

MINUTES  
**SENATE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, February 15, 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.

**RS21306** PROPOSING AN AMENDMENT TO ARTICLE I, OF THE CONSTITUTION OF THE STATE OF IDAHO to provide that the rights to hunt, fish, and trap are preserved for the people of Idaho.

**Senator Heider** introduced **RS21306** to the Committee with a request to print. This legislation adds two words to a new Section 23, Article I, of the Constitution of the State of Idaho. Section 23 states that "the rights to hunt, fish, and trap are a valued part of the heritage of the State of Idaho and shall forever be preserved for the people and managed through the laws, rules, and proclamations of the state and to provide that the rights set forth do not create a right to trespass on private property, shall not affect rights to divert, appropriate, and use water, and shall not lead to a diminution of other private rights."

**Senator Davis** explained that *SJR104* is on the 13th Order of Business. Conversations with **Senator Heider**, as well as the Attorney General's Office, resulted in their recommendation to include those words "and managed"; otherwise, there is some uncertainty as to what it would mean. Because it is past the 35th day, the rule required a letter from leadership which is being done "as we speak".

**MOTION:** **Senator Davis** moved, seconded by **Vice Chairman Fulcher**, to send **RS21306** to print.

**VOTE:** The motion carried by voice vote.

**RS21244** RELATING TO AIR NAVIGATION FACILITIES to eliminate language found in Chapter 401, Title 21, Idaho Code, made obsolete by *HJR 5*.

**Senator Toryanski** explained that **RS21244** deletes outdated language regarding airports from Idaho Code. During the 2010 legislative session, *HJR 5* was one of three bonding related, constitutional amendments that passed the legislature and was subsequently approved by the voters. *HJR 5* added a new section to the Constitution that allows public airports to issue revenue and special facility bonds provided that these bonds were repaid only through airport generated fees and not tax dollars. This language cleans up the inconsistencies resulting from the recently amended Constitution.

**MOTION:** **Senator Davis** moved, seconded by **Vice Chairman Fulcher**, to send **RS21244** to print.

**VOTE:** The motion carried by voice vote.

## HJM 7

A JOINT MEMORIAL to recognize and honor an Idaho native, Sergeant Chris Tschida, for his injuries suffered during battle, his act of courageous valor in saving the lives of his crew, and keeping his tank and munitions out of enemy hands.

**Representative Hagedorn** stated that **HJM 7** allows a very unique opportunity to recognize a very extraordinary individual from Meridian. **Representative Hagedorn** has been involved with a foundation that brings severely wounded soldiers into Idaho to send them through the BSU and CWI Special Lecture Training Series aid in their transfer from the battle field to business. In response to the foundation's request, the Chairman of the Joint Chiefs of Staff came to Idaho and ultimately, was introduced to **Sgt. Tschida**. A short biography of his experience lead to the documents (attached) that are before the Committee along with **HJM 7**. In addition to the Purple Heart he received, we believe it is proper and right to give him the appropriate awards for his heroism. Letters from the Governor and the U. S. Delegation will be attached to **HJM 7** and will be sent to the President of the United States who will then, very likely, hand it over to the Department of Defense where it will be investigated to confirm truth and accuracy. This memorial asks that **Sgt. Tschida** be presented the Medal of Honor or the highest available recognition for his heroic deeds.

### MOTION:

**Senator Winder** thanked **Representative Hagedorn** for the presentation and following up on **Sgt. Tschida's** act of bravery. **HJM 7** is appropriate support to get this through the military process.

**Senator Winder** moved, seconded by **Senator McGee**, to send **HJM 7** to the Senate floor with a do pass recommendation.

### VOTE:

The motion carried by voice vote. **Senator Winder** will be the floor sponsor.

### GUBERNATORIAL APPOINTMENTS:

**Wendy Lively**, Ammon, ID, to the Bingo-Raffle Advisory Board  
**J. Marshall Garrett**, Boise, ID, to the Bingo-Raffle Advisory Board.

**Angie Vitek**, Charitable Gaming Coordinator for the Idaho Lottery, introduced **Wendy Lively** and **Marshall Garrett**. **Mr. Garrett** is the new appointment for Region 3. He is a business man, educator, and President of Opera Idaho. He runs the highest gross charitable bingo operation in Idaho. **Wendy Lively** is a reappointment for Region 6 and has served two terms on the Bingo Raffle Advisory Board. She is passionate, proactive, and has an extensive knowledge of the Idaho and Administrative codes. She runs a very successful bingo operation in Idaho Falls with the Eagles.

**Wendy Lively** explained that she has been working with bingo for twelve years and has been on the Board for eight years. She finds it interesting and informative to be on the Board. **Senator Davis** asked if there were conflicts that could arise because of the dual roles. **Ms. Lively** answered that they follow Title 67 and Chapter 52 of the statutes very closely. She tries to be very precise in both her bingo activity and board activity. If there are instances where disagreement occurs, they work through it and come to the best conclusion possible. If the statutes and the rules are followed and applied equally to everyone, there are no issues.

