

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, February 29, 2012

**TIME:** 8:30 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Stevenson, Black, Anderson (Keough), Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Batt, Smith(30), King, Higgins, Buckner-Webb

**ABSENT/  
EXCUSED:** Representative(s) Black, Henderson, McGeachin

**GUESTS:** Jeff Harvey, UCC Supervisor, Office of the Secretary of State; Tamara Mackenthun, Idaho Division of Veterans Services; Justin Ruen, Association of Idaho Cities; Russell Westerberg, Westerberg & Associates; Brian Kane, Office of the Attorney General.

**Vice-Chairman Crane** called the meeting to order at 8:35 a.m.

**RS 21274:** **Rep. Bedke** presented **RS 21274**, a proposed concurrent resolution to address parking issues in the Capitol Mall. Rep. Bedke noted there are 2300 state employees, 1600 parking passes, but only 1236 available parking spaces. There are currently 200 people on the waiting list for a reserved parking space and the Legislature is occupying several of the parking spaces. **RS 21274** would provide authority for the Department of Administration (DOA) to enter into agreements with the Idaho State Building Authority to finance an additional parking facility in the Capitol Mall. The Capitol Mall Master Plan has identified property in the area available for this facility. Rep. Bedke explained that several of the State's facility bonds are being refinanced. Applying these savings as well as the cost of parking permits would service the debt and provide for upkeep. Rep. Bedke noted **RS 21274** is a long-term fix and will provide 750 additional parking spaces.

In response to questions, **Rep. Bedke** clarified there is seven (7) of the state's existing facility bonds being refinanced by the State Building Authority.

**MOTION:** **Rep. Luker** made a motion to introduce **RS 21274**. **Motion carried by voice vote.**

**RS 21362:** **Rep. Palmer** presented **RS 21362**, proposed legislation to return authority to the Idaho Transportation Department (ITD) to set speed limits on state highways that go through cities. Rep. Palmer stated that often speed limits are determined by emotional factors or simply to accommodate the demands of the public. They should be based on sound traffic engineering safety standards available to ITD. These standards utilize the 85th percentile speed, the maximum speed considered to be safe and reasonable, as a basis for determining the appropriate speed limit.

**MOTION:** **Rep. Simpson** made a motion to introduce **RS 21362**. **Motion carried by voice vote.**

**H 568:** **Rep. Hagedorn** presented **H 568**, legislation to update hiring preferences for veterans. **H 568** will update the State's hiring preferences for veterans in compliance with existing federal law. Rep. Hagedorn stated **H 568** will redefine "veteran" to mean any person who has served on active duty in the armed forces and remove the requirement to have served during a war campaign. Rep. Hagedorn also noted **H 568** will provide five (5) hiring points for spouses of a service-connected disabled veteran.

In response to questions, **Rep. Hagedorn** advised the committee that he would propose sending **H 568** to General Orders for specific amendments. He explained it has come to his attention that municipalities may not test their applicants, and therefore, they cannot add hiring points.

**Tamara Mackenthun**, Division of Veterans Services, testified **in support of H 568**. Ms. Mackenthun stated the unemployment rate for veterans runs 3-4% higher than the rest of the population. **H 568** will take out the requirement for veterans to have served in a war zone. This will allow for a level playing field for all peace-time veterans.

In response to questions, **Tamara Mackenthun** stated the unemployment rate for veterans has been higher over the last five to six years due to veterans returning from Iraq and Afghanistan. Ms. Mackenthun stated that the higher unemployment rate for veterans may be due in part to the difficulty veterans face in transferring their military experience into a civilian resume. **H 568** would give veterans the opportunity to be interviewed and the chance to explain their military work experience.

**MOTION:** **Rep. Luker** made a motion to **HOLD H 568** in committee. Rep. Luker stated that a new bill is needed rather than sending **H 568** to General Orders. **Motion carried by voice vote. Rep. Smith(30)** requested that she be recorded as voting **NAY**.

**H 575:** **Jeff Harvey**, UCC Supervisor, Office of the Secretary of State, presented **H 575**, legislation to cause all trademark filings to use only the international classification of goods and services. Mr. Harvey explained in the past the Secretary of State's Office has accepted applications and payment for filing trademarks at face value. It was a lengthy process to reject the application and provide a paper trail through the Controller's office to refund the fee. **H 575** will allow the Secretary of State's Office to first examine a trademark application rather than accepting the document at face value. **H 575** also focuses on 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, but abandoned this classification in favor of the International Classification of Goods and Services. Idaho continued to use the U.S. Classification until 1996 at which time Idaho required the use of the international classification. Trademarks filed before 1996 were directed to use the classification system "in effect when the trademark was approved" upon renewal, a concession that was used to ease the transition. Mr. Harvey stated that it is time to complete the transition to require all trademark renewals to use the international classification. Mr. Harvey pointed out that 439 applications will be affected by **H 575**, but they will transition to the international classification when they come up for renewal.

**MOTION:** **Rep. King** made a motion to send **H 575** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Guthrie** will sponsor the bill on the floor.

**H 553:** **Rep. Trail** presented **H 553**, legislation to provide for vacancies in elective civil offices upon the occurrence of specific conditions. **Rep. Trail** noted that **H 553** allows a competent tribunal to declare an elective office vacant due to apparent abandonment, prolonged incapacity, or absence in excess of ninety (90) days. **H 553** will apply to elective civil offices such as city councils, county commissioners, and school boards. The Office of the Attorney General issued an opinion dated January 31, 2012, opining that the decision of a competent tribunal to declare an elective office vacant will be valid and enforceable. The member's absence and lack of communication should be noted in the minutes.

In response to questions, **Rep. Trail** stated that his previous legislation on this matter only required a 30-day absence. It was felt that 30 days did not allow for due process. **Rep. Trail** noted that because absences can affect the ability to have a quorum, **H 553** will allow the appropriate tribunal to make the decision based on the circumstances for each council or board.

**Brian Kane**, Assistant Chief Deputy, Office of the Attorney General, advised that the Legislature allows for substitutions, so there is no absence. This does not apply to city councils, county commissioners, and other boards. **H 553** will provide for this.

**Justin Ruen**, Idaho Association of Cities, testified in support of **H 553**. Mr. Ruen stated the absence of council members can have a detrimental effect and become a significant issue. The Legislature has substitutes, but the cities do not have the ability to appoint one.

**MOTION:** **Rep. Higgins** made a motion to send **H 553** to the floor with a **DO PASS** recommendation. **Rep. Higgins** stated that **H 553** will help smaller cities and councils to conduct business. **Motion carried by voice vote.** **Rep. Trail** will sponsor the bill on the floor.

**Rep. Higgins** made a motion to approve the minutes of February 22 and 23, 2012 as written. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee; the meeting was adjourned at 9:18 a.m.

---

Representative Crane  
Vice-Chair

---

Lissa Cochrane  
Secretary