

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:30 A.M.  
Room EW40  
Wednesday, January 09, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
Rulemaking	Organizational Meeting Presentation	Dennis Stevenson, Dept. of Administration

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, January 09, 2013  
**TIME:** 9:30 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:** Dennis Stevenson, Department of Administration, Administrative Rules Office; Jim Clark, lobbyist; Monica Hopkins, ACLU of Idaho; Leroy Fiscus, ACLU of Idaho; and Russell Westerberg, Truth-justice.

**Chairman Loertscher** called the meeting to order at 9:30 a.m.

**Chairman Loertscher** welcomed the committee back for the 2013 session. He also encouraged everyone to get their legislation in right away.

**Vice Chairman Batt** was recognized for the purpose of assigning subcommittees for review of the Administrative Rules.

Subcommittees for the rules review will be divided into three groups. The subcommittees are as follows:

**Department of Administration** Rules, and the **Office of the Governor Military Division-Bureau of Homeland Security** Rules:

**Chair Rep. Barbieri, Rep. Andrus, Rep. Holtzclaw, Rep. Smith.**

**Idaho State Lottery** Rules:

**Chair Rep. Luker, Rep. McMillan, Rep. Packer, Rep. Woodings.**

**Idaho Public Utilities Commission** Rules, **Office of the Treasurer** Rules, and the **State Athletic Commission** Rules:

**Chair Rep. Sims, Rep. Batt, Rep. Gannon, Rep. Monks.**

**Vice Chairman Batt** also advised the committee to work with the secretary in regards to scheduling meetings and presenters.

The deadline for the subcommittees to submit their recommendations to the committee is January 28, 2013.

**Dennis Stevenson**, from the Department of Administration presented an overview of the rule making process to the committee. He explained the definition of a rule and the different types of rules. He also noted that legislators are able to approve or reject any rules in whole or in part. He also reminded the committee that if no action is taken on rules, they are accepted.

In response to questions, **Mr. Stevenson** explained that the committee can accept the entire rule or reject certain sections or subsections, but they need to be specific in their recommendations.

**ADJOURN**

There being no further business to come before the committee, the meeting adjourned at 9:57 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
**BARBIERI SUBCOMMITTEE**  
Rules-Subcommittee #1  
10:00 A.M.  
Room EW40  
Monday, January 14, 2013

<b>DOCKET NO.</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Rules of State Department of Administration	Teresa Luna
<a href="#">38-0406-1202</a>	Rules governing use of the exterior of State Property in the Capitol Mall and other state facilities	Dept. of Administration
<a href="#">38-0407-1202</a>	Rules governing use of the interior of state property in the Capitol Mall	
<a href="#">38-0408-1202</a>	Rules governing use of Idaho State Capitol Exterior	

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Barbieri  
Rep.Andrus  
Rep.Holtzclaw  
Rep.Smith

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: hstaf@house.idaho.gov

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**  
**BARBIERI SUBCOMMITTEE**  
Rules-Subcommittee #1

**DATE:** Monday, January 14, 2013  
**TIME:** 10:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Barbieri, Representatives Andrus, Holtzclaw, Smith  
**ABSENT/  
EXCUSED:** None.  
**GUESTS:** Monica Hopkins, ACLU; BG John Goodole, JFHQ Idaho Guard; Col. Brad Ricky, JFHQ Idaho/BHS; Steve Steiner, BHS Public Safety; Robert Hugi, BHS Public Safety; Barbara Pinkerton, self; Gene Bray, self; Anne Hausrath, self; Ann McClanahan, self; Leroy Fiscus, ACLU; Teresa Luna, Dept. of Admin; Keith Reynolds, Dept. of Admin; Jennifer Pike, Dept. of Admin; Raeveen Welton, Westerberg & Associates; Roger Brown, Governor Otter's Office; Kathy Sims, self; Parrish Miller, Idaho Freedom Foundation; Ed Lawley, Dept. of Admin; Dennis Stevenson, Dept. of Admin.; Brad Hunt, OARC.

**Chairman Barbieri** called the meeting to order at 10:01 a.m.

**DOCKET NO. 15-0603-1201:** **Steve Steiner**, Branch Chief, Bureau of Homeland Security Public Safety, presented **Docket No. 15-0603-1201**. He stated that their agency has never had a set of rules for their funding. All of their fees are currently passed on to the agencies. They started researching fees two years ago and found that they need a new fee schedule.

In answer to committee questions, **Mr. Steiner** stated that the current funds come from the agencies. They are billed monthly, quarterly, or annually depending on the agency. They also receive federal funding for the radio billing systems. The fee increase only includes time and materials and not salaries.

**Mr. Steiner** stated that the Bureau employs 23 full-time employees and 2 contract positions with 2 technicians per district. After reorganization, several years ago, and 5 positions were cut. Everything they do is nonprofit or government work. They have tried to make the work more efficient but it is labor intensive and public safety is important.

In response to questions, **Mr. Steiner** stated it is difficult to justify fees to the agencies. They have different fees for each agency. He stated the budgets project an increase in time and materials. In response to further questions, Mr. Steiner stated using federal and local partners in contracting work has been successful, but the Bureau needs the hourly increase. Without these rules, they could not support all of the work.

**Mr. Steiner** also stated the agencies have a standard package but most of the jobs the Bureau does are custom. He said the last fee increase was 23 years ago and did not include the IT packet, the Bureau has upgraded the technology and it is not reflected on the billing.

In response to questions, **Mr. Steiner** stated the Bureau has always had face-to-face contact with all of its constituents regarding fees and have also sent letters to each. They have not had any negative feedback regarding the increase.

**Gene Bray**, representing himself, said that he has worked for 31 years as an engineer. He said he was astounded that the Bureau could do the work they have done for \$45 an hour because it is such a low fee. He stated that the fact they have not had an increase in 23 years is outstanding. Mr. Bray supports the increase in fees.

**MOTION:** **Rep. Smith** made a motion to recommend approval of **Docket No. 15-0603-1201**. **Motion carried by voice vote.**

**DOCKET NO. 38-0406-1202:** **Teresa Luna**, Director, Department of Administration, presented **Docket No. 38-0406-1202**, which governs the use of the exterior of state property in the Capitol Mall and other state facilities with the exception of the Capitol Building. These rules are very similar to what Boise City uses. The rules proposed were posted for 30 days last year in September and then changed. The Idaho State Historical Society has asked to be included in the rules as well.

**DOCKET NO. 38-0407-1202:** **Teresa Luna**, Director, Department of Administration, presented **Docket No. 38-0407-1202**, which governs the use of the interior of state property in the Capitol Mall and other state facilities with the exception of the Capitol Building. This rule is nearly identical to the previous chapter. The rules also cover the state offices in Lewiston and Idaho Falls. The rules only refer to the common areas, the rest is state agency space and is not public.

**DOCKET NO. 38-0408-1202:** **Teresa Luna**, Director, Department of Administration, presented **Docket No. 38-0408-1202** which governs the use of the Idaho State Capitol exterior. She reviewed the reservation times for the Jefferson Street steps.

In response to questions, **Ms. Luna** confirmed no open flames are allowed on the Capitol grounds. She also explained that no public hearings were requested in regards to these rules.

**Monica Hopkins**, ACLU of Idaho, said she is opposed to the new rules because they are extreme and have caused confusion. She said the First Amendment has always meant the regulation of things like graphic displays on hats, buttons, etc. The new rules have unrealistic time constraints and make it hard for working people to get together.

**Ms. Hopkins** also stated that there is a competing use, the State is using its authority to cut people out of the loop. She said this violates our First Amendment rights and there are rules currently in litigation. Ms. Hopkins wants an end to the rules, because they are erroneous and exceed government powers.

**Barbara Pinkerton**, representing herself, urged the Subcommittee to reject the rules. She said she would have liked a public hearing on the rules, and she agrees with the ACLU. She said the agency is trying to micromanage behavior, and the public would be confused on the language in the rules. The rules would disallow the public to meet, and urged the Subcommittee to reject all three new chapters.

In response to questions, **Ms. Luna** stated there is a 5-day waiting period for all permits, and there are lots of reasons why a no waiting period is not workable.

**Gene Bray**, representing himself, said he agrees with the ACLU. He believes candlelight vigils are good and having them disallowed shows the overly powers of the government. He said we have operated for 120 years without such rules.

In response to questions, **Ms. Luna**, stated "no open flames" has been a rule since 1992. Most people use battery operated candles or cell phones, etc. She said this rule has been enforced.

**Anne Hausrath**, representing herself, said she has served on the Boise City Council for two years. She said there was never a public hearing on these rules. She thought there should be a public hearing and that Idaho residents, as taxpayers, have the right to consult and direct the legislators.

**MOTION:** **Rep. Smith** made a motion to send **Docket Nos. 38-0406-1202, 38-0407-1202,** and **38-0408-1202** to the full committee without recommendation for further discussion. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 10:45 a.m.

---

Representative Barbieri  
Chair

---

Kasey Perkins  
Secretary

**AMENDED AGENDA #3**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Tuesday, January 15, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Approval of minutes	Chairman Loertscher
	Brief discussion of Administrative Rules	Vice Chairman Batt

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chairman Batt  
Rep Anderson(1)  
Rep Andrus  
Rep Luker  
Rep Crane

Rep Palmer  
Rep Sims  
Rep Barbieri  
Rep Holtzclaw  
Rep McMillan  
Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, January 15, 2013

**TIME:** 9:00 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:** Rep. Anderson(1)

**GUESTS:** None.

**MOTION:** **Chairman Loertscher** called the meeting to order at 9:01 a.m.

**Rep. Woodings** made a motion to approve the minutes of the January 9, 2013 meeting. **Motion carried by voice vote.**

**Vice Chairman Batt** thanked everyone on the Subcommittees who are reviewing the rules and announced that **Rep. Luker's** Subcommittee will be meeting right after the full committee meeting to schedule their first meeting. She also stated that **Rep. Barbieri's** Subcommittee has some concerns regarding the new Administrative Rules governing the exterior of the Capitol building and will be recommending that the full committee meet so the public can testify.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:05 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
8:00 A.M.  
Room EW40  
Wednesday, January 16, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
Presentation	Idaho post election information	Tim Hurtz Secretary of State
Presentation	Idaho State Liquor division functions, laws, regulations	Jeff Anderson Idaho State Liquor Division

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Palmer	Rep Packer
Vice Chairman Batt	Rep Sims	Rep Smith
Rep Anderson(1)	Rep Barbieri	Rep Gannon
Rep Andrus	Rep Holtzclaw	Rep Woodings
Rep Luker	Rep McMillan	
Rep Crane	Rep Monks	

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, January 16, 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:** Jeff Anderson, Idaho State Liquor Division.

**Chairman Loertscher** called the meeting to order at 8:00 a.m.

**Ben Ysursa**, Secretary of State, presented an overview of the voting process, voter turnouts, historical data, and the future for voting in Idaho.

In response to questions, **Mr. Ysursa** stated that internet voting will not be accepted very easily because of the threat of computer hacker issues.

**Jeff Anderson**, Director of Idaho Liquor Division, presented information on Idaho's current liquor laws. He stated Idaho is a controlled state and has less consumption than many other states that are open states. We explained that controlled states are at lower risk, have safer roads and lower crime rates. He stated that 2% of all the revenue goes to the drug and family courts in Idaho.