**Chairman McKenzie** thanked **Ms. Lively** for her service and her continued interest in the Board. He introduced **Mr. Garrett** and asked him to provide some background information, his current involvement with the Bingo Raffle Board, and what he sees as his role.

**Mr. Garrett** has been Chairman of the Board for Opera Idaho for the past six years and served on that Board for the four prior years. Two years ago Opera Idaho was approached about cooperating in a bingo hall, agreed to join, and they have been very actively involved in operating the bingo hall in West Boise which has been very successful. **Senator Davis** asked **Mr. Garrett** to answer the same question he asked of **Ms. Lively**. **Mr. Garrett** agreed with **Ms. Lively**, that by attending to the letter of the Code, conflicts are minimized. They operate on very strict guidelines, very specific percentages, and very clear operating protocols and standards. There is a definite hat for each role. His responsibilities to his district and the State are greater because of his responsibilities as an operator.

**Vice Chairman Fulcher** asked if **Mr. Garrett** had the time required for the Board with all his other activities. **Mr. Garrett** stated that he does have the time and doesn't see that as a problem.

**Chairman McKenzie** thanked **Mr. Garrett** for appearing before the Committee and for his interest in the opera and the Bingo Raffle Advisory Board.

**VOTE ON  
GUBERNATORIAL  
APPOINTMENTS:**

Vote on the appointments of Ruthie Johnson and Hyong K. Pak to the Idaho Commission on Human Rights.

**MOTION:**

**Senator Lodge** moved, seconded by **Vice Chairman Fulcher**, to send the gubernatorial appointment of **Ruthie Johnson** to the Human Rights Commission with the recommendation that it be confirmed by the Senate.

**VOTE:**

The motion carried by voice vote. **Senator Vick** will be the floor sponsor.

**MOTION:**

**Senator Malepeai** moved, seconded by **Senator Stennett**, to send the gubernatorial appointment of **Hyong K. Pak** to the Human Rights Commission with the recommendation that it be confirmed by the Senate.

**VOTE:**

The motion carried by voice vote. **Senator Heider** will be the floor sponsor.

**S 1298**

RELATING TO CODIFIER'S CORRECTIONS IN STATUTES to make various codifier corrections to the Idaho Code.

**Mike Nugent** explained that the "Codifier's Bill" is a little different this year, it has more substantial corrections like correcting bill numbers and references.

**MOTION:**

**Senator Winder** moved, seconded by **Senator McGee**, to send S1298 to the Senate floor with a do pass recommendation.

**Senator Hill** referred to pages 8-9 where the change strikes the definition of an interagency committee. Do we still have interagency committees or is there a definition elsewhere in code? **Mr. Nugent** said that section of code was repealed so there are no interagency committees anymore.

**VOTE:**

The motion carried by voice vote. **Chairman McKenzie** will be the floor sponsor.

**H 391**

RELATING TO THE PRIMARY ELECTION by removing the references to "presidential primary" or "presidential preference primary" on the primary election ballot since delegates to the national conventions are now being selected at party caucuses.

**Tim Hurst**, Chief Deputy, Secretary of State, brought this bill to the Committee. **Mr. Hurst** provided a brief history regarding election rules leading up to the introduction of this bill. At this time, both parties select their candidates and delegates at the party caucus. This bill deletes the language that refers to a presidential preference primary election. The Republican and Democratic caucuses will have been held well in advance of the primary elections that are held in May. Decisions would have been made prior to that time. There will be some financial savings by eliminating the presidential portion of the ballots. He asked the Committee to pass this bill to clean up the statute that does away with the references to the presidential primary because no one uses them since party caucuses now makes those selections.

**Senator Davis** asked if the Secretary of State is taking an experiment conducted by his party and codifying it. **Mr. Hurst** responded that the party supports this bill. They adopted it at their convention as a party rule and party rules take precedence over state law.

**Senator Davis** asked if the Democratic Party would be disadvantaged by this change and do they have a position on this. **Mr. Hurst** said that he had visited with Larry Grant, Director of the Democratic Party, and they were going to revisit it at their state committee meeting, but they wanted to stay with the caucus. **Senator Malepeai** said that the National Party rules do require them to hold caucuses in Idaho.

**Chairman McKenzie** asked for questions or comments related to **H 391**.

- MOTION:** **Senator McGee** moved, seconded by **Vice Chairman Fulcher**, to send **H 391** to the Senate floor with a do pass recommendation.
- VOTE:** The motion carried by voice vote. **Vice Chairman Fulcher** will be the sponsor.
- MINUTES:** Minutes for February 3, 2012.
- MOTION:** **Senator Hill** moved, seconded by **Senator McGee**, to approve the February 3rd minutes.
- VOTE:** The motion carried by voice vote.
- ADJOURNMENT:** Being no further business, the meeting adjourned at 8:40 a.m.

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Senator McKenzie  
Chairman

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Twyla Melton  
Secretary