

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, February 13, 2012

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman McKenzie, Vice Chairman Fulcher, Senators Davis, Hill, McGee, Winder, Lodge, Malepeai, and Stennett

ABSENT/EXCUSED:

NOTE: The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

Chairman McKenzie called the meeting to order at 8:00 a.m. with a quorum present and asked **Senator Shawn Keough** to present **RS21196**.

RS21196 was presented by **Senator Shawn Keough**. **Senator Keough** explained that this legislation would provide the same exception for Idaho breweries that is available to Idaho wineries allowing for financial interest in, or aid to retailers. **Senator Keough** indicated that Idaho Code currently prevents owners of breweries from having a financial interest in another facility, especially if that facility included a retail tasting room. This legislation would remedy that inconsistency and mirror what exists in Idaho Code for wineries. **Senator Keough** discussed possible amendments or changes being considered but asked for **RS21196** to be printed so that all parties of interest could contribute.

MOTION: **Senator Davis** moved, seconded by **Vice Chairman Fulcher** to send **RS21196** to print.

VOTE: The motion carried by voice vote.

RS21190C1 provides for concise procedures in the event of a recall for library district trustees. **Senator Keough** explained that ambiguous wording appears in Idaho Code, specifically the words "as closely as possible as procedures described in the recall of county commissioners". She explained that smaller districts are required to obtain an unfair number of signatures to initiate a recall and that this legislation would remedy those inconsistencies. **Senator Davis** questioned whether a library district could involve more than one county. **Senator Keough** replied in the affirmative. **Senator Davis** questioned if, by lowering the number of required signatures, recall elections would be commonplace. **Senator Keough** stated her desire was not to cause a proliferation of recall elections, but to make the procedure fair. **Senator Lodge** indicated she resides in a library district that encompasses two counties.

MOTION: **Senator McGee** moved, seconded by **Senator Stennett**, to send **RS21190C1** to print.

VOTE: The motion carried by voice vote.

GUBERNATORIAL APPOINTMENT(S): Ruthie Johnson, Hayden Lake, ID, and Hyong K. Pak, Twin Falls, ID, to the Idaho Commission on Human Rights

Ruthie Johnson was introduced to the committee by **Chairman McKenzie**. **Ms. Johnson** updated the committee on her ten year service on the Idaho Commission on Human Rights. **Ms. Johnson** recounted her enjoyment in helping people with problems and her past experience working for **Senator McClure**. She expressed her familiarity with a wide range of problems.

Ms. Johnson commended the Commission for their attention to detail when performing their duties.

Senator Hill asked for a summary concerning the Idaho Commission on Human Rights, the number of commissioners, the processes used, and approximate cases reviewed. **Ms. Johnson** replied that about thirty cases per month are heard. She explained that on a few occasions, cases will be reviewed by a smaller group of commissioners and that most cases are reviewed via conference calls. **Senator Hill** asked if the cases and review are a matter of public record. **Ms. Johnson** indicated that some of the details are reviewed in private sessions.

Senator Winder pointed out that the Commission is bipartisan and questioned **Ms. Johnson** as to her opinion about the direction the State of Idaho should take in reference to the cases brought before the Human Rights Commission. She mentioned the ineffectiveness of quota systems used to assure broad based populations.

Chairman McKenzie thanked **Ms. Johnson**, expressing appreciation for her appearance before the Committee as well as her work on the Commission.

Hyong K. Pak was introduced to the committee by **Chairman McKenzie**. **Mr. Pak** has served for many years on the Commission and he explained that he was born and raised in South Korea, moving to Idaho in 1972. He immigrated to America when he was in 3rd grade, and continued his education in Boise schools, the College of Idaho and the University of Idaho. He has lived for twenty-two years in Jerome County. **Mr. Pak** praised the efforts of the Commission in averting many lawsuits through mediation.

Senator Davis questioned **Mr. Pak** concerning methods used by the Commission staff preparatory to the commissioners hearing cases and whether any such investigations could be considered intimidating or harassing. **Mr. Pak** indicated the Commission reviews cases by the facts presented, which he believes have been properly investigated by the civil rights department. He cited budget restraints as a cause in forcing staff to be overworked and underpaid. **Mr. Pak** explained that the printed investigation is reviewed and then the commissioners determine whether or not the case is viable and could be pursued via a lawsuit. **Senator Davis** commended the professionalism of the investigators and asked further information concerning the screening process. **Mr. Pak** explained that the process begins with a phone call and the assignment to an investigator who ascertains whether the concern falls within the statutory constraints of the Commission.

Vice Chairman Fulcher asked **Mr. Pak** to enumerate the trend in case load (increasing/decreasing) over the time he has served on the Commission. **Mr. Pak** explained that current case load is consistent with past years. He reported that most cases are determined to be invalid.

Chairman McKenzie thanked **Mr. Pak**, and expressed his appreciation for appearing before the Committee, as well as his work on the Commission.

MINUTES:

Senator Lodge moved, seconded by **Vice Chairman Fulcher**, to approve the February 6th minutes.

VOTE:

The motion carried by voice vote.

ADJOURNMENT: Being no further business, **Chairman McKenzie** adjourned the meeting at 8:29 a.m.

Senator McKenzie
Chairman

Twyla Melton
Secretary