In response to questions, **Mr. Anderson** stated that Idaho State Police is involved in the issuance of liquor licenses.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 9:09 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
**SIMS SUBCOMMITTEE**  
Rules-Subcommittee #3  
9:30 A.M.  
Room EW40  
Wednesday, January 16, 2013

<b>DOCKET NO.</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>31-4101-1201</u></a>	Rules of the Idaho Public Utilities Commission	Paul Kjellander Idaho Public Utilities Commission
<a href="#"><u>03-0101-1201</u></a>	Rules of the State Athletic Commission	Roger Hales Bureau of Occupational Licenses

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Sims  
Rep.Batt  
Rep.Gannon  
Rep.Monks

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: hstaf@house.idaho.gov

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**  
**SIMS SUBCOMMITTEE**  
Rules-Subcommittee #3

**DATE:** Wednesday, January 16, 2013

**TIME:** 9:30 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Sims, Representatives Batt, Gannon, Monks

**ABSENT/  
EXCUSED:** None.

**GUESTS:** Paul Kjellander, Idaho Public Utilities Commission; Mack Redford, Idaho Public Utilities Commission; Don Howell, Attorney General, Public Utilities Commission; Joe Leckie, Idaho Public Utilities Commission; Brag Hunt, OARC; Raeleen Welton, Westerberg & Associates; Tana Cory, Bureau of Occupational Licenses; David Hoffman, self; Lee Rice, self.

**Chairman Sims** called the meeting to order at 9:29 a.m.

**DOCKET NO. 31-4101-1201:** **Paul Kjellander**, Director, Idaho Public Utilities Commission, presented **Docket No. 31-4101-1201**. He stated a lot has changed since 1988 and that there are 300,000-400,000 less land lines than before. He said broadband and new phone technology has caused a shift in customer relations.

**Rep. Batt** suggested the Subcommittee accept the rule, except the deletion of 502 (1)(a), they should keep that in the rule.

In response to questions, **Mr. Kjellander** discussed emergency service restoration and it's importance in regards to keeping customers satisfied. He also stated that land lines are still around because they are usually part of packaged deals.

**Edward Lodge**, Century Link, stated that customers are very important to their company and they do whatever is necessary to keep them.

In response to questions, **Mr. Lodge** stated there is competition throughout the state for a fair market.

**MOTION:** **Rep. Batt** made a motion to recommend approval of **Docket No. 31-4101-1201** to the full committee with the exception of **Section 502.1 paragraph (a)**. **Motion carried by voice vote.**

**DOCKET NO. 03-0101-1201:** **Tana Cory**, Director, Idaho Bureau of Occupational Licenses, presented a short overview of the Bureau and it's organization.

In response to questions, **Ms. Cory** stated that the investigative/inspections part of the Commission is very busy. She stated that the Attorney General's office could not handle the heavy workload so they now use in-house Administrative Law attorneys.

**Roger Hales**, private attorney, Bureau of Occupational Licenses, presented **Docket No. 03-0101-1201**. He stated the operations of the Athletic Commission are funded solely by the applicants, licensees, registration, and examination fees and receive no federal funds.

**Mr. Hales** stated that there is a financial independence issue with the Athletic Commission. He also stated that the Pending Rules were created because a fighter died in Idaho. He also stated the rules protect fighters by regulating fighting.

**Mr. Hales** stated there are two ways to raise money, raise license fees, and raise gate fees. He stated they have raised some funds and the Commission is stabilizing. He also stated that at the request of the fighters, they have eliminated the penalty for fighters who do not renew their license every year.

**Mr. Hales** reviewed the guidelines for children 12 years of age and younger, promoter's responsibility to report results, and fighter gloves.

In response to questions, **Mr. Hales** stated the Commission is in crisis and they have figured out a solution. He stated they have looked at reducing fees, but that would have reduced their revenue by \$10,000-15,000. He stated they have also looked at pay-per-view options but there are constitutional questions regarding this. He stated that the best action was to pass the increase on to the promoters. Mr. Hales quickly reviewed the Commission's financial situation for the Subcommittee.

**Tom Katsilometes**, Chairman, Athletic Commission, stated gate fees and sanction charges are included in other states as well.

**David Hoffman**, representing himself, stated he has been involved in MMA since 1967 and is troubled that martial artists are required to pay fees to the Commission. He believes the sport should be self-regulated like high school football. He also stated that amateur football players do not have to pay for licenses. He also stated if the fees are raised, the support of the sport will leave.

**Lee Rice**, representing himself, believes that MMA needs to be self-regulated in Idaho. He also believes the state shouldn't regulate the sport. He stated the fighters, promoters, and managers should work with the Athletic Commission directly without state involvement.

**Chairman Sims** said because of time constraints **Docket No. 03-0101-1201** will be held in the Subcommittee until the next meeting.

**ADJOURN:**

There being no further business to come before the committee, the meeting adjourned 10:59 a.m.

---

Representative Sims  
Chair

---

Kasey Perkins  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Thursday, January 17, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS21627</u></a>	Fees associated with events licensees, and permit holders dedicated to the fund for the Bureau of Occupational Licenses.	Roger Hales Occupational Licenses Athletic Commission

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chairman Batt  
Rep Anderson(1)  
Rep Andrus  
Rep Luker  
Rep Crane

Rep Palmer  
Rep Sims  
Rep Barbieri  
Rep Holtzclaw  
Rep McMillan  
Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, January 17, 2013

**TIME:** 9:00 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:** David Hoffman, self; Roger Hales, Bureau of Occupational Licenses, Kelby Monks, self; Cherie Simpson, Bureau of Occupational Licenses; Tana Cory, Bureau of Occupational Licenses; Wayne Ross, Powerhouse MMA Fight Club; Tony Poinelli, Idaho Associations of Counties; Lee Rice, Powerhouse MMA Fight Club.

**Chairman Loertscher** called the meeting to order at 9:00 a.m.

**MOTION:** **Rep. Packer** made a motion to approve the minutes of the January 17, 2013 meeting. **Motion carried by voice vote.**

**RS 21627:** **Roger Hales**, Attorney, Bureau of Occupational Licenses, presented **RS 21627**, legislation that allows the Bureau to recover costs and fees incurred in reviewing a challenge of a fighter and the investigation and prosecution of licensees and permit holders.

In response to questions, **Mr. Hales** stated the APA governs the Bureau and makes sure the contestants have due process. He stated costs and fees must be approved by a judge. He also explained that currently, if a licensee is found not guilty, all licensees have to bear the burden. This legislation would make it the licensees' responsibility to pay for court costs and attorney fees.

**MOTION:** **Rep. Andrus** made a motion to introduce **RS 21627**.

There was discussion from the committee regarding adding a sunset clause to the legislation.

**SUBSTITUTE MOTION:** **Rep. Crane** made a substitute motion to return **RS 21627** to the sponsor. **Motion carried by voice vote.**

**RS 21698:** **Tony Poinelli**, Idaho Association of Counties, presented **RS 21698**, legislation which clarifies the boundary descriptions of Gooding County, Jerome County, Lincoln County, and Minidoka County to reflect the changes in the session laws.

The Committee discussed if the legislation was necessary when the boundaries are already set within the session laws.

**MOTION:** **Rep. Luker** made a motion to return **RS 21698** to the sponsor. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:59 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
**SIMS SUBCOMMITTEE**  
Subcommittee #3  
11:30 A.M.  
Room EW40  
Friday, January 18, 2013

<b>DOCKET NO.</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>03-0101-1201</u></a>	Rules of the State Athletic Commission	Roger Hales Bureau of Occupational Licenses
<a href="#"><u>54-0301-1201</u></a>	Rules regarding Idaho Unclaimed Property	

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Sims  
Rep.Batt  
Rep.Monks  
Rep.Woodings  
Rep.Gannon

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: hstaf@house.idaho.gov

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**  
**SIMS SUBCOMMITTEE**  
Subcommittee #3

**DATE:** Friday, January 18, 2013

**TIME:** 11:30 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Sims, Representatives Batt, Monks, Woodings, Gannon

**ABSENT/  
EXCUSED:** None.

**GUESTS:** Leroy Fiscus, ACLU; Cherie Simpson, Bureau of Occupational Licenses; Anita Hamann, DFM; David Hoffman, self; Lee Rice, Powerhouse MMA; Wayne Ross, Powerhouse MMA; Don Henslee, Powerhouse MMA; Doug Alvaro, Idaho MMA; Brad Hunt, Office of Administrative Rules; Dennis Stevenson, Office of Administrative Rules.

**Chairman Sims** called the meeting to order at 11:31 a.m.

**DOCKET NO. 54-0301-1201:** **Docket No. 54-0301-1201** relates to updating the existing text to provide clarification regarding unclaimed property in Idaho.

**MOTION:** **Rep. Gannon** made a motion to recommend approval of **Docket No. 54-0301-1201** to the full committee. **Motion carried by voice vote.**

**DOCKET NO. 03-0101-1201:** **Roger Hales**, Attorney, Bureau of Occupational Licenses, presented **Docket No. 03-0101-1201**, which raises the fees for permits from \$200 to \$1,000.

**Wayne Ross**, representing himself, stated he believes a fee increase will decrease the amount of people that attend the events. He stated there are only twelve promoters on the active licensed list and two of them are out of state. He also stated most promoters are coming out in a deficit after an event. He also stated Idaho's fees are much higher than other states, at \$120 compared to \$40 in Utah. He also stated that the public, promoters, and Managers that have interest have not been advised of hearings regarding new rules or fees.

In response to questions, **Tom Katsilometes**, Commissioner, Athletic Commission, stated a man in Idaho died 7 years ago in a strong-man competition and as a result, the sport of Mixed Martial Arts (MMA) and boxing were put under the Athletic Commission.

**David Hoffman**, representing himself, stated most of the MMA fighters are amateurs and doesn't believe they should have to be licensed. He stated Idaho is a right to work state and therefore Managers of these licensees should not have to pay for a license. He also stated the new rules are improper and the licensees should be able to regulate themselves.

**Lee Rice**, representing Powerhouse MMA, stated he believes the sport of MMA should be self-regulated. He stated he believes if someone has the experience, they should be able to function without the State's control. He stated working with the Commission would not be a problem, but better without the fees.

In response to questions, **Dennis Stevenson**, Rules Administrator, Office of Administrative Rules, explained the rules process.

**MOTION:** **Rep. Monks** made a motion to recommend approval of **Docket No. 03-0101-1201** with the exception of the changes in **Section 104**, in its entirety, and **Section 107.07** and **Section 107.08** to the full committee.

**Rep. Monks** withdrew his motion.

**MOTION:** **Rep. Monks** made a motion to recommend rejection of **Docket No. 03-0101-1201** in its entirety to the full committee. **Motion carried by voice vote.**

**MOTION:** **Rep. Monks** made a motion to recommend the removal of **Docket No. 03-0101-1201, Section 107.07** to the full committee. **Motion carried by voice vote.**

There being no further business to come before the Subcommittee, the meeting adjourned at 12:06 p.m.

---

Representative Sims  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
**LUKER SUBCOMMITTEE**  
Rules - Subcommittee #2  
9:30 A.M.  
Room EW40  
Monday, January 21, 2013

<b>DOCKET NO.</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Rules of the Idaho State Lottery	Jeff Anderson, Executive Director
<a href="#">52-0102-1201</a>	Rules regarding the allowable maximum expenses for the lottery to coincide with SB 1286	Idaho State Lottery
<a href="#">52-0103-1202</a>	Rules governing online gaming audits and reviews	
<a href="#">52-0103-1203</a>	Rules introducing Scratch style games	
<a href="#">52-0103-1201</a>	Fee Rules regarding purchasing electronic lottery tickets	

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Luker  
Rep.Packer  
Rep.Woodings  
Rep.McMillan

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: hstaf@house.idaho.gov

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**  
**LUKER SUBCOMMITTEE**  
Rules - Subcommittee #2

**DATE:** Monday, January 21, 2013

**TIME:** 9:30 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Luker, Representatives Packer, Woodings, McMillan

**ABSENT/  
EXCUSED:** None.

**GUESTS:** Tim Olson, Pinnacle Business Group; Becky Schroeder, Idaho Lottery; Jeff Anderson, Idaho Lottery; Dennis Stevenson, Administrative Rules; Raeveen Welton, Westerberg and Associates; Jeremy Pisca, Risch Pisca.

