

MINUTES  
**SENATE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, February 22, 2012

**TIME:** 8:00 A.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman McKenzie, Vice Chairman Fulcher, Senators Davis, Hill, 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.

**RS21255** STATING FINDINGS OF THE LEGISLATURE rejecting an Idaho Fish and Game Commission rule docket relating to licensing.

**Senator Pearce** advised that **RS21255** is a rejection for administrative rule 13-0104-1102. This bill concerns the Land Owner Appreciation Tag Pull Program and the rule was brought to add four stipulations so the Idaho Fish and Game Commission could increase the number of those tags. The Resources and Environment Committee rejected the rule and asks that **RS21255** be printed.

**MOTION:** **Senator Hill** moved, seconded by **Senator Lodge**, to send **RS21255** to print.

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

**RS21321** RELATING TO PUBLIC WORKS: The Open Access to Work Act provides for the efficient and cost-effective procurement of goods and services.

**Senator Pearce** explained that in the 2011 Legislative Session there were two bills that dealt with unfair labor practices, S1006 dealing with Project Labor Agreements and S1007 dealing with Job Targeting. These two bills were rejected by District Court Judge Winmill because, according to **Senator Pearce**, the intent was not sufficiently clear. The goal of the bill is to have the Idaho Government as the contractor, and acting as the market participant purchaser of construction. By doing this, the state would not be in a position of acting with what could be construed as controlling a labor activity. **Judge Winmill** thought of this action as preempted by the National Labor Relations Act.

**Senator Stennett** asked if the contracting industry already predetermines the amount of wages, wage rate, type, or amount or rate of employee benefits. **Senator Pearce** stated that the intent of the language on page 2, (c) (i), allows merit shops. It is a free market instead of being locked into exact amounts. It allows the contractor to deliver for the least amount. Idaho is a "right to work state" and the language allows for this intent in the contract process.

**Senator Davis** found some discrepancies in the bill and asked if the Attorney General had reviewed the legislation and determined if it would pass Judge Winmill's scrutiny. **Senator Pearce** stated that they have not had the Attorney General look at the legislative language. **Senator Davis** explained that, should the Committee be inclined to print this legislation, there should be some strong counsel from the Attorney General so that the Senate may measure the risk it takes by advancing the legislation.

**Vice Chairman Fulcher** stated that these bills came before the Committee last year and were important enough, at that time, for the legislative branch to send them to the floor and pass them. This is a print hearing and he would like to see the bills printed with the caveat that a format change be inserted.

**MOTION:** **Vice Chairman Fulcher** moved, seconded by **Senator Winder**, to send **RS21321** to print with a technical correction and C1 added.

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

**RS21316** RELATING TO THE DIRECTOR OF THE IDAHO STATE POLICE to give the Governor authority to request the Idaho State Police to provide security/protection for the Lieutenant Governor.

**Senator Davis** advised that **RS21316** deals with security and protection for the lieutenant governor and his immediate family when he represent the State of Idaho and the Governor on trade missions. The current statute does not give the ability to the Governor to direct security protection for the lieutenant governor. This bill will give the Governor the discretion to provide that protection as it is deemed appropriate.

**MOTION:** **Vice Chairman Fulcher** moved, seconded by **Senator Lodge**, to send **RS21316** to print.

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

**RS21346** RELATING TO BEER to provide the same exception for Idaho breweries that is available to Idaho wineries.

**Chairman McKenzie**, standing in for **Senator Keough**, explained that **RS21346** adds consensus language to an RS that was previously brought before the Committee on this issue.

