

MINUTES
HOUSE WAYS & MEANS COMMITTEE

- DATE:** Friday, March 02, 2012
- TIME:** 8:00 A.M.
- PLACE:** Room E403
- MEMBERS:** Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin
- ABSENT/
EXCUSED:** Representative Higgins
- GUESTS:** Kris Ellis, Idaho Health Care Association; Matthew Kaiserman, Gallatin Public Affairs; Rep. Hagedorn, Rep. Luker, Rep. Jaquet
- Chairman Wood (35)** called the meeting to order at 8:04 a.m.
- RS 21437:** **Rep. Hagedorn** stated the proposed legislation updates and modifies the Idaho Department of Labor's hiring preference standards for veterans. It defines "veteran" as being any person who was honorably discharged or released from active duty in the armed forces.
- In response to questions from the committee, **Rep. Hagedorn** clarified this definition is for Idaho Department of Labor purposes only and will include individuals who served regardless of the location of their service.
- MOTION:** **Rep. Roberts** made a motion to introduce **RS 21437. Motion carried by a voice vote.**
- RS 21348:** **Rep. Luker** stated the proposed legislation is designed to bring neutrality into the assignment of hearing officers who are appointed by state agencies. Currently each state agency appoints and pays their own hearing officers. Under the proposed legislation the Department of Administration would administer the program. Hearing officers would be assigned to hearings on a rotation basis and the Department of Administration would ensure there are no conflicts of interest. The Department of Labor and Department of Water Resources are exempt.
- In response to questions asked by the committee regarding special skills and medical knowledge requirements, **Rep. Luker** indicated an impartial technical expert may be appointed by the hearing officer to provide assistance with special skills such as medical knowledge. In response to questions raised about compensation, Rep. Luker indicated the Department of Administration will set up an acceptable range for payment, and the hearing officers will be paid at a hourly rate.
- MOTION:** **Rep. Rusche** made a motion to introduce **RS 21348. Motion carried by a voice vote.**
- RS 21341:** **Rep. Bedke** stated the proposed legislation addresses the required widths of roads in Idaho. A recent Idaho Supreme Court decision stated Idaho roads are not within the current standard of fifty feet, either per code or common law. In many cases the width of the roads has been established through custom or prescription. The court, in its decision, pointed out current Idaho Code needs to be more specific. The proposed legislation will clarify the "fifty feet wide" requirement, the exceptions for cities, roads that already meet the guidelines, and common law or historical uses.
- MOTION:** **Rep. Rusche** made a motion to introduce **RS 21341. Motion carried by a voice vote.**

RS 21446: **Kris Ellis**, Idaho Health Care Association, stated the proposed legislation addresses intermediate care facility assessments. These are funds paid by providers, matched by federal dollars, and then reimbursed most primarily to the providers to backfill cuts that are on going. It will make hospital, nursing home and intermediate care facilities uniform in treatment by the Idaho Department of Health and Welfare.

MOTION: **Rep. Bedke** made a motion to introduce **RS 21446**. **Motion carried by a voice vote.**

RS 21451: **Rep. Moyle** deferred the presentation to **Matthew Kaiserman**, Gallatin Public Affairs, who stated this proposed legislation addresses a large problem in Idaho with youth concussions. There have been multiple scientific studies with negative results concerning the impact of successive concussive injuries and second impact syndrome, which occurs when an athlete continues to play and incurs second impact injury which can cause the brain to swell uncontrollably. This can occur in all sports and 50% with second impact injuries can be fatal, the other 50% result in severe cognitive impairment. The State of Idaho does not have a protocol for youth athletes which puts the State at risk for lawsuit. There have been multiple court cases across the nation. This proposed legislation provides mandatory training biannually for coaches, trainers and referees with mandatory annual training for parents and athletes. It would require each school to develop its individual protocol to fall in line with the Centers for Disease Control standards. If someone is suspected of having a concussion, they must be removed from play and evaluated by a proper medical professional. It allows for private sports groups to opt-in to the program thereby qualifying for liability protection. This proposed legislation was a collaborate effort.

In response to questions from the committee addressing instances of medical professionals clearing athletes for play from the sidelines, **Matthew Kaiserman** stated there have been instances of medical professionals, who are parents, clearing student athletes for play. The proposed legislation will require trained personnel to remove the student athlete from play, as school policy, and require they be seen by a medial professional. Mr. Kaiserman also stated the Idaho Trail Lawyers have seen the proposed legislation and are supportive.

MOTION: **Rep. Rusche** made a motion to introduce **RS 21451**. **Motion carried by a voice vote.**

RS 21260C1: **Rep. Jaquet** stated the proposed legislation seeks to align the statue of limitations between first and any junior deeds of trust to the same ninety days. These loans originate by the same lender on the same day. This proposed legislation will hold both loans to the same standard.

MOTION: **Rep. Rusche** made the motion to introduce **RS 21260C1**. **Motion carried by a voice vote.**

RS 21423: Due to absence of sponsor **RS 21423** and **RS 21449** were held in committee.

RS 21449:

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 8:30 a.m.

Representative Wood(35)
Chair

Brenda Walters
Secretary