**Chairman Luker** called the meeting to order at 9:30 a.m.

**DOCKET NO. 52-0102-1201:** **Jeff Anderson**, Director, Idaho State Lottery, presented **Docket No. 52-0102-1201** regarding rising administrative costs related to charitable gaming and implement changes made by the legislature last year to address that problem.

**MOTION:** **Rep. Packer** made a motion to recommend approval of **Docket No. 52-0102-1201** to the full committee. **Motion carried by voice vote.**

**DOCKET NO. 52-0103-1202:** **Jeff Anderson**, Director, Idaho State Lottery, presented **Docket No. 52-0103-1202** regarding rules governing online gaming audits and reviews and eliminates antiquated procedures which are covered by more up to date processes, and clarifies procedures for handling joint claims on prizes.

In response to questions, **Mr. Anderson**, stated that currently vending machines only accept cash and retail vendors accept all forms of payment.

**MOTION:** **Rep. Woodings** made a motion to recommend approval of **Docket No. 52-0103-1202** to the full committee. **Motion carried by voice vote.**

**DOCKET NO. 52-0103-1203:** **Jeff Anderson**, Director, Idaho State Lottery, presented **Docket No. 52-0103-1203** regarding rules introducing scratch style games on touchscreen online terminals.

In response to questions, **Mr. Anderson**, stated there are two types of machines that sell games, the Red Ball machine and the Interlot for Megadraw games. He stated the new rule relieves pressure on retailers when the jackpots get very large. He also stated the multipurpose devices have a receipt system that print the secured date and the numbers on them. He also stated that the new type of game, the instant win type, presents the winner with a voucher that they can redeem at a retailer. He also indicated that the touchscreen terminals are already in use for two types of games and this amendment simply allows the addition of an additional type of game.

**MOTION:** **Rep. Packer** made a motion to recommend approval of **Docket No. 52-0103-1203** to the full committee. **Motion carried by voice vote.**

**DOCKET NO. 52-0103-1201:** **Jeff Anderson**, Director, Idaho State Lottery, presented **Docket No. 52-0103-1201**, a Fee Rule regarding purchasing electronic lottery tickets .

In response to questions, **Mr. Anderson**, stated it costs \$0.30 to \$0.70 per transaction, so they have chosen to use the \$0.50 fee just to cover the costs. He stated that if they need to reduce the fee or raise it they will do so. He also stated that these fees will only apply to the Big Red machine, payor only machines, and that retailer transactions will not apply.

**MOTION:** **Rep. Woodings** made a motion to recommend approval of **Docket No. 52-0103-1201** to the full committee. **Motion failed by voice vote.**

There was discussion by the Subcommittee regarding concerns of encouraging people to overextend themselves when playing games.

**MOTION:** **Rep. McMillan** made a motion to send **Docket No. 52-0103-1201** to the full committee without recommendation for further discussion. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the Subcommittee, the meeting adjourned at 10:01 a.m.

---

Representative Luker  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
8:00 A.M.  
Room EW40  
Tuesday, January 22, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Rules of the Department of Administration	Teresa Luna
<a href="#"><u>38-0406-1202</u></a>	Rules governing use of the exterior of the State Property in the Capitol Mall and other state facilities	Department of Administration
<a href="#"><u>38-0407-1202</u></a>	Rules governing use of the interior of state property in the Capitol Mall	
<a href="#"><u>38-0408-1202</u></a>	Rules governing use of Idaho State Capitol exterior	

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: hstaf@house.idaho.gov

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, January 22, 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:** Gene Bray, self; Anne Hausrath, self; Barbara Kemp, self; Monica Hopkins, ACLU; Pamela Murray, self; Leroy Fiscus, self; Dennis Stevenson, Administrative Rules; April Rice, Dept. of Admin.; Mary Bolognino, Occupy Boise; Rachel Raue, self; Glen Garity, self; Richard Morgan, self; Ed Wardwell, self; Raveen Welton, Westerberg and Associates.

**Chairman Loertscher** called the meeting to order at 8:00 a.m.

**MOTION:** **Rep. Packer** made a motion to approve the minutes of the January 16 and 17, 2013 meeting. **Motion carried by voice vote.**

**DOCKET NOS. 38-0406-1202, 38-0407-1202, 38-0408-1202** **Teresa Luna**, Director of Dept. of Administration, presented **Docket Nos. 38-0406-1202, 38-0407-1202, and 38-0408-1202**, Rules that govern the use of the exterior of the state property in the Capitol Mall and other state facilities, the interior of the state property in the Capitol Mall, and the Idaho State Capitol exterior. She stated the rules were first released for 30 days for public review in May and June of 2012, in which they had 29 comments from the public. She also stated that they took the comments into consideration and made changes to the rules and posted them for comments again in September and October of 2012, in which there was no public comment. She stated the reason for the change in the rules is because of safety concerns.

**Ms. Luna** presented two videos to the Committee members. She stated the first video was of a man who had a side arm weapon and was initially in a "Know your Rights" meeting then joined a boyscout tour of the House floor. She indicated that the video was focused on the House Chambers because that is where the man wandered off to rummage through some of the Representatives' desks and took pictures on his phone. She stated that as the current law stands, security can only ask him to leave and has no other authority. **Ms. Luna** presented the second video which contained footage of the "Occupy Boise Clowns". She stated they were hanging posters on the walls and balconies of the Capitol Building which was not allowed. She pointed out that the person in the video told the security officer that there was no law to prevent her from hanging anything in the Capitol. She also stated this is the reason for the new Rules, to protect state property.

In response to committee questions, **Ms. Luna** went over the candle light vigil rules and stated that the sidewalks around the Capitol Building are open for use, they are not state property. She also clarified that the reason why amplified sound or meetings are only allowed on the Jefferson Street steps is to allow the businesses on those sides to continue doing business without interruption.

In response to further questions, **Ms. Luna**, indicated that the state was sued by the ACLU in early 2012 due to lawmakers passing the "anti-camping" legislation and is currently set for a Summary Judgment hearing in late February.

In response to further questions, **Ms. Luna**, spoke about **Section 400.07**, and stated the section is for the State to recover damages for direct costs due to trash collection, janitorial services, and security services.

**Julie Weaver**, Deputy Attorney General, Department of Administration, responding to committee questions, stated there is an appeals process for the recovery charge, if disputed.

**Chairman Loertscher** reminded the Committee that if the Rules are not rejected, they will go into effect.

In response to committee questions, **Ms. Luna**, stated the Department is working on a short handout of the rules for the public using general terms. **Ms. Luna** also explained the penalties for violating the rules are a verbal warning, asking the citizen to stop the behavior, and then calling Idaho State Police (ISP) to determine if an infraction is warranted.

In response to further committee questions, **Ms. Weaver**, indicated that as long as it is determined to be an appropriate public use, signs can be carried around the Capitol Building and other state buildings during the hours specified in the rules. She also stated that ISP will decide if it is within the parameters.

In response to committee questions, **Ms. Luna**, stated the times are set regarding state properties because there are safety issues and lighting is poor. She also stated that the intent is to secure and maintain all state buildings, and that daylight hours are the best for use because it is difficult to secure after hours.

**Gene Bray**, representing himself, stated that there is no mention regarding firearms in the rules and the guards at the Capitol have stopped school children from carrying signs with sticks attached. He also stated that there is nothing in the rules pertaining to the public use of showers in some state facilities and it should be addressed. He also stated that he believes the rules discourage the exercise of free speech.

**Anne Hausrath**, representing herself, stated the rules need to be easy to understand and the proposed rules are not. She also stated that she is glad to hear that 24-hour vigils will be allowed. She urged the committee to reject the rules in their entirety.

**Barbara Kent**, representing herself, stated she is opposed to all of the rules. She also stated there are 18 reasons why permits are currently denied which makes it hard for people to gather at the Capitol.

In response to committee questions, **Ms. Kent**, stated it is difficult to apply for and receive a permit within a day. She said this is sometimes needed because sometimes laws are heard and passed within one day, and it is hard for the public to engage and rally in such cases.

In response to committee questions. **Ms. Luna**, stated that the public does not need a permit to gather together at the Capitol Building. She stated that a permit is only necessary to ensure a group has reserved access to the steps and is provided with a sound amplification system.

**Monica Hopkins**, Executive Director, ACLU, urged members of the Committee to reject the rules. She stated she believes the proposed rules are extreme and an unnecessary approach in regulating Idahoans' individual freedoms. She also stated she believes there are multiple sections in the rules that violate the First Amendment.

In response to committee questions, **Richard Eppink**, Legal Counsel, ACLU, stated he believes if the committee strikes down the proposed rules, the current case would not proceed because there would, in essence, be no reason for it to.

In response to committee questions, **Ms. Weaver**, stated that the rules process and the current lawsuit are two parallel processes. She also stated it would be up to the Plaintiff's as to whether or not they would drop the lawsuit if the rules were rejected.

In response to questions, **Mr. Eppink**, stated the current lawsuit challenges are from two different categories. One being the **H 404**, anti-camping legislation statute, and the other being the promulgation of the rules.

**Mary Bolognino**, representing herself, stated that she is opposed to the rules. She stated she believes they are restrictive and, as a lay person, hard to understand.

**Rachel Raue**, representing herself, urged the Committee to reject all the rules. She stated the current rules are not being enforced for every group and wondered how the new rules might be enforced.

**Glen Garrity**, representing himself, stated he believes the proposed rules are not needed because there are already laws in place regarding security and safety issues that police enforce.

**Ed Wardwell**, representing himself, stated he is opposed to the rules.

**Ed Waters**, representing himself, stated he is concerned that the rules are left up to interpretation regarding free speech.

