

House Ways & Means Committee

Minutes
2010



MINUTES

HOUSE WAYS AND MEANS COMMITTEE

DATE: February 25, 2010

TIME: Upon Adjournment of Majority Caucus

PLACE: Room E403

MEMBERS: Chairman Wills, Representatives Moyle, Bedke, Roberts, Rusche, Ruchti, Killen

**ABSENT/
EXCUSED:**

GUESTS:

Chairman Wills called the meeting to order at 12:50 p.m.

RS 19671C1: **Chairman Wills** stated this legislation establishes a Highway Safety Fund. Money for this fund will be derived from the court cost distribution for all safety restraint violations. The distribution will be \$5.00 to the Highway Safety Fund (created by this legislation), \$5.00 to the Idaho Statewide Trial Court Automated Records System (ISTARS), \$5.00 to the District Court Fund, and \$26.50 to the Catastrophic Health Care Cost Fund, which is currently unfunded. General Fund dollars will not be appropriated to the Highway Safety Fund. **Chairman Wills** requested the committee introduce the RS and refer it to the Transportation & Defense Committee.

MOTION: **Rep. Killen** made a motion to introduce **RS 19671C1** and refer it to the Transportation & Defense Committee. **By voice vote the motion passed.**

RS 19690: **Chairman Wills** stated this concurrent resolution requests the Department of Health & Welfare to undertake a study of the cost of implementing a random drug testing program of adults receiving public assistance. Those who continue to test positive for a controlled substance after ninety day would have their public assistance withheld until such time as they have a negative drug test at which time they can re-apply for public assistance. The department stated funds were available to undertake this study.

MOTION: **Rep. Roberts** made a motion to introduce **RS 19690**. In answer to a question regarding Medicaid, **Chairman Wills** stated this study will help to answer the question regarding the effect this would have on Federal funding. **By voice vote the motion passed.**

RS 19656: **Rep. Moyle** advised the committee this legislation is being proposed to help the Eagle and Star fire districts. Presently there are landowners in the Eagle and Star area with property that cannot be annexed into a fire district because no one resides on the property. This would allow those landowners the ability to annex into a fire district from an adjoining county

without an election.

- MOTION:** **Rep. Bedke** made a motion to introduce **RS 19656**. When questioned about the process, **Rep. Moyle** stated that 100% of the property owners would have to petition for annexation. In addition, no electorate will be present in the property proposed to be annexed. **By voice vote the motion passed.**
- RS 19716:** **Rep. Thompson** stated this legislation deals with Section 67-6509, Idaho Code. It would allow a zoning commission to recommend amendments to a comprehensive plan at any time rather than no more frequently than every six months. In response to a question about the process, he stated this legislation allows a person to petition the commission for a plan amendment. He also advised the committee he wasn't aware of any opposition and the Association of Counties are aware of this change to Idaho Code.
- MOTION:** **Rep. Roberts** made a motion to introduce **RS 19716**. **By voice vote the motion passed.**
- RS 19727:** **Chairman Wills** stated this legislation relates to **HB602**, which was passed several years ago dealing with Idaho State Police training and retention. The Project Choice Fee proceeds are used for the purpose of creating a career ladder within the Idaho State Police and for hiring and retention of trained and qualified employees for Idaho State Police positions. With this RS non-uniformed personnel, except for commissioned officers, dispatch personnel and forensic personnel within the Idaho State Police, will be removed from those who would benefit from the proceeds of the Project Choice Fee. Those who participated in and benefitted from the use of the Project Choice Fee during the first four years of its existence will continue to participate. Those who will be made exempt with the passage of this legislation are aware of the change. When questioned if the funds could be used for other purposes, **Chairman Wills** responded that with respect to retention the funds could be used for items in the Idaho State Police budget that would allow troopers to remain employed.
- MOTION:** **Rep. Moyle** made a motion to introduce **RS 19727**. **By voice vote the motion passed.**
- RS 19707C2:** **Rep. Block** stated this legislation will amend the Child Protective Act with two policy changes. The intent of the legislation is to serve the best interest of the child. The first change will authorize the Department of Health & Welfare to consider a priority list when placing a child who has been taken into Health & Welfare custody. The second change authorizes an expediting process when placing the child. She pointed out that the Department is in full agreement with the proposed changes to the Act. **Rep. Block** pointed out the definition of "relative" on page 4 (30). On page 5, line 6, the words "fit and willing" were added to describe the relative who would have custody of the child. On page 7 (11), language is included that emphasizes priorities as to placement of the child. A new section is added (page 9, section 5) and speaks to a foster care licensing waiver that would allow placement of the child with a relative (as defined in this legislation) within 24 hours when a child is removed from his/her

