins.**
Rep. Lake will sponsor the bill on the floor.

ADJOURN:

Due to time limitations, **Chairman Loertscher** said that **RS 19267** will be placed on tomorrow's agenda. There being no further business to come before the committee, the meeting was adjourned at 11:17 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: February 19, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** Representatives: Crane, Labrador

GUESTS: Tony Smith, Eiguren Public Policy; Teresa Molitor, Idaho Association of Professional Driving Businesses; Jim Trent, State Farm Insurance; Mike Ryals, Idaho Driving Businesses; Tana Cory, Bureau of Occupational Licenses; Colby Cameron, Sullivan & Reberger

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Higgins** moved to approve the minutes of February 18; **motion carried on voice vote.**

RS 19267: **Rep. Gibbs** presented **RS 19267**, which is proposed legislation that allows the board of county commissioners of each county to issue permits for residential septic systems. This allows counties to set ordinances for residential septic systems. Currently, Health Departments are in charge of this function.

MOTION: **Rep. Stevenson** moved to **introduce RS 19267. Motion carried on voice vote.**

H 564: **Tana Cory**, Director of the Bureau of Occupational Licenses, presented **H 564**; which is legislation that clarifies language in the Driving Business Licensure Board statute dealing with background checks and disciplinary action of licensees. This bill requires an applicant for an instructors license to possess a high school diploma, its equivalent, or a degree in higher education. It clarifies that a medical certificate is required for renewal of a license and it adds a continuing education requirement. Finally, it requires a copy of the driving record from the state in which the applicant is licensed. This legislation does declare an emergency for implementation.

Teresa Molitor, Idaho Association of Professional Driving Businesses, testified in **support of H 564**. They provided a copy of a letter stating their support for committee members.

MOTION: **Rep. King** moved to send **H 564** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Loertscher will**

sponsor the bill on the floor.

RS 19672: **Rep. Kren** presented **RS 19672**, which is proposed legislation to raise the corrective action in any air shed to 90 percent of Federal standards; it further gives the Board of County Commissioners the ability to reduce emissions by other means than vehicle emission inspection. It allows them to find other programs that will result in emission reductions. This legislation adds an exemption from vehicle inspection programs for vehicles driven less than 1,000 miles. The air shed is getting better without the implementation of Canyon Counties emissions inspection program.

In answer to questions from the committee, Rep. Kren said that he will bring to the bill hearing information about the air shed.

MOTION: **Rep Simpson** moved to **introduce RS 19672. Motion carried on voice vote. Rep. King** requested she be recorded as voting against the motion.

RS 19611: **Rep. Bilbao** presented **RS 19611**, which is proposed legislation to authorize pari-mutual wagering on the result of a live horse race meet at a facility not located on the grounds of a live horse race meet facility. The proposed legislation sets up procedures and restrictions for this activity as well as establishes guidelines for distribution of excess funds to the Idaho Horse Board for youth programs and to the Robert R. Lee Promise Scholarship program.

In answer to committee questions, Rep. Bilbao said that this wagering will be at one site only within a county.

MOTION: **Rep. Anderson** moved to **introduce RS 19611. Motion carried on voice vote.**

Vice Chairman Anderson assumed the chair of the committee.

RS 19676: **Rep. Loertscher** presented **RS 19676**, which is proposed legislation that amends and adds language to Idaho Code relating to the Commission for Reapportionment. It deletes language allowing for the commission to reconvene and requires that any legal challenges to the reapportionment plan be expedited and heard by the Idaho Supreme Court. It further provides a procedure, if the Idaho Supreme Court is unable to complete its review within a time certain, for the Idaho Legislature to review; modify; and adopt an acceptable plan for reapportionment.

In answer to questions from the committee, Rep. Loertscher said that he would be willing to add in a time certain language, if the committee so chooses. He believes that the legislature would be able to handle this in a timely manner. The last commission had a grueling process and the results of the commission was not handled in a timely manner in the court system.

MOTION: **Rep. Bilbao** moved to **introduce RS 19676.**

SUBSTITUTE MOTION: **Rep. Luker** offered a substitute motion to **introduce RS 19676 with a change.** Change is line 9, page 2, add "by January 1 of the year for filing

legislative candidate declarations," after the word "plan".

**VOTE ON
SUBSTITUTE
MOTION:**

Motion carried on voice vote. Reps. King and Pasley-Stuart requested that they be recorded as voting against the substitute motion.

Chairman Loertscher assumed the chair of the committee.

RS 19849:

Rep. Luker presented **RS 19849**, which is proposed legislation that amends Idaho Code to restore the law as it has been interpreted and applied since 1991. Without this change insurance companies are able to side-step the requirement of prompt payment of amounts justly due by the contractual requirement that disputes be resolved through arbitration rather than in court. The attorney fee provision at issue only applies to claims by first party insureds (direct customers) of the insurance company, and not to third party claimants who have claims against insureds.

In answer to question from the committee, Rep. Luker said that he is an attorney, but does not deal with insurance claims.

MOTION:

Rep. Anderson moved to **introduce RS 19649. Motion carried on voice vote.**

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 9:53 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

- DATE:** February 22, 2010
- TIME:** 9:00 a.m.
- PLACE:** Room EW40
- MEMBERS:** Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins
- ABSENT/
EXCUSED:** Rep. Anderson
- GUESTS:** Wayne Hoffman, Idaho Freedom Foundation; Will Hart, Idaho Consumer Owned Utilities; Jo Elg, Idaho Falls, Power; Rep. Stephen Hartgen; Dyke Nally, Liquor Division; Christine Papac; Deborah Ray; Lisa Stokes; Shanna Koyle; Brian Tibbets; Keri Tibbets; Alice Hansen; Diane Baker; Emma Jean Hansen; Jill Van Haren; Diane Fluckiger; John Stokes; Janice M. Gauoe; Kelly Orton; Jaimee Orton; Lisa Robertson; Camille Smithson; Mirelle Stevens, Campaign for Liberty; Janet Bingham; Carolyn Emery; Jeremy Pisca, Idaho Allied Dairies; Tonya Jensen; Sydney Sallabanks, Idaho Press Club; Jennifer Fluckiger; Brian Kane, Attorney General's Office
- Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.
- MOTION:** **Rep. Pasley-Stuart** moved to approve the minutes of February 19; **motion carried on voice vote.**
- PRESENTATION:** **Dyke Nalley**, presented the Idaho State Liquor Division Biannual Report. Their basic goals continue to be maintaining low per capita consumption of distilled spirits, while maximizing profitability. They have completed the Zero Based Budgeting process. They have seen extraordinary sales growth from FY2003 through FY 2009. This has been fueled by the increase in population, consumers purchasing more expensive products, and strong marketing of new products by the industry. To meet the increase in consumer requests the number of stores increased from fifty-three to sixty-five during the past three years. Sales have increased 23% in the past three years, but distributions to the General Fund, state programs, cities, and counties has grown by 35%. They have constructed an automated distribution center that will be completed in May. This project will be free of any encumbrances. By 2014 the split of distribution will be 50-50. They are well-positioned to continue to manage this business owned by the citizens of Idaho, and to maximize the annual financial distributions.
- Rep. Crane** assumed the chair of the committee.
- RS 19628C1:** **Rep. Nielsen** presented **RS 19628C1**, which is proposed legislation that

allows for those midwives who do not choose to be licensed, to be able to practice the art of midwifery; and be able to charge a fee. It also clarifies the mention of religious freedom that is in current law. It provides for a continued choice in health care options for those who desire to use the services of a midwife as a means of keeping costs low.

He became concerned about the exemptions in the bill shortly after passage last year. This legislation deletes the exemptions. He feels the statute does need to be changed now. This legislation is not meant to permit the traditional midwife to use prescription medication.

Chairman Loertscher assumed the chair of the committee.

MOTION:

Rep. Labrador moved to **introduce RS 19628C1**

SUBSTITUTE MOTION:

Rep. Pasley-Stuart offered a substitute motion, to **return RS 19628C1 to sponsor**. She believes these changes are premature and we should wait to make changes to this law until it has been in effect at least a year. **Motion passed on voice vote.**

HJR 007:

Rep. Wood (27) presented **HJR 007**, which is a resolution that amends Article VIII of the constitution of the State of Idaho, by adding a new section 3D to confirm the authority that a city owning a municipal power system may enter into long-term power supply, transmission and other agreements with the Bonneville Power Administration and other suppliers, without the need for an authorizing election. The bill also allows a power city to issue revenue bonds with the assent of a majority of its electors in order to finance electric generating, transmission and distribution facilities. These power agreements and facilities may be undertaken only for the purpose of supplying electricity to customers located within the established service area of the municipal power system. Any power agreements or revenue bonds shall be payable solely from the revenues of the municipal electric system and shall not be secured by the full faith and credit or the taxing power of the city, the state, or any political subdivision.

In response to questions, Rep. Wood said that eleven cities have municipal electric systems. The inability to enter into contracts causes a fluctuation in prices.

Brian Kane, Attorney General's office, testified that the language used in the legislation is to make sure they are covered in any situation. The formatting issue can be corrected during the codifying process of the amendment.

Will Hart, Idaho Consumer Owned Utilities Corporations, testified in **support of HJR 007**.

Jo Elg, City of Idaho Falls, testified in **support of HJR 007**. She said that contracts are rate or cost based and are offered as long term contracts. They believe their best way to keep rates low is to enter into a long term contract with Bonneville Power. If cities cannot enter into a long term market they will be forced to use the short term market, which is much more volatile. The policy makers for city owned utilities are the

city council. They are not subject to the PUC.

MOTION: **Rep. Simpson** moved to send **HJR 007** to the floor with a **DO PASS** recommendation. He said this legislation will provide some stability for the rate payers in these cities. **Motion passed on voice vote.** **Rep. Palmer** requested that he be recorded as voting against the motion. **Rep. Wood (27) will sponsor the bill on the floor.**

ADJOURN: Due to time limitations, **Chairman Loertscher** said that **H 565** will be placed on tomorrow's agenda. There being no further business to come before the committee, the meeting was adjourned at 10:30 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

- DATE:** February 23, 2010
- TIME:** 8:00 a.m.
- PLACE:** Room EW40
- MEMBERS:** Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins
- ABSENT/
EXCUSED:** None
- GUESTS:** Bob Wells, Idaho Bureau of Homeland Security; Col. Shawver, Idaho Bureau of Homeland Security; Robert Foley, Idaho Bureau of Homeland Security; Mary Halverson, Idaho Bureau of Homeland Security; Patrick Frischmuth, Idaho Bureau of Homeland Security; Carlton Ericson, Canyon County; James Aydelotte, Idaho Vital Statistics; John Buck, Gem County Coroner; Rep. Marc Gibbs; Kathie Garrett, Idaho Council on Suicide Prevention; Keith Schuller, Payette County Coroner; Jonathan Walker, Bonneville County Coroner; Seth Grigg, Idaho Association of Counties; Russ Hendricks, Idaho Farm Bureau; Colby Cameron, Sullivan Reberger; Debbie Field, Office of Drug Policy
- Meeting was called to order at 8:00 a.m. by **Chairman Loertscher**.
- MOTION:** **Rep. Bilbao** moved to approve the minutes of February 22; **motion carried on voice vote**.
- PRESENTATION:** **General (Sel.) Shawver** presented the Idaho Bureau of Homeland Security Biannual Performance Review. Their mission is to administer Idaho's emergency management programs. They work with law enforcement and partners throughout Idaho to prevent disasters and emergencies; protect Idahoans and Idaho resources from all hazards; respond and coordinate to support local jurisdictions in times of need; and ensure Idaho's recovery from disasters. They have an Emergency Operations Center; Area Field Officers; Training and Exercise; Alerts and Warnings; and an Emergency Management Assistance Compact. They oversee plans on State and Local Emergency Operation; Continuity of Operations with Government; Critical Infrastructure and Key Resources; Mitigation; Geographic Information Systems; Web Emergency Operations Center; and National Incident management System. They also oversee public safety communication statewide, including broadband, radio, voice, video, data, and interoperable communications. Hazardous Materials and Special Teams fall under their management. It takes a lot of administration, finance, and logistics to manage and oversee these programs. Their funding is from General Fund, Federal Grants, Dedicated Funding, Disaster Funding, and Federal Disaster Funding. They continue to work to coordinate these efforts.
- H 522:** **Rep. Gibbs** presented **H 522**, which is legislation that provides clarification

with respect to the potential liability of emergency responders across state boundaries. This legislation extends the provisions of existing Idaho Code, Section 49-623; incorporating specific references to out of state personnel. This legislation provides enhanced protection to out of state emergency responders.

Bear Lake is two-thirds in Utah and one-third in Idaho. There are no boundaries to separate states. A fishing license for Bear Lake can be either Idaho or Utah. As a result of a lawsuit, emergency vehicles from Utah will no longer cross the state line. The ambulance in Utah now has to wait at the border for an ambulance from Idaho to transport the injured person to the Bear lake County Hospital in Montpelier. He presented seven letters of support from the Bear Lake area. This has been a two year process to draft this legislation. He has tried to address all borders of Idaho not just Utah. He feels it is important to cover anyone that may come from another state to help in disasters. There is an emergency declaration in this legislation to expedite the implementation. Bear Lake would like to have this in effect by the Memorial Day weekend.

Russ Hendricks, Idaho Farm Bureau, testified in **support of H 522**.

MOTION:

Rep. Smith moved to send **H 522** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Gibbs will sponsor the bill on the floor.**

H 492:

Sen. Geddes presented **H 492**, which is legislation that would add an additional one dollar fee to each certified death certificate issued. The funds generated from the fee would be used for training of new county coroners and continuing education of coroners. This bill would require new coroners to attend a coroner's school or training endorsed by the Idaho State Association of County Coroners within one year of taking office as a county coroner. Section three of this bill requires county coroners to complete twenty-four hours of continuing education classes every two years. There is no penalty associated with this legislation.

Rep. Gibbs testified in **support of H 492**. The cause of death can have consequences to the families and insurance companies.

Carlton Ericson, Deputy Civil Councilor of Canyon County, testified in **support of H 492**. They view this as extremely important funding, so they may have educated coroners making decisions on the cause of death.

James Aydelotte, Department of Health and Welfare Vital Statistics, testified in **opposition to H 492**. The Bureau of Vital statistics is concerned about the additional fee to death certificates. They currently charge \$13.00 for copies of death certificates and these cover cost to their department. They do not want to place further burden on families at the time of the death of a loved one.

John Buck, testified in **support of H 492**. There is a need for other funding sources. Counties are underfunded and the coroner's office budgets are being cut. In Wyoming they have a mandatory education requirement with a removal from office if not completed. Nine states currently require continuing education. They have looked at many other

options for funding and have decided this is the best option for raising funds. There are only three full-time coroners in the state, all others are part-time with other jobs. They have tried doing it through volunteers and have exhausted those avenues. They brought in a professional trainer and had to charge a fee to attendees. Coroners look at 50% of the death certificates because everyone cremated must have the signature of the coroner. They look at 20% additional deaths that may be questionable.

Kathie Garrett, Co-Chair of Idaho Suicide Prevention Council, testified in **support of H 492**. Suicide is rising in Idaho related to the bad economy. There is an increase of 19.4% this year over last year. There is an under reporting of suicide. They urge more education for coroners on suicide to help with the under reporting.

Keith Schuller, Payette County Coroner, testified in **support of H 492**. The opportunity to attend the training is extremely important. Not every county is willing to pay for this intensive education. One of the most helpful things he learned, was how to inform the next of kin. This training covers most all of the causes of death. The class alone is \$825 with hotel and airfare there is a total cost of about \$1,832.

