

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, March 07, 2013

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

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Batt, Representatives Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/  
EXCUSED:** None.

**GUESTS:** Dan Powers, City of Driggs; Dennis Stevenson, Administrative Rules Coordinator; David Braswell, IDVS; Famara Mackenthun, IDVS; Mel Napier, The American Legion; Bill Heyob, VFW; Phil Hawkins, MOPH; Charles Price, American Legion; Raeleen Welton, ILRA; Russell Westerberg, Hagadon Hospitality; Melinda Nielsen, Si Bueno, Inc.

**Chairman Loertscher** called the meeting to order at 8:01 a.m.

**H 222:** **Rep. Eskridge** presented **H 222**, legislation that creates two funds for the Idaho Veterans. He stated there would be an Idaho Veteran's Recognition Income Fund, which was created by appropriations from excess earnings from funds maintained by the Division of Veterans Services. He stated the second fund would be the Idaho Veterans Recognition Income Fund and will be used solely to benefit veterans in Idaho. He stated the legislation allows the State to invest monies in the Veteran's Recognition Fund into mid-term rather than short-term holdings which have a better earnings rate.

**David Bradell**, Idaho Veterans Services, is **in support** of **H 222** because the Veterans Services needs to set aside some of the funds to ensure the support of veterans in the future.

**MOTION:** **Rep. Smith** made a motion to send **H 222** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Eskridge** will sponsor the bill on the floor.

**Rep. Batt in support** of the motion, stated she was embarrassed by the decrease in funding for veterans services.

**H 202:** **Rep. Burgoyne** presented **H 202**, legislation that amends existing law relating to the Idaho Administrative Procedure Act to provide additional requirements relating to the public notice of proposed Rule making and to provide additional requirements relating to a notice of adoption of a pending rule.

**MOTION:** **Rep. Holtzclaw** made a motion to send **H 202** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Burgoyne** will sponsor the bill on the floor.

**RS 22104C1:** **Paul Jackson**, Farmers Insurance Group, presented **RS 22104C1**, proposed legislation that amends existing law relating to commercial motor vehicle coverage to provide an exception for golf carts, to revise a definition, and to revise the effective date.

**MOTION:** **Rep. Packer** made a motion to introduce **RS 22104C1** and refer it to the Business Committee. **Motion carried by voice vote.**

- RS 22143:** **Rep. Denney** presented **RS 22143**, proposed legislation that authorizes the Legislative Council to appoint a study committee to ascertain the process for the State of Idaho to acquire title to and control public lands controlled by the federal government in the State of Idaho.
- MOTION:** **Rep. Anderson(1)** made a motion to introduce **RS 22143** and refer it to the Resources and Conservation Committee. **Motion carried by voice vote.**
- RS 22195:** **Rep. Denney** presented **RS 22195**, concurrent resolution stating findings of the Legislature and demanding that the federal government imminently transfer title to all of the public lands within Idaho's borders directly to the State of Idaho.
- MOTION:** **Rep. Anderson(1)** made a motion to introduce **RS 22195**. **Motion carried by voice vote.** **Rep. Denney** will sponsor the bill on the floor.
- RS 22200:** **Rep. Luker** presented **RS 22200**, proposed legislation allowing driver safety programming instead of just the issuing of citations.
- MOTION:** **Rep. Anderson(1)** made a motion to introduce **RS 22200**, send it to the second reading and refer it to the Judiciary and Rules Committee. **Motion carried by voice vote.**
- RS 22137:** **Rep. Thompson** presented **RS 22137**, a concurrent resolution that rejects the Division of Building Safety, Rules Concerning Uniform Plumbing Code, **Docket No. 07-0206-1201**, Section 011, Subsection 09, only; as the rules are not consistent with legislative intent. He stated the particular Rule that is being rejected is regarding water heaters not to be allowed in crawl spaces.
- MOTION:** **Rep. Luker** made a motion to introduce **RS 22137** and send it directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Thompson** will sponsor the legislation on the floor.
- RS 22138:** **Rep. Thompson** presented **RS 22138**, a concurrent resolution that rejects the Bureau of Occupational Licenses, Rules of the Idaho Driving Board, **Docket No. 24-2501-1201**, Section 225, Subsection 047.4, only, as the rules are not consistent with legislative intent.
- MOTION:** **Rep. Monks** made a motion to introduce **RS 22138** and send it directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Packer** requested to be recorded as voting **NAY**. **Rep. Thompson** will sponsor the legislation on the floor.
- H 195:** **Rep. Gibbs** presented **H 195**, a bill that amends existing law relating to the retail sale of liquor by the drink to provide for the issuance of a certain license to the owner, operator or lessee of a restaurant located within the incorporated limits of a resort city upon certain conditions. He stated that Driggs is a resort city and as of the last census, had a population of 16,000 people. He stated that the census is not accurate because there are many people who have residences in Driggs but also have a primary residence elsewhere making them permanent residents.
- In response to committee questions, **Rep. Gibbs** stated that there are three liquor licenses in Driggs, one for the airport, and two for the golf courses in Teton City. He stated the intent is not to hand out liquor licenses to every applicant. They want to enforce drinking to be moral and responsible.

**Mayor Dan Powers**, Mayor of Driggs, stated he is **in support** of **H 195** because the City of Driggs has nineteen restaurants that could benefit and they are losing business because only two restaurants can currently serve alcohol by the drink. He stated this legislation gives local businesses the opportunity to apply for licenses from the City Council are better able to make the decisions of who should get a license and who should not. He stated the City of Driggs needs help with this legislation to help it grow economically.

**Raeleen Welton**, Westerberg & Associates, on behalf of the Idaho License Beverage Association, stated she is **opposed** the bill because the value of the current liquor licenses would decrease and the legislation would allow outside sources to come in and obtain licenses which would be competing with local businesses.

**Russell Westerberg**, Westerberg & Associates, on behalf of Idaho Hospitality, stated he is **opposed** the bill because issuing new liquor licenses causes problems with the value of existing licenses.

**Melinda Nielsen**, Si Bueno, Inc., Driggs, Idaho, stated she is **opposed** to the bill because there are not enough restrictions and it would be unfair to current liquor licensees who waited years to obtain their licenses and have paid thousands of dollars.

**Rep. Holtzclaw** invoked Rule 38, stating a possible conflict of interest but that he would be voting on the legislation.

**MOTION:** **Rep. Anderson(1)** made a motion to **HOLD H 195** in committee. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the Committee, the meeting was adjourned at 9:39 a.m.

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Representative Loertscher  
Chair

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Kasey Perkins  
Secretary