

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 15, 2012

TIME: 9:00 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:** Representative Simpson

GUESTS: Jeff Harvey, Secretary of State.

Chairman Loertscher called the meeting to order at 9:00 a.m.

Rep. Higgins made a motion to approve the minutes of February 8 and 9, 2012 as written. **Motion carried by voice vote.**

RS 21199C1: **Rep. Bilbao** presented **RS 21199C1**, proposed legislation to address the cost of burial for the indigent. More and more people are not claiming the bodies due to the economy. County coroners have had their budgets reduced and they do not have the funds to bury them. **RS 21199C1** will allow the County Coroner and the County Commissioners to determine how to dispose of the body when no one claims the body after fourteen (14) days; either burial by grave or by cremation. There is a \$200 to \$300 cost savings when utilizing cremation instead of burial by grave. Rep. Bilbao stated that if there is any personal property left unclaimed, then it is disposed of by the Coroner and County Commissioners.

In response to questions, **Rep. Bilbao** stated that after cremation the remains are buried. The difference in cost between cremation and burial by grave is due to the cost of a casket.

MOTION: **Rep. Higgins** made a motion to introduce **RS 21199C1**. **Motion carried by voice vote.**

Chairman Loertscher informed the committee that **Rep. Trail** would not be presenting his proposed legislation, **RS 21062**.

RS 21020C1: **Jeff Harvey**, UCC Supervisor, Office of the Secretary of State, presented **RS 21020C1**. State liens transitioned from the offices of the county recorders to the Secretary of State from January 1, 1998 to June 30, 1998. The county recorders have abandoned those liens under the assumption they expired in five (5) years. The county recorders maintain a list of lien filings but not their current status. Mr. Harvey stated that credit reporting agencies gather information on the liens but find no termination documents so they continue to report them. The Department of Labor, the State Tax Commission, the Idaho Association of Counties, and the Ada County recorder have all determined that the best course of action is to invalidate any lien filed with a county recorder before July 1, 1998. This legislation will make it clear that the liens filed before July 1, 1998, are no longer in effect. Any person affected by this will be able to present this amendment to the credit reporting agencies to clear their credit reports.

In response to questions, **Mr. Harvey** stated the Secretary of State's database on liens as well as the archives are available on-line. This legislation will pertain only to personal property liens and does not include real property. Mr. Harvey stated the Secretary of State's office has not contacted or spoken with any of the credit

reporting agencies to ensure the language that will be utilized to report the status of these liens is acceptable to them.

MOTION: **Rep. Stevenson** made a motion to introduce **RS 21020C1**. **Motion carried by voice vote.**

RS 21021: **Jeff Harvey**, Office of the Secretary of State, presented **RS 21021**, proposed legislation to address classifications for trademarks. Mr. Harvey stated the amendment to Section 48-504 will allow the Secretary of State's office to first examine any trademark application rather than accepting the document at face value. In addition, **RS 21021** addresses the registration of trademarks in Idaho and the determination of classification of what type of goods or service is provided under the mark. The United States Patent and Trademark Office (USPTO) developed the U.S. Classification of Goods and Services. Mr. Harvey explained the USPTO abandoned its own classification in favor of the International Classification of Goods and Services, but Idaho continued to use the U.S. classification. In 1996, Idaho adopted the Model State Trademark Act requiring the use of the international classification. Trademarks filed before 1996 are directed to use the classification system "in effect when the trademark was approved" upon renewal. The maintenance of two different classification systems is a concession that was used to ease the transition from the prior trademark laws into the new laws enacted in 1996. Mr. Harvey stated that after 16 years, it is time to complete the transition and this proposed amendment will require a trademark renewal to use the international classification.

In response to questions, **Mr. Harvey** stated that each trademark has a ten-year life span, and upon renewal, they will pick up the international classification.

MOTION: **Rep. Luker** made a motion to introduce **RS 21021** with the following change: on Page 2, Line 30, change the word "extend" to "expand". **Motion carried by voice vote.**

RS 21024: **Jeff Harvey**, Office of the Secretary of State, presented **RS 21024**, proposed legislation to provide uniformity among the statutes in disallowing the use of language which falsely states or implies government affiliation by business entities. Mr. Harvey stated this past year the Secretary of State's office has seen an increase in filings of unusual business names. Corporations are prohibited from using any government affiliations in their business names. This legislation will correct any discrepancies by prohibiting any limited liability company (LLC) or limited partnership (LP) from falsely stating or implying government affiliation.

In response to questions, **Mr. Harvey** explained this legislation is not retroactive. This legislation's authority is solely for registering the name of a business. Mr. Harvey explained that it is built into the statutes to contest any denial by the Secretary of State when registering a business name. It is not an administrative appeals process, but through the judicial system.

MOTION: **Rep. Stevenson** made a motion to introduce **RS 21024**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee; the meeting was adjourned at 9:32 a.m.

Representative Loertscher
Chair

Lissa Cochrane
Secretary