

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 01, 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:** None

GUESTS: Max Greenlee, Risch Pisca; Bert Marley, Idaho Education Association; Teresa Baker, Ada County; Colby Cameron, Sullivan, Reberger & Eiguren; Zach Hauge, Capitol West; Tony Poinelli, Idaho Association of Counties; Tamara Mackenthun, Idaho Division of Veterans Services; Tony Smith, Benton Ellis; Tim Hurst, Office of the Secretary of State.

Chairman Loertscher called the meeting to order at 9:35 a.m.

Rep. Batt moved to approve the minutes of January 26 and 30, 2012. **Motion carried by voice vote.**

RS 21003: **Rep. McMillan** presented **RS 21003**, proposed legislation for Idaho to designate a state poem. Mining has played a major role in the State of Idaho and it is the cornerstone of the local economy for the Silver Valley. The poem, "We Were Miners Then" was written by former Governor Phil Batt in 1972 in response to the Sunshine Mine Disaster in Northern Idaho. It was the worst disaster in Idaho history in which only two miners survived. May 2, 2012, will mark the 40th anniversary of the Sunshine Mine Disaster. Rep. McMillan stated the intent of this legislation is not only to highlight Idaho's proud mining heritage but also to honor the mining families of this state.

In response to questions from the committee, **Rep. McMillan** verified that former Governor Batt approves of the use of his poem.

MOTION: **Rep. Higgins** made a motion to introduce **RS 21003**. **Motion carried by voice vote.**

RS 21041: **Rep. Simpson** presented **RS 21041** explaining the history behind this proposed legislation. **RS 21041** requires the ballot for a bond election to include an official statement with the following: the purpose for which the bonds are to be used, disclosure of the interest rate, the total amount to be repaid, the length of time in which the proposed bonds will be paid off, and the total existing indebtedness of the taxing district. Currently, the Idaho Code is vague and doesn't address the purpose of the bond election.

In response to questions from the committee, **Rep. Simpson** clarified that the current market interest rate would be used for calculating both the anticipated interest rate and the total amount of interest to be paid as required in the proposed official statement.

In response to questions raised about any unused monies from a bond election, **Tim Hurst**, Office of the Secretary of State, advised they did not want to legislate that issue but it could be addressed in the Statement of Purpose.

MOTION: **Rep. Luker** made a motion to introduce **RS 21041**. **Motion carried by voice vote.**

Rep. Simpson advised that when the bill receives a hearing, a ballot with these proposed changes would be available for comparison with a previous one.

RS 21042: **Rep. Simpson** presented **RS 21042** to the committee. This legislation was introduced last session as well. There are no requirements for levy elections in the Idaho Code. The Secretary of State requested legislation for levy elections. **RS 21042** will require a brief official statement for levy elections with the following: the purpose for which the levy will be used; date of the election; and dollar amount to be collected each year; and length of time the proposed levy will be assessed. The official statement will be made a part of the ballot and included in the official notice of the election.

MOTION: **Rep. Luker** made a motion to introduce **RS 21042**. **Motion carried by voice vote.**

RS 21092: **Rep. Sims** presented **RS 21092**, a revised version of **H 381** to the committee. In reviewing **H 381**, it was determined the residency requirements of the bill inadvertently kept the military from voting and did not address the Servicemembers Civil Relief Act. **RS 21092** revises the qualifications of electors to include citizens who declare "permanent resident" status in any other country or state nullifies residency in Idaho regardless of that citizen's intention to return to Idaho, *except* as provided for in 50 U.S.C. App. § 595. Section 595 provides for the guarantee of residency for military personnel. Rep. Sims also clarified that the provisions regarding opening of the absentee ballots early is still in this proposed legislation. The opening of absentee ballots before the closing of the polls questions the integrity of those who open them. This proposed legislation also contains a provision that directives of the Secretary of State cannot override the Legislature.

In response to questions from the committee, **Rep. Sims** addressed concerns for larger counties, such as Ada County, not being able to open the absentee ballots early even if they have security. Rep. Sims stated that having information for the press and candidates should not be more important than the validity of elections.

MOTION: **Vice-Chairman Crane** made a motion to introduce **RS 21092**. **Motion carried by voice vote.**

H 371: **Tamara Mackenthun**, Division of Veterans Services, presented **H 371** explaining that this bill will expand the admission criteria for our State Veterans Homes in Boise, Pocatello and Lewiston. The bill is a response to changes in the federal law regarding the criteria for parents' admittance to the homes. Previously parents were allowed admission into the home if ALL of their children died while serving in the military and this has changed to ANY of whose children dies while serving in the military. She stated veterans will always have precedence on a waiting list and will make up 75% of the homes. The total number of parents and spouses cannot exceed 25% of the total census of a home. The Division of Veterans Services anticipates that there will be a very small number of parents who will want to take advantage of this and that it will have minimal to no financial impact on the homes. She also clarified that the U.S. Department of Veterans Affairs (USDVA) will not pay a per diem charge to the state veterans homes for these residents as incorrectly stated on the Statement of Purpose.

In response to questions from the committee, **Tamara Mackenthun** explained that residents of the veterans homes pay for their stay by a variety of means to include Medicare, Medicaid, VA pension and private pay. The exact number of parents expected to move into the homes as a result of this legislation is unknown but it is expected to be a very small number. The homes already have spouses living there and even with a waiting list, they have not had to turn away anyone.

MOTION: **Rep. Higgins** made a motion to send **H 371** with a **DO PASS** recommendation.

Tamara Mackenthun continued the discussion on **H 371** by responding to additional questions and concerns from the committee. She verified that Veterans always go to the top of any waiting list. The population of the homes will be kept at 75% Veterans and 25% spouses and now parents as spelled out in federal and state rules. There is no financial requirement for the parents to meet; it only determines the resident's pay source. If they are not eligible for Medicare or Medicaid, then it is private pay. Cost is established by the accountants who determine the pay category the Veterans fall into. The parent's cost would be calculated in the same manner. In terms of the military, the definition of parents is defined by military regulations that are already in place for such issues as emergency leave and humanitarian assignments. Those same regulations will apply for the parent's admission into the homes and the parents can reside there as long as they desire. The reason for **H 371** is to comply with federal law but the Federal Government is not requiring Idaho to comply.

Rep. Luker expressed concern that Idaho never adopted the regulation to allow admission for parents who had ALL their children die while serving in the armed forces. By adopting this regulation to allow admission to parents who have ANY children die might mean that a veteran would not get a place in the home.

Vice-Chairman Crane expressed concern for a bill that would allow the middle-class to move into a home paid for by the State.

Rep. King spoke in favor of the motion. The veterans homes have limited space with two people to a room. Even with the limited space, it is a good home for the military and a chance to share in the camaraderie.

Rep. Bilbao stated that a person must have limited assets in order to receive benefits from Medicare or Medicaid as spelled out in federal law.

Tamara Mackenthun verified for the committee members that the veterans homes are skilled nursing facilities and the parents would have to require those services in order to live in the homes.

Vice-Chairman Crane expressed his support for **H 371**.

**VOTE ON
MOTION:**

Chairman Loertscher called for a vote on the motion to send **H 371** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Bilbao** will sponsor the bill on the floor.

The Statement of Purpose will be amended to delete the statement, "The USDVA will pay a per diem charge to the state veterans homes for these residents."

ADJOURN:

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

Representative Loertscher
Chair

Lissa Cochran
Secretary