**MOTION:** **Rep. Luker** made a motion to approve **Docket No. 38-0407-1202. Motion carried by voice vote.**

**MOTION:** **Rep. Crane** made a motion to **HOLD Docket Nos. 38-0406-1202 and 38-0408-1202. Motion carried by voice vote.**

**ADJOURN:** There being no other business to come before the Committee, the meeting adjourned at 10:03 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**8:30 A.M.**  
**Room EW40**  
**Wednesday, January 23, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Approval of Minutes	
	Administrative Rules Review	Vice Chairman Batt
<a href="#"><u>RS21728</u></a>	Recognition of Kristin Armstrong	Rep. Kloc
<a href="#"><u>RS21698</u></a>	Clarification of boundary descriptions of Gooding, Jerome, Lincoln, and Minidoka counties	Chairman Loertscher

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

- DATE:** Wednesday, January 23, 2013
- TIME:** 8:30 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:** Colby Cameron, Sullivan & Reberger.
- Chairman Loertscher** called the meeting to order at 8:33 a.m.
- RS 21728:** **Rep. Kloc** presented **RS 21728**, a resolution recognizing Kristin Armstrong.
- MOTION:** **Rep. Luker** made a motion to introduce **RS 21728** and send it directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Kloc** will sponsor the bill on the floor.
- RS 21698:** **Chairman Loertscher**, presented **RS 21698**, legislation clarification on boundary descriptions of Gooding, Jerome, Lincoln, and Minidoka counties.
- MOTION:** **Rep. Anderson** made a motion to introduce **RS 21698**. **Motion carried by voice vote.**
- Chairman Loertscher** turned the gavel over to **Vice Chairman Batt**.
- Vice Chairman Batt** introduced subcommittees to explain their review of the proposed Administrative Rules and approve minutes.
- MOTION:** **Rep. Monks** made a motion to approve the minutes of the Sims Subcommittee #2 meetings on January 16 and 18, 2013. **Motion carried by voice vote.**
- MOTION:** **Rep. Andrus** made a motion to approve the minutes of the Barbieri Subcommittee #1 meeting on January 14, 2013. **Motion carried by voice vote.**
- Rep. Barbieri** reported the Barbieri Subcommittee #1 reviewed the Rules of the Department of Administration **Docket Nos. 38-0406-1202, 38-0407-1202, 38-0408-1202**, and have been forwarded to the full committee without recommendation for review. **Rep. Barbieri** also stated that the rules from the Bureau of Homeland Security, **Docket No. 15-0603-1201**, are recommended to be approved.
- MOTION:** **Rep. Andrus** made a motion to approve the report of the Rep. Barbieri Subcommittee #1. **Motion carried by voice vote.**
- Rep. Sims** reported the Sims Subcommittee #3 reviewed the rules of the Idaho Utilities Commission, Office of the Treasurer, and the State Athletic Commission. She indicated the rules of the Idaho Public Utilities Commission **Docket No. 31-4101-1201**, is recommended to be approved with the exception of **Section 502.01 paragraph (a)**. She stated the rules of the Office of the Treasurer, **Docket No. 54-0301-1201**, is recommended to be approved in its entirety. She also indicated the rules of the State Athletic Commission, **Docket No. 03-0101-1201**, is recommended to be rejected in their entirety and that **IDAPA 03.01.01 – Rules of the State Athletic Commission, Section 107.07**; Annual Physical Examinations, be rejected.

**MOTION:** **Rep. Sims** made a motion to approve the report of Rep. Sims Subcommittee #3.  
**Motion carried by voice vote.**

In response to committee questions, **Rep. Sims** stated the fees for permits and staging the events for MMA was not negotiated with the promoters.

**Rep. Luker** reported the Luker Subcommittee #2 reviewed the Rules of the State Lottery Commission, **Docket Nos. 52-0102-1201, 52-0103-1202, 52-0103-1203, and 52-0103-1201**, and recommend they be approved with the exception of **Docket No. 52-0103-1201**, a Fee Rule regarding the use of ATM/debit cards to be used for transactions, be rejected.

**MOTION:** **Rep. Luker** made a motion to approve the report of Luker Subcommittee #2.  
**Motion carried by voice vote.**

**Vice Chairman Batt** turned the gavel back over to **Chairman Loertscher**.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:05 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Thursday, January 24, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Approval of Minutes	Rep. Barbieri
<a href="#">RS21754</a>	Authority of Secretary of State to accept filings of certificate of withdrawal of tax liens	Tim Hurst Secretary of State
<a href="#">RS21792</a>	Telephone solicitation regulations	Jim Clark Frontier Communications
<a href="#">RS21756</a>	PPACA Insurance producers and health insurance exchange	Rep. Luker
<a href="#">RS21763</a>	Designation of Abraham Lincoln Auditorium	Rep. Bateman
<a href="#">RS21693</a>	Clarification of elected officials salaries	Ron Crane Office of State Treasurer

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: hstaf@house.idaho.gov

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

- DATE:** Thursday, January 24, 2013
- TIME:** 9:00 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:** Jeff Harvey, Secretary of State; David Noland, Tax Commission; Russell Westerberg, LAMAR; Woody Rubel, AHAP; Elizabeth Criner, ISDA; Raeleen Welton, Westerberg & Associates; Brent Leavitt, ASISA
- Chairman Loertscher** called the meeting to order at 9:00 a.m.
- MOTION:** **Rep. Barbieri** made a motion to approve the Barbieri Subcommittee #1 minutes of January 14, 2013. **Motion carried by voice vote.**
- MOTION:** **Rep. Luker** made a motion to approve the Luker Subcommittee #2 minutes of January 21, 2013. **Motion carried by voice vote.**
- RS 21754:** **Tim Hurst**, Secretary of State, presented **RS 21754**, legislation authorizing the Secretary of State to accept a certificate of withdrawal of tax liens. He indicated there should be a change on Page 1, line 30, changing the word "statue" to "statute".
- MOTION:** **Rep. Anderson (1)** made a motion to introduce **RS 21754** with the following changes: on Page 1, line 30, change the word "statue" to "statute". **Motion carried by voice vote.**
- RS 21792:** **Jim Clark**, Frontier Communications, presented **RS 21792** legislation regarding the Telephone Solicitation Act. He stated **H 744** was created in 2004, to add the "Do Not Call" list to Idaho. He stated that **H 535** was the second bill created that added Idaho under the Federal "Do Not Call" list. He also stated the proposed legislation does not allow the telephone companies to contact their own customers regarding special offers or deals.
- MOTION:** **Rep. Anderson (1)** made a motion to introduce **RS 21792**. **Motion carried by voice vote.**
- RS 21756:** **Rep. Luker** presented **RS 21756**, legislation that allows insurance brokers to work in the exchange of services which is currently only available to individuals.
- In response to questions, **Rep. Luker**, indicated that the legislation is a way to help the consumer choose the right plan for them using the assistance of brokers. He stated that currently consumers use the Navigator, which help them through the system but do not motivate consumers into choosing what's right for them. He also stated that consumers will not be forced to use brokers, this legislation only allows brokers the same access as the consumers.
- MOTION:** **Rep. Anderson (1)** made a motion to introduce **RS 21756**. **Motion carried by voice vote.** **Rep. McMillan** and **Rep. Sims** requested that they be recorded as voting **NAY**.
- RS 21763:** **Rep. Bateman** presented **RS 21763**, a resolution to designate the West-Wing auditorium the "Abraham Lincoln Auditorium". He explained Idaho's rich history that is directly influenced by the late President Abraham Lincoln.

**David Leroy**, former Governor of Idaho, also indicated President Lincoln had many ties with people in Idaho and was one of the few territories Lincoln designated during his term in office.

- MOTION:** **Rep. Woodings** made a motion to introduce **RS 21763**.
- SUBSTITUTE MOTION:** **Rep. Luker** made a substitute motion to introduce **RS 21763** and send it directly to the Second Reading Calendar. **Motion carried by voice vote.**
- RS 21693:** **Laura Steffler**, Chief Deputy, Idaho State Treasurer, presented **RS 21693**, legislation clarifying elected official's salaries.
- MOTION:** **Rep. Woodings** made a motion to introduce **RS 21693**. **Motion carried by voice vote.**
- ADJOURN:** There being no other business to come before the Committee, the meeting adjourned at 9:54 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

**AMENDED AGENDA #2**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Tuesday, January 29, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Rules of the Idaho State Lottery	Jeff Anderson, Executive Director
<a href="#">52-0103-1203</a>	Rules introducing Scratch style games	
<a href="#">RS21614</a>	Modification of name, purpose and responsibilities of the Idaho Technology Resource Management Council	Chairman Loertscher
<a href="#">RS21743</a>	Voter Convenience Act	Rep. Burgoyne

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chairman Batt  
Rep Anderson(1)  
Rep Andrus  
Rep Luker  
Rep Crane

Rep Palmer  
Rep Sims  
Rep Barbieri  
Rep Holtzclaw  
Rep McMillan  
Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: hstaf@house.idaho.gov

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, January 29, 2013

**TIME:** 9:00 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:** Becky Schroeder, Idaho Lottery; Jeff Anderson, Idaho Lottery; Zeke Chemodurow, Intralot; Greg Zickau, Department of Administration; Tyler Mallard, Risch Pisca; Bill Roden, self; Jeremy Chou, Givens Pursley; Steve Wilson, State Controller's Office; Dan Goichechea, State Controller's Office; Michael Farley, Health & Welfare; Russell Westerberg, AMOI; Keith Reynolds, Department of Administration; Colby Cameron, Sullivan & Reberger; Dennis Stevenson, Department of Administration.

**Chairman Loertscher** called the meeting to order at 9:00 a.m.

**MOTION:** **Rep. Woodings** made a motion to approve the minutes of January 22nd and 23rd, 2013. **Motion carried by voice vote.**

**RS 21614:** **Chairman Loertscher** presented **RS 21614**, legislation changing the name of the Idaho Technology Resource Council to the Idaho Technology Authority as well as the purpose, composition, and responsibilities.

**MOTION:** **Rep. Barbieri** made a motion to introduce **RS 21614**. **Motion carried by voice vote.**

**DOCKET NO.  
52-0103-1203:** **Jeff Anderson**, Executive Director, Idaho State Lottery, presented **Docket No. 52-0103-1203**, Rules regarding scratch style games. He stated the proposed Rules deal with instant ticket games like Powerball and Mega-Millions. He also stated the current rules restrict games to ticket type transactions. **Mr. Anderson** presented a video of instant scratch type machines and check-a-ticket machines and their uses.

In response to questions, **Mr. Anderson** stated lottery games have predetermined winners as opposed to casino type games in which the consumers just play until they are tired of playing. He also stated the Lottery Commission leases the instant ticket machines from Intralot for \$80 per month. He stated that retail vendors receive a 5% commission on the sales of tickets and have to pass a criminal and financial background check to become authorized vendors. He also stated if the retailer is not selling many tickets, the sales will be moved to another location. He indicated the reason for the instant ticket kiosks is to reduce costs and raise the net income and profit margin. **Mr. Anderson** also stated the Lottery Commission follows case law regarding the use of lottery games that do not use random number generators, and no money is dispensed as opposed to casino games. He also stated that the kiosks could appear in other environments besides ones that are in age-controlled settings because the guidelines are not written into the Administrative Rules, instead they are guided by the Commission's policies. He also stated that the definition of online gaming is in the Administrative Rules **IDAPA Chapter 52.01.03, subsection 010** under definitions. He stated that with the instant win games, once the top prize is claimed, the game is taken off the market. He also stated 10 or 11 other U.S. jurisdictions, such as Ohio, Louisiana, New Mexico, Arkansas, and Montana, have these types of games.

He also stated that although the Commission cannot police every player, they do monitor the 211 Care Line and the gambling assistance website and have not seen any significant problems with gambling in Idaho.

**Jeremy Chou**, Attorney, Givens Pursley, responding to committee questions, indicated the case law in which the Lottery Commission is guided by is the "MDS Investments" case. He also stated that the new Rules emphasize adding better features to the system which are aimed at customer service, hence the direction to go paperless. He indicated that retailers are having problems with keeping paper tickets safe and secure which is part of their contract with the Commission. He also stated that airlines, RedBox, movie theaters, etc. use kiosks to ensure customer satisfaction.

**MOTION:** **Rep. Anderson(1)** made a motion to approve **Docket No. 52-0103-1203**.

In support of the motion, **Rep. Barbieri** stated he had spoken to retailers and found that the kiosks would help them with accounting for tickets.

In opposition to the motion, **Rep. Monks** stated he was concerned for the lack of rules that mandate where the machines can and cannot be located. He also stated that the current rules refer to a "ticket" not a "receipt" or "voucher" and there are potential problems with that. He also stated there is not much of a distinction between a slot machine and the lottery kiosks. **Rep. Smith** stated no retailers she advised of the rules, have contacted her to request the new kiosks.