home.

- MOTION:** **Rep. Bedke** made a motion to introduce **RS 19707C2** and refer it to the Health & Welfare Committee.
- RS 19718** **Rep. Stevenson** explained that these pieces of legislation deal with the rejection of rules by the Resources & Conservation Committee.
RS 19719 **RS 19718** rejects **Docket No. 26-0120-0901** deals with governing the administration of Parks & Recreation Department. **RS 19719** rejects Fish & Game Commission's rule contained in **Docket No. 13-0103-0901**.
RS 19726: **RS 19726** was put forward by the Department of Lands and deals with grazing leases and cropland leases under **Docket No. 20-0314-0901**.
- MOTION:** **Rep. Roberts** made a motion to introduce **RS 19718, RS 19719 and RS 19726** and send them to the second reading calendar. **By voice vote the motion passed.** Rep. Stevenson will be floor sponsor.
- RS 19724:** **Rep. Trail** explained that this resolution encourages healthy, locally grown food production, distribution and consumption in Idaho as well as encouraging Idahoans and Idaho businesses to purchase and consume food produced in Idaho. He stated the Idaho Potato Commission had expressed concern over some of the language and corrections were made to their satisfaction.
- MOTION:** **Rep. Bedke** made a motion to introduce **RS 19724**. **By voice vote the motion passed.**
- ADJOURN:** There being no further business to come before the committee, **Chairman Wills** adjourned the meeting at 1:15 p.m.

Representative Richard Wills
Chairman

Sue Frieders
Secretary

MINUTES

HOUSE WAYS AND MEANS COMMITTEE

DATE: March 2, 2010

TIME: Upon Adjournment

PLACE: Room E403

MEMBERS: Chairman Wills, Representatives Moyle, Bedke, Roberts, Rusche, Ruchti, Killen

**ABSENT/
EXCUSED:**

GUESTS: Benjamin Davenport, Risch, Pisca; Bill Spence, Lewiston Tribune; Betsy Russell, Spokesman-Review; Brian Murphy, Idaho Statesman; John Miller; Associated Press

Chairman Wills called the meeting to order at 12:10 p.m.

MOTION: **Rep. Rusche** made a motion to accept the minutes of February 25, 2010, as written. **By voice vote the motion passed.**

RS 19706: **Rep. Woods (35)** stated this legislation comes from the Multi-State Highway Transportation Agreement (MSHTA). The Federal Highway Administration's "Western State Scenario Analysis" found that expanded use of LCVs (longer combination vehicles) would reduce heavy truck vehicle miles traveled. However, the Federal Highway Administration put a freeze on Idaho's authority to expand the use of LCVs in 1991. Because of the freeze, Idaho has become a bottleneck when these vehicles are traveling between the member states of the MSHTA, therefore, this Memorial asks Congress to rescind the freeze.

MOTION: **Rep. Bedke** made a motion to introduce **RS 19706**. **By voice vote the motion passed.**

RS 19757 **Rep. Moyle** stated this legislation comes from the mint producers. It is a common practice to "flash burn" the mint fields after planting in the spring in order to kill the weeds that are above ground as well as to control disease. This legislation would give the mint producers an allowable exemption from the Idaho Department of Environmental Quality.