**MOTION:** **Senator Winder** moved, seconded by **Senator Davis**, to send **RS21346** to print.

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

**PRESENTATION:** ANNUAL REPORT on the Idaho Emergency Communications Commission (ECC)

**Eddie Goldsmith, Commission Chairman**, reported that, currently, the Idaho Emergency Communication Commission (ECC) has an operating budget that is 1% of the 911 revenue received throughout the state. The operating budget is \$239,000. In 2008, legislation was passed to collect a 25¢ grant fee which was to come to the Commission to assist rural counties in funding upgrades of their 911 centers. The Commission set a priority on where the funds would be applied: 1) Basic 911 - the ability to just receive the phone call; 2) Enhanced 911 - allows the center to receive on a land line from your home with the name, address, and the agencies that would respond to the address attached; 3) Phase 1 - is the ability to locate a cell phone call from a tower; and, 4) Phase 2 - the ability to locate a cell phone caller. It is the desire of the Commission that, no matter where people are in the state, they have the same 911 service.

The map on page 14 of the report, shows the status of the state at the time the 25¢ was implemented. The grant fund allowed 36 counties to participate and generate a revenue of approximately \$1.7M a year. The Commission's goal was, by the year 2014 when the 25¢ fee will sunset, to have everyone moved to Phase 2. Page 18 shows the status at the end of 2012. Within three years, the Commission has made great strides in moving the state to Phase 2 compliance in all counties. The Commission is happy to inform the Committee that they are currently three years ahead of their goal.

The Commission recently gave out grants to seven counties to assist them

in moving forward to Phase 2. Currently the Commission has 23 projects in progress statewide to move the entire state to Phase 2. The only county that will not reach Phase 2 by the end of the year will be Butte County. The Commission will be working with them to move that county forward.

**Senator Davis** asked is there something that is a barrier to moving Butte County to compliance? **Mr. Goldsmith** stated that he was not aware of a problem other than just getting the county to start moving forward. The Commission has given them \$250,000 of grant monies to implement the system. Butte County has applied for a grant and the Commission has awarded them the money. It is presently sitting in a fund for them to proceed. **Mr. Goldsmith** noted that for any county, the biggest obstacle for changing over from basic to enhanced, is creating a master street address guide. Sometimes the addressing is not complete in the county and they have to go back and readdress; he suspects Butte County is working on the readdress issue.

In conclusion, the Commission's goal was to implement Phase 2 by 2014. Since they are three years ahead of their goal they will start actively working on the next generation 911. (See Attachment 1 for complete disclosure of their 2012 Annual Report.)

**PRESENTATION:** ANNUAL REPORT on the Statewide Interoperable Executive Council (SIEC)

**Chief Mark Lockwood, Chief of Police, Sandpoint, and Commission Chairman**, stated that one of their biggest accomplishments is that they continued to work with their governance partners, who are locals across the state. They have done that through the District Interoperability Governance Boards (DIGBs). This last year they took some of the governance partners from a local site and appointed one member from each of the six districts as a voting member on the SIEC. They developed a business, operational and strategic plan for guidance.

The business model was developed in order to provide a foundational guide for the delivery of dependable robust service and sustainable improvements to the statewide interoperable communications system recognizing the need for a sustainable funding source in order to continue development to sustain this system.

The purpose of the operational plan is to develop a statewide system of standards which will provide the basis for the consistent management of the statewide communication system. The second phase of the plan will create a statewide basis with basic concepts through the use of regional channel designs for rapid access. The Operational Plan will also continue to provide address situations for differing radio frequencies across the state.

The strategic plan was drawn from CTA Communications. Thirteen sites were identified where a seamless, wide-area communication system is possible. By developing the thirteen sites, there will be communications in all transportation corridors and major population areas. They have identified a realistic dollar figure for the final phase of this statewide system. (See Attachment 2 for complete disclosure of their 2011 Annual Report.)

**VOTE ON  
GUBERNATORIAL  
APPOINTMENTS:**

**Jim Rehder**, to the Idaho Lottery Commission.

**MOTION:**

**Senator Malepeai** moved, seconded by **Senator Stennett**, to send the gubernatorial appointment of Jim Rehder to the Idaho Lottery Commission to the floor with the recommendation that it be confirmed by the Senate.

**VOTE:**

The motion carried by voice vote.

There being no further business, the meeting adjourned at 8:50 a.m.

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Chairman McKenzie  
Chairman

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Twyla Melton  
Secretary