**SUBSTITUTE MOTION:** **Rep. Luker** made a substitute motion to reject **Docket No. 52-0103-1203**.

**ROLL CALL VOTE:** Roll call vote was requested. **Substitute Motion carried by a vote of 9 AYE, 7 NAY, 0 Absent/Excused. Voting in favor of the motion: Reps. Loertscher, Batt, Andrus, Luker, Crane, Sims, Monks, Packer, Smith. Voting in opposition of the motion: Reps. Anderson(1), Palmer, Barbieri, Holtzclaw, McMillan, Gannon, Woodings.**

**RS 21743:** **Rep. Burgoyne** presented **RS 21743**, legislation regarding the Voter Convenience Act which requires counties to operate at least one additional polling place that allows Election Day voting and voter registration for all voters in that county.

In response to committee questions, **Rep Burgoyne** stated the point is to ease access to the polling place.

**MOTION:** **Rep. Woodings** made a motion to introduce **RS 21743**.

**SUBSTITUTE MOTION:** **Rep. Crane** made a substitute motion to return **RS 21743** to the sponsor. **Motion carried by voice vote.**

**ADJOURN:** There being no other business to come before the Committee, the meeting adjourned at 10:23 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Wednesday, January 30, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
Presentation	Administrative Rules tracking	Jack Lyman, Idaho Mining Commission
Presentation	Idaho Criminal Justice Commission	Brent Renke, Chair

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Palmer	Rep Packer
Vice Chairman Batt	Rep Sims	Rep Smith
Rep Anderson(1)	Rep Barbieri	Rep Gannon
Rep Andrus	Rep Holtzclaw	Rep Woodings
Rep Luker	Rep McMillan	
Rep Crane	Rep Monks	

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, January 30, 2013

**TIME:** 9:00 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:** Fairy Hitchcock, Hitchcock Family Advocates; Jack Lyman, Idaho Mining Association; Brent Renke, Idaho Criminal Justice Commission; Sharon Harrigfield, Idaho Criminal Justice Commission; Sara Thomas, Idaho Criminal Justice Commission; Daniel Chadwick, Idaho Criminal Justice Commission; Dennis Stevenson, Office of Administrative Rules; Brad Hunt, Office of Administrative Rules; Suzanne Bridge, SBS Associates.

**Chairman Loertscher** called the meeting to order at 9:00 a.m.

**Jack Lyman**, Idaho Mining Association, presented information on Administrative Rules tracking from 2009 to the present. He explained the decline has resulted in 250 fewer rules.

**Brent Renke**, Chair, Idaho Criminal Justice Committee, presented general information regarding the ICJC and it's developments.

**Dan Chadwick**, Idaho Association of Counties, presented information regarding proposed legislation that will be coming this year pertaining to right to counsel.

**Sara Thomas**, Idaho State Appellate Public Defender's office, presented information regarding proposed legislation this year pertaining to human trafficking and gangs.

**Sharon Harrigfield**, Director, Department of Juvenile Corrections, presented information on the ICJC's research project pertaining to a 'results first' model also used by the State of Washington.

**ADJOURN:** There being no other business to come before the Committee, the meeting adjourned at 9:51 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Thursday, January 31, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 42</a>	Counties, Boundaries defined	Rep. Bell
<a href="#">H 53</a>	Bond bank authority, salaries	Laura Steffler, Idaho State Treasurer
<a href="#">H 58</a>	Lien withdrawal, procedure	Jeff Harvey, UCC
Presentation	Contract Management Report	Rakesh Mohan, Director Amy Lorenzo, Office of Performance Evaluation

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: hstaf@house.idaho.gov

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, January 31, 2013

**TIME:** 9:00 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:** Seth Grigg, Idaho Association of Counties; Jeff Harvey, Secretary of State; David Noland, Tax Commission; Debbie Coulson, Tax Commission; Dan Chadwick, Idaho Association of Counties.

**Chairman Loertscher** called the meeting to order at 9:00 a.m.

**H 42:** **Rep. Bell** presented **H 42**, legislation defining the counties and boundaries in Gooding, Jerome, Lincoln, and Minidoka counties to replicate the session laws.

**MOTION:** **Rep. Packer** made a motion to send **H 42** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Bell** will sponsor the bill on the floor.

**H 53:** **Laura Steffler**, State Treasurer's office, presented **H 53**, legislation regarding salaries of certain members of the bond bank authority.

**MOTION:** **Rep. Andrus** made a motion to send **H 53** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Monks** will sponsor the bill on the floor.

**H 58:** **Jeff Harvey**, UCC, Secretary of State, presented **H 58**, legislation regarding lien withdrawal procedures.

**MOTION:** **Rep. Batt** made a motion to send **H 58** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Batt** will sponsor the bill on the floor.

**Rakesh Mohan**, Director, and **Amy Lorenzo**, Office of Performance Evaluations, presented information on the 'Strengthening Contract Management in Idaho' project conducted by the Office. He stated they created a best practices checklist which includes current structure, training, contract monitoring, risk reports and recommendations.

In response to committee questions, **Ms. Lorenzo** explained that agencies should and can monitor their contracts themselves. She also stated that they do not make recommendations without measurable benefits and are mindful that sometimes the recommendations require more resources.

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

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Tuesday, February 05, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">SCR 101</a>	Recognize Power County's 100th Anniversary	Rep. Packer
<a href="#">H 73</a>	Creation of Idaho Technology Authority	Chairman Loertscher

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, February 05, 2013

**TIME:** 9:00 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:** Rep. Anderson(1).

**GUESTS:** Greg Zichua, Dept. of Admin; Dan Goicocheia, State Controller's Office; Steve Wilson, State Controller's Office; Russell Westerberg, Westerberg & Associates.  
**Chairman Loertscher** called the meeting to order at 9:00 a.m.

**SCR 101:** **Rep. Packer** presented **SCR 101**, resolution recognizing Power County's 100th Anniversary.

**MOTION:** **Rep. Andrus** made a motion to send **SCR 101** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Packer** will sponsor the bill on the floor.

**H 73:** **Chairman Loertscher** presented **H 73**, legislation creating the Idaho Technology Authority from the Informational Technology Resource Management Council. He stated the bill would revise provisions for appointment of members of the authority and revise the authority's general powers and provisions.

**MOTION:** **Rep. Smith** made a motion to send **H 73** to the floor with a **DO PASS** recommendation. **Rep. McMillan** requested to be recorded as voting **NAY.** **Motion carried by voice vote.** **Chairman Loertscher** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 9:12 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Wednesday, February 06, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS21888</a>	Regulatory takings	Rep. Morse
<a href="#">RS21836C1</a>	Absentee voting alternatives	Tim Hurst, Secretary of State
<a href="#">RS21897</a>	Election consolidation	Tim Hurst, Secretary of State
<a href="#">RS21842</a>	Autopsy notice to parent/guardian	Rep. Monks

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Palmer	Rep Packer
Vice Chairman Batt	Rep Sims	Rep Smith
Rep Anderson(1)	Rep Barbieri	Rep Gannon
Rep Andrus	Rep Holtzclaw	Rep Woodings
Rep Luker	Rep McMillan	
Rep Crane	Rep Monks	

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, February 06, 2013

**TIME:** 9:00 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:** John Eaton, Realtors; Miguel Legawela, Realtors; Holly Keole, IPAA; Tim Olson, Nez Pierce Tribe.

**Chairman Loertscher** called the meeting to order at 9:00 a.m.

**RS 21888:** **Rep. Morse** presented **RS 21888**, legislation amending the Regulatory Takings Act to extend and protect property rights.

In response to committee questions, **Mr. Morse** stated they chose 50% as it is normal and they have to establish compensation somehow. He stated they chose 50% as a statutory benchmark. He also stated they were trying to stay away from causing huge burdens on government.

**Chairman Loertscher** turned the gavel over to **Vice Chairman Batt**.

**MOTION:** **Rep. Barbieri** made a motion to introduce **RS 21888** with the following changes: on Page 2, line 46, after "return receipt requested", add ", or process service with return affidavit"; on Page 3, line 36, take out "No"; on Page 3, line 37-38, take out "shall give rise to a claim under this chapter." **Motion carried by voice vote.**

**Vice Chairman Batt** turned the gavel over to **Chairman Loertscher**.

**RS 21836C1:** **Tim Hurst**, Director, Secretary of State, presented **RS 21836C1**, legislation providing additional ways for people to go early to vote and will be used instead of in-person absentee voting. He stated the legislation does not expand voting, but it does speed up the process.

**MOTION:** **Rep. Smith** made a motion to introduce **RS 21836C1**. **Motion carried by voice vote.**

**RS 21897:** **Tim Hurst**, Director, Secretary of State, presented **RS 21897**, legislation cleaning up the Idaho Code regarding election procedures which standardizes the filing forms and procedures for all taxing districts, and specifies the date by which wording for a ballot must be given.

In response to committee questions **Mr. Hurst** stated the signature requirement is not needed because a voter is already affirming who they are when they vote.

**MOTION:** **Rep. Crane** made a motion to introduce **RS 21897** with the following changes: Page 10, line 23, take out "thirty (30) days" and replace with "sixty-five (65) days".

**SUBSTITUTE MOTION:** **Rep. Anderson(1)** made a substitute motion to introduce **RS 21897**.

**AMENDED SUBSTITUTE MOTION:** **Rep. Palmer** made an amended substitute motion to return **RS 21897** to the sponsor.

**MOTION WITHDRAWN:** **Rep. Crane** withdrew his original motion to introduce **RS 21897** with changes.

**MOTION WITHDRAWN:** **Rep. Anderson(1)** withdrew his motion to introduce **RS 21897**.

**VOTE ON MOTION:** **Chairman Loertscher** called for a vote on the motion to return **RS 21897** to the sponsor. **Motion carried by voice vote.**

**RS 21842:** **Rep. Monks** presented **RS 21842**, legislation that requires the parent or guardian to be notified before an autopsy is done.

**MOTION:** **Rep. Luker** made a motion to introduce **RS 21842**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 10:24 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Thursday, February 07, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Approval of minutes	
<a href="#">H 55</a>	Telephone Solicitation Act	Jim Clark, Frontier Communications
<a href="#">RS21871</a>	Credit Rating Enhancement Committee	Ron Crane, State Treasurer's Office
<a href="#">RS21916</a>	Discoverable information	Rep. Hartgen
<a href="#">RS21798C1</a>	Prohibited use of debit/credit cards	Rep. Luker

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: hstaf@house.idaho.gov

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, February 07, 2013

**TIME:** 9:00 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:** Wayne Hoffman, Idaho Freedom Foundation; Raeleen Wenton, Westerberg & Associates; Russ Westerberg, Westerberg & Associates; Jim Clark, Frontier Communications; Sarah Fuhriman, Century Link; Brett DeLange, Idaho Attorney General's Office; Ron Williams, Idaho Cable Telecom; Jeremy Pisca, Risch Pisca; Mark Lupo, Idaho Power; Bill Roden, Century Link; Matthew Keenan, Idaho Reporters; Brian Kane, Idaho Attorney General's Office; Colby Cameron, Sullivan & Reberger; Jayson Bonk, IACI; Holly Koub, IPAA.