MOTION: **Re. Bedke** made a motion to introduce **RS 19757** and refer it to the Agricultural Affairs Committee. **By voice vote the motion passed.**

RS 19699: **Rep. Barrett** stated this legislation would restore constitutionally valid tender in Idaho by restoring silver and gold as an alternative to Federal Reserve Notes. This would allow Idaho citizens to electronically pay debts with silver and gold. She stated she was unable to describe the electronic process, but she hoped the RS would be introduced so that at a hearing the process could be explained. When questioned regarding the judicial enforcement section of the RS, she advised the committee she had received an Attorney General's opinion as to constitutionality, and

concerns were addressed. She also stated this is “shall” legislation, citizens can choose to use this type of tender but are not required to do so. Several committee members voiced concerns about the concept.

MOTION: **Rep. Moyle** made a motion to introduce **RS 19699**. **By voice vote the motion passed.**

ADJOURN: There being no further business to come before the committee, **Chairman Wills** adjourned the meeting at 12:25 p.m.

Representative Richard Wills
Chairman

Sue Frieders
Secretary

MINUTES

HOUSE WAYS AND MEANS COMMITTEE

DATE: March 9, 2010

TIME: Upon Adjournment

PLACE: Room E403

MEMBERS: Chairman Wills, Representatives Moyle, Bedke, Roberts, Rusche, Ruchti, Killen

**ABSENT/
EXCUSED:**

GUESTS: Steve Millard, Idaho Hospital Assn.; Jeremy Pisca, Risch, Pisca; Benjamin Davenport, Risch, Pisca; Zach Hauge, Capitol West; Larry Benton, Benton, Ellis; Betsy Russell, Spokesman Review; Martin Bilbao, Connolly, Smyser

Chairman Wills called the meeting to order at 12:05 p.m.

MOTION: **Rep. Bedke** made a motion to accept the minutes of March 2, 2010, as written. **By voice vote the motion passed.**

RS 19700: **Michael Henderson**, legal counsel for the Idaho Supreme Court, stated this legislation comes from the Child Protection Committee and concerns the duties of the guardian ad litem (GAL). The basic duty of the GAL is to advocate for the best interest of the child, and this duty will be put in statute with this legislation. In addition, the legislation clarifies the report due to the Court; requires the GAL, when possible, to obtain the child's wishes and communicate them to the Court; and gives the GAL authority to gather information relevant to the case in order to make recommendations regarding the best interests of the child. Language is deleted from the statute that pertains to actions that go beyond the duty of the GAL. It also states the GAL does not represent the parents' views in the case; the parents are responsible for their own representation.

MOTION: **Rep. Bedke** made a motion to introduce **RS 19700**. **By voice vote the motion passed.**

RS 19760: **Rep. Collins** advised the committee that at the request of the Department of Insurance a subsection of a pending rule relating to continuing education will be rejected by this legislation.

MOTION: **Rep. Bedke** made a motion to introduce **RS 19760**.

**SUBSTITUTE
MOTION:** **Rep. Moyle** made a substitute motion to send **RS 19760** to the second reading calendar.

In answer to questions about the hearing on this rule before the germane committee, Rep. Collins stated both the sub-committee and the full committee had hearings on this RS and found the rule objectionable.

**VOTE ON
SUBSTITUTE
MOTION:**

By voice vote the motion passed. Rep. Collins will serve as floor sponsor.

**RS 19766
RS 19767:**

Rep. Anderson stated that it is important for Idaho to be competitive in green resources, specifically geothermal. In order to make that happen Idaho must provide an environment that allows the state to be competitive with the federal government. To do this, **RS 19766** will allow a geothermal production plant, once it reaches 85% of capacity, to have its bond returned. If production falls below the 85% mark, a bond shall again be furnished. Additionally, **RS 19767** deals with royalties associated with geothermal resource leases. This legislation will fix the royalty to no more than 1.75% for the first 10 years of production and increase it to 3.5% thereafter.

MOTION:

Rep. Roberts made a motion to introduce **RS 19766**.