Jonathan Walker, Coroner for Bonneville County, testified in **support of H 492**. Coroners are legally responsible for all violent deaths. A mishap in the chain of evidence can cause the lack of criminal charges. There is a chance of a pandemic if something is missed. The ability to take a clinical view is due to education. There are fees charged for 911, specialized license funds, and court fees. The out-of-state person will be charged the same as those in state. He comes from a large county with resources and still needs to be better funded. Counties next to him do not even cover their gas money reimbursement. There is no budget line items to cover education in his budget in Bonneville County.

Seth Grigg, Idaho Association of Counties, testified in **support of H 492**. The majority of county coroners in Idaho are part-time.

Debbie Field, Office of Drug Policy, testified in **support of H 492**.

Sen. Geddes, was recognized to close testimony on **H 492**. He pointed out that the County Coroner is not an easy job. The coroners responsibility to communicate with the family is not easy. Identification can be very difficult and communication with the family is sometimes very difficult to deal with. The trauma to both the coroner and the family is important to remember. Forty-one counties have on call coroners from other professions and this training is vital to those counties.

MOTION:

Rep. Bilbao moved to send **H 492** to the floor with a **DO PASS** recommendation. **Motion passed on voice vote. Rep. Gibbs will sponsor the bill on the floor.**

H 496:

Rep. Moyle presented **H 496**, which is legislation that requires each elector to show photo identification before receiving a ballot at the polls or sign an affidavit in lieu of personal identification.

In response to questions from the committee, Rep. Moyle said this does not

address the absentee voter. They will try to find an answer next year to address the absentee ballot. There is an affidavit for the voter to sign to allow them to vote if there are questions as to the person's identity.

MOTION: **Rep. Mathews** moved to send **H 496** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. King** offered a substitute motion to **send H 496 to General Orders** with a change, making the penalty "a maximum fine of \$500 and deleting the penalty of a felony." **Motion failed for lack of a second.**

VOTE ON ORIGINAL MOTION: **Chairman Loertscher** called for a vote on the original motion to **send H 496** to the floor with a **DO PASS** recommendation. **Motion passed on voice vote. Rep. Moyle will sponsor the bill on the floor.**

RS 19494C1: **Rep. Cronin** presented **RS19494C1**, which is a proposed memorial to the United States Congress, and particularly the congressional delegation representing the State of Idaho, concerning our opposition to the U.S. Supreme Court's decision in Citizens United v. Federal Elections Commission. The memorial would also urge the united State Congress to reestablish limits on independent expenditures by corporations and labor organizations and to affirm the powers of the states to set limits on all types of contributions and expenditures by corporations and labor organizations. They added labor organizations in every place that refers to corporations. They addressed concerns from the committee at the last hearing on this proposed legislation. The inflammatory comments have been removed.

MOTION: **Rep. Luker** moved to **introduce RS 19494C1.**

SUBSTITUTE MOTION: **Rep. Anderson** offered a substitute motion, to **return RS 19494C1 to sponsor. Motion failed on voice vote.**

ROLL CALL VOTE: **Chairman Loertscher** called for a vote on the original motion to **introduce RS 19494C1. Rep. Anderson** requested a **roll call vote**. By a vote of **12 aye and 6 nay**, the motion **passed**. Voting in the affirmative: **Reps. Loertscher, Stevenson, Black, Andrus, Bilbao, Luker, Mathews, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins.** Voting in the negative: **Reps. Anderson, Labrador, Crane, Kren, Palmer, Simpson.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:55 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

- DATE:** February 24, 2010
- TIME:** 8:30 a.m.
- PLACE:** Room EW40
- MEMBERS:** Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins
- ABSENT/
EXCUSED:** Rep. Crane
- GUESTS:** Orville Green, Idaho Department of Environmental Quality; Dan Steenson, Ringert Law; Norm Semanko, Idaho Water Users Association; Emily Anderson, Governor's Office; Brad Hung, Department of Administration; Steve West, CENTRA, Idaho Water Systems; Bob Well, Idaho Bureau of Homeland Security; Mark Lockwood, State Interoperable Emergency Communications Committee; Dodie Collier, State Interoperable Emergency Communications Committee; Colby Cameron, Sullivan Reberger; Matt Housaizth, Motorola
- Meeting was called to order at 8:30 a.m. by **Chairman Loertscher**.
- MOTION:** **Rep. Pasley-Stuart** moved to approve the minutes of February 23; **motion carried on voice vote.**
- PRESENTATION:** **Larry Johnson** presented the Idaho Endowment Fund Biannual Performance Review. Their mission is to provide professional investment management services to their stake holders consistent with their constitutional and statutory mandates. Education receives 89.6% of the fund distribution. They feel they have weathered the economic downturn well. They have still been able to grow the fund and fund their distributions. They are funded through FY2011. They do take into account inflation in their choice of equity and bond funds. They do not currently invest in gold and silver, but they do invest in companies that do.
- Vice Chairman Anderson** assumed the chair of the committee.
- H 555:** **Norm Semanko**, Executive Director of the Idaho Water Users Association, presented **H 555**; which is legislation that clarifies the time periods for seeking reconsideration or judicial review of an agency action, begin to run when the order is served upon the parties to an agency proceeding. The need for this legislation became clear in 2009 after the Idaho Supreme Court decision that held that the period for seeking judicial review begins when an order was "issued", as provided in the Administrative Procedures Act, rather than when the order was "served" on the parties. This could result in the time for seeking review beginning to run without the parties' knowledge. This legislation ensures

that parties receive notice when the time for seeking review of the agency order begins.

MOTION: **Rep Stevenson** moved to send **H 555** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Luker will sponsor the bill on the floor.**

RS 19692: **Norm Semanko**, Idaho Water Users Association, presented **RS 19692**; which is proposed legislation amending **Section 43-202, Idaho Code**, to include a provision for irrigation districts to obtain insurance coverage for directors; in lieu of bonding, pursuant to **Section 43-204A(g), Idaho Code**. They found that some members of their association do not bond their members. This allows for irrigation districts to choose either bonding or insurance.

MOTION: **Rep. Mathews** moved to **introduce RS 19692** with a recommendation it be sent to the Resources and Conservation Committee. **Motion carried on voice vote.**

PRESENTATION: **Mark Lockwood** presented the State Interoperable Emergency Communications Committee Biannual Performance Review. They work to build interoperability for governing bodies in Idaho. Since 2004 members have dedicated over 10,200 volunteer hours to make this program successful. They have received over \$10.4 Million dollars for statewide projects over the past five year period from federal funds, including the \$1.8 million match from the state. More and more counties are coming on board. Funding for projects is administered through the Bureau of Homeland Security.

Chairman Loertscher assumed the chair of the committee.

RS 19599: **Rep. Takasugi** presented **RS 19599**; which is proposed legislation adding a new **Section 39-7421, Idaho Code**, to allow the Idaho Department of Environmental Quality to review, approve and issue research, development and demonstration permits with a specified time line for design, construction and operation of bioreactor landfill operations consistent with **42 U.S.C. 6945 (c) (1) (B) and 40 CFR 258** as administered by the U.S. Environmental Protection Agency in accordance with the process outlined in **40 CFR 239**. This will provide additional environmental controls and limits bioreactor landfill operations to facilities with sufficient design to accommodate bioreactor operations and gas recovery systems. Currently one landfill is interested in this technology.

In answer to committee questions, **Orville Green**, Idaho Department of Environmental Quality, said this is an addendum or addition to their waste management program. Public comment and hearings will continue in the permitting process.

MOTION: **Rep. Anderson** moved to **introduce RS 19599** with a recommendation it be sent to the Environment, Energy, and Technology Committee. **Motion carried on voice vote.**

RS 19503C1: **Rep. Rusche** presented **RS 19503C1**, which is a proposed resolution

that recognizes the strong ties between Taiwan and Idaho, and encourages Taiwan's meaningful participation in international trade, international aviation and global issues.

MOTION: **Rep. Anderson** moved to **introduce RS 19503C1** and send it directly to the **second reading calendar**. **Motion carried on voice vote**. **Rep. Rusche will sponsor the bill on the floor**.

RS 19297C3: **Rep. Rusche** presented **RS 19297C3**, which is proposed legislation that directs the State Jobs Council in the Office of the Governor to develop and report recommendations to attract jobs, both homegrown and imported, focusing upon high wage jobs with benefits. The jobs council will be comprised of a variety of department heads, industry leaders, a private citizen, and a member of each political party from the house of Representatives and Senate. The bill declares an emergency and provides a sunset clause. There seems to be a lack of communication with regards to job development.

MOTION: **Rep. Luker** moved to **return RS 19297C3 to sponsor**. He would like to see some clarification on who will appoint the council members. **Motion carried on voice vote**.

RS 19572: **Rep. Rusche** presented **RS 19572**, which is a proposed concurrent resolution that recognizes Lewiston, ID and the Lewis-Clark Valley as one of the most safe and secure places to live in the U.S.

ORIGINAL MOTION: **Rep. Mathews** moved to **return RS 19572 to sponsor**.

SUBSTITUTE MOTION: **Rep. Anderson** offered a substitute motion, to **introduce RS 19572**.

AMENDED SUBSTITUTE MOTION: **Rep. Black** offered an amended substitute motion, to **introduce RS 19572** and send it directly to the **second reading calendar**. **Motion carried on voice vote**. **Rep. Rusche will sponsor the bill on the floor**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:05 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

- DATE:** February 25, 2010
- TIME:** 8:30 a.m.
- PLACE:** Room EW40
- MEMBERS:** Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins
- ABSENT/
EXCUSED:** Rep. Labrador
- GUESTS:** Ron Law, Idaho Public Utilities Commission; Bob Fick, Idaho Department of Labor; M. Alex Neiwith, Idaho Association of Government Employees; Donna Yule, Idaho Public Employee's Association; Lyn Darrington, Givens Pursey; Jeremy Pisca, Idaho Realtors Association; Suzanne Budge, SBS Associates; John Eaton, Idaho Realtors Association; George Gunn, Search & Rescue Association
- Meeting was called to order at 8:30 a.m. by **Chairman Loertscher**.
- MOTION:** **Rep. Pasley-Stuart** moved to approve the minutes of February 24; **motion carried on voice vote.**
- H 575:** **Rep. Anderson** presented **H 575**, which updates the Public Utility Commission's regulatory jurisdiction. More specifically, this bill eliminates the Commission's authority to regulate vessels, docks, wharfs, and warehouses used in the transport of persons or property upon the waters of Idaho. Because there are no regularly operating public vessels or ferries over posted routes, the Commission believes that it no longer needs to economically regulate such activities. Commercial boating operations on rivers and streams are subject to the jurisdiction of the Idaho Outfitters and Guides Board. Likewise, the operation of commercial vessels on lakes, rivers and streams of Idaho are subject to the Idaho Safe Boating Act; the Vessel Titling Act; and the U.S. Coast Guard. Finally, the regulation of warehouses used to store or clean dried beans or peas is governed by the Bonded Warehouse Law.
- MOTION:** **Rep. Bilbao** moved to send **H 575** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Anderson will sponsor the bill on the floor.**
- RS 19618:** **Rep. Simpson** presented **RS 19618**, which is a concurrent resolution to reject five pending rulemaking dockets of the Industrial Commission relating to Boiler and Pressure Vessel Safety Rules. The effect of this resolution, if adopted by both houses, would be to prevent the agency's five pending rulemaking dockets, repealing five of the agencies rulemaking chapters, from going into effect. Commerce and Human Resources Committee reviewed these rules dockets.

- MOTION:** **Rep. Pasley-Stuart** moved to **introduce RS 19618** and send it directly to the **second reading calendar**. **Motion carried on voice vote**. **Rep. Simpson will sponsor the bill on the floor**.
- RS 19624:** **Rep. Luker** presented **RS 19624**, which is a concurrent resolution to reject a subsection of a pending rule of the Office of the Governor, Military Division, Bureau of Homeland Security relating to the Hazardous Substance Response Rules as being not consistent with Legislative intent. The effect of this resolution, if adopted by both houses, would be to prevent the amended language in the subsection from going into effect.
- MOTION:** **Rep. Higgins** moved to **introduce RS 19624** and send it directly to the **second reading calendar**. **Motion carried on voice vote**. **Rep. Luker will sponsor the bill on the floor**.
- RS 19636:** **Rep. Loertscher** presented **RS 19636**, which is a concurrent resolution to reject an entire docket of a pending rule of the State Board of Education relating to Rules Governing Uniformity. The effect of this resolution, if adopted by both houses, would be to prevent the agency rule making contained in that docket from going into effect.
- MOTION:** **Rep. Stevenson** moved to **introduce RS 19636** and send it directly to the **second reading calendar**. **Motion carried on voice vote**. **Rep. Loertscher will sponsor the bill on the floor**.
- RS 19469:** **Rep. Hartgen** presented **RS 19469**, which is proposed legislation that requests state agencies prioritize their efforts amending existing rules and proposing new rules according to eight priorities. It also requests that the agencies not expend dedicated funds, federal funds or state funds to amend existing rules or propose new rules to address issues not covered by these priorities. This should reduce the time and expense of the rule making process.
- In answer to committee questions, Rep. Hartgen said the way rules are made now is kind of willy nilly. This would give the agencies a guide to review their recommendations prior to submitting rules.
- MOTION:** **Rep. Anderson** moved to **introduce RS 19469**. **Motion carried on voice vote**.
- RS 19632C1:** **Jeremy Pisca**, Risch-Pisca and the Idaho Association of Realtors, presented **RS 19632C1**; which is proposed legislation that provides that all final decisions applications for the establishment of one or more zoning districts upon annexation, changes in the zoning of specific parcels or sites, and conditional rezoning would be subject to judicial review by the District Court. The standard of review set forth in Idaho Code would apply in exactly the same manner as with subdivision, variances, special use permits, or other similar application required or authorized under the Local Land Use Planning Act. This bill also includes attorneys within the class of persons who may act as a hearing examiner, clarifies that all final decisions on land use applications must be accompanied by a notice of the applicant's right to request a regulatory takings analysis, and makes other miscellaneous technical corrections.

Mr. Pisca said this allows the private land owner the option to appeal local zoning decisions. Currently they can only appeal when a permit is involved.

MOTION: **Rep. Luker** moved to **introduce RS 19632C1** with a recommendation that it be sent to the Judiciary, Rules & Administration Committee. **Motion carried on voice vote.**

RS 19603: **Bob Fick**, Idaho Department of Labor, presented **RS 19603**; which is proposed legislation to merge the Human Rights Commission with the Department of Labor, effective July 1, 2010. Commission members are appointed by the governor. The commission administrator is appointed by the director of the Department of Labor with the advice and consent of the commission. Employees of the commission will be employees of the Department of Labor, which will provide administrative support for the commission and the staff. This will eventually eliminate the general fund budget of the Human Rights Commission. The Department of Labor will absorb these reductions through a combination of efficiencies and spending reduction and money from the Special Administration Fund and the Penalty and Interest Fund.

In answer to questions from the committee, Mr. Fick said they anticipate that access to the Human Rights Commission will increase. They do not anticipate any reduction in staff or services.

MOTION: **Rep. Simpson** moved to **introduce RS 19603**. **Motion carried on voice vote.**

RS 19661: **Rep. Pasley-Stuart** presented **RS 19661**, which is proposed legislation that would prohibit the use of severance pay to include payment by an employer toward the purchase of membership services into PERSI. State employees leaving employment should not be allowed to use severance pay for purchasing additional retirement services.

Rep. Higgins said over \$125,000 was paid out of the general fund for severance pay purchases last year. There are other services that are much more important.

MOTION: **Rep. Smith** moved to **introduce RS 19661** with a recommendation that it be sent to Commerce and Human Resources Committee. **Motion carried on voice vote.**

RS 19679: **Rep. Killen** presented **RS 19679**, which is proposed legislation that will place volunteer members of Idaho's Mountain Search and Rescue groups on the same footing with respect to immunity as other volunteer organizations throughout the state. The scope of the immunity grant parallels the existing statute for similar emergency volunteer groups such as volunteer ambulance drivers, EMTs and the like.

In answer to committee questions, Rep. Killen said that the groups involved need to be search and rescue groups that are recognized and called upon by the relevant county seeking assistance.

George Gun, Search and Rescue Association, said these individuals and

groups will be deemed qualified to assist in search and rescue by local Sheriff and Police.

MOTION: **Rep. Smith** moved to **introduce RS 19679. Motion carried on voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:27 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

- DATE:** February 26, 2010
- TIME:** 8:30 a.m.
- PLACE:** Room EW40
- MEMBERS:** Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins
- ABSENT/
EXCUSED:** None
- GUESTS:** Richard Flory, Idaho Land Title Association; Richard Mollerup, Idaho Land Title Association; Mike Walker, Professional Firefighters of Idaho; Betty Dressen, Idaho Records and Clerks; Duane Smith, Idaho Records and Clerks; Shelly Gannon, Idaho Records and Clerks; Bill Hurst, Idaho Records and Clerks; Marsa Plummer, Idaho Records and Clerks; Seth Grigg, Idaho Association of Counties; Kris Ellis, Idaho Land Title Association; Dennis Stevenson, Department of Administration; Rep. Takasugi; Rep. Trail; Rep. Bolz; Rep. Nielsen
- Meeting was called to order at 8:30 a.m. by **Chairman Loertscher**.
- MOTION:** **Rep. Higgins** moved to approve the minutes of February 25; **motion carried on voice vote.**
- RS 19633:** **Rep. Takasugi** presented **RS 19633**, which is proposed changes to the Idaho Administrative Procedure Act to revise procedures for incorporation by reference in rulemaking and to make a technical correction. It also amends **Section 67-5223, Idaho Code**, to provide for statements of economic impact and cost/benefit analysis to be filed with the Director of Legislative Services in certain instances. This legislation will require a written synopsis of why the incorporation is needed, a link to where an electronic copy can be acquired and an economic impact statement if a change of fee is imposed.
- MOTION:** **Rep. Kren** moved to **introduce RS 19633. Motion carried on voice vote.**
- RS 19698C1:** **Rep. Saylor** presented **RS 19698C1**, is proposed legislation to amend **Idaho Code, Chapter 10, Title 46** by adding a new section to authorize technical rescue teams, specialty rescue teams, and incident management and support teams be used by the Bureau of Homeland Security when an emergency has been declared, to allow cost recovery for the local entities providing the teams. This would make the specialized skills and equipment of these teams available more widely throughout the state. It will formalize agreements between the state and the sponsoring entities, create training standards for the teams, establish credentialing requirements to verify each team's capability, and set out

response protocols to streamline response times. Enactment of this legislation would help the state of Idaho and the federal government to meet their goals for disaster preparedness.

In answer to committee questions, Rep. Saylor said this will broaden the ability for the Bureau of Homeland Security to use these teams. Law enforcement and the Bureau of Homeland Security are in support of this legislation. He suggested that we add "specialty rescue teams (SRT)" to page 3, lines 3 and 32.

- MOTION:** **Rep. Simpson** moved to **introduce RS 19698C1** with changes. Changes are to insert "specialty rescue teams (SRT)," to page 3, line 3 and ", specialty rescue teams (SRT)" to page 3, line 32. **Motion carried on voice vote.**
- RS 19605:** **Rep. Bolz** presented **RS 19605**, which is proposed legislation to move Correctional Industries to a "Management Review" from an annual audit. This process results in a more useful document while continuing to provide assurance of continued accountability and management control over financial operations similar to an audit report. Correctional Industries is a sub-part of the Board of Corrections and the Department of Corrections and uses the State's accounting system, controls, and processes. There will probably be a cost savings, but it is hard to quantify.
- MOTION:** **Rep. Bilbao** moved to **introduce RS 19605**. **Motion carried on voice vote.**
- RS 19227C1:** **Rep. Bolz** presented **RS 19227C1**, which is proposed legislation to provide for audits for agricultural commodity commissions on the same basis as other state entities. The legislation creates a new section of code that mirrors two existing sections which are in effect for other state entities. It will provide for accountability of the commodity commissions through audit procedures, while at the same time standardizing audits through one code section. Previously commodity commission audits have been specified in individual code sections that established the commissions. There will be a cost savings to the commissions.
- MOTION:** **Rep. Bilbao** moved to **introduce RS 19227C1** and recommend that it be sent to the Agricultural Affairs Committee. **Motion carried on voice vote.**
- RS 19612:** **Rep. Trail** presented **RS 19612**, which is proposed legislation that relates to civil offices; it amends **Section 59-901, Idaho Code**, to provide for vacancies in elective civil offices upon the occurrence of certain specified conditions and to make technical corrections. State code does not cover a vacancy that may occur when an elected official disappears. This happened in January 2007 when Moscow City Councilman John Dickinson was reported missing. This legislation will correct this.
- MOTION:** **Rep. Higgins** moved to **introduce RS 19612**. **Motion carried on voice vote.**
- RS 19689:** **Rep. Nielsen** presented **RS 19689**, which is a resolution congratulating

and commending Idaho State University for its outstanding programs in the Health Professions and how they have enhanced the quality of life for Idaho citizens.

MOTION: **Rep. Luker** moved to **introduce RS 19689** and send directly to the **Second Reading Calendar. Motion carried on voice vote. Rep. Andrus will sponsor the bill on the floor.**

H 521: **Kris Ellis**, Idaho Land Title Association, presented **H 521**; which is two amendments to **Title 32-3105**. First, the legislation will increase the user fee to record a document to ten dollars for the first page of each recorded document. The fee to record each additional page of a recorded document will remain three dollars a page. Second, the legislation will establish a statutory user fee of five cents per page or image to make duplications of recorded documents in electronic format if the duplication request is made on a recurring basis. The recording fees have not increased in the last twenty-three years. Even with this increase we will be among the lowest recording fees charged by other states. This will give stability to county recorder offices.

MOTION: **Rep. Stevenson** moved to send **H 521** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Stevenson will sponsor the bill on the floor.**

H 588: **Rep. Kren** was recognized by the chairman to present **H 588**. This bill is legislation relating to office hours to be kept by officers. It corrects a problem within the exceptions to the provision, as set forth by the state, concerning the necessary days an officer must keep his office open to transactions of business. This bill amends **Section 59-1007, Idaho Code**, so that in addition to the existing allowable days an officer may close his office such as Saturdays, Sundays and holidays, an office closure is also permissible due to mandatory leave without pay.

MOTION: **Rep. Crane** moved to send **H 588** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Bedke will sponsor the bill on the floor.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:15 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: March 1, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** None

GUESTS: Chris Rich, Ada County; Terry Pobst-Martin, Department of Administration; Jim Overholser, Idaho Telecommunications Contractors; Julie Pipal, Idaho Electrical Contractors; Shelly Gannon, Gem County; Rep. Trail; Rep. Neilsen; Rep. Jarvis; Tim Hurst, Secretary of State Office

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Higgins** moved to approve the minutes of February 26; **motion carried on voice vote.**

RS 19693: **Rep. Crane** presented **RS 19693**, which is proposed legislation that would broaden the definition of electrical work to include the installation of information transport systems. It establishes requirements for the licensure of contractors and technicians involved in the information transport industry, and the permitting and inspection of installations. Information transport systems include communication systems which include an electronic and/or structured cabling component beyond the utility service point. Typically antenna systems, and data communications systems. The legislation also expands the electrical board to include a seat dedicated to a representative from this industry. This will result in an expansion of revenues to the dedicated electrical board fund, but will also require the expenditure of these funds to support the licensing and inspection efforts.

Jim Overholser, Idaho Telecommunications Contractors, was recognized to speak to **RS 19693**. He said they have worked on this legislation for five years and all principle parties involved have joined in the support of this legislation.

MOTION: **Rep. Stevenson** moved to **introduce RS 19693. Motion carried on voice vote.** **Rep. Palmer** requested he be recorded as voting against the motion.

Vice Chairman Anderson assumed the chair of the committee.

RS 19701C1: **Rep. Nielsen** presented **RS 19701C1**, which is proposed legislation to

create safer conditions for the public and traffic at Port of Entry mobile checking sites in the enforcement of trucks hauling produce at harvest to the point of delivery. It will also provide allowances for weather related weight considerations during harvest of farm and ranch produce.

MOTION: **Rep. Smith** moved to **introduce RS 19701C1** with a recommendation that it be sent to the Transportation Committee. **Motion carried on voice vote.**

RS 19691: **Rep. Smith** presented **RS 19691**, which is proposed legislation to change existing code to allow for vertebrate paleontological sites, resources, and deposits to be assigned to the Idaho Museum of Natural History. It is anticipated that with stimulus driven increases in energy corridor activity across much of the state, permits for excavation of vertebrate paleontological deposits on State land will become more common.

MOTION: **Rep. Higgins** moved to **introduce RS 19691**. **Motion carried on voice vote.**

H 566: **Rep. Trail** presented **H 566**, which relates to disclosure of personal information; amending **section 28-51-105, Idaho Code**; to provide for application to City, County, and State governmental entities; to provide for notice to affected Idaho residents by governmental entities; to provide for notice by governmental entities to the Office of the Idaho Attorney General in the event of certain breaches of security; to clarify that certain reporting requirements continue to apply to state agencies; to provide for violations and penalties; to provide for notice and cooperation by governmental entities with owners of licensees of certain information upon a breach of security and to provide that notice by governmental entities may be delayed if so advised by a law enforcement entity.

Terri Pobst-Martin, Department of Administration, testified in **support of H 566**. Data breaches are a problem everywhere. Our own state network experiences daily attempts to breach our security. Although internet breaches are the most talked about, there are other types of data breaches as well. It is a problem with insider error and malicious intent for the state as well. This is needed to help define the process for notification when a breach occurs.

Rep. Trail was recognized to close testimony on **H 566**. He pointed out that hacking is a problem. Idaho has one of the most effective systems, because of our great staff. We do need this legislation in our tool box to better protect our citizens.

MOTION: **Rep. King** moved to send **H 566** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Trail will sponsor the bill on the floor.**

Chairman Loertscher assumed the chair of the committee.

HCR 44: **Rep. Jarvis** presented **HCR 44**, which is a concurrent resolution that deals with the scope and power defined by the Tenth Amendment of the United States, providing that the Federal Government was created by the States specifically to be an agent of the States and that Congress is

urged to pass legislation implementing the findings provided for this resolution. Those findings include balancing the Federal budget, extinguishing the public debt, providing for government transparency, maintaining the growth of the Federal government, preventing unfunded mandates, prohibiting government from taking ownership of private sector enterprise and providing for the presence of "God" in the public domain.

In answer to committee questions, Rep. Jarvis said our national debt is rising in unprecedented amounts. This issue is not a partisan issue. The Federal Government needs to have a balanced budget like Idaho. We need to be able to review bills for at least 5 days prior to voting on legislation. We as U.S. Citizens should be concerned and this is a way for us to make a statement from the State of Idaho. This is a comprehensive resolution of our values. We should govern ourselves. Foreign courts and foreign governments should not be governing the United States.

- MOTION:** **Rep. Matthews** moved to send **HCR 44** to the floor with a **DO PASS** recommendation.
- SUBSTITUTE MOTION:** **Rep. Pasley-Stuart** offered a substitute motion, to **HOLD HCR 44** in committee.
- ROLL CALL VOTE:** **Rep. Luker** requested a **roll call vote**. By a vote of 5 **aye** and 12 **nay**, the motion **failed**. Voting in the affirmative: **Reps. Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins**. Voting in the negative; **Reps. Loertscher, Anderson, Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Simpson**.
- VOTE ON ORIGINAL MOTION:** **Chairman Loertscher** called for a vote on the motion to send **HCR 44** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote**. **Reps. Shepherd (2), King, Pasley-Stuart, and Higgins** requested that they be recorded as voting against the motion. **Rep. Jarvis will sponsor the bill on the floor**.
- H 433:** **Rep. King** presented **H 433**, which is legislation that increases the days a potential candidate may declare as a write in candidate from 14 days to 28 days prior to an election. This will give county election officials more time to test ballots.
- Chris Rich**, Ada County Chief Deputy Clerk, testified in **favor of H 433**. Since they switched to the optical scan ballot they have found that they need additional time to test the optical scan ballot. To ensure accuracy in the election tally this testing of ballots is extremely important and they cannot start until all write-in candidates have filed.
- Tim Hurst**, Secretary of State Office, testified in **support of H 433**. Clerks around the state are very supportive of this bill. There are only 5 counties still using punch card. The optical scanner cannot count write-in candidates. There needs to be a hand count of write-ins and this causes counties to need more testing time for the ballots. This bill would be in need of an emergency clause if it is to be used for the 2010 primary election.

MOTION: **Rep. Bilbao** moved to send **H 433** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. King** offered a substitute motion, to send **H 433** to **General Orders** with committee amendments attached; **Rep. Pasley-Stuart** seconded the motion. Amendment is to add "SECTION 2. An emergency existing therefore, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval." **Motion carried on voice vote. Rep. King will sponsor the bill on the floor.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:16 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: March 2, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** None

GUESTS: Jacki Libengood, Idaho State Racing Commission; Mike Bosen, Idaho State Racing Commission; Jack Lyman, Idaho Mining Association; Kip Higby, Boise Police; Tony Poinelli, Idaho Association of Counties; Joel Teuber, Fraternal Order of Police; Joie McGarvin, Idaho Wins, Inc.; Rep. Hart; Rep. Hagedorn; Rep. Harwood

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Higgins** moved to approve the minutes of March 1; **motion carried on voice vote.**

PRESENTATION: **Jacki Libengood** presented the Idaho Racing Commission biannual performance review. Their mission is to enhance, promote and protect the live horse race industry in the state of Idaho through licensing; regulations and supervision of all live and simulcast race meets in this state under the terms of the Horse Racing act in Idaho Code. Attendance and racing handle, while showing a slight increase over the prior year, still failed to reach levels that allowed the racing operations to be successful at their race meets. Increased competition from State Lotteries, Indian Gaming, Internet accessibility to gaming, and the general lack of discretionary cash among the wagerer contribute to the failing racing operations. The Commission is a self funding organization and receives its funding from a small percentage of the racing handle, license fees and any fines that may be assessed by their racing stewards for violations of the Racing Commission rules. Despite a rigorous cost cutting program and a raise in the license fees charged by the Commission, the expenses to do the work required of the commission surpassed the revenue collected by (\$109,266.77). They have notified all the fair circuit tracks that they will need to pay the expenses associated with the race meet they operate.

Rep. Crane assumed the chair of the committee.

RS 19681: **Rep. Anderson** presented **RS 19681**, which is a proposed resolution stating the findings of the Legislature, is requesting the Constitutional Defense Council to investigate the feasibility of pursuing legal and other actions to allow the State of Idaho to assert control of and provide

maintenance operations on Bureau of Land Management and United States Forest Service Lands. The current balance of the Constitutional Defense Fund is \$240,321.61. The Federal programs are making strides, but they are limited by the size of the land parcels involved. He would like to know if the state had the authority whether they would be able to manage the programs and parcels in a more efficient manner. This is only a request to review the options to see if this is worth pursuing.

MOTION: **Rep. Bilbao** moved to introduce **RS 19681**. **Motion carried on voice vote.** **Reps. King and Pasley-Stuart** requested they be recorded as voting against the motion.