**Chairman Loertscher** called the meeting to order at 9:02 a.m.

**MOTION:** **Rep. Packer** made a motion to approve the minutes of the January 30, 2013, January 31, 2013 and February 5, 2013 meetings. **Motion carried by voice vote.**

**H 55:** **Jim Clark**, Frontier Communication, presented **H 55**, legislation regarding the Telephone Solicitation Act and "Do Not Call" list restrictions in Idaho. He stated the companies will give the customers an opt-out option to decline any other solicitation.

In response to committee questions, **Bill Roden**, Century Link, stated the companies who would be affected are the ones who provide wireless, telephone, and cable services.

**Brett DeLange**, Idaho Attorney General's Office, opposes the legislation and stated Idahoans should be left alone in their homes without solicitation. He stated Idaho has over one million numbers on the "Do Not Call" list and was one of the first states to pass the law.

In response to committee questions, **Mr. DeLange** stated the legislature drew the line and set policies regarding what businesses can call and solicit. He also stated the Idaho Attorney General's Office maintains the Idaho "Do Not Call" list.

In response to committee questions, **Mr. Roden** stated sometimes the companies cannot advertise to all their customers because services are not available in all areas. He stated there is currently no way for a cell phone provider to track the minutes used when customers are being contacted by the providers. He also stated when the legislation for the "Do Not Call" list was introduced, there was a lot of telemarketing going on because the phone companies were fighting for services. He stated with the current legislation, customers would be able to make their own decision if they wanted their providers to contact them with new products, etc.

**MOTION:** **Rep. Barbieri** made a motion to send **H 55** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Barbieri** will sponsor the bill on the floor.

**RS 21871:** **Ron Crane**, State Treasurer, presented **RS 21871**, proposed legislation that revises the procedures of the Credit Rating Enhancement Committee regarding how often meetings will take place.

**MOTION:** **Rep. Smith** made a motion to introduce **RS 21871**. **Motion carried by voice vote.**

**RS 21916:** **Rep. Hartgen** presented **RS 21916**, proposed legislation to codify a Judge's ruling regarding defamation, libel, or slander. He stated a court ruling alone has no effectiveness in other jurisdictions across the state.

In response to committee questions, **Rep. Hartgen** stated there is a dispute as to who the "blogger" is, the actual writer or the owner of the blog. He also stated it is unclear where the line of libel and slander are drawn if not drawn at the beginning.

**MOTION:** **Rep. Andrus** made a motion to introduce **RS 21916**.

**In opposition** to the motion, **Rep. Crane** stated he was opposed to introducing this RS, as is, but agrees with what the legislation is trying to do.

**SUBSTITUTE MOTION:** **Rep. Anderson** made a substitute motion to return **RS 21916** to the sponsor. **Motion carried by voice vote.**

**RS 21798C1:** **Rep. Luker** presented **RS 21798C1**, proposed legislation regarding the prohibition of using credit or debit cards or other electronic fund transfers for purchasing lottery tickets.

**MOTION:** **Rep. Anderson** made a motion to introduce **RS 21798C1**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 10:38 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Tuesday, February 12, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS21888C1</a>	Regulatory takings	Rep. Morse
<a href="#">RS21897C2</a>	Election consolidation	Tim Hurst Secretary of State
<a href="#">RS21858</a>	Retail sale of liquor-Indian tribes	Tim Olson Pinnacle Nez Perce Tribe

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, February 12, 2013

**TIME:** 9:00 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:** Russell Westerberg, Kootenai Tribe of Idaho; Holly Koole, Idaho Prosecuting Attorneys Association; Tim Hurst, Idaho Secretary of State; Raeleen Welton, Westerberg & Associates; McKinsey Lyon, Gallatin Public Affairs; Colby Cameron, Sullivan & Reberger; Will Hart, Idaho Consumer-Owned Utilities Association; Dar Olberding, Idaho Grain Producers Association

**Chairman Loertscher** called the meeting to order at 8:59 a.m.

**RS 21897C2:** **Tim Hurst**, Secretary of State, said this proposed legislation made changes that deal with different issues in election consolidation clean up. He explained that some districts were missed when consolidation happened. He explained some of these changes include changes to the ballot language, library district elections, cut off dates for an emergency absentee ballot, recall procedures time-line amendments, resort city election for local option tax and added a section that deals with referendum elections that points to the correct section.

**MOTION:** **Rep. Woodings** made a motion to introduce **RS 21897C2**. **Motion carried by voice vote.**

**MOTION:** **Rep. Packer** made a motion to approve the minutes of February 6th, 2013. **Motion carried by voice vote.**

**RS 21888C1:** **Rep. Morse** explained the changes to this proposed legislation. Mainly, inserting a phrase for process service with return affidavit and removing a double negative wording.

In response to questions regarding possible diminished influence from neighbors with the change to lower the value by half, **Rep. Morse** said in a hypothetical situation the neighbors complaints will be heard but not necessarily followed. He said general zoning decisions are administrative and should be based and policed on the properly documented written plans and zoning ordinances.

**MOTION:** **Vice Chairman Batt** made a motion to introduce **RS 21888C1**. **Motion carried by voice vote.**

**RS 21858:** **Rep. Gibbs** stated this proposed legislation is about economic development in the Lewis-Clark Valley region in the Nez Perce Tribe. He explained the Tribe has a casino there and are in the process of building a conference center. This proposed legislation will give them the ability to serve liquor by the drink which will enhance their business. He stated they currently have a beer and wine license. He said the proposed legislation is supported by the tourist industry in the area. The proposed legislation clearly states the issuance of the license has to be to an owner and operator within the boundaries of the Tribe with requirements to land and hotel room quantities.

In response to questions regarding how many other organizations, businesses and tribes this proposed legislation would provide licenses to, **Rep. Gibbs** said the Shoshone Bannock Tribe in the Fort Hall region is the only other tribe that can benefit. He explained the Shoshone Bannock Tribe are not asking for a liquor license at this time, they are in the process of trying to obtain a beer and wine license. He responded to questions regarding whether the Nez Perce Tribe thought about obtaining this license before beginning construction on their conference center by saying they are building the facility with the idea to enhance it. He said they are currently doing a remarkable job with the casino and the demand is there, once the convention center is finished it seems appropriate to offer liquor by the drink.

In regards to the possible inconsistency in the requirement for the amount of hotel rooms for other entities, **Rep. Gibbs** said each entity was crafted one at a time. When asked about whether the stimulant of new jobs would still be available with or without this proposed legislation, he responded that the building of the facility has added jobs and this proposed legislation is more for the patrons to have available the things they are used to having. He explained the purpose is not just for patrons of conventions but to be used any time the law permitted. He responded to questions regarding the possible devaluation of other licenses by stating that will not occur since these licenses are non-transferable and only allowed on reservations.

The committee expressed concern about picking winners and losers in regards to providing licenses without competition, devaluing companies that purchased licenses, the evidence that job creation is not affected and problems with alcoholism. Conversely, they expressed positively the endorsements from companies supporting the Tribe and the economic and competition possibilities for the region.

**MOTION:** **Rep. Sims** made a motion to introduce **RS 21858. Motion carried by voice vote. Reps. Batt, Crane, Monks and Palmer** requested to be recorded as voting **NAY**.

**ADJOURN:** There being no further business to come before the Committee, the meeting was adjourned at 9:36 a.m.

---

Representative Loertscher  
Chair

---

Jackie Wright  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Wednesday, February 13, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS21956</a>	Livestock liens	Larry Hayhurst Idaho State Brand Inspector
<a href="#">RS21978C2</a>	Absentee voting for overseas voters	Rep. Sims
<a href="#">RS21991</a>	College savings program	Rep. Luker

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: hstaf@house.idaho.gov

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, February 13, 2013

**TIME:** 9:00 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:** Larry Hayhurst, Idaho State Brand Board; Stan Boyd, IWGA and ICA.  
**Vice Chairman Batt** called the meeting to order at 9:00 a.m.

**RS 21956:** **Larry Hayhurst**, Idaho State Brand Inspector, presented **RS 21956**, proposed legislation cleaning up existing legislation regarding liens on livestock.

**MOTION:** **Rep. Andrus** made a motion to introduce **RS 21956** with the recommendation it is sent to the Agriculture Affairs Committee. **Motion carried by voice vote.**

**RS 21978C2:** **Rep. Sims** presented **RS 21978C2**, proposed legislation regarding overseas electors. She stated the reason for the legislation was that Canadians, who were not citizens of the U.S., were voting in our local/state elections.

**MOTION:** **Rep. Anderson(1)** made a motion to introduce **RS 21978C2**. **Motion carried by voice vote.**

**RS 21991:** **Rep. Luker** presented **RS 21991**, proposed legislation regarding the College Savings Program that was created in 1999. He stated the program has grown and changes need to be made to reflect that growth.

**MOTION:** **Rep. Anderson(1)** made a motion to introduce **RS 21991**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 9:10 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Thursday, February 14, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS21992</u></a>	Capitol Maintenance Reserve Fund	Jeff Youtz, Capitol Commission
<a href="#"><u>RS21904</u></a>	Horse Racing	Rep. Perry
<a href="#"><u>RS21877C2</u></a>	Municipal powers	Rep. Gestrin
<a href="#"><u>RS22005</u></a>	Safety restraints	Paul Jackson Farmer's Group Inc.

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, February 14, 2013

**TIME:** 9:00 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:** Raleen Welton, Westerberg & Associates; Terry Gestrin, Representative; Colby Cameron, Sullivan & Reberger; Tyler Mallard, Risch Pisca; Holly Koole, IPAA.

**Chairman Loertscher** called the meeting to order at 9:01 a.m.

**MOTION:** **Rep. Woodings** made a motion to approve the minutes of the February 7, 2013 and February 12, 2013 meetings. **Motion carried by voice vote.**

**RS 21992:** **Jeff Youtz, Capital Commission**, presented **RS 21992**, proposed legislation regarding a separate fund for the maintenance and repairs of the Capitol building.

In response to committee questions, **Mr. Youtz**, stated the fund will be split into three-the permanent fund, reserve fund, and the income fund. He stated there has always been an endowment fund since the public schools were established.

**MOTION:** **Rep. Anderson(1)** made a motion to introduce **RS 21992**. **Motion carried by voice vote.**

**RS 21904:** **Rep. Perry** presented **RS 21904**, proposed legislation that allows historical horse racing.

**MOTION:** **Rep. Anderson(1)** made a motion to introduce **RS 21904**. **Motion carried by voice vote.**

**RS 21877C2:** **Rep. Gestirn** presented **RS 21877C2**, proposed legislation which cleans up the language in Title 18 Section 50-308 of the Idaho Code so it does not contradict current law.

**MOTION:** **Rep. Packer** made a motion to introduce **RS 21877C2**. **Motion carried by voice vote.**

**Chairman Loertscher** gave recognition to House Page **Alba Cano** thanking her for her exemplary services over the past 6 weeks.