A question was raised about removing the bond before the production plant is at capacity. Rep. Anderson pointed out that typical projects on these lands take 20 to 50 years to be productive. However, geothermal projects can take a century or more, so in an effort to be competitive with our federal neighbors, the 85% production figure is thought to be competitive. If a plant drops below that figure, they will lose the bond. Also if we wait until the plant reaches capacity we could be holding the bond for decades. In addition, there will be an opportunity to re-evaluate the bond.

**VOTE ON
MOTION:**

By voice vote the motion passed.

MOTION:

Rep. Roberts made a motion to introduce **RS 19767**. **By voice vote the motion passed.**

RS 19781:

Rep. Rusche stated this concurrent resolution directs the Health Quality Planning Commission within the Department of Health & Welfare to examine the public health impact and financial, emotional and care burden of Alzheimer's disease.

MOTION:

Rep. Moyle made a motion to introduce **RS 19781**. **By voice vote the motion passed.**

RS 19774C1:

Steve Millard, Idaho Hospital Association, stated this legislation relates to the appropriation bill for Medicaid. Through the Hospital Association Act of 2008 private hospitals will leverage federal money to assist with the State's Medicaid budget by way of additional assessments to the hospitals. The funds will amount to \$25 million/year for two years. There is a sunset clause that will restore the statute to its 2010 status.

MOTION:

Rep. Moyle stated this is a much needed piece of legislation and made a motion to introduce **RS 19774C1**. **By voice vote the motion passed.**

ADJOURN:

There being no further business to come before the committee, **Chairman**

Wills adjourned the meeting at 12:23 p.m.

Representative Richard Wills
Chairman

Sue Frieders
Secretary

MINUTES

HOUSE WAYS AND MEANS COMMITTEE

DATE: March 11, 2010

TIME: Upon Recess

PLACE: Room E403

MEMBERS: Chairman Wills, Representatives Moyle, Bedke, Roberts, Rusche, Ruchti, Killen

**ABSENT/
EXCUSED:** Rep. Ruchti

GUESTS: Don Ebert, Commissioner, Clearwater County

Chairman Wills called the meeting to order at 12:06 p.m.

MOTION: **Rep. Moyle** made a motion to accept the minutes of March 9, 2010, as written. **By voice vote the motion passed.**

RS 19814: **Rep. Roberts** stated this legislation would allow for operation of ATVs and UTVs on Federal land roadways, such as logging roads, that are not part of the highway system in Idaho and to allow for training of drivers under the age of 16, who will be using these roads. When questioned about the safety classes, Rep. Roberts stated these classes would be a requirement for under 16 year-olds who wish to operate such vehicles on Forest Service lands.

Don Ebert, Clearwater County Commissioner, stated the Forest Service was hoping this legislation would solve some of the problems they are having with operators in the under 16 age group using Federal roads. If this issue is not addressed by Idaho, the Forest Service will be forced to do a mix use study, which may result in Idahoans not being able to ride on these roads.

Chairman Wills added that this legislation will ensure these drivers receive the proper training and are under adult supervision when using these roads. This will satisfy the Forest Service.

Rep. Moyle questioned what authority the Forest Service was using to make this request and what authority they had to stop people from using the roadways in question. In addition he was not comfortable with the expansion of the helmet law as provided in the legislation. He stated he would support a motion to introduce the legislation, but he would want answers to his many questions when this was discussed as a bill before the appropriate committee.

MOTION: **Rep. Killen** made a motion to introduce **RS 19814**. **By voice vote the motion passed.**

RS 19819 **Rep. Anderson** stated this legislation is an effort to bring forth a unified

statewide plan for health districts when dealing with subsurface sewage systems, wastewater treatment, sewage systems and water quality issues. Presently Idaho has seven health districts. A meeting of the Environmental Quality Task Force this week met with the Director of Environmental Quality and the directors of the health districts. Currently the health districts are not following a single set of rules. This legislation will make all rules relating to these systems null and void. It will give the Board of Environmental Quality the authority to promulgate rules relating to these systems and such rules will have to be approved by the House and Senate during this legislative session. He stated temporary rules could be in place immediately if this legislation becomes law. He advised the committee a meeting will be held again on Monday, March 15, with all parties involved in hopes of solving this problem, but this legislation needs to move forward in case a settlement cannot be reached.

