

MINUTES
HOUSE WAYS & MEANS COMMITTEE

DATE: Thursday, March 08, 2012
TIME: 3:30 P.M.
PLACE: Room E403
MEMBERS: Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin
**ABSENT/
EXCUSED:** None

GUESTS: Senior District Judge Barry Wood, Patricia Tobias, Idaho Supreme Court; Tom Donovan, Idaho Department of Insurance; Woody Richards, Farm Bureau Insurance; Rep. Ken Andrus, Phil Barber, American Insurance Association; Dave Goins, Idaho News Service; Roy Eiguren, Sullivan, Reberger & Eiguren

Chairman Wood (35) called the meeting to order at 3:36 p.m.

RS 21480: **Barry Wood**, Senior District judge, stated the proposed legislation will establish a screening and treatment program for individuals found guilty of felonies in order to identify those in need of substance abuse or mental health treatments. The Idaho Department of Corrections will cover the expenses for the screenings, assessments and treatment of substance abuse, the Idaho Department of Health and Welfare will be tasked with the mental health examinations and treatment.

In response to a question regarding the separation of substance abuse and mental health screenings, **Judge Wood** stated Idaho Code 19-2524 separates substance abuse and mental health into different portals. However the proposed legislation will establish the screening process and shows the need for a treatment plan that could be used during sentencing instead of after sentencing. Judge Wood also indicated the assessments cannot be used to prove competency unless the defendant is in agreement.

MOTION: **Rep. Moyle** made a motion to introduce **RS 21480**. **Motion carried by a voice vote.**

RS 21496: **Rep. Andrus** stated the proposed legislation has previously been brought before the Ways and Means Committee. In discussions regarding **HB 625** it was determined a slight change needed to take place to clarify the language as there was a duplication. On page 1, line 32 they have stricken the word "torture" as on page 2 line 27 includes a full definition of "torture."

MOTION: **Rep. Moyle** made a motion to introduce **RS 21496**. **Motion carried by a voice vote.**

RS 21490: **Roy Eiguren**, Sullivan, Reberger, Eiguren, stated the proposed legislation establishes portable electronic device insurance and regulates its provisions.

In response to questions raised by the committee, **Mr. Eiguren** stated the proposed legislation addresses changes suggested by several legislators as a result of a hearing on **HB 471**. It was decided it would be more expeditious to address these changes in **RS 21490** verses sending **HB 471** to the amending order.

MOTION: **Rep. Roberts** made a motion to introduce **RS 21490**. **Motion carried by a voice vote.**

RS 21491: **Tom Donovan**, Idaho Department of Insurance, stated this proposed legislation seeks to amend two sections of insurance code regarding public record exemptions. The intent is to amend the language that provides for exemptions from public disclosure of documents. Currently the information gathered by insurance companies to establish rates is exempt from public disclosure and is protected as proprietary and/or a trade secret. There is one exemption, Idaho Department of Insurance investigation requires the release of all data in cases of violations. Mr. Donovan went on to state the proposed legislation would require public record disclosure if federal law requires it.

In response to questions from the committee, **Mr. Donovan** stated the difference between the proposed legislation and **H 423**, was a reference to assessments for immunizations. In addition, language was added to provide for a general standard of rates and rule making authority. That standard requires that rates should not be excessive, inadequate or unfairly discriminatory. Specific language was also included referencing federal regulations as examples of other laws which would apply to public record requests. Mr. Donovan went on to explain, if federal law requires release of information, the same requirement would apply in Idaho.

MOTION: **Rep. Cronin** motion made to introduce **RS 21491** with the following changes: on page 1, line 7, strike "and to make a technical correction" and on page 5, section (ii) leave the word "and." **Motion carried by a voice vote.**

RS 21005C2: **Woody Richards**, Farm Bureau Insurance, stated the proposed legislation relates to emergency fees charged as a result of a motor vehicles incident. In some instances these fees, charged by cities, counties or fire districts, are covered by insurance while some fees are not. The proposed legislation would define what fees could be charged. As the individuals in the accidents pay taxes, it is believed these fees are a form of double taxation. As tax payers, individuals are already paying for the services provided by the local municipalities and fire districts. In preparing the proposed legislation they worked with local stakeholders, however, the legislation is opposed by fire chiefs. The proposed legislation will exempt charges for property damages, towing and clean-up at the site of the accident.

In response to questions raised by the committee regarding fees for accident clean-up, Mr. Richards stated the proposed legislation addresses what types of fees are allowed to be billed, however, they would not permit charges for emergency workers' time. The allowable fees would be hard cost for materials; this is defined in the proposed legislation as actual expenses only. He also stated that many insurance policies will cover the fees, but it is not automatic.

MOTION: **Rep. Bedke** made a motion to introduce **RS 21005C2**. **Motion carried by a voice vote.**

RS 21500: **Patti Tobias**, Idaho Supreme Court, stated the proposed legislation would change the annual salary of the judiciary in Idaho by raising it 2%. The increase is the same as the increase for state employees, however, separate legislation is required.

MOTION: **Rep. Roberts** made a motion to introduce **RS 21500**. **Motion carried by a voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 4:01 p.m.

Representative Wood(35)
Chair

Brenda Walters
Secretary