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 9:28 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Monday, February 18, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 107</a>	Absentee Voting alternatives	Tim Hurst Secretary of State
<a href="#">H 161</a>	Election consolidation	Tim Hurst Secretary of State
<a href="#">RS22041</a>	911 fees	Roy Eiguren
<a href="#">RS22046</a>	License renewal fees for concealed weapons	Rep. Boyle

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

- DATE:** Monday, February 18, 2013
- TIME:** 9:00 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:** Phil McGrane, Ada County Clerk's Office; Chris Yamamoto, Canyon County Clerk's Office; Mike Kane, ISA; Holly Kool, IPAA; Tyler Mallard, Risch Pisca; Bill Jarocki, Arkoosh Eiguren; Tony Poinelli, Idaho Associations of Counties; Eddie Goldsmith, ECC; Skip Smyser, AT&T.
- Vice Chairman Batt** called the meeting to order at 8:59 a.m.
- MOTION:** **Rep. Packer** made a motion to approve the minutes for the meeting of February 13, 2013. **Motion carried by voice vote.**
- H 107:** **Tim Hurst**, Secretary of State, presented **H 107**, a bill regarding in-person absentee voting. He stated it is an option for counties and is not mandatory. He also stated 75% of voters go to the polls on election day, and 25% vote absentee. He stated this in-person absentee voting saves time and processing.
- In response to committee questions, **Mr. Hurst** stated the Secretary of State issues directives regarding election laws. He also stated the Secretary of State has the authority to deny a plan. He also stated the purpose of the bill was to ease voting and speed up the entire process. He also stated the Secretary of State will do a press release to let the public know of the change as well as make it the counties' responsibility to notify the residents. He also stated the bill provides for better security of the ballots and the counties are in support of the bill.
- Phil McGrane**, Ada County Clerk's Office, stated the population has grown in Ada County by 33% and the cost of elections has increased 313%. He stated **H 107** helps decrease the amount of processing. He also stated there is dedicated staff assigned to handle early voting.
- In response to committee questions, **Mr. McGrane** stated computers are not used on election day, only on early voting to enter the voter's information and confirm their identity.
- Chris Yamamoto**, Canyon County Clerk's Office, stated in Canyon County there were huge lines last election due to the length of time it took for voters to complete their voting. He stated the two-envelope system was the biggest complaint of the voters, who were confused by the process and needed extra assistance when dealing with their ballots. He also stated the number of times the voter staff handled the ballots was more than needed.
- In response to committee questions, **Mr. Yamamoto** stated voter cans are stored in a locked can in a locked room, and there are always two people together when in the room.
- Vice Chairman Batt** turned the gavel over to **Chairman Loertscher**.

**MOTION:** **Rep. Smith** made a motion to send **H 107** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Andrus, Monks, and Sims** requested that they be recorded as voting **NAY.** **Rep. Smith** will sponsor the bill on the floor.

In opposition to the motion, **Rep. Luker** stated he was concerned by the open-ended nature of the time frame and believes there should be a limit.

In support of the motion, **Rep. Barbieri** stated he liked the flexibility for the counties regarding the time frame. **Rep. Gannon** stated the Secretary of State has an excellent reputation in handling security with our voting and he is in support of the bill.

**H 161:** **Tim Hurst**, Secretary of State, presented **H 161**, a bill cleaning up various sections of the Idaho Code that address changes in election procedures, recalling elected officials and specifies the date by which a political party must give the county clerk wording for a question to be placed on the ballot. He stated the intent of "certified" in the text, was also clarified.

In response to committee questions, **Mr. Hurst** stated recalls are time sensitive and the reason they did not address the parameters of "promptly transmit" is because it varies.

**MOTION:** **Rep. Anderson(1)** made a motion to send **H 161** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Sims** requested that she be recorded as voting **NAY.** **Rep. Gannon** will sponsor the bill on the floor.

**RS 22041:** **Skip Smyser**, on behalf of AT&T, presented **RS 22041**, proposed legislation that is a replacement for **H 79**, which helps clarify language regarding charging owners of "go phones" a 911 fee like all other users. He stated the Idaho Attorney General's Office said all 911 users should be charged for the service.

In response to committee questions, **Mr. Smyser** stated on page 5, section 3, subsection 6, should have the following language: "Funds received from the fee imposed under section 31-4813, Idaho Code, shall be maintained by the Idaho Emergency Communications Commission and used solely for the design, migration, implementation and operation of a Next Generation 911 system in accordance and compliance with the New and Emerging Technology Act of 2006."

**MOTION:** **Rep. Crane** made a motion to introduce **RS 22041** with the following changes: on page 5, section 3, subsection 6 should have the following language: "Funds received from the fee imposed under section 31-4813, Idaho Code, shall be maintained by the Idaho Emergency Communications Commission and used solely for the design, migration, implementation and operation of a Next Generation 911 system in accordance and compliance with the New and Emerging Technology Act of 2006" and with the recommendation the bill is sent to Local Government. **Motion carried by voice vote.**

**RS 22046:** **Rep. Palmer** presented **RS 22046**, proposed legislation regarding enhanced concealed weapons licenses. He stated Idaho is currently a Level I in regards to training. He also stated the enhancement would move Idaho to a Level 3, which would make the permit recognizable in other states.

In response to committee questions, **Mr. Palmer** stated the enhancement is not mandatory, but an option for a concealed weapons license.

**MOTION:** **Rep. Anderson(1)** made a motion to introduce **RS 22046.** **Motion carried by voice vote.**

**ADJOURN:** There being no further business for the Committee, the meeting was adjourned at 10:04 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Tuesday, February 19, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS22048</a>	Lottery Rules rejection	Rep. Batt
<a href="#">RS22018C1</a>	Firefighters	Rob Shoplock
<a href="#">RS22049</a>	License to issue liquor by the drink	Rep. Gibbs
<a href="#">H 90</a>	Liquor, by the drink	Amy Jordan Idaho State Police

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Palmer	Rep Packer
Vice Chairman Batt	Rep Sims	Rep Smith
Rep Anderson(1)	Rep Barbieri	Rep Gannon
Rep Andrus	Rep Holtzclaw	Rep Woodings
Rep Luker	Rep McMillan	
Rep Crane	Rep Monks	

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, February 19, 2013

**TIME:** 9:00 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:** Russell Westerberg, ILBA; Corp. Spencer, ISP; Raeleen Welton, ILBA, Bert Marley, IEA; Rob Shoplock, Professional Firefighters of Idaho; Jeff Anderson, Idaho Lottery; Pam Eaton, Idaho Lodging and Restaurant Association; Grant Hamilton, PFFI; Shawn Laughlin; Dennis Stevenson, Office of Administrative Rules; Colby Cameron, Sullivan and Reberger.

**Chairman Loertscher** called the meeting to order at 9:00 a.m.

**RS 22048:** **Rep. Gannon** presented **RS 22048**, a concurrent resolution rejecting the State Lottery Commission Administrative Rules **Docket No. 52-0103-1203**. He stated the Rules entail specifications and operations for terminal produced games which deliver play on multipurpose vending machines to be placed in social environment areas and other nontraditional places.

**MOTION:** **Rep. Batt** made a motion to introduce **RS 22048**. **Motion carried by voice vote.**

**RS 22018C1:** **Rob Shoplock**, Professional Firefighters of Idaho, presented **RS 22018C1**, proposed legislation to change current workers compensation law to include occupational diseases for firefighters.

**MOTION:** **Rep. Woodings** made a motion to introduce **RS 22018C1**. **Motion carried by voice vote.**

**RS 22049:** **Rep. Gibbs** presented **RS 22049**, proposed legislation to allow resort communities to issue liquor by the drink licenses. He stated the purpose was to create legislation for resort communities, like Driggs, allowing them to issue nontransferable licenses.

In response to committee questions, **Rep. Gibbs** stated city ordinances can be changed with the changing of staff so legislation seemed to be the best way to go forward. He also stated other alcohol licenses would not be affected and the Idaho Liquor and Beverage Association can explain further during the bill hearing.

**MOTION:** **Rep. Anderson** made a motion to introduce **RS 22049**. **Motion carried by voice vote.** **Reps. Andrus, Crane and Palmer** requested to be recorded as voting **NAY**.

**H 90:** **Bob Clements**, retired ISP Lieutenant of Bureau Manager Alcohol Beverage Control, presented **H 90**, a bill amending section 23-903 of the Idaho Code which relates to the transfers of licenses issued for retail sale of liquor by the drink.

**Russell Westerberg**, on behalf of the Idaho Liquor and Beverage Association, stated they prepared an amendment to the bill to clarify nontransferable licenses. He stated the Association supports the bill.

**Pam Eaton**, Idaho Lodging and Restaurant Association support the bill because of the transferability of the licenses between similar businesses.

**Rep. Luker** gave a short history on the laws regarding licenses to retail liquor in Idaho. He also stated he supported the amendment because it clears up any confusion.

**MOTION:** **Rep. Luker** made a motion to send **H 90** to General Orders with amendments attached. **Motion carried by voice vote.** **Rep. Sims** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the Committee, the meeting was adjourned at 9:43 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Wednesday, February 20, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 159</a>	Retail sale of liquor – Indian tribes	Rep. Gibbs
<a href="#">H 121</a>	Credit Rating Enhancement Committee	Ron Crane Treasurers Office
<a href="#">RS21699C1</a>	DUI Memorial signs	Rep. Ringo
<a href="#">RS21913</a>	Administrative Procedure Act	Rep. Burgoyne

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chairman Batt  
Rep Anderson(1)  
Rep Andrus  
Rep Luker  
Rep Crane

Rep Palmer  
Rep Sims  
Rep Barbieri  
Rep Holtzclaw  
Rep McMillan  
Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, February 20, 2013

**TIME:** 9:00 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:** Silas Whitman, Nez Perce; Kristin Kemak, Lewiston Chamber of Commerce; Doug Mattoon, Vally Vision; Pam Eaton, Idaho Lodging and Restaurant Association; Jamie Olson, Nez Perce; Bill Roden; Russell Westerberg, Kootenai Tribe; Raeleen Welton, ILBA; Colby Cameron, Sullivan and Reberger; McKinsey Lyon, Shoshone Bannock; Helo Hancock, CDA Tribe; Dennis Stevenson, Office of Administrative Rules.

**Chairman Loertscher** called the meeting to order at 9:00 a.m.

**MOTION:** **Rep. Woodings** made a motion to approve the minutes of the February 14, 2013 meeting. **Motion carried by voice vote.**

**H 159:** **Rep. Gibbs** presented **H 159**, a bill authorizing the issue of liquor license for retail sale of liquor by the drink to federally recognized Indian tribes, who are owners, operators or lessees of food, conference and lodging facilities located within the boundaries of the Indian tribe's reservation. He stated licenses issued under this bill are not transferable.

In response to committee questions, **Rep. Gibbs** stated the two tribes who could be affected are the Nez Perce and ShoBan Tribes. He stated the ShoBan Tribe had no input or testimony regarding the writing of the bill.

**Silas Whitman**, Chairman of Nez Perce Tribe, stated the bill allows the tribe to develop their resources that they have on hand. He stated they are missing out on convention business because they can not sell alcohol. He also stated they have compacts with the community so they support local schools with their profits.

**Kristen Kemak**, President of Lewis-Clark Chamber of Commerce, stated the community supports the bill and the Nez Perce Tribe.

**MOTION:** **Rep. Sims** made a motion to send **H 159** to the floor with a **DO PASS** recommendation.

In support of the motion, **Rep. Sims** stated the money generated for the local schools because of Indian tribes is a substantial help. She also stated the jobs and commerce created by the tribes is positive.

**Doug Mattoon**, Valley Vision, stated his organization supports the tribe and their efforts and that the change will have a large economic impact on the community.

**Pam Eaton**, Idaho Lodging and Restaurant Association, stated the Association has no concern about other businesses liquor licenses being devalued because the tribe's license are outside of the city limits. She stated this legislation is the only way for the tribe to get a license outside of the city. She also stated the Association is in support of the bill as it will bring more business to the entire area.

**Jamie Olson**, Nez Perce Tribe, stated unemployment rates on the Nez Perce reservation are at a high at 23%, while Lewiston is only 7% and that is the reason for the legislation.

