

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, January 31, 2012

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Crane, Representative(s) Stevenson, Black, Anderson, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Batt, Smith(30), King, Higgins, Buckner-Webb

**ABSENT/
EXCUSED:** Vice Chairman Crane

GUESTS: None

Chairman Loertscher called the meeting to order at 9:31 a.m.

RS 20900: **Rep. Hagedorn** presented **RS 20900** to the committee. This Joint Memorial is to recognize Sgt. Chris Tschida for the heroic acts he took on May 15, 2005, during his tour in IRAQ. Sgt. Tschida and his tank crew were on a mission providing security for an infantry detail when an insurgent attacked their tank by throwing two grenades into it. Sgt. Tschida located one of the grenades and while retrieving it, the grenade exploded and amputated his left hand. The other grenade exploded inside the tank severely injuring the other crew members as well as Sgt. Tschida. Even with his injuries he was able to get the other crew members out of the tank, provide first-aid and fight off an attack by an insurgent. Sgt. Tschida loaded the crew members onto the tank, covered them with his body to shield them, and commanded the driver to take them to a safe location. Sgt. Tschida's heroics are documented by those on the ground as well as his Lieutenant. The paperwork to issue citations did not get completed as it should have. If this Joint Memorial passes it will go to Idaho's Congressional delegation and then forwarded to the President.

MOTION: **Rep. Stevenson** made a motion to introduce **RS 20900** and send it directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Hagedorn** will sponsor the bill on the floor.

RS 20945: **Rep. Hagedorn** presented **RS 20945** to the committee. This is proposed legislation that corrects concerns of last session regarding the positioning of the POW/MIA flag and where it can be flown. The previous legislation limited the display of the POW/MIA flag to the following: the State Capitol building, the building that serves as the district court, the building that serves as the city or town hall of each incorporated city or town, and the building that serves as the main administrative building of each county. These designations did not allow the POW/MIA flag to be flown in the Veterans Cemetery or at the Veterans Memorial. This proposed legislation deletes the locations listed above. It will make the Division of Veterans Services in charge of the proper protocol on where to locate and display flags flown on State property.

In response to questions from the committee, **Rep. Hagedorn** clarified that the legislation is not attempting to limit the flying of the POW/MIA flag. It is meant to have the Division of Veterans Services direct the proper protocol on where to locate and fly the POW/MIA flag when it is placed, for example, next to the U.S. flag and the Idaho State flag.

MOTION: **Rep. Henderson** made a motion to introduce **RS 20945.** **Motion carried by voice vote.**

RS 21057: **Rep. Henderson** presented **RS 21057** to the committee. He stated this legislation has the support of the Association of Cities as well as PERSI and is brought here today at the request of the Board of Directors of the Cemetery Districts. They have part-time employees who are not exempt from PERSI unlike the irrigation districts. This legislation revises the definition of "employee" for the purposes of PERSI benefits to be any person who works one-thousand three hundred eighty-seven (1,387) hours or more in a calendar year, but this does not include school teachers who work half-time.

In response to questions from the committee, **Rep. Henderson** clarified that an employee would not get credit for any year that they did not work 1,387 hours.

MOTION: **Rep. Andrus** made a motion to introduce **RS 21057**. **Motion carried by voice vote.**

RS 20986: **Rep. Lake** presented **RS 20986** to the committee. The purpose of this legislation is to treat legislators the same as all other elected officials with respect to accumulated service time for PERSI benefits. A past legislature passed **S 1603** in 1990 making it retroactive to 1985 and carved out special PERSI benefits for legislators. A person who serves in the legislature for a period of time can accumulate service time for PERSI benefits and then take a position at much higher pay for a minimum of 42 months to "spike" their benefits. They then can retire with the benefit provided by the higher pay. No other elected official can claim this benefit. **Rep. Lake** stated that legislators should be held to the same standard as all other elected officials and this legislation will repeal **S 1603**. **Rep. Lake** provided an example of the difference between what a legislator would receive at retirement and what one would receive if they took a higher paid position to "spike" their benefits. **Rep. Lake** further explained all legislators who leave before July 1, 2012, will have their retirement benefits computed under the current code. After that date, the initial service retirement allowance of all other members of the Idaho Legislature will be computed in the same manner as the computation for non-legislative elected or appointed officials.

In response to questions, **Rep. Lake** advised that the date July 1, 2012, was used because it is the end of the fiscal year. It has not been analyzed constitutionally as to making this change in the middle of the year when a legislator's term ends at the end of the calendar year. This legislation will take it back to the way it used to be and all years of employment in which legislators paid into PERSI will be computed using an aggregate formula.

MOTION: **Rep. Black** made a motion to introduce **RS 20986**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee; the meeting was adjourned at 9:56 a.m.

Representative Loertscher
Chair

Lissa Cochrane
Secretary