MOTION: **Rep. Bedke** made a motion to introduce **RS 19819**. **By voice vote the motion passed.**

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

Representative Richard Wills
Chairman

Sue Frieders
Secretary

MINUTES

HOUSE WAYS AND MEANS COMMITTEE

DATE: March 15, 2010
TIME: Upon Adjournment
PLACE: Room E403
MEMBERS: Chairman Wills, Representatives Moyle, Bedke, Roberts, Rusche, Ruchti, Killen

**ABSENT/
EXCUSED:**

GUESTS:

Chairman Wills called the meeting to order at 12:43 p.m.

MOTION: **Rep. Roberts** made a motion to accept the minutes of March 11, 2010, as written. **By voice vote the motion passed.**

RS 19720: **Mike Nugent**, Legislative Services Office, explained this legislation is heard every session and is commonly known as the "drop dead bill." Passage of this bill will continue certain administrative rules in full force and effect until July 1, 2011.

MOTION: **Rep. Bedke** made a motion to introduce **RS 19720** and refer it to the second reading calendar with Rep. Moyle serving as the sponsor. **By voice vote the motion passed.**

RS 19832: **Rep. Andrus** explained that this legislation is a result of negotiations between concerned parties on the Department of Agriculture's raw milk rule. Because the rule was passed by the Senate and rejected by the House, a committee was formed to resolve the problem. This RS is the result of the meetings and has been agreed upon by all the parties.

MOTION: **Rep. Bedke** made a motion to introduce **RS 19832** and refer it to Agricultural Affairs Committee. **By voice vote the motion passed.**

ADJOURN: There being no further business to come before the committee, **Chairman Wills** adjourned the meeting at 12:48 p.m.

Representative Richard Wills
Chairman

Sue Frieders
Secretary

MINUTES

HOUSE WAYS AND MEANS COMMITTEE

DATE: March 17, 2010

TIME: 12:11 P.M.

PLACE: Room E403

MEMBERS: Chairman Wills, Representatives Moyle, Bedke, Roberts, Rusche, Ruchti, Killen

**ABSENT/
EXCUSED:**

GUESTS: Benjamin Davenport, Lobbyist, Risch, Pisca; Neil Colwell, Lobbyist, Avista Corp.; Matt Freeman, Chief Financial Officer, State Board of Education; Bruce Newcomb, Boise State University; Courtney Kirchner, Intern, Boise State University; Sarah Hildebrand, Purchasing Officer, Idaho Department of Purchasing; Bill Burns, Administrator, Idaho Department of Purchasing; Roland Gammill, Financial Officer, Idaho Supreme Court; Brian Murphy, Idaho Statesman; Betsy Russell, The Spokesman-Review; Patti Tobias, Idaho Supreme Court; Corrie Keller, Idaho Supreme Court; John Miller, Associated Press; Teresa Molitor, Lobbyist; Idaho Legal Aid; Rep. Tom Loertscher

Chairman Wills called the meeting to order at 12:11 p.m.

MOTION: **Rep. Rusche** made a motion to accept the minutes of March 15, 2010, as written. **By voice vote the motion passed.**

RS 19851: **Rep. Bedke** said this legislation allows those universities and colleges that are not pre-statehood to make independent purchases except when those purchases are covered by a statewide contract that allow for savings because of volume purchases. In addition, each of these entities would be allowed to promulgate their own procedure and process for independent purchases with the approval of the State Board of Education (SBOE). If SBOE approves, the entities would be able to act as independent purchasers on sole source contracts. This bill would allow for efficiencies and eliminate redundancies in the current system.

