

MINUTES
HOUSE WAYS & MEANS COMMITTEE

DATE: Wednesday, March 20, 2013

TIME: 12 Noon or Upon Adjournment

PLACE: Room C310 JFAC

MEMBERS: Chairman Anderson(1), Representatives Moyle, Crane, Vander Woude, Rusche, Burgoyne, Pence

**ABSENT/
EXCUSED:** Representative Burgoyne

GUESTS: Bill Roden, Coeur d'Alene Tribe

Chairman Anderson(1) called the meeting to order at 11:52 a.m.

MOTION: **Rep. Moyle** made a motion to approve the minutes of March 19, 2013. **Motion carried by voice vote.**

RS 22304: **Rep. Wills** presented **RS 22304**. He explained this proposed legislation allows for an Interstate Compact for military children. The compact would provide various mechanisms so that military children are not unfairly disadvantaged because of school attendance in multiple states or countries. He said it would allow military students to be on a level playing field with all K-12 students in Idaho.

Rep. Wills confirmed the Department of Education has signed on in support of this proposed legislation.

MOTION: **Rep. Crane** made a motion to introduce **RS 22304**.

In response to questions regarding other states with the same compact, **Rep. Wills** stated there were 25 states with several others also interested. In regards to the reasoning for this proposed legislation, he explained around 2008 the superintendent of schools in the Mountain Home School District felt this was not necessary, but since that time has recognized there have been some disadvantages, especially in the secondary schools. Rep. Wills was unable to give a specific example of a disadvantaged military child but gave a possible scenario. He said there could be a member of the military who gets transferred to a base and then immediately becomes active. He said this could be only a short duty, but during said duty receives orders to move to another base, this may mean they were only stationed at the original base a few months and could cause disadvantages to their children. He explained this proposed legislation would not effect other legislation regarding out of state students.

**VOTE ON
MOTION:** **Chairman Anderson(1)** called for a vote on the motion to introduce **RS 22304**. **Motion carried by voice vote.**

RS 22305C1: **Rep. Vander Woude** presented **RS 22305C1**. He said this proposed legislation is for the Speaker of the House to designate a custodian of public records for all records belonging to the House. The custodian would coordinate and prepare all responses and requests for public records on behalf of the House, its Committees and its individual members. All public records requests would be directed to the House custodian, who would respond in accordance with the public writing laws. He explained the reason for the change to the original RS is due to the Senate placing this in their Rules. The change mirrors the Senate Rule, making it clear to anyone requesting public records.

Rep. Vander Woude clarified that an individual member would go through the custodian for a public records request in regards to the Freedom of Information Act (FOIA) response.

MOTION: **Rep. Rusche** made a motion to introduce **RS 22305C1. Motion carried by voice vote.**

RS 22313: **Bill Roden**, representing the Coeur d'Alene Tribe, presented **RS 22313**. He explained this proposed legislation is necessitated by a Rule that was adopted by the State Tax Commission in 2011 and considered by the Legislature in 2012 as a part of a larger docket dealing with income tax. Encompassed within that Rule was a provision that changed the status of income by some tribal members who were working on a reservation which was not the reservation of which they were an enrolled member. The tribes were not made aware of this change until this year when one of the tax preparers looked at a bulletin put out by the State Tax Commission. He stated the tribes were never notified of this change. He said upon further investigation, they discovered no negotiated rule making was undertaken because the docket was a simple matter. Following the approval of the rule by the Legislature in 2012, the State Tax Commission published a document that was sent to employers, indicating no withholding would be required of any tribal member that was employed on a reservation. He said no mention was made of the fact that it did make a difference as to whether that tribal member was a member of the reservation on which he was employed. He explained that they immediately contacted the Tax Commission, who unanimously agreed there should be a change. They have been working with the Tax Commission to put things back to a status-quo so that they may come back to the Legislation next session with a Rule. He commended the Tax Commission, the chairs of the House Revenue and Taxation and the Senate Local Government and Taxation Committees, as well as the Governor's office, for their efforts to help.

MOTION: **Rep. Moyle** made a motion to introduce **RS 22313**.

Mr. Roden explained that it is their intent, along with the State Tax Commission, not to enforce this Rule for tax years 2012 and 2013. He said tax preparers need to have something in writing that indicates that intent. This proposed legislation would accomplish that. He stated there would be no fiscal impact.

VOTE ON MOTION: **Chairman Anderson(1)** called for a vote on the motion to introduce **RS 22313. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 12:08 p.m.

Representative Anderson(1)
Chair

Jackie Wright
Secretary