In response to committee questions, **Ms. Olson** stated there will be 36 new positions for the new facility. She also stated that in order to be competitive, the tribe needs the specialty license to sell alcohol. She stated they have already lost six opportunities to host events but could not because they had no liquor license. She said they need more revenue to cover the costs of operation but without the convention center they can't make a profit.

**In support** of the motion, **Rep. Barbieri** stated he was in support of the motion because development by tribes has been missing in Idaho and has been limited to gaming. **Rep. Anderson(1)** stated he supported the motion because the special license provides a tool for the tribes to develop their interests as well as the communities. **Rep. Packer** stated she supports the motion because she believes the bigger issue is that the tribes have the ability to improve on their reservations which improves the communities as well. She stated that the tribes can't currently get liquor licenses because they are out of city limits. She stated the legislature should support the tribes as they have supported us for so long. **Rep. Smith** stated she supports the motion because the tribes are using the license as an economic tool. **Rep. Gannon** stated he supports the motion because he believes the tribes have not been treated the same as everyone else who has applied for licenses.

**In opposition** to the motion, **Rep. Andrus** stated that as a Legislature the Representatives represent the interests of the people. He also stated he found from speaking to representatives of the courts in Idaho that 95% of the cases they have are related to drug and alcohol use. **Rep. Luker** stated he opposed the motion because he believes the tribes could fit into the current existing exemptions and their individual tribe names could be added to the exemptions to clear up any confusion. **Rep. Crane** opposes the motion because he believes the jobs for the convention center will still be available and having an alcohol license will not affect that. He also stated that alcohol licenses are property rights and the more that are issued, the more value they lose. **Rep. Batt** stated she opposes the motion because there have been too many exemption bills for alcohol licenses this year. She stated this highlights the problems with Idaho's liquor laws and something needs to change instead of continuously issuing exemptions to the laws. **Rep. Monks** stated he opposes the motion because he is concerned with the Idaho liquor laws as a whole. He stated the system won't change until we change it. He stated as long as we keep allowing exemptions, nothing will change and the problem becomes more compounded.

**ROLL CALL VOTE:** Roll call vote was requested. **Motion carried by a vote of 9 AYES and 7 NAYS. Voting in favor** of the motion: **Reps. Anderson(1), Sims, Barbieri, Holtzclaw, McMillan, Packer, Smith, Gannon, Woodings. Voting in opposition** to the motion: **Reps. Loertscher, Andrus, Luker, Crane, Palmer, Monks, Batt.**

**H 121:** **Ron Crane**, Idaho State Treasurers Office, presented **H 121**, the bill revises the governance of the Credit Rating Enhancement Committee. He stated the language has been changed and some items were taken out that did not relate to Idaho.

**MOTION:** **Rep. Packer** made a motion to send **H 121** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Youngblood** will sponsor the bill on the floor.

**RS 21699C1:** **Rep. Ringo** presented **RS 21699C1**, proposed legislation that allows for a memorial highway sign program. She stated this legislation is a result of the fatalities from drivers who were driving under the influence and killed others. She stated the signs would be placed on the side of the road where the accidents happened and would be paid for by the victims' families if they chose to do so. She also stated the signs would bring awareness to the risks and negative effects of driving under the influence. She stated that in 2012, 30% of the fatalities were caused by drivers who were under the influence, 2011 was 40%, and 2010 was 46%.

In response to committee questions, **Rep. Ringo** stated only the victim's names would be on the signs, not the offenders. She stated the section regarding "applicants" was left vague intentionally so that the Transportation Department can make those determinations as necessary. She stated the signs are meant to cause awareness and not point fingers at offenders. She stated the Transportation Department will be careful in deciding where to place the signs. She stated it is the intent of the Transportation Department to protect the families of victims so the information would stay confidential.

**MOTION:** **Rep. Smith** made a motion to introduce **RS 21699C1** and refer it to the Transportation and Defense Committee.

**In support** of the motion, **Rep. Andrus** stated he supports the motion because he is a former long-haul truck driver and whenever he saw crosses on the side of the road where people had died, he remembered how important it was to stay alert. He stated he believes the issue has merit.

**In opposition** to the motion, **Rep. Anderson(1)** stated he opposed the motion because of the dangers that currently exist when driving on rural highways. He stated he believes the signs would be an added distraction to drivers. **Rep. Barbieri** stated in opposition to the motion that in order to set up the administrative rules regarding this issue, it would cost the Transportation Department a minimum of \$30,000. He also stated he would have liked to see sidebars regarding the length of time the signs would stay posted. **Rep. Luker** stated he opposes the motion because the language lacks definition and the fiscal note was also incomplete.

**SUBSTITUTE MOTION:** **Rep. Luker** made a substitute motion to return **RS 21699C1** to the sponsor. **Motion carried by voice vote. Reps. Andrus, McMillan, and Gannon** requested to be recorded as voting **NAY**.

**RS 21913:** **Rep. Burgoyne** presented **RS 21913**, proposed legislation to mandate that agencies governed by the Administrative Procedures Act disclose in their notices of proposed rule making the negative fiscal impact to the general fund greater than \$10,000 during the fiscal year when the rule is to take effect. He stated the Tax Commission stated there is no fiscal impact of this requirement.

**MOTION:** **Rep. Batt** made a motion to introduce **RS 21913**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the Committee, the meeting was adjourned at 10:22 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Thursday, February 21, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS22076</a>	Concealed weapons	Rep. Nielsen
<a href="#">RS21612</a>	Public records subject to disclosure	Ric Johnston, Department of Administration
<a href="#">RS21751</a>	Idaho Cattle Association assessment	Stan Boyd Idaho Cattle Association
<a href="#">RS22065C1</a>	Commercial intrastate drivers	Rep. Shepherd

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: hstaf@house.idaho.gov

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, February 21, 2013

**TIME:** 9:00 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:** None.

**Chairman Loertscher** called the meeting to order at 9:00 a.m.

**MOTION:** **Rep. Packer** made a motion to approve the minutes of the February 18, 2013 meeting. **Motion carried by voice vote.**

**RS 22076:** **Rep. Nielsen** presented **RS 22076**, proposed legislation regarding clarifying the language in the existing code for concealed weapons.

In response to questions, **Rep. Nielsen** stated a knife with more than a 4 inch blade is included in the proposed legislation.

**MOTION:** **Rep. Anderson(1)** made a motion to introduce **RS 22076**.

**SUBSTITUTE  
MOTION:** **Rep. Barbieri** made a motion to return **RS 22076** to sponsor. **Motion carried by voice vote.**

**RS 21612:** **Ric Johnston**, Security for Department of Administration, presented **RS 21612**, proposed legislation that clears up the definition of security systems that a public agency can protect from disclosure under the Public Records Act where public safety would be jeopardized by disclosure.

**MOTION:** **Rep. Batt** made a motion to introduce **RS 21612**. **Motion carried by voice vote.** **Reps. Luker and Sims** asked to be recorded as voting **NAY**.

**RS 21751:** **Stan Boyd**, on behalf of the Idaho Cattle Association, presented **RS 21751**, proposed legislation allowing the Idaho Cattle Association to access a fee of up to twenty-five cents (\$.25) per head of cattle, horses or mules in the State of Idaho for use in Idaho's Animal Damage Control Program. He stated the current limit of the fee is five cents (\$.05). He stated wolves are the new predators of cattle and are more expensive to trap.

In response to committee questions, **Mr. Boyd** stated the cattlemen would pay the fee because their livestock is at risk or loss. He stated the cattlemen and ranchers agree to the change because it adds protection for their property/animals. He also stated \$104,000 went into the Idaho Animal Damage Control Board last year. He stated that initially there was a deputation program that started in 1990, and had money available for the costs of damages. He stated that some years the funds get low due to the voluminous claims of loss and in other years, there are less claims. He stated reimbursements are different funds than those used for running the program. He stated some jobs were cut because of federal funding decreasing.

**MOTION:** **Rep. Andrus** made a motion to introduce **RS 21751** with the recommendation it is sent to the Agriculture Affairs Committee. **Motion carried by voice vote.**

**In support** of the motion, **Rep. Palmer** stated it was ridiculous to have to pay for a program that we were forced into by the federal government. **Rep. Andrus** stated he supports the legislation because this is a self-help program for livestock owners and without it they are virtually handicapped to get rid of the wolves.

**RS 22065C1:** **Rep. Shepherd** presented **RS 22065C1**, proposed legislation clarifying the requirements for part-time truck drivers as to log books and medical cards. He stated that the legislation is intended to clear up the language to specify that only long-haul truck drivers must keep logs and carry medical cards because they were not stopping to rest during long-haul trips.

In response to committee questions, **Rep. Shepherd** stated the legislation is for part-time truck drivers like lumber yard workers.

**MOTION:** **Rep. Anderson(1)** made a motion to introduce **RS 22065C1** with the recommendation it be sent to the Transportation and Defense Committee. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the Committee, the meeting was adjourned at 9:56 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Friday, February 22, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS22031</a>	Identification of official ballots	Phil McGrane
<a href="#">RS22023</a>	Exempting facilities from standards for lighting and marking of towers	John Chatburn Office of Energy Resources
<a href="#">RS22069</a>	Motor vehicle, negligent operation	Trent Wright Idaho Auto Dealers Association
<a href="#">RS22073</a>	Autopsy notifications to parents/guardians	Rep. Monks
<a href="#">RS21982</a>	Boise City sesquicentennial	Rep. Woodings

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chairman Batt  
Rep Anderson(1)  
Rep Andrus  
Rep Luker  
Rep Crane

Rep Palmer  
Rep Sims  
Rep Barbieri  
Rep Holtzclaw  
Rep McMillan  
Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: hstaf@house.idaho.gov

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, February 22, 2013

**TIME:** 9:00 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:** Chairman Loertscher.

**GUESTS:** Raeleen Welton, Westerberg and Associates; John Chatburn, OER; Tony Smith, Benton Ellis; Mike Kane, PCI; Dar Olberding, Ridgeline Energy.

**Vice Chairman Batt** called the meeting to order at 9:00 a.m.

**RS 22031:** **Phil McGrane**, Ada County Clerk's Office, presented **RS 22031**, proposed legislation modifying the way in which ballots are identified as official. He stated some counties will not use ballot stamping. The stamp is used as a security measure. He stated optical scan ballots are unique and made only for each specific election. He also stated that a stamp is only recognized by the human eye. He stated this legislation changes the language to reflect the change of a "ballot stamp" to a "unique identifier."

In response to questions, **Mr. McGrane**, stated the proposed legislation does not change the security of the ballots because the risk is the same. He stated that trust is given to the poll workers who keep, maintain and count the votes.

**MOTION:** **Rep. Anderson(1)** made a motion to introduce **RS 22031**. **Motion carried by voice vote.**

**RS 22023:** **John Chatburn**, Office of Energy Resources, presented **RS 22023**, proposed legislation exempting certain facilities from standards for lighting and marking of towers.

In response to questions, **Mr. Chatburn** stated there was an oversight when the first legislation was passed and it was believed that Bonneville was exempt, but in reality it was not.

**MOTION:** **Rep. Anderson(1)** made a motion to introduce **RS 22023**. **Motion carried by voice vote.**

**RS 22069:** **Trent Wright**, Idaho Auto Dealers Association, presented **RS 22069**, proposed legislation making technical corrections regarding loaner car policy, which amends Idaho Code section 49-1212.

**Rep. Sims** invoked Rule 38 stating possible conflict of interest but that she would be voting on the legislation.

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

**MOTION:** **Rep. Smith** made a motion to introduce **RS 22069**. **Motion carried by voice vote.**

**Chairman Loertscher** stