

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, March 05, 2012

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman McKenzie, Senators Darrington, Davis, Hill, Fulcher, Winder, Lodge, Malepeai, 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 convened the meeting at 8:00 a.m. with a quorum present. **Senator Pearce** has been detained so **Treasurer Crane** will start with the two Treasurer's bills.

S 1363 RELATING TO UNCLAIMED PROPERTY to allow for the donation of any property payable under the Unclaimed Property Act.

Ron Crane, Treasurer, explained that **S 1363** provides a mechanism for folks who have unclaimed property in the Unclaimed Property Division to donate it to the General Fund or any of the three other charities: The Public School Permanent Endowment Fund, the Veterans Cemetery, or the Parks and Recreation Capital Improvement Account.

Senator Hill asked for an explanation of the process involved to donate unclaimed property. **Treasurer Crane** referred that question to **Cozette Walters**, Administrator, Unclaimed Property Division. **Ms. Walters** explained that the process starts with an online claim form which is submitted directly to Unclaimed Property.

Senator Davis used a two cent example and stated he wouldn't invest the time it took to fill out the form for a two cent return. Consideration might be given to designing an easier process for smaller amounts than what is required for larger amounts. **Ms. Walters** said the proof of ownership is the responsibility of the person making the claim. They are in the process of streamlining the system.

MOTION: **Senator Lodge** moved, seconded by **Senator Winder**, to send **S 1363** to the Senate floor with a do pass recommendation.

VOTE: The motion carried by voice vote.

S 1365 RELATING TO UNCLAIMED PROPERTY to provide that personal information related to unclaimed property is exempt from disclosure.

Treasurer Crane described what types of property can be accumulated under the unclaimed property umbrella, how it is accumulated, and how much is accumulated. Currently, there is about \$67.0 million of unclaimed property being held in trust by the state. In 2010 the Unclaimed Property Division was moved from the State Tax Commission to the State Treasurer's Office. The assumption of protection under the open records law was made for the Treasurer's Office but, to ensure the validity of that assumption, this legislation makes clear the exemption is the same for the Treasurer's Office as it was for the Tax Commission.

MOTION: **Senator Hill** moved, seconded by **Senator Lodge**, to send **S 1365** to the Senate floor with a do pass recommendation.

VOTE: The motion carried by voice vote.

HCR 34 STATING LEGISLATIVE FINDINGS to adopt the 2012 revised integrated Idaho Energy Plan as adopted pursuant to HCR 4.

Representative Eskridge explained that **HCR 34** provides for the acceptance of the First five-year revision of the 2007 Idaho Energy Plan completed by the Environment Energy and Technology Interim Committee in compliance with HCR 13 passed in the 2007 session. In updating the 2007 plan, the Interim Committee worked in partnership with the Idaho Strategic Energy Alliance (ISEA) created by Governor Otter, which is comprised of volunteers from state, local, and federal interest as well as the profit and non profit sector. This group of stakeholders worked together to identify and analyze options, opportunities, and risks associated with advanced energy production technologies, energy efficiencies in conservation, and energy businesses in the state. There was also a substantial public process. The recommendations of the 2012 Energy Plan are based on an assessment of Idaho's strengths and weaknesses. Idaho's existing resource base has resulted in some of the lowest electricity and natural gas rates in the country providing enormous benefit to all Idaho consumers. However, new energy resources are becoming increasingly costly and Idaho's position as an importer of more than eighty percent of it's energy needs, leaves consumers vulnerable to issues outside their control. **Representative Eskridge** highlighted some of the more significant statements in the energy plan as revised and accepted by a majority of the Interim Committee members.

There is a "minority report" that gives attention to recommendations that had considerable support even though they were not accepted by a majority of the committee members.

This common sense approach preserves the advantages Idahoans have enjoyed and positions the state to meet the energy needs of Idaho citizens. **Representative Eskridge** asks for the support of the committee and its help to formalize this policy for guidance, not mandates, of the legislature to develop energy policy to provide a reliable and lowest possible cost energy resource for Idaho citizens.

MOTION: **Senator Fulcher** moved, seconded by **Senator Hill**, to send **HCR 34** to the Senate floor with a do pass recommendation.

VOTE: The motion carried by voice vote.

RS21414 STATING LEGISLATIVE FINDINGS: this concurrent resolution approves agency rules imposing a fee or charge that have been adopted during the last calendar year with certain exceptions.

Dennis Stevenson, Administrative Rules Coordinator, Department of Administration, explained that **RS21414** is a concurrent resolution approving all pending fee rules and agency administration rules with the exception of three dockets; two related to the Division of Building Safety; (1) one relating to continuing education requirement rules of the Electrical Board; and (2) one related to public safety license rules of the Plumbing Board. The third was the Bureau of Occupational Licenses for Idaho Driving Business Licensing. All were not consistent with legislative intent.