RS 19742: **Tony Poinelli**, Idaho Association of Counties, presented **RS 19742**; which is proposed legislation that specifies that applicants seeking financial assistance must comply with **Chapter 35, Title 31**. It revises the following definitions: Board as being the Catastrophic Board; adds a definition of county commissioners; it includes an exclusion to the definition of necessary medical services for weight reduction procedures, drugs and devices; modifies the definition of resources to include SSI, third party and other insurance that may be eligible until a final decision is made by the resources. **Section 31-3503E** clarifies that all parties involved are able to share health and financial information of an applicant; **Section 31-3504** clarifies what occurs when the department determines an individual eligible for Medicaid and not eligible, and it also requires a provider to submit billings to the utilization management review contractor within 6 days of being notified an individual is not eligible for Medicaid, and that the results will be sent to the obligated county clerk; **Section 31-3507** removes the notice of admission which was only used occasionally; **Section 31-3508** specifies that any provider seeking reimbursement shall participate in the utilization management program and recovery; **Section 31-3509** restates that the county and state CAT are the last resource, that payment is payment in full and also requires providers to make all reasonable efforts to investigate and collect from the resources listed in the law before submitting to the county commissioners for payment; finally, in the event that an individual becomes eligible for one of the resources retrospectively, then the provider must either repay the county or state CAT or if a provider refuses to repay and seek reimbursement then allows the county to offset the amount from another outstanding bill. The remainder is again clarifying where the CAT board and county commissioner's responsibilities are.

Chairman Loertscher assumed the chair of the committee.

In answer to committee questions, Mr. Pionelli said that he will bring the information he has regarding savings to the counties to the bill hearing. The counties have shown this will be a savings.

MOTION: **Rep. Luker** moved to introduce **RS 19742**. **Motion carried on voice vote.**

H 543: **Joel Teuber**, Fraternal Order of Police, presented **H 543**, which is a bill that amends current code descriptions that involve bomb threats and

other such acts to include "Hoax Destructive Devices" as well. It defines that persons selling, giving, mailing, or using such devices with the intent of causing fear of serious bodily injury or death be guilty of a felony punishable by a term of imprisonment not to exceed five years. It further defines that persons who use a "Hoax Destructive Device" in the commission or attempted commission of a felony be guilty of a felony punishable by a term of imprisonment not to exceed 15 years and a fine of up to \$15,000.

MOTION: **Rep. Luker** moved to send **H 543** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Hagedorn will sponsor the bill on the floor.**

H 589: **Rep. Harwood** presented **H 589**, which is a bill that states firearms and ammunition manufactured in the State of Idaho using parts manufactured in the State of Idaho will be exempt from federal law or federal regulations, including registration, firearms accessories, or ammunition that is manufactured in Idaho and remains in Idaho under the authority of the United States Congress to regulate interstate commerce. Firearms and ammunition manufactured in the State of Idaho and using parts manufactured in the State of Idaho have not participated in interstate commerce. The federal government, according to the Constitution of the United States of America, possesses no authority to regulate them. The bill asserts the right of the State of Idaho to regulate the intrastate use and acquisition of firearms pursuant to the reserved powers of the State from intrastate commerce and the 10th Amendment and the Second Amendment right to bear arms; Firearms manufactured or sold in Idaho under the provisions of the bill shall bear the words "Made in Idaho," stamped on the central metallic part. This bill will bring jobs to Idaho. This is an attempt to determine who should manage commerce intrastate.

In answer to committee questions, Rep. Harwood said this bill would help all of the firearm and ammunition manufacturers in Idaho with Federal regulations. The Attorney General opinion requested by Rep. King states that the United States Constitution is the supreme law of the land. He does not believe they have the right to direct commerce. He reads the constitution to be that the United States has the right to sign treaties. This opinion is their interpretation of the constitution. This issue is already in the court system in Montana and could eventually end up in the Supreme Court.

Rep. Hart testified in **support of H 589**. There is no doubt that this issue will end up in the courts. It already has in Montana. We need to fight for our rights. There are many private legal organizations willing to get involved and represent us in this matter.

MOTION: **Rep. Kren** moved to send **H 589** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. Luker** offered a substitute motion, to **HOLD H 589** in committee to a time certain at the call of the chair.

AMENDED **Rep. Mathews** offered an amended substitute motion, to **HOLD H 589**

SUBSTITUTE MOTION: to a time certain of one day.

ROLL CALL VOTE ON AMENDED SUBSTITUTE MOTION: **Rep. Pasley-Stuart** requested a **roll call vote**. By a vote of **2 aye and 15 nay**, the motion **failed**. Voting in the affirmative: **Reps. Labrador, Mathews**. Voting in the negative: **Reps. Loertscher, Stevenson, Black, Andrus, Bilbao, Luker, Crane, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins**.

ROLL CALL VOTE ON SUBSTITUTE MOTION: **Rep. Pasley-Stuart** requested a **roll call vote**. By a vote of **12 aye and 5 nay**, the motion **carried**. Voting in the affirmative: **Reps. Loertscher, Stevenson, Black, Andrus, Bilbao, Luker, Mathews, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins**. Voting in the negative: **Reps. Labrador, Crane, Kren, Palmer, Simpson**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:30 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: March 3, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** Representatives Labrador, Anderson

GUESTS: Jack Lyman, Idaho Mining Association; George Gunn, Search and Rescue; Charlotte Gunn, Search and Rescue; Meghan Fulcher, Intern to Sen. Davis; Rep. Stephen Hargen; Bob Fick, Department of Labor; Kurt Holzer, Idaho Trail Lawyers Association; Barbara Jorden, Idaho Trial Lawyers Association; Rep. Killen; Stan Boyd, Idaho Wool Growers Association; Suzanne Budge, SBS Associates

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Pasley-Stuart** moved to approve the minutes of March 2; **motion carried on voice vote.**

RS 19744: **Rep. Andrus** presented **RS 19744**, which is proposed legislation to amend current law stating that receipts for the Sheep, Lamb and Wool Promotion, Research and Education Act shall be deposited and expended for purposes consistent with the act. The proposed legislation would also delete the requirement for two signatures on the checks written by the commission for promotion activities as the checks come from the Idaho State Controllers office as authorized by the Idaho Department of Agriculture and Idaho Sheep Commission. The requirement for audit of the commission by a certified public accountant is also deleted as all funds received by the commission are deposited with the Idaho State Treasurer and handled by the Idaho Department of Agriculture.

Stan Boyd, Idaho Wool Growers Association, was recognized by the chair to answer a committee question. He said the Director of the Idaho Sheep Commission must be bonded.

MOTION: **Rep. Pasley-Stuart** moved to **introduce RS 19744**. **Motion carried on voice vote.**

SCR 115: **Megan Fulcher**, Intern for Senator Davis, presented **SCR 115**; which is a concurrent resolution of the legislature to express gratitude and recognize all persons and entities that worked on and were associated with the renovation of the Capitol Building of the State of Idaho.

- MOTION:** **Rep. Black** moved to send **SCR 115** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Black will sponsor the bill on the floor.**
- HCR 51:** **Rep. Hartgen** presented **HCR 51**, which is a resolution requesting that state agencies prioritize their efforts amending existing rules and proposing new rules according to eight priorities. It also requests that the agencies not expend dedicated funds, federal funds or state funds to amend existing rules or propose new rules to address issues not covered by these priorities. There has been a thirteen percent increase this year in pending rules. This resolution is expected to reduce that number by one-third. The time and expense of rule making vary greatly among agencies and depend on the complexity of new rule provisions or existing rule revisions. This resolution is expected to reduce the amount of time and expense spent on unnecessary rule making.
- Jack Lyman**, Idaho Mining Association, testified in **support of HCR 51**. He looked at the rules that the legislature looked at this year. Of the 260 rules reviewed 53% would not have fallen under this process. He does not believe that this means those rules were not necessary. There does need to be better scrutiny of the rule making process. This is not intended to stop Administrative Rulemaking or provide a means to not look at an Administrative Rule, not meeting these guidelines.
- MOTION:** **Rep Higgins** moved to send **HCR 51** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Kren** requested he be recorded as voting against the motion. **Rep. Hartgen will sponsor the bill on the floor.**
- H 602:** **Rep. Killen** presented **H 602**, which is legislation that will place volunteer members of Idaho's Mountain Search and Rescue groups on the same footing with respect to immunity as other volunteer organizations throughout the state. The scope of the immunity grant parallels the existing statute for similar emergency volunteer groups such as volunteer ambulance drivers, EMTs and the like. He has found a few changes that should be made to the bill and is acceptable of sending it to General Orders.
- MOTION:** **Rep. Pasley-Stuart** moved to send **H 602** to **General Orders** with Committee amendments attached; **Rep. Luker** seconded the motion. Amendment is to replace the content of Section 1, 5-342 with "IMMUNITY FOR SEARCH AND RESCUE OPERATIONS. No person serving as a volunteer member of a search and rescue operation constituted pursuant to **Section 31-2229, Idaho Code**, may have their actions or omissions occurring during the search and rescue operation found to be the proximate cause of injuries to a person subject of a search or rescue, unless the volunteer's actions or omissions are not done in good faith or are grossly negligent. This limitation of liability applies notwithstanding the fact that an organization may recover costs incurred incident to the search and rescue operation or rendering of emergency care." **Motion carried on voice vote.**
- H 603:** **Bob Fick**, Department of Labor, presented **H 603**; which is legislation that merges the Human Rights Commission with the Department of Labor,

effective July 1, 2010. Commission members are appointed by the governor. The commission administrator is appointed by the director of the Department of Labor with the advice and consent of the commission. Employees of the commission will be employees of the Department of Labor, which will provide administrative support for the commission and the staff. In the first year, the general fund appropriation will be reduced and again each year until the elimination of funding in the fourth year. The Department of Labor will absorb these reductions through a combination of efficiencies and spending reduction and money from the Special Administration Fund and the Penalty and Interest Fund.

MOTION: **Rep. Luker** moved to send **H 603** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Representatives Luker and Pasley-Stuart will sponsor the bill on the floor.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:50 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: March 4, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** None

GUESTS: Tony Poinelli, Idaho Association of Counties; Joyce Batt; Justin Ruen, Association of Idaho Cities; Benjamin Davenport, Risch Pisca; Tamie Jones, TV Community Counseling; Pan Sonnen, Department of Corrections; Jack Lyman, Idaho Mining Association; Brent Olmstead, Milk Producers of Idaho; Dennis Stevenson, Department of Administration; Roger Batt, Batt Associates; Tom Munds; Colby Cameron, Sullivan Rehberger; Lyn Darrington, Gallatin Public Affairs; Suzanne Budge, SBS Associates; Julie Lynde, Cornerstone Family Council; Rep. Harwood; Rep. Trail; Rep. Takasugi; Tim Hurst, Secretary of State Office; Rep. McGeachin

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Higgins** moved to approve the minutes of March 3; **motion carried on voice vote.**

H 612: **Rep. Trail** presented **H 612**, which is legislation relating to civil offices; amending **Section 59-901, Idaho Code**, to provide for vacancies in elective civil offices upon the occurrence of certain specified conditions and to make technical corrections. This has become evident in the past few years with the disappearance of two different elected officials.

Brian Kane, Attorney General Office, was recognized to answer committee questions. He does not believe that putting a time certain in the legislation will improve the bill. We need to leave it open for city, county and state officials to decide when to replace someone then seek a declaration of vacancy from the judicial system.

Justin Ruen, Association of Idaho Cities, testified in **support of H 612**. Because of the differences in cities and their meeting times they would like to have the replacement time period flexible. The replacement cannot occur without a judicial declaration of vacancy.

MOTION: **Rep. Higgins** moved to send **H 612** to the floor with a **DO PASS**

recommendation. **Motion carried on voice vote. Reps. Simpson and Kren** requested that they be recorded as voting against the motion. **Rep. Trail will sponsor the bill on the floor.**

H 614: **Rep. Takasugi** presented **H 614**, which is legislation that amends the Idaho Administrative Procedure Act, **Section 67-5229, Idaho Code**, to revise procedures for incorporation by reference in rulemaking and to make a technical correction. It also amends **Section 67-5223, Idaho Code**, to provide for statements of economic impact and cost/benefit analysis to be filed with the Director of Legislative Services in certain instances. This legislation will require a written synopsis of why the incorporation is needed, a link to where an electronic copy can be acquired and an economic impact statement if a change of fee is imposed. This is not an overly burdensome process for agencies.

MOTION: **Rep. Andrus** moved to send **H 614** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Takasugi will sponsor the bill on the floor.**

H 589: **Rep. Harwood** presented **H 589**, which is a bill that states firearms and ammunition manufactured in the State of Idaho using parts manufactured in the State of Idaho will be exempt from federal law or federal regulations, including registration, firearms accessories, or ammunition that is manufactured in Idaho and remains in Idaho under the authority of the United States Congress to regulate interstate commerce. Firearms and ammunition manufactured in the State of Idaho and using parts manufactured in the State of Idaho have not participated in interstate commerce. The federal government, according to the Constitution of the United States of America, possesses no authority to regulate them. The bill asserts the right of the State of Idaho to regulate the intrastate use and acquisition of firearms pursuant to the reserved powers of the State from intrastate commerce and the 10th Amendment and the Second Amendment right to bear arms; Firearms manufactured or sold in Idaho under the provisions of the bill shall bear the words "Made in Idaho," stamped on the central metallic part. This bill will bring jobs to Idaho. This is an attempt to determine who should manage commerce intrastate.

Brian Kane, Attorney General Office, apologized to **Rep. Harwood** for not giving an opinion on his legislation. There is pending litigation on this issue and the Attorney General tries to not comment on issues under litigation. In answer to committee questions, he said the U.S. Constitution has changed over the years do to circumstances. The commerce law is one of those issues. Current case law reflects a more expansive interpretation of the commerce law, which means they have jurisdiction over state law. Their office would get involved in the litigation if they felt there was a need to defend state law.

Rep. Hart testified in support of **H 589**. The more states involved in this issue the sooner a change will happen. We need to work through the courts to narrow federal commerce law.

Tom Munds, a resident of Idaho, testified in **support of H 589**. He said that he has the right to purchase a gun anywhere he wants and not be

subject to interstate commerce.

Rep. Harwood was recognized to close testimony on **H 589**. He said that after a discussion with members of the committee it was decided not to insert a narrower statement for the stamp on firearms. We have a right to govern ourselves and we need to defend that right.

MOTION: **Rep. Simpson** moved to send **H 589** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote.** **Reps. Pasley-Stuart and King** requested that they be recorded as voting against the motion. **Rep. Hart will sponsor the bill on the floor.**

RS 19761: **Rep. McGeachin** presented **RS 19761**, which is proposed legislation that would prohibit the use of restraints on pregnant female prisoners during labor except under certain conditions. The intent of the legislation would be to protect the State of Idaho by implementing a policy which conforms to a recent Supreme Court decision stating that the use of restraints on pregnant female prisoners during labor is considered cruel and unusual punishment.

MOTION: **Rep. Simpson** moved to **introduce RS 19761** with a recommendation that it be sent to the Judiciary, Rules and Administration Committee. **Motion carried on voice vote.**

RS 19660C1: **Rep. McGeachin** presented **RS 19660C1**, which is proposed legislation that attempts to provide a state credential rather than a national credential to those who provide psychosocial rehabilitation services to children with serious emotional disorders (SED) and adults with serious and persistent emotional mental illness (SPMI). The bill will promote economic activity in the state by keeping licensing fees in the state supporting higher education facilities, and most importantly promote outcomes and quality control of a highly assessed mental health service in Medicaid. It is estimated that approximately \$150,000 will be raised through licensing fees and that those fees will offset costs to carry out the new provisions.