MOTION: **Rep. Killen** made a motion to introduce **RS 19851**. **By voice vote the motion passed.**

RS 19865: **Patti Tobias**, Administrative Director of the Courts, stated this RS replaces **H0524aa** because the emergency surcharge amounts to be charged to each defendant for each infraction, misdemeanor and felony for which the defendant is found or pleads guilty has been changed. The change to a tiered approach was felt to be a more appropriate system. The legislation provides a solution that will help with the Court budget by shifting dollars from the General Fund to dedicated funds. The surcharge

will be \$10.00 for each infraction, \$50.0 for each misdemeanor and

\$100.00 for each felony committed on or after April 15, 2010, until June 30, 2013.

MOTION: **Rep. Roberts** made a motion to introduce **RS 19865** and send it to the second reading calendar. **By voice vote the motion passed.** **Reps. Wills** and **Bolz** will serve as floor sponsors.

ADJOURN: There being no further business to come before the committee, **Chairman Wills** adjourned the meeting at 12:26 p.m.

Representative Richard Wills
Chairman

Sue Frieders
Secretary

MINUTES

HOUSE WAYS AND MEANS COMMITTEE

DATE: March 22, 2010

TIME: Upon Adjournment

PLACE: Room E403

MEMBERS: Chairman Wills, Representatives Moyle, Bedke, Roberts, Rusche, Ruchti, Killen

**ABSENT/
EXCUSED:**

GUESTS: Zach Hauge, Lobbyist, Capitol West; Marilyn Sword, Executive Director, Idaho Council on Developmental Disabilities; Jim Baugh, Executive Director, Disability Rights, Idaho; Kathie Garrett, Lobbyist, Partners in Crisis of Idaho; Robbi Barrutia, Idaho State Independent Council; Jeremy Pisca, Attorney, St. Al's Regional Medical Center; Ty Palmer, Intern; Toni Lawson, Vice President, Idaho Hospital Assn.; Martin Bilbao, Lobbyist, Connelly, Smyser; Benjamin Davenport, Lobbyist, Risch, Pisca

Chairman Wills called the meeting to order at 12:18 p.m.

MOTION: **Rep. Rusche** made a motion to accept the minutes of March 17, 2010, as written. **By voice vote the motion passed.**

RS 19827: **Rep. Wood (27)** stated the purpose of this legislation is to contain Medicaid costs by reducing reimbursement, cutting incentives that are affordable in the current economic environment and by requiring pharmacies to participate in cost surveys in order to obtain accurate and current prices. The changes include both short-term and ongoing reductions. The ongoing policy reductions are being made to provide for sustainable cost controls. Reimbursement changes impact personal care service agencies, nursing homes, intermediate care facilities, physicians and dentists. The Division of Medicaid's budget was originally established on the assumptions that last year's reductions would be continued for another year. New to this year's cost containment bill is a requirement that personal care rates be no greater than the current rate but can be reduced based on the wage survey. The nursing home and intermediate care facility incentive payments are removed entirely rather than simply reduced. Pharmacy required participation in cost surveys will allow Medicaid to expand the use of its State Maximum Allowed Cost (SMAC) methodology that is projected to result in reduced program costs. As for the fiscal impact, he stated the cost containment items that were continued from last year have already been incorporated into the Division of Medicaid's 2011 appropriation. The next cost containment items that will help address the projected 2011 shortfall equal \$3.4 million in general funds for a \$16.7 million in savings. He noted there were two spelling errors in the Statement of Purpose (1) on line 4 "sort-term" should be "short-term" and (2) on line 11 "tan" should be "than." He requested the RS be sent to Health & Welfare.

- MOTION:** **Rep. Rusche** made a motion to introduce **RS 19827** and refer it to the Health & Welfare Committee with corrections to the Statement of Purpose (1) on line 4 “sort-term” should be “short-term” and (2) on line 11 “tan” should be “than.” **By voice vote the motion passed.**
- RS 19872C1:** **Rep. Roberts** stated this legislation is specific to operators of ATVs, UTVs, specialty off-highway vehicles and motorbikes who are under the age of 16 and is specific to national forest lands. This RS includes a provision for a completed state approved motorbike or ATV safety course for unlicensed operators on national forest lands. Rep. Roberts said further discussions are being held by the interested parties and an agreement should be reached regarding this issue.
- MOTION:** **Rep. Bedke** made a motion to introduce **RS 19872C1**. **By voice vote the motion passed.**
- RS 19876:** **Rep. Hagedorn** stated this legislation removes all eight different categories in our tax system to a single flat tax bracket. Over a ten year period starting in 2012, it reduces the individual tax from 7.8% to 4.9% for taxable income over \$20,000. Over a ten year period starting in 2012, it reduces the corporate tax from 7.6% to 4.9%. He noted that small businesses, LLC’s and PLLC’s currently file using the individual income tax bracket, and 85% of employers in Idaho fall into this category. Reducing the tax brackets to 4.9% will enable Idaho to be competitive with surrounding states and place Idaho in the top 10 business-friendly states in the U.S. Concern was expressed regarding the \$374 million cost of the ten-year program and the language used in the Fiscal Impact portion of the Statement of Purpose. After much discussion the committee agreed that the sentence in the Fiscal Impact of the Statement of Purpose “Total cost of the ten year program will be \$374 million (2010 dollars).” should be changed to read “At the end of the ten-year program, the cumulative costs will be \$374 million (2010 dollars).”
- MOTION:** **Rep. Roberts** made a motion to introduce **RS 19876** with the sentence change as stated in the Fiscal Impact portion of the Statement of Purpose (“Total cost of the ten year program will be \$374 million (2010 dollars).” should be changed to read “At the end of the ten-year program, the cumulative costs will be \$374 million (2010 dollars).”). **By voice vote the motion passed.**
- ADJOURN:** There being no further business to come before the committee, **Chairman Wills** adjourned the meeting at 12:38 p.m.

Representative Richard Wills
Chairman

Sue Frieders
Secretary

MINUTES

HOUSE WAYS AND MEANS COMMITTEE

DATE: March 26, 2010

TIME: House at Ease

PLACE: Room E403

MEMBERS: Chairman Wills, Representatives Moyle, Bedke, Roberts, Rusche, Ruchti, Killen

**ABSENT/
EXCUSED:**

GUESTS: Martin Bilbao, Lobbyist, Connolly, Smyser; Jeremy Pisca, Lobbyist, Alliance of Automobile Manufacturers; Holly Kool, Idaho Prosecuting Attorneys Assn.; Michael Kane, Lobbyist, Property & Casualty Insurers Assn./Idaho Sheriffs Assn.; Paul Jackson, Lobbyist, Farmers Insurance

Chairman Wills called the meeting to order at 10:20 a.m.

MOTION: **Rep. Bedke** made a motion to accept the minutes of March 22, 2010, as written. **By voice vote the motion passed.**

RS 19904C2: **Rep. Kren** explained that the proposed legislation defines the term "texting" and offers an exemption for drivers of emergency medical and law enforcement vehicles during the execution of their duties. The penalty for a first-time violation is \$50.00 plus court costs and any subsequent violation will be \$100.00 plus court costs. When asked to explain the difference between this RS and the Senate version, **SB1352aa**, **Rep. Kren** stated the RS defines "texting" but does not include "review of written communication," which is included in the definition of the Senate version, the RS creates a new section of Idaho Code regarding "texting," and "texting" is considered an infraction in the RS instead of a misdemeanor as stated in the Senate version. **Chairman Wills** advised the committee that the Senate version has "texting" in Idaho Code relating to inattentive driving and that makes "texting" a misdemeanor. Questions were asked relating to when a person is "texting" or not "texting." **Rep. Roberts** stated that page 1, line 31, clarifies the definition and shows that dialing would not be a violation.

MOTION: **Rep. Roberts** made a motion to introduce **RS 19904C2** and send it to the second reading calendar. **By voice vote the motion passed.** **Rep. Kren** will serve as floor sponsor.

ADJOURN: There being no further business to come before the committee, **Chairman Wills** adjourned the meeting at 10:40 a.m.

Representative Richard Wills
Chairman

Sue Frieders
Secretary