Senator Stennett asked why the exemptions were not consistent with legislative intent. **Mr. Stevenson** indicated that the House Business Committee rejected the Electrical Board rules having to do with the licensing board's review of proper courses by the instructors which would increase the fee by \$100.00. The Plumbing Licensing rule was a fee that was also rejected by the House Business Committee because it was their belief it was not the proper time to impose an increase in fees. The Driving Business Licenses had a licensing fee increase that both House and Senate Committees felt were too high at this time. **Senator Stennett** wanted clarification that these are one time exceptions. **Mr. Stevenson** agreed that was correct, they were one time rejections of those increases.

MOTION: **Senator Davis** moved, seconded by **Senator Fulcher**, to send **RS21414** to print.

VOTE: The motion carried by voice vote.

RS21415 STATING LEGISLATIVE FINDINGS: this concurrent resolution approves/extends agency temporary rules beyond the current legislative session with certain exceptions.

Dennis Stevenson presented **RS21415** which allows the temporary rules to remain in place with full force and effect until the end of the next legislative session. Two rules were rejected and were excepted out of this concurrent resolution. One dealt with Medicaid based planned benefit rules and the other was the winter recreation parking permit program under the Department of Parks and Recreation.

MOTION: **Senator Winder** moved, seconded by **Senator Lodge**, to send **RS21415** to print.

VOTE: The motion carried by voice vote.

S 1343 RELATING TO THE DIRECTOR OF THE IDAHO STATE POLICE to give the Governor authority to provide security/protection for the Lieutenant Governor and his immediate family as needed.

Senator Davis explained **S 1343** adds subpart (a) on page three to add language that if the Governor chooses to send the Lieutenant Governor on a trade mission or similar assignment, the Governor has the authority to send a security detail at the Governor's discretion. The department the delegation is working on behalf of, will be responsible for the cost of that security detail.

Senator Hill asked about the circumstances for the security detail. Is the legislation restricted to foreign delegations or could other circumstances also require that service and then the Governor would be able to provide security to those delegations? **Senator Davis** indicated that this could be applied to circumstances where it is deemed appropriate.

Senator Malepeai referred to the fiscal note where it referred to "other existing budgets." Would that allow the use of executive branch funds as well? **Senator Davis** stated that, it is his understanding, the costs would be born by the Lieutenant Governor's or other executive branch budgets.

MOTION: **Senator Darrington** noted that this made sense and moved, seconded by **Senator Winder**, to send **S 1343** to the Senate floor with a do pass recommendation.

VOTE: The motion carried by voice vote.

S 1335 RELATING TO THE IDAHO ENERGY RESOURCES AUTHORITY to reduce the amount of surety bonds that officers must execute.

Ron Williams, Idaho Energy Resources Authority (IERA), explained that **S 1335** is a housekeeping measure which brings the requirements for one of the elements of their insurance in line with what Idaho Counties Risk Management Program (ICRMP) offers. It is nearly impossible to get a \$1.0 million surety bond for their directors and officers. ICRMP is the primary source of insurance and loss protection for Idaho local governments, counties, cities and special purpose districts. The IERA qualifies as a special purpose district. This legislation allows IERA to obtain coverage in the amount of \$500,000 through access to the ICRMP market.

MOTION: **Senator Winder** moved, seconded by **Senator Stennett**, to send **S 1335** to the Senate floor with a do pass recommendation.

VOTE: The motion carried by voice vote.

RS 21452 UNANIMOUS CONSENT FROM RESOURCES RELATING TO CITY IRRIGATION SYSTEMS to prohibit specified acquisitions through the power of Eminent Domain.

RS21454 UNANIMOUS CONSENT FROM RESOURCES RELATING TO FLOODPLAIN ZONING ORDINANCES to clarify exemptions from local flood plain regulation without impairing the ability to qualify for the National Flood Insurance Program

In **Senator Pearce's** absence, **Senator Davis** indicated that he understood these RS's were time sensitive and the Resources Committee had requested, by unanimous consent, that they be printed. **Chairman McKenzie** made an inquiry to the Pro Tem. Since these affect the authority of cities, would they go back to the Resources Committee or would they come back to the State Affairs Committee or go to the Local Government and Taxation Committee. He would also have a question to **Senator Pearce** on that issue. **Senator Hill** indicated that it could be discussed with the Chairmen of those committees but, since the unanimous consent request came from Resources and Environment, the Chairman of that committee would most likely want those back. **Senator Winder** indicated they could be printed, and then they could be assigned as necessary.

MOTION: **Senator Winder** moved, seconded by **Senator Fulcher**, to send **RS21452 and RS21454** to print.

VOTE: The motion carried by voice vote.

ADJOURNMENT: **Chairman McKenzie** announced that the Committee would meet at the regular time on Wednesday. Being no further business, the meeting adjourned at 8:35 a.m.

Senator McKenzie
Chairman

Twyla Melton
Secretary