MOTION: **Rep. Mathews** moved to **introduce RS 19660C1** with a recommendation that it be sent to the Health and Welfare Committee. **Motion carried on voice vote.**

RS 19657: **Rep. Labrador** presented **RS 19657**, which is proposed legislation to amend **Chapter 3, Title 66, Idaho Code**, by creating a new section to establish a qualifying mental health relief from firearms disabilities program pursuant to **Section 105** of the National Instant Check System (NICS) Improvement Amendments Act of 2007 (**Public Law 110-180**). Idaho Code is silent on the transmittal of records from the Idaho Supreme Court database to the NICS for the purpose of determining eligibility to purchase weapons under federal law. This proposal gives clear authority to ISP/BCI to transmit records from the Idaho Supreme Court database to the NICS for the purpose of determining eligibility to purchase weapons under federal law. No database is created by this proposal and no records are retained by the Bureau of Criminal Identification; the bureau passes the information through the Supreme Court directly to the NICS. The passage of this legislation may enable the state to apply for a share of federal grant funding for improvement of the criminal history repository

and the court system.

In response to committee questions, Rep. Labrador said that under current law; if a person has been found mentally deficient they are not able to carry a firearm. This will allow the reinstatement of that right after judicial review.

MOTION: **Rep. Luker** moved to **introduce RS 19657. Motion carried on voice vote.**

RS 19723C1: **Tim Hurst**, Deputy Secretary of State, presented **RS 19723C1**; which is proposed legislation that makes technical corrections to the Election Consolidation Bill (**H 372**) passed and signed into law in 2009.

MOTION: **Rep. Smith** moved to **introduce RS 19723C1. Motion carried on voice vote.**

RS 19520C1: **Rep. Hart** presented **RS 19520C1**, which is proposed legislation that provides for the State Treasurer to accept an Idaho manufactured silver medallion and bar for the payment of fees and taxes. It gives direction for dealing with this silver to the State Treasurer. It provides a property tax exemption for anyone or any firm who builds a new silver production facility in Idaho. This is expected to increase silver production in Idaho and create new jobs in Idaho. As a result of this legislation the state will be able to sell previously processed ore material and smelter ash for processing in a new silver processing facility. There is no language in this legislation to require the State Treasurer to do this. It simply allows the process.

Rep. Harwood said that this is good legislation. Mining is important to Idaho and has been a major industry in our state.

MOTION: **Rep. Shepherd (2)** moved to **introduce RS 19520C1. Motion carried on voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:25 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: March 8, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** Representatives: Labrador and Simpson

GUESTS: Janet Gallimore, Idaho State Historical Society; Jess Walters, Idaho State Historical Society; Skip Lohse, Idaho Museum of Natural History ISU; Mike Nugent, Legislative Services; Kent Kunz, Idaho State University

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Higgins** moved to approve the minutes of March 4; **motion carried on voice vote.**

H 620: **Rep. Smith** presented **H 620**, which is legislation to change Idaho Code with reference to vertebrate paleontological sites, resources, and deposits. Excavation on or near a vertebrate paleontological site should be permitted and regulated under a qualified professional with appropriate training, education, and resources. These resources only briefly overlap human history in Idaho, and their care, study, and interpretation are outside the purview of the Idaho State Historical Society. It is anticipated that with stimulus driven increases in energy corridor activity across much of the state, permits for excavation of vertebrate paleontological deposits on State land will become more common. The proposed legislation clarifies language in code and assigns that responsibility to the Idaho Museum of Natural History.

Skip Lohse, Director of the Idaho Museum of Natural History, testified in **support of H 620**. He said they have two staff members currently qualified to perform the permitting process. They will not need additional funding or resources. This will fit well with their education and training mission.

Vice Chairman Anderson assumed the chair of the committee.

Kent Kunz, Director of Government Affairs for ISU, testified in **support of H 620**. In response to a question from the committee he said this is not creating any new permitting processes. The permitting processes are already in code. This simply moves the already existing policy from the Historical Society to the Museum of Natural History.

MOTION: **Rep. Black** moved to send **H 620** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Smith will sponsor the bill on the floor.**

S 1299: **Mike Nugent**, Legislative Services, presented **S 1299**; which is legislation that makes various codifier corrections to the Idaho Code. In the course of a legislative session, multiple amendments to a single code section, chapter or title are frequently passed. Occasionally, these multiple amendments result in conflicting numbering of sections or subsections. In addition, in some instances, separate sections of the code contain citations to sections or subsections which contain conflicting numbering due to multiple amendments. Conflicting citation numbering is identified at the time session laws for any given year are incorporated into the existing code. This bill compiles the code sections affected in the legislative sessions prior to 2008 that contain conflicting numbering so the designations may be corrected.

MOTION: **Rep. Pasley-Stuart** moved to send **S 1299** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Pasley-Stuart will sponsor the bill on the floor.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:25 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: March 9, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** None

GUESTS: Roger Batt, Idaho Grape and Wine Producers Commission; Benjamin Davenport, Risch Pisca; Colleen Adrus; Benjamin Nally, Food Producers; Colby Cameron, Sullivan and Reberger; Nancy Merrill, Idaho Parks and Recreation; Rep. Trail; Rep. Roberts; Tim Hurst, Deputy Secretary of State

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Higgins** moved to approve the minutes of March 8; **motion carried on voice vote.**

S 1379: **Roger Batt**, Idaho Grape Growers and Wine Producers Commission, presented **S 1379**; which is legislation that removes the requirement for wineries to purchase a beer license to sell wine at retail or by the drink off the winery's licensed premises. There will be a one time fiscal impact to Alcohol Beverage Control in the amount of \$1,500. The Beer Act was passed in 1935. It was added into the Wine Act to simplify the licensing procedure. This is an additional license required of wineries' to provide for sale of wine off the premises. Wineries will still be licensed for the sale of their product.

MOTION: **Rep. Bilbao** moved to send **S 1379** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Kren will sponsor the bill on the floor.**

H 632: **Tim Hurst**, Deputy Secretary of State, presented **H 632**; which is legislation that makes technical corrections to the Election Consolidation Bill (**H 372**) which was passed and signed into law in 2009. After this bill was printed, it was brought to the attention of the Secretary of State offices that there needed to be further changes to the bill. **RS 19787** was created to replace **H 632**.

MOTION: **Rep. Stevenson** moved to **HOLD H 632** in committee. **Motion carried on voice vote.**

- RS 19787:** **Tim Hurst**, Deputy Secretary of State, presented **RS 19787**. This includes changes made to **H 632** after printing. It is legislation that makes technical corrections to the Election Consolidation Bill (**H 372**) which was passed and signed into law in 2009. The Secretary of State office believes this current legislation is complete.
- MOTION:** **Rep. Bilbao** moved to **introduce RS 19787** and send it directly to the **Second Reading Calendar**.
- SUBSTITUTE MOTION:** **Rep. Labrador** offered a substitute motion, to **introduce RS 19787**. He believes we need to hold a full hearing on this. **Motion failed on voice vote.**
- VOTE ON ORIGINAL MOTION:** **Chairman Loertscher** called for a vote on the motion to **introduce RS 19787** and send it directly to the **Second Reading Calendar**. **Motion carried on voice vote. Rep. Lake will sponsor the bill on the floor.**
- RS 19764:** **Rep. Trail** presented **RS 19764**, which is a proposed resolution that encourages healthy, locally grown food production, distribution and consumption in the State of Idaho; support of local farming; the consumption of locally grown foods and the promotion of greater food self-sufficiency within the State; it further encourages Idahoans and Idaho businesses to celebrate and get to know their local growers and to purchase and consume more food produced in or near Idaho.
- MOTION:** **Rep. Andrus** moved to **introduce RS 19764** and recommend that it be sent to the Agricultural Affairs Committee. **Motion carried on voice vote.**
- RS 19576C2:** **Rep. Trail** presented **RS 19576C2**, which is proposed legislation for an advisory ballot to the electors regarding a \$5.00 tax credit to the Park and Recreation Fund from every tax return filed. This has the potential of generating approximately \$3.5 million for the Department of Parks and Recreation. There will be a cost of \$10,000 to place this on the ballot.
- In answer to committee questions, Rep. Trail said this assessment is \$5.00 per return. This would be an additional tax on the taxpayer.
- Nancy Merrill**, Director of Idaho Parks and Recreation, was recognized to answer committee questions. She said that this is one option being looked at to increase revenue. If it this legislation is put in place, they would do away with the user fees. Currently, the Parks and Recreation Department has a user fee system.
- MOTION:** **Rep. Pasley-Stuart** moved to **return RS 1976C2 to sponsor**. **Motion carried on voice vote.**
- RS 19755:** **Rep. Roberts** presented **RS 19755**, which is a proposed concurrent resolution urging congress to initiate the Article V amendment process to amend the Tenth Amendment of the **U.S. Constitution** and the Interstate Commerce Clause of the **U. S. Constitution** in order to limit the role of the federal government as it relates to the States. This is similar to other resolutions passed in surrounding states.

MOTION: **Rep. Stevenson** moved to **introduce RS 19755. Motion carried on voice vote. Rep. King** requested that she be recorded as voting against the motion.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:55 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: March 10, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** Rep. Anderson

GUESTS: David Ripley, Idaho Chooses Life; Kara Canwallader, Family Medicine Residency; David Irwin, AARP; C.J. Petrovsky; Marty Durand, Planned Parenthood; Taryn Magrini, Idaho Women's Network; Barbara Jorden, Idaho Trial Lawyers Association; Erika Birch, Attorney; Hannah Saona, ACLU of Idaho; Sylvia Charitou, AAUW; Drew Thomas, Risch Picsca; Erik Makrush, Idaho Freedom Foundation; Jason Herring, Right to Life of Idaho; Art Hill, Right to Life of Idaho; Max McCasl, Boise High; Richie Talbay, Boise High; Charlotte Salinas, Nurse-Midwife; Anita Oulof, Planned Parenthood; Sen. Chuck Winder; Kathy Haley, AAUW; Jessika Bunn, Idaho Women's Network; Mark Johnston, Board of Pharmacy; Lou Perin, AARP; Colleen Andrus; Stacy Falkner, Planned Parenthood

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Pasley-Stuart** moved to approve the minutes of March 9; **motion carried on voice vote.**

S 1353: **Sen. Winder** presented **S 1353**, which is legislation that would extend the 1973 limited conscience protections for hospitals and doctors to other licensed health care professionals in limited circumstances. This legislation is not meant to limit the right of individuals to obtain the healthcare they prefer. This is meant to expand the conscience protections to all health care providers.

Dave Ripley, Idaho Chooses Life, testified in **support of S 1353**. Recent rulings of the 9th Circuit have shown that health care professionals do not have freedom of conscience protections. This bill does provide for an exception when there is no other health care provider available.

Kara Canwallader, Family Medicine Residency, testified in **opposition of S 1353**. She is concerned that this bill will hurt the most vulnerable of patients in Idaho. Access to healthcare in rural communities are limited. Patients need an alternative to care if the provider refuses care.

David Irwin, AARP, testified in **opposition to S 1353**. They have great

concerns about the end of life language in this legislation. Many members have Advance Directives and Living Wills to dictate their care in emergency situations. They are concerned that this legislation would jeopardize these directives. They are concerned that family pain may be prolonged if these directives are not carried out.

C.J. Petrovsky, a daughter of an aging parent, testified in **opposition of S 1353**. She is concerned that this law will over rule the desires of a patient's end of life wishes. Advance Directives and Living Wills are legal documents and should be adhered to. **Rep. Labrador** said that he is concerned about this issue and will not vote for something he feels would jeopardize this option.

Charlotte Selinas, Nurse Midwife, testified in **opposition of S 1353**. She has prescribed controversial prescriptions that a pharmacist questioned. She was unable to provide information to the pharmacist because of HIPPA and believes the conscience bill places undue stress on the patient.

Marty Durand, Planned Parenthood, testified in **opposition of S 1353**. Women are entitled to all information and should be allowed to receive the services they request. She believes this bill makes it unclear as to the employee's wishes when notification of an employer is required.

Erica Birch, an attorney in Boise, testified in **opposition to S 1353**. She believes that several of these sections in this bill are already covered within federal law. A larger concern is that this legislation may cause confusion as to how to interpret this law. In answer to questions from the committee she said she could not compare this legislation to Louisiana because their law is has more restrictive language.

MOTION: **Rep. Black** moved to **HOLD S 1353** to a time certain of one day. **Motion carried on voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:30 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

- DATE:** March 11, 2010
- TIME:** 8:00 a.m.
- PLACE:** Room EW40
- MEMBERS:** Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins
- ABSENT/
EXCUSED:** None
- GUESTS:** Jason Herring, Right to Life of Idaho; Glenn Luker, BOP; Stacy Falkner, Planned Parenthood; Sylvia Chariton, American Association of University Women; Taryn Magrini, Idaho Women's Network; Hannah Saona, ACLU; Barbara Jorden, Idaho Trial Lawyers Association; Senator Brent Hill; Kent Lauer, Idaho Farm Bureau; Treasurer Ron Crane; Michael Roy; Steve Olsen, Deputy Attorney General; Senator Winder; Senator Siddoway; Art Hill, Right to Life; Dave Whaley, Idaho AFL-CIO; Stan Boyd, Yellowstone Bear World; Jeremy Pisca, Risch Pisca; P. Morand, Roaring Springs; Wally Butler, Idaho Farm Bureau Foundation
- Meeting was called to order at 8:00 a.m. by **Chairman Loertscher**.
- MOTION:** **Rep. Higgins** moved to approve the minutes of March 10; **motion carried on voice vote**.
- S 1353:** **Taryn MaGrini**, Idaho Women's Network, testified in **opposition of S 1353**. Her concern is that women have access to medical services and medications they need. She fears this bill will limit their access.
- Barbara Jorden**, Idaho Trial Lawyers Association, testified in **opposition of S 1353**. They believe that this will increase litigation. They would like to have the immunity section removed from this bill. There is no definition in our code as to the responsible party if the outcome of these decisions may cause the death of an individual. There may be some cases in the future from employers and employees with regard to this law.
- Hannah Saona**, ACLU of Idaho, testified in **opposition of S 1353**. They believe this bill will leave patients vulnerable to harm.
- Sylvia Chariton**, American Association of University Women of Idaho, testified in **opposition of S 1353**. They are concerned about access to emergency contraception. They feel this will limit the ability of women to access wanted health care services.
- Jason Herring**, Right to Life of Idaho, testified in **support of S 1353**.

They support the principle that health care professionals should be able to follow their conscience. Everyone should be allowed this freedom.

Michael Roy, citizen of Idaho, testified in **support of S 1353**. Everyone has the right to life. This legislation is a way to help guarantee that right.

In answer to questions from the committee **Steve Olsen**, Deputy Attorney General, said that one letter to Senator Kelly addressed the Idaho Human Rights Act. This letter indicated that there are laws on the books to provide coverage for individuals with regard to religious objections. This bill does provide an exception that requires someone to provide services that may violate the Idaho Human Rights Act. He does not believe these are an obstacle to this bill. Federal law may over rule this law if a health care provider is forced to provide care.

Sen. Winder was recognized to close testimony on **S 1353**. He believes the safeguards to protect the patient is already in place. This is important legislation to protect a person's right of conscience. This does not allow for health care professionals to ignore Living Wills and Advance Directives.

MOTION: **Rep. Crane** moved to send **S 1353** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. Higgins** offered a substitute motion to send **S 1353** to **General Orders** with committee amendments attached. **Rep. Smith** seconded the motion. The amendment is to insert "and" before human embryo on line 27 and delete "or" on line 27; also on line 28, delete "end of life treatment and care."

AMENDED SUBSTITUTE MOTION: **Rep. King** offered an amended substitute motion, to **HOLD S 1353** in committee.

VOTE ON AMENDED SUBSTITUTE MOTION: **Chairman Loertscher** called for a vote on the amended substitute motion to **HOLD S 1353** in committee. **Rep. Pasley-Stuart** requested a **roll call vote**. By a vote of **4 aye and 14 nay**, the motion **failed**. Voting in the affirmative; **Reps. Smith (30), Pasley-Stuart, King, Higgins**. Voting in the negative; **Reps. Loertscher, Anderson, Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2)**

VOTE ON SUBSTITUTE MOTION: **Chairman Loertscher** called for a vote on the substitute motion to send **S 1353** to **General Orders** with committee amendments attached. **Rep. Pasley-Stuart** requested a **roll call vote**. By a vote of **4 aye and 14 nay**, the motion **failed**. Voting in the affirmative; **Reps. Smith (30), Pasley-Stuart, King, Higgins**. Voting in the negative; **Reps. Loertscher, Anderson, Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2)**

VOTE ON **Chairman Loertscher** called for a vote on the original motion to send

- ORIGINAL MOTION:** **S 1353** to the floor with a **DO PASS** recommendation. **Rep. Pasley-Stuart** requested a **roll call vote**. By a vote of **13 aye and 5 nay**, the motion **passed**. Voting in the affirmative; **Reps. Loertscher, Anderson, Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson**. Voting in the negative; **Reps. Smith (30), Pasley-Stuart, King, Higgins, Shepherd (2)**. **Rep. Loertscher will sponsor the bill on the floor.**
- RS 19772C1:** **Ron Crane**, State Treasurer, presented **RS 1977C1**; which is proposed legislation that clarifies and updates **Idaho Code 67-1212**, relating to the Treasurer's duties and authority to allow payment of warrants when a fund has insufficient monies. It removes the requirement for the State Treasurer to sign and date every unpaid warrant in the unlikely event the State of Idaho could not pay state warrants and chooses to register them. The legislation further clarifies the language allowing a fund to remain negative for up to 30 days and allows inter-fund transfers to be used to manage state cash flows. Although this is the normal and current practice which has been in place for at least 30 years, the existing code contains both ambiguous and obsolete language which needs clarification. An emergency clause has been placed in this legislation to allow action upon passage of this legislation. This practice will be disclosed in the audit and may be a problem if this is not acted upon quickly.
- MOTION:** **Rep. Pasley-Stuart** moved to **introduce RS 19772C1** and send it directly to the **Second Reading Calendar**. **Motion carried on voice vote**. **Rep. Stevenson will sponsor the bill on the floor.**
- H 485:** **Ron Crane**, State Treasurer, requested that we hold **H 485** in committee while amendments are prepared.
- S 1347:** **Senator Hill** presented **S 1347**, which is legislation to provide that Idaho Minimum wage law exemptions shall conform to and track with federal minimum wage law exemptions. The legislation further provides an exemption from application of minimum wage law to certain establishments, camps and educational conference centers. This is the same language included in Federal labor law. This is simply updating our labor law to comply with Federal law.
- Stan Boyd**, Legislative Advisor representing Yellowstone Bear World, testified in **support of S 1347**. Most of their income comes within a 10 week period. This business depends on the summer tourist trade. It has become very difficult to cover expenses with the down turn in the economy when he pays his high school employees minimum wage.
- MOTION:** **Rep. Matthews** moved to send **S 1347** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote**. **Rep. Labrador will sponsor the bill on the floor.**
- SJM 105:** **Senator Siddoway** presented **SJM 105**, which is a Joint Memorial to ask the President of the United States and the U.S. Congress to undertake an immediate and thorough review of federal expenditures under the Equal Access to Justice Act and other attorney fee shifting statutes. This Memorial also restores transparency lost because of the

1995 Paper Reduction Act. It has been difficult to track the payment of attorney fees paid by the federal government for lawsuits on environmental issues since 1995. This is simply urging the Federal government to bring back the transparency on this issue and make this information easier to obtain.

Wally Butler, Idaho Farm Bureau, testified in **support of SJM 105**. They have been involved from the very beginning of the drafting of this legislation. They believe that this will help to use federal funds for the original purpose of the Equal Access to Justice Act. There is no central system to obtain the information requested. Prior to 1995 this was available in a central location.

MOTION: **Rep. Andrus** moved to send **SJM 105** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Andrus will sponsor the bill on the floor.**

HCR 60: **Chairman Loertscher** informed the committee that **Rep. Roberts** has requested that we hold **HCR 60** to be heard at our next meeting.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:55 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: March 15, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** None

GUESTS: Larry Pegg; Alan Hart; John Blattler; Joie McGarvin, Westerberg & Assoc.; Lucus Baumbach; Rep. Roberts; Rep. Chavez; Rep. Hart; Tim Hurst, Secretary of State Office

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Higgins** moved to approve the minutes of March 11; **motion carried on voice vote.**

H 633: **Rep. Hart** presented **H 633**, which is legislation that provides for the State Treasurer to accept an Idaho manufactured silver medallion and bar for the payment of fees and taxes. It gives direction to the State Treasurer for dealing with this silver medallion. It provides a property tax exemption for anyone or any firm who builds a new silver production facility in Idaho. This is expected to increase silver production in Idaho and create new jobs in Idaho. As a result of this legislation the state will be able to sell previously processed ore material and smelter ash for processing in a new silver processing facility. There is no language in this legislation to require the State Treasurer to do this. It simply allows the process. Currently there is no processing facility in the U.S. to process silver ore. It is the hope that this will encourage someone to build a facility to process the ore in Idaho.

In answer to questions from the committee, Rep. Hart said that he has placed the ability to hedge the value of the medallions in this legislation to help cover the fluctuation in silver value. The treasurer has the ability to choose the length of the hedge and the amount of silver he will hold in the treasury. There may be some changes needed in the future if we find problems with this process. This legislation is an attempt to stimulate the silver industry in Idaho.

Larry Pegg, from Canyon County, testified in **support of H 633**. He is investigating buying silver and welcomes this vehicle to help in that process. The value of the dollar fluctuates everyday. He believes that the silver fluctuation will not be worse that the dollar has been.

Alan Hart, an Ada county resident, testified in **support of H 633**. He

supports all that has been said.

John Blattler, a concerned citizen, testified in **support of H 633**. He supports Rep. Hart's statements. He is upset with the way the Federal government is handling the budget. He believes this will help our effort to improve the way we handle our currency.

Lucas Baumbach, a taxpayer in Idaho, testified in **support of H 633**. This is a currency issue and he believes this will help us hedge against inflation.

- MOTION:** **Rep. Matthews** moved to send **H 633** to the floor with a **DO PASS** recommendation. He believes this is a bill about jobs and economic stimulation. **Motion passed on voice vote.** **Rep. Pasley-Stuart** requested that she be recorded as voting against this motion. **Rep. Hart will sponsor the bill on the floor.**
- HCR 60:** **Rep. Roberts** presented **HCR 60**, which is a concurrent resolution urging congress to initiate the Article V Amendment process to amend the Tenth Amendment of the **U.S. Constitution** and the Interstate Commerce Clause of the **U. S. Constitution** in order to limit the role of the federal government as it relates to the States. Because of recommended changes from **Rep. Luker**, he requested that we hold **HCR 60** in committee and replaced it with **RS 19833**.
- MOTION:** **Rep. Stevenson** moved to **HOLD HCR 60** in committee. **Motion carried on voice vote.**
- RS 19833:** **Rep. Roberts** presented **RS 19833**, which is a changed version of **HCR 60**, a concurrent resolution urging congress to initiate the Article V Amendment process to amend the Tenth Amendment of the **U.S. Constitution** and the Interstate Commerce Clause of the **U. S. Constitution** in order to limit the role of the federal government as it relates to the States. This is similar to other resolutions passed in surrounding states. The Interstate Commerce Clause has been used to subject all trade to federal regulations. We must do what we can to stop this intrusion and expansion of federal powers and return to the principles of the 10th Amendment. He presented the committee with letters of support from Governor Otter of Idaho and Governor Freudenthal of Wyoming.
- Larry Pegg**, a Canyon county resident, testified in **support of RS 19833**. We need to stand firm for state's rights and state's sovereignty.
- MOTION;** **Rep. Bilbao** moved to **introduce RS 19833** and send it directly to the **Second Reading Calendar.** **Motion passed on voice vote.** **Reps. Smith (30), Pasley-Stuart, King, Higgins** requested they be recorded as voting against the motion. **Rep. Roberts will sponsor the bill on the floor.**
- RS 19598C1:** **Rep. Smith** presented **RS 19598C1**, which is proposed legislation to provide guidelines for concussion awareness education training for coaches, paid and volunteer, youth athletes, and their parents/or

guardians on the nature and risk of concussion and head injury. A youth athlete who is suspected of sustaining a concussion or head injury needs to be evaluated and released by a licensed health care provider who is trained in the evaluation and management of concussions. All material and training will be provided through donations of services and supplies. There will be no impact to the General Fund.

Rep. Chavez, a co-sponsor of **RS 19598C1**, said we need this legislation to help save the lives of our young athletes in Idaho. Returning an athlete to play when they are not ready is creating a real danger.

MOTION: **Rep. King moved to introduce RS 19598C1.**

SUBSTITUTE MOTION: **Rep. Luker** offered a substitute motion, to **introduce RS 19598C1** with the changes. Changes are to replace the second "shall" on page 2, line 8 with "may" and add "only" after the word "apply" on page 2, line 47. **Motion carried on voice vote.**

RS 19809: **Tim Hurst**, Chief Deputy Secretary of State, presented **RS 19809**; which is a trailer bill that corrects language in **H 652**. The legislation deletes the reference to an alternate election for highway district commissioners. The alternate election option was removed in **H 652** and is no longer in the law.

MOTION: **Rep. Luker** moved to **introduce RS 19809** and send it directly to the **Second Reading Calendar. Motion passed on voice vote. Rep. Luker will sponsor the bill on the floor.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:25 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: March 16, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** None

GUESTS: Leggette MeEuan, Milan Institute; Kris Ellis, MW Career Colleges; Shane Reeder, Stevens Henager College; Erica Bisch, ITT Technical Institute; Michele Wilson, Stevens Henager College; Barbara Jorden, ITLA; Kathie Garrett, Idaho Academy of Family Physicians; Tony Poinelli, Idaho Association of Counties; Sam Haws, Idaho Tax Commissioner

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Pasley-Stuart** moved to approve the minutes of March 15; **motion carried on voice vote.**

S 1324: **Sen. Goedde** presented **S 1324**, which is legislation that amends Idaho Code relating to construction contracts. Recently, in a contested award of a construction contract, it became evident that Idaho code was not consistent in two sections concerning subcontractors. Idaho code section **67-2310** is being changed to include language found in section **54-1902(4)** that exempts contractor licensure requirements at the time of bid for projects financed with federal aid.

In answer to questions from the committee, Sen. Goedde said this applies only to construction bids involving federal funding. The contractor does need to have a public works license upon bid acceptance.

MOTION: **Rep. Luker** moved to send **S 1324** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. King will sponsor the bill on the floor.**

S 1366a: **Sen. Goedde** presented **S 1366a**, which is legislation amending Idaho Code to exempt certain financial statements submitted to the State Board of Education. The State Board of Education requires the financial statements of private post-secondary and proprietary schools to be submitted for registration purposes. This legislation will exempt from public record these financial statements. Currently we have left private post-secondary school financial records open to their competitors.

Shane Reeder, Stevens Henagar College, testified in **support of S 1366a**. He said they are willing to provide their financial information to the State Board of Education, but would prefer to keep their information private.

Erica Bisch, ITT Technical Institute, testified in **support of S 1366a**. They wish to have some protection from public financial disclosure and believe this will provide that protection.

Kris Ellis, NW Career Colleges, testified in **support of S 1366a**. In answer to committee questions, she said the reason for "individual" in the bill is to allow for the transfer of general information when requested.

MOTION: **Rep. King** moved to send **S 1366a** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Thayne will sponsor the bill on the floor.**

S 1376: **Sen. Geddes** presented **S 1376**, which is legislation regarding compensation for the redistricting commission. The Redistricting Commission will be formed by order of the Secretary of State in June 2011, and will have 90 days to complete its work. This bill establishes the rate of compensation for the Redistricting Commissioners. Ten years ago, for the 2000 redistricting process, the rate of compensation was tied to a statutory reference to Legislative pay which no longer exists. The rate of pay at that time was \$50 per day plus reimbursement for travel, food and lodging. This bill reestablishes the rate of pay at \$75 per day plus reimbursement for travel, food and lodging. In 2001 the total for all six commissioners amounted to \$7,000 and their per diem expenses were \$10,500. The total cost of the 2001 redistricting process including staff support, technology and supplies was \$497,500. A similar budget is being considered for the 2011 redistricting process which totals about \$424,000 of which about \$20,000 will be budgeted for Commissioners compensation and per diem. The actual number of meeting days required to complete the process will determine the final costs.

MOTION: **Rep. Andrus** moved to send **S 1376** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Higgins will sponsor the bill on the floor.**

RS 19838: **Tony Poinelli**, Idaho Association of Counties, presented **RS 19838**; which is proposed legislation that specifies that an applicant seeking financial assistance must comply with **Chapter 35, Title 31**. It revises the following definitions: Board as being the Catastrophic Board; adds a definition of county commissioners; it includes an exclusion to the definition of necessary medical services for weight reduction procedures, drugs and devices; modifies the definition of resources to include SSI, third party and other insurance that may be eligible until a pending is made by the resources. It clarifies language; requires the county to hold an application for an initial decision to deny, for the sole purpose of eligibility for another resource, in suspension until a decision is made; specifies that any provider seeking reimbursement shall participate in the utilization management program and recovery; restates that the county and state CAT are the last resource; and brings in language from the Workers Compensation law that allows for attorney fees in collections

from a third party. This could provide a savings for the state general fund and county property taxes.

MOTION: **Rep. Luker** moved to **introduce RS 19838** with changes and recommend it be sent to the Health and Welfare Committee. The change is to delete Section 19, 31-3510 (2) (c) on lines 25-28, page 16. “If there is a joint effort between the recipient and the obligated county and the board to pursue a recovery from the third party, then the obligated county and the board shall determine a reasonable fee, if any, for services rendered to the obligated county and the board.” **Motion carried on voice vote.**

RS 19829: **Ron Crane**, State Treasurer, presented **RS 19829**; which is proposed legislation to replace **H 485**. This legislation will transfer the administration of the Unclaimed Property Division from the State Tax Commission to the Office of the State Treasurer. This transfer comes at the request of the State Tax Commission and has been agreed to by the State Treasurer. It is the belief of the Tax Commissioners that Unclaimed Property is a better fit within the jurisdiction of the State Treasurer. Further, all employees of the unclaimed Property Division are presently classified employees and may remain classified until such time as they terminate, resign or leave their current position. At that time the positions will become unclassified, as are all other State Treasurer’s office employees. There is a trailer bill that will follow if this legislation is approved by the House.

Sam Haws, Tax Commissioner, testified in **support of RS 19829**. The Commissioners do believe that Unclaimed Property belongs in the State Treasurer’s office

MOTION: **Rep. Bilbao** moved to **introduce RS 19829** and send it directly to the **Second Reading Calendar**. **Motion carried on voice vote. Rep. Bilbao will sponsor the bill on the floor.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:50 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: March 17, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** Reps. Labrador and Luker

GUESTS: Tana Cory, Bureau of Occupation Licenses; Mike Masterson, Boise Police/Idaho Chief Of Police Association; Mike Kane, Idaho Sheriffs Association; Holly Koole, Idaho Prosecuting Attorneys Association; Rep. Hagedorn; Joel Teuber, Idaho Fraternal Order of Police

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Higgins** moved to approve the minutes of March 16; **motion carried on voice vote.**

RS 19815C1: **Rep. Anderson** presented **RS 19815C**, which is proposed legislation to amend Idaho Code to clarify language; allow the Athletic Commission to establish fees for amateur athletic sanctioning organizations; ensure that promoters obtain bonds and financial security before holding any event; require prepayment of \$400 of the total event tax; clarifies exempt events; states grounds for discipline; and ensures consistency with these changes. The bill would have a positive fiscal impact on the dedicated fund for the Bureau of Occupational Licenses. The fees charged are designed to cover the costs of regulating Athletic Commission events.

MOTION: **Rep. Crane** moved to **introduce RS 19815C1** and send it directly to the **Second Reading Calendar. Motion carried on voice vote. Rep. Anderson will sponsor the bill on the floor.**

S 1378a: **Joel Teuber**, Fraternal Order of Police, presented **S 1378a**; which is legislation that provides confidentiality for peace officers, federal peace officers, correction officers, probation officers and parole officers living in Idaho to voluntarily participate in the Address Confidentiality For Law Enforcement Officers Program. This bill will allow law enforcement officers to use the law enforcement officer's employer's address in place of their residential address on public records. Each public entity can still require the law enforcement officer to give his real residential street address, they just can't disclose it and they must list the employers address on the public records. Law enforcement families often face very real threats of harm or death, both on and off-duty, in the routine order of upholding the laws of the State of Idaho. Keeping their home addresses confidential is a key element of providing safety and peace of mind to

these public servants, their spouses and their children. There are exceptions for the release of the information when required for law enforcement, financial institutions, court order, or written permission from the law enforcement officer involved.

Mike Masterson, representing Boise Police Department and Idaho Chief Of Police Association, testified in **support of S 1378a**. Police chiefs can help a lot to keep officers and their families safe. This is an area that they are unable to protect their officers.

Michael Kane, Idaho Sheriff's Organization, testified in **support of S 1378a**. This does not apply to elected officials and it does provide protection for an employee's accidental release of address information.

Rep. Hagedorn testified in **support of S 1378a**. This is a collaboration of many organizations. This provides law enforcement with an opportunity to protect their families and lives from violence. This will not be a burden to our state departments and agencies.

MOTION: **Rep. Higgins** moved to send **S 1378a** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Hagedorn will sponsor the bill on the floor.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:25 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

- DATE:** March 18, 2010
- TIME:** 8:30 a.m.
- PLACE:** Room EW40
- MEMBERS:** Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins
- ABSENT/
EXCUSED:** Rep. Black
- GUESTS:** Dawn Peck, Idaho State Police; Matthew Faulks, Idaho State Rifle and Pistol Association; Tom Kato, Idaho Athletic Trainer Association; Caroline Faure, Assistant Professor of Sport Science at ISU; Ray Breckenridge; Kort Breckenridge; Brent Faure, Tri Med Sports Medicine; Pam Arriola, Idaho Athletic Trainer Association; Mark Browning, State Board of Education; John Billetz, Idaho High School Activities Association; Rep. Denney; Rep. Takasugi; Robert Luce, Deputy Attorney General
- Meeting was called to order at 8:30 a.m. by **Chairman Loertscher**.
- MOTION:** **Rep. Higgins** moved to approve the minutes of March 17; **motion carried on voice vote.**
- RS 19848:** **Rep. Denney** presented **RS 19848**; which is proposed legislation that sets the compensation for state elected officials over the next four years, beginning the first Monday of January, 2011. This implements a four percent (4%) reduction in state elected officials' pay for 2011. It restores the compensation in 2012 to the 2010 level. For 2013 and 2014 it sets the Governor's compensation and gives each of the other state elected officials a percentage based on the Governor's compensation for those two years.
- MOTION:** **Rep. Stevenson** moved to **introduce RS 19848**. **Rep. Crane** declared a conflict of interest and did not vote. **Motion carried on voice vote.**
- RS 19846:** **Rep. Kren** presented **RS 19846**, which is proposed legislation that would prohibit an abortion on the basis of the unborn's race or sex. It provides for violation, penalties and injunctive relief.
- In answer to committee questions, Rep. Kren said that in this legislation it is a felony to knowingly abort because of sex or race and a misdemeanor to know about the abortion and not report it. He will ask for an attorney general opinion if this is printed.
- ORIGINAL MOTION:** **Rep. Bilbao** moved to **introduce RS 19846**.
- SUBSTITUTE** **Rep. Pasley-Stuart** offered a substitute motion, to **return RS 19846** to

- MOTION:** sponsor.
- ROLL CALL VOTE ON SUBSTITUTE MOTION:** **Chairman Loertscher** called for a vote on the substitute motion to **return RS 19846** to sponsor. **Rep. Pasley-Stuart** requested a **roll call vote**. By a vote of **5 aye and 12 nay**, the motion **failed**. Voting in the affirmative: **Reps. Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins**. Voting in the negative: **Reps. Loertscher, Anderson, Stevenson, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson**.
- ROLL CALL VOTE ON ORIGINAL MOTION:** **Chairman Loertscher** called for a vote on the motion to **introduce RS 19846**. **Rep. Pasley-Stuart** requested a **roll call vote**. By a vote of **12 aye and 5 nay**, the motion **passed**. Voting in the affirmative: **Reps. Loertscher, Anderson, Stevenson, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson**. Voting in the negative: **Reps. Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins**.
- S 1375a:** **Rep. Takasugi** presented **S 1375a**, which is legislation that amends **Section 18-3302** of Idaho Code to allow the late renewal penalty to be waived for members of the armed forces who wish to renew their concealed weapons licenses upon their arrival home. This legislation would provide that any licensee serving on active duty in the armed forces of the United States who is stationed or deployed overseas on military orders during the renewal period shall not be required to pay a late renewal penalty upon renewing.
- MOTION:** **Rep. Higgins** moved to send **S 1375a** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote**. **Rep. Takasugi will sponsor the bill on the floor**.
- H 676:** **Rep. Smith** presented **H 676**, which is proposed legislation to provide guidelines for concussion awareness education training for coaches, paid and volunteer, youth athletes, and their parents/or guardians on the nature and risk of concussion and head injury. A youth athlete who is suspected of sustaining a concussion or head injury needs to be evaluated and released by a licensed health care provider who is trained in the evaluation and management of concussions. All material and training will be provided through donations of services and supplies. There will be no impact to the General Fund.
- Dr. Caroline Faure**, Assistant Professor of Sport Science at Idaho State University, testified in **support of H 676**. Once an athlete sustains one concussion, he or she is four to six times more likely to sustain another. If not managed appropriately, the athlete is susceptible to a phenomenon called Second Impact Syndrome (SIS). This leads to rapid and massive intracranial swelling, until the brain literally explodes inside the skull. It is fatal more than 50% of the time. She believes this legislation is needed to encourage more education regarding brain injuries.
- Ray Breckenridge**, parent of an injured athlete from Tetonia and a Nurse Practitioner, testified in **support of H 676**. His son Kort sustained several concussions throughout his athletic career. On October 7, 2005 he was playing his final game of his senior year and made a routine tackle. Shortly following the tackle he began having a seizure, was taken to the hospital and was diagnosed with SIS. He had to be placed into a chemical induced

comma to help relieve the swelling. With time and medical treatment he lived. He will have permanent brain injury for the rest of his life. He told us that a person does not need to be knocked unconscious to receive a serious concussion. Kort had received many concussions and not wanted to tell anyone for fear of not being able to play. Many athletes hide their injuries to be able to play. This bill will provide information to the athletes as well as the parents.

Kort Breckenridge, an injured athlete from Teton High School, testified in **support of H 676**. He told us of the medical treatments he received to be able to recover. If he had it to do all over again, he'd still play football, but he's just play it more safely.

Brent Faure, Owner of Tri Med Sports Medicine in Pocatello, testified in **support of H 676**. Through his years as athletic trainer at Highland High School, he has had parents and athletes push to have the athlete return to the game even when he had determined that it was dangerous for the athlete to return to the game. This is a serious injury and we need to inform the public. They had at least 20 concussions a year at Highland High School in the football program every year. As result of educating and informing parents and athletes, the last 5 years of his career at Highland he had an increase in reporting and a willingness to follow the guidelines.

Pam Arriola, President of the Idaho Athletic Trainer Association, testified in **support of H 676**. Their group is ready to help the High Schools implement this legislation. They believe that education is the way to stop these injuries from happening to our young athletes. They are trained to recognize the symptoms and the athletes efforts to hide the symptoms.

Mark Browning, State Board of Education, testified in **support of H 676**. The State Board of Education is in full support of this legislation and will help implement the program and distribute information. They have committed to distribute the information whether this passes or not. As a parent he wants to know that those supervising his children have access to this information.

In answer to committee questions, **Rep. Smith** said the reason for the end age limit in this legislation is 17 is that after the age of 18 the athlete is considered an adult by Idaho law. If an individual transfers in after the distribution of the information the information will be provided to the student.

Committee questions and comments dealt with the language in this legislation on page 2, lines 12-21. This section refers to distribution to students. The concern was how to handle a student transferring in after the distribution of the material. There was also comments about the need for legislation on this topic. There was a feeling from some members that this information should already be provided without the need for legislation.

John Billetz, Idaho High School Activities Association, testified in **support of H 676**. There is information provided currently to educate and help coaches in state high schools. Officials, coaches, parents, and trainers all have the authority to pull an athlete from a game. They ask their coaches to err on the side of caution. They already provide the information to the

coaches. They like the part of the bill that provides the information for parents and students.

MOTION: **Rep. Labrador** moved to **HOLD H 676** in committee to a time certain, being Monday. **Motion carried on voice vote.**

H 631: **Rep. Labrador** presented **H 631**, which is proposed legislation to amend **Chapter 3, Title 66, Idaho Code**, by creating a new section to establish a qualifying mental health relief from firearms disabilities program pursuant to Section 105 of the National Instant Check System (NICS) Improvement Amendments Act of 2007 (**Public Law 110-180**). Idaho Code is silent on the transmittal of records from the Idaho Supreme Court database to the NICS for the purpose of determining eligibility to purchase weapons under federal law. This proposal gives clear authority to ISP/BCI to transmit records from the Idaho Supreme Court database to the NICS for the purpose of determining eligibility to purchase weapons under federal law. No database is created by this proposal and no records are retained by the Bureau of Criminal Identification; the bureau passes the information through the Supreme Court directly to the NICS. The passage of this legislation may enable the state to apply for a share of federal grant funding for improvement of the criminal history repository and the court system. Currently if a person has been found mentally deficient they are not able to carry a firearm. This will allow the reinstatement of that right, after judicial review. He distributed an amendment that addresses problems that have been brought forward regarding this legislation. There is another piece of legislation, **H 447**, that addresses this issue. The dispute between the pieces of legislation is the standard of proof needed to reinstate the right to bear arms. This bill has the least restrictive burden of proof.

In answer to questions from the committee, Rep. Labrador said that the only way a person may even apply to have their gun rights reinstated is if he/she has been deemed to be competent. The least restrictive law is the most appropriate. This law does not apply to felons. Felons rights are addressed under Idaho Law. This reinstatement is only needed because of federal law.

Dawn Peck, representing Col. Russell of the Idaho State Police, testified in **opposition of H 631**. He chaired a Criminal Justice Committee regarding this issue. The committee selected the more restrictive burden of proof. They wished to err on the side of caution.

Robert Luce, Deputy Attorney General, testified in **opposition of H 631**. He was involved in the Criminal Justice Committee's work. Currently, mental health commitments in Idaho are not being reported to the NICS data base. The Supreme Court is not permitted currently to report because of confidentiality. Both competing bills give this authority to transfer information. The differences in the bills is in the standard of proof. **H 447** has been approved by ATF. He does not know if they have looked at H 631. In answer to questions he said that the reason that someone is not allowed to bear arms because of a court determined mental health disability is because of federal law. They do believe the language should be the same as that used to commit someone, which is "clear and convincing evidence" and not "preponderance of the evidence."

Matthew Faulks, Idaho State Rifle and Pistol Association, testified in **opposition to H 631**. Most of his concerns have been addressed in the amendment currently before the committee. He still has a few concerns with the cost for examination. It should have a “pay for what you use” language inserted. We do need this type of legislation and an avenue to reinstate the right to bear arms. He believes that the higher standard of proof is important. He supports **H 447**. In answer to questions, Civil commitments are not covered by our Idaho Constitution. This is a right that has been taken away by due process. He believes the process to reinstate the constitutional right should be the same standard used to take the right away.

Rep. Labrador was recognized to close testimony on **H 631**. He said that the standard to take away a constitutional right should be high. The standard to give back a constitutional right should be lower.

MOTION: **Rep. Higgins** moved to **Hold H 631** in committee.

SUBSTITUTE MOTION: **Rep. Luker** offered a substitute motion to send **H 631** to **General Orders** with committee amendments attached. The amendment is; on page 1, line 39 delete “,” after apply and insert “.” Capitalize “If” and add “the court” following the period. Add “finds” following so and delete “shall inform the person of the applicable prohibitions and shall order the person not to ship, transport, possess or receive any firearms or ammunition and to make immediate arrangements for the disposition of any firearms or ammunition owned” from page 1, lines 39-42. Delete page 2, lines 1-4 and “subsection remains in effect.” from line 5. Remove the capital “T” and insert “t” in “the” on line 5 following “effect.” Add “magistrate division of the” on page 2 line 11. Add “magistrate division of the” on line 12. Delete “for relief from the order and” from line 13 and add “as provided for in section 105(a) of Public Law 110-180.” to line 14. **Rep. Labrador** seconded the motion. **Motion carried on voice vote.** **Rep. King** requested she be recorded as voting against the motion. **Rep. Labrador will sponsor the bill on the floor.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:45 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: March 22, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd, Smith, Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** Reps. Anderson, Black

GUESTS: Dr. Caroline Faure, Idaho State University; Brent Faure, Tri Med; Bruce Newcomb, Boise State University; Nate Borchert, Pocatello School District; Mark Browning, State Board of Education; Alex Homaechevarria, MD, Intermountain Orthopaedics; Brian Kane, Deputy Attorney General; Tom Luna, Superintendent of Public Instruction; Jason Hancock, State Department of Education; Sue Reents; Rep. Denney; Rep. Chavez

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Pasley-Stuart** moved to approve the minutes of March 18; **motion carried on voice vote.**

H 676: **Rep. Smith** presented **H 676**, which is legislation to provide guidelines for concussion awareness education training for coaches, paid and volunteer, youth athletes, and their parents/or guardians on the nature and risk of concussion and head injury. A youth athlete who is suspected of sustaining a concussion or head injury needs to be evaluated and released by a licensed health care provider who is trained in the evaluation and management of concussions. All material and training will be provided through donations of services and supplies. There will be no impact to the General Fund. A draft copy of an amendment to the bill was presented to the committee. It provides for the State Board of Education to promulgate rules for the distribution and the administration of Youth Athlete Concussion Education. They would like to call it Kort's Law. There will be no additional training required of coaches on the district level. Reinstatement will need to be addressed by coaches, parents, and medical providers.

In answer to committee questions; **Dr. Caroline Faure** an Idaho State University professor, said she has done research on legal precedence on the liability of coaches. This bill protects the state better than the current level of liability. She believes that a coach should make the safest call when dealing with athletes. The coach should use their best educated judgement. This is already the expectation of coaches.

In answer to committee questions, **Dr. Homaecehavarria MD**, said that symptoms from a concussion can last months and years depending on the trauma to the brain.

Sue Reents, a former Idaho Senator, testified in **support of H 676**. She presented a written statement of support from her sister at St. Alphonsus Hospital in Boise. She also presented a written statement from Kathy Smith a Neurological Case Manager at St. Alphonsus in Boise.

MOTION:

Rep. Pasley-Stuart moved to send **H 676 to General Orders** with amendment attached. **Rep. Smith** seconded the motion. The amendment is: On page 1 of the printed bill, following line 19, insert: "33-1620. SHORT TITLE. This act shall, be known and may be cited as "Kort's Law."; delete lines 20 and 21; and insert: "SECTION 2. That Chapter 16, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1621, Idaho Code, and to read as follows: 33-1621. LEGISLATIVE FINDINGS. The legislature finds that concussions are one of the most commonly"; also on page 1, following line 41, insert: "SECTION 3. That Chapter 16, Title 22, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1622, Idaho Code, and to read as follows: 33-1622. YOUTH ATHLETE CONCUSSION EDUCATION." On page 2, in line 1, delete "(a)"; in line 7, delete "(b)" and insert: "(2)"; in line 8, delete "(a)"; delete lines 15 through 17, and insert: "SECTION 4. That Chapter 16, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1623, Idaho Code, and to read as follows: 33-1623. CONCUSSION EVALUATION AND REINSTATEMENT – RULES – APPLICATION OF LAW."; in line 18, delete "(2)" and insert: "(1)"; in line 21, delete "(3)" and insert "(2)"; delete lines 31 through 37, and insert: "turn to the practice or game from one (1) of the health care providers identified in section 33-1623 (2) (a), Idaho Code. "; in line 38, delete "subsection (3) (a) or (b) of"; and in line 39, delete "this" and insert: "rule promulgated pursuant to this"; in line 40, delete "subsection (3) (a) of"; in line 42, delete "as provided for in subsection (3) (b) of this"; in line 43, delete "section"; and following line 46, insert: "(3) The State Board of Education shall collaborate with the Idaho Medical Association, the State Department of Education and the Idaho High School Activities Association to develop and promulgate rules to implement the provisions of this act. Such rules shall include, but not necessarily be limited to, provisions governing the following: (a) Provide for the immediate removal from a practice or game a youth athlete who is suspected of sustaining a concussion or head injury or where a youth athlete exhibits or experiences signs, symptoms or behaviors consistent with a concussion following an observed or suspected blow to the head or body; and (b) Provide that a youth athlete shall not participate in a practice or game on the same day that such athlete has been diagnosed by a health care provider as having a concussion or on the same day that such athlete has exhibited or experienced signs, symptoms or behaviors consistent with a concussion following an observed or suspected blow to the head or body; and (c) Require guidelines governing the reinstatement of a youth athlete to participation in a practice or game, where such athlete has been removed from a practice or game pursuant to this section or pursuant to rules provided for in this section. Such guidelines shall be reviewed annually and shall be consistent with

current published concussion guidelines and recommendation; and (d) Provide that each school district ensure that coaches receive annual training to learn how to recognize the symptoms of a concussion and how to seek proper medical treatment for a person suspected of having a concussion and to provide for the requirements of such training. Such training should be provided by using community resources, to the extent practicable; and (e) Provide time lines to ensure that, to the extent practicable, every coach receives the training described in this subsection before the beginning of the season for the school athletic team; and (f) Provisions directing that a coach may not allow a member of a school athletic team to participate in any practice or game on the same day that the member exhibits signs, symptoms or behaviors consistent with a concussion following an observed or suspected blow to the head or body or on the same day that the member has been diagnosed with a concussion.

SUBSTITUTE MOTION:

Rep. Crane offered a substitute motion, to **HOLD H 676** in committee.

ROLL CALL VOTE ON SUBSTITUTE MOTION:

Chairman Loertscher called for the vote on the substitute motion to send **HOLD H 676** in committee. **Rep. Pasley-Stuart** requested a **roll call vote**. By a vote of **7 aye and 9 nay**, the motion **failed**. Voting in the affirmative: **Reps. Loertscher, Labrador, Crane, Mathews, Kren, Palmer, Simpson**. Voting in the negative: **Reps. Stevenson, Andrus, Bilbao, Luker, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins**.

ROLL CALL VOTE ON ORIGINAL MOTION:

Chariman Loertscher called for the vote on the original motion to send **H 676** to **General Orders** with committee amendments attached. **Rep. Pasley-Stuart** requested a **roll call vote**. **By a vote of 16 aye and 0 nay, the motion passed**. Voting in the affirmative: **Reps. Loertscher, Stevenson, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins**. Voting in the negative: None. **Rep. Smith (30) will sponsor the bill on the floor**.

H 692:

Rep. Denney presented **H 692**, which is legislation that sets the compensation for the state elected officials for the next four years commencing the first Monday of January, 2011. There will be a four percent (4%) reduction in state elected officials' pay for 2011. It restores the compensation in 2012 to the 2010 level. For 2013 and 2014 it sets the Governor's compensation and gives each of the other state elected officials a percentage based on the Governor's compensation for those two years.

In answer to committee questions, **Rep. Denney** said that if we do nothing the compensation will remain the same over the next four years. He said he did not track all of the elected official salaries in surrounding states. He welcomed input from committee members as to how to handle this issue..

Superintendent Tom Luna, testified in **opposition to H 692**. He feels there should be something in state statute to allow an elected official to reject a salary increase. This bill does not include a clause allowing for pay increase rejections.

In answer to committee questions; **Brian Kane**, Deputy Attorney General, said that current Idaho Code does not allow for salaries to be adjusted during a term of office. The legislature can change code and insert a clause to allow for the rejection of salary increases. But it needs to be done very carefully. There must be respect for the salary of the elected office and care taken to ensure there are no income tax liabilities.

MOTION: **Rep. Labrador** moved to **HOLD H 692** in committee. **Rep. Crane** declared a conflict of interest and will not vote on this legislation.

SUBSTITUTE MOTION: **Rep. Luker** offered a substitute motion, to send **H 692** to **General Orders** with amendments attached. **Rep. Bilbao** seconded the motion. The amendment is; On page 2, line 6 delete "\$121,000" after "of" and insert "\$117,000". On page 2, line 27 delete "125,000" after "of" and insert "\$119,000".

AMENDED SUBSTITUTE MOTION: **Rep. Pasley-Stuart** offered an amended substitute motion, to send **H 692** to the floor with a **DO PASS** recommendation.

ROLL CALL VOTE ON AMENDED SUBSTITUTE MOTION: **Chairman Loertscher** called for the vote on the amended substitute motion to send **H 692** to the floor with a **DO PASS** recommendation. **Rep. Kren** requested a **roll call vote**. By a vote of **3 aye and 12 nay**, the motion **failed**. Voting in the affirmative: **Reps. Smith (30), Pasley-Stuart, King**. Voting in the negative: **Reps. Loertscher, Stevenson, Andrus, Bilbao, Labrador, Luker, Mathews, Kren, Palmer, Simpson, Shepherd (2), Higgins**.

CALL FOR THE QUESTION: **Rep. Luker** called for the **question**. The motion for the question carried on **voice vote**.

VOTE ON THE SUBSTITUTE MOTION: **Chairman Loertscher** called for the vote on the substitute motion to send **H 692** to **General Orders** with amendments attached. **Motion carried on voice vote**. **Reps. Simpson, Labrador, and Pasley-Stuart** requested that they be recorded as voting against the motion. **Rep. Denney will sponsor the bill on the floor**.

Due to time limitations, **Chairman Loertscher** said that **H 688** will be placed on tomorrow's agenda.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:18 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: March 23, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** Rep. Pasley-Stuart

GUESTS: Mark Little, Division of Purchasing; Bill burns, Division of Purchasing; Mark Browning, State Board of Education; Rep. Bedke; Rep. Bayer

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Luker** moved to approve the minutes of March 22; **motion carried on voice vote.**

H 688: **Rep. Bedke** presented **H 688**, which is legislation that creates a new section directing universities and colleges to have sole discretion relating to purchasing, under the direction of the State Board of Education, on items not relating to statewide contracts. In the event that the state enters into open contracts, all universities and colleges will defer to the Division of Purchasing, unless exemption is granted. Currently, there is a duplicity of effort between the Division of Purchasing and the university purchasing departments. This legislation promotes the proper role of government by delegating purchasing duties based on the standards proposed in this bill. To ensure this proposed change is successful, a sunset clause has been included to provide the opportunity for review of the process after three years. This should provide a net savings to universities and colleges due to the reduction in duplicity of effort.

Rep. Bayer testified in **support of H 688**. In his profession in scientific research he has had an opportunity to work with some of these universities. The purchasing process can cause unfortunate problems to happen. The process is cumbersome. This can slow down research and cause problems in publication. This effort to streamline is the appropriate avenue.

Mark Browning, State Board of Education, testified in **support of H 688**. The State Board is fully behind this effort. They do have backstops in place to help oversee any large purchases. They believe they have measures in place to keep the integrity of the process.

Bill Burns, Division of Purchasing for the State of Idaho, testified in **opposition of H 688**. He believes this is a redundant effort. The process can be changed easily. In answer to questions from the committee; he

said that if a change is made through their office that yes, it can be changed back under a new administrator.

MOTION: **Rep. Palmer** moved to send **H 688** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Bedke will sponsor the bill on the floor.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:20 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: March 24, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** Rep. Labrador

GUESTS: David Dahle, Military Division; Sen. Smyser; Ben Ysursa, Secretary of State; Tim Hurst, Deputy Secretary of State

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Higgins** moved to approve the minutes of March 23; **motion carried on voice vote.**

S 1403: **Sen. Smyser** presented **S 1403**, which is legislation providing that the fire districts be divided in thirds and represented equally throughout the district. It requires that a meeting be held following an election of officers and commissioners to take the oath of office. It provides an exception for the taking of the oath of office in the event the commissioner or officer cannot be present at the scheduled meeting.

MOTION: **Rep. Bilbao** moved to send **S 1403** to the floor with a **DO PASS** recommendation. **Motion carried on a voice vote. Rep. Bilbao will sponsor the bill on the floor.**

Vice Chairman Anderson assumed the chair of the committee.

S 1408: **Ben Ysursa**, Secretary of State, presented **S 1408**; which is legislation that makes necessary changes to the state election laws required by the federal Military and Overseas Voting Efficiency Act. This act was signed into law and will be in effect for the 2010 General Election. The law will make it easier for military and overseas voters to request and vote by absentee ballot. This makes the policy that Idaho has been meeting, into Idaho Code. Ballots will be sent out 45 days prior to elections. This bill moves the last day to absentee vote at absentee polling places to the Friday prior to the Tuesday election. This will help county clerk's to have accurate poll books.

In answer to questions from the committee, Mr. Ysursa said that a request for absentee ballot from a service member may be received by email. They will use voter pamphlets and public service ads to get the information out about the change in absentee voting. They will work with the Idaho National Guard to help members being deployed, receive their ballots.

Lt. Col. Dave Dahle, Lead Attorney for the Military Division, testified in **support of S 1408**. He said this legislation further makes the state of Idaho more fully in compliance with federal law. This is important to the military. They will work hard to educate their members about voting.

MOTION: **Rep. Stevenson** moved to send **S 1408** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. King** offered a substitute motion, to send to General Orders with amendments attached. The amendment is: make no changes to page 1, line 20 and 21. **Motion failed for lack of a second.**

VOTE ON ORIGINAL MOTION: **Vice Chairman Anderson** called for a vote on the motion to send **S 1408** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. Stevenson will sponsor the bill on the floor.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:37 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: March 25, 2010

TIME: 9:00 a.m.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** Rep. Labrador and Shepherd (2)

GUESTS: Dave Whaley, Idaho AFL-CIO; Colleen Andrus; Jeremy Pisca, Roaring Springs; Dennis Hollowell; Stan Boyd, Yellowstone Bear World; Sen. Davis

Meeting was called to order at 9:00 a.m. by **Chairman Loertscher**.

MOTION: **Rep. Higgins** moved to approve the minutes of March 24; **motion carried on voice vote.**

S 1425: **Sen. Davis** presented **S 1425**, which is legislation to clarify the gubernatorial confirmation process. It clarifies the submission of the letter of appointment to the Senate and how the submission should be handled. It further clarifies that if the appointment is not confirmed, a vacancy is declared and the position is open until another appointment letter and confirmation is given. It is the Senates responsibility to confirm appointments. Occasionally there has been a problem in this process. This helps to clarify the process to alleviate these problems.

In answer to committee questions, Sen. Davis said this does not address the ability of the Governor to make appointments. This bill only relates to the confirmation of appointments. They may need to look at this section again to clarify appointments needing confirmation.

MOTION: **Rep. King** moved to send **S 1425** to the floor with a **DO PASS** recommendation. **Motion carried on voice vote. Rep. King will sponsor the bill on the floor.**

S 1347: **Stan Boyd**, representing Yellowstone Bear World, presented **S 1347**; which was presented to the committee on March 11th. An amendment has been drafted to address the concerns that returned this bill to the committee. The amendment will limit the number of exemptions that were originally proposed. It removes the wording that the state of Idaho will conform to and track with, the federal minimum wage law. It removes ski facilities from this exemption and provides that it will only apply to employees under the age of twenty-one (21) years of age.

Jeremy Pisca, representing Roaring Springs Water Park, testified in **support of S 1347**. In answer to committee questions he said that Roaring Springs hire 350 teenagers every summer. They receive 1,200 job applications. Roaring Springs does not believe they will be able to pay the lower wage to their employees, because of competition from other water parks in surrounding states.

MOTION: **Rep. Black** moved to send **S 1347** to **General Orders**. **Rep. Anderson** seconded the motion. **Motion carried on voice vote**. **Rep. King and Pasley-Stuart** requested they be recorded as voting against the motion.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:27 a.m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: March 29, 2010

TIME: At call of the Chair

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Anderson, Representatives: Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2), Smith (30), Pasley-Stuart, King, Higgins

**ABSENT/
EXCUSED:** Rep. Pasley-Stuart

GUESTS: David Hensley, Governor's Office

Meeting was called to order at 3:15 p.m. by **Chairman Loertscher**.

SJM 106: **David Hensley**, Office of the Governor, presented **SJM 106**; which is a Joint Memorial that calls for an amendment to the U.S. Constitution that would prevent Congress from passing laws requiring citizens of the United States to participate in any health care insurance program or penalizing them for declining health care coverage. The Governor feels this is a necessary move to preserve the rights of U.S. citizens and the citizens of Idaho. There is an effort to look at ways to make insurance affordable and to provide health coverage for Idahoans. There are approximately 31 states looking at similar legislation.

MOTION: **Rep. Bilbao** moved to send **SJM 106** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. King** offered substitute motion to, **HOLD SJM 106** in committee.

ROLL CALL VOTE ON SUBSTITUTE MOTION: **Rep. Simpson** requested a **roll call vote**. By a vote of **3 aye and 14 nay**, the motion **failed**. Voting in the affirmative: **Reps. Smith (30), King, Higgins**. Voting in the negative: **Reps. Loertscher, Anderson, Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2)**.

ROLL CALL VOTE ON ORIGINAL MOTION: **Rep. Bilbao** requested a **roll call vote**. By a vote of **14 aye and 3 nay**, the motion **passed**. Voting in the affirmative: **Reps. Loertscher, Anderson, Stevenson, Black, Andrus, Bilbao, Labrador, Luker, Crane, Mathews, Kren, Palmer, Simpson, Shepherd (2)**. Voting in the negative: **Smith (30), King, Higgins**. **Rep. Roberts will sponsor the bill on the floor.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:24 p. m.

Representative Loertscher
Chairman

Kitty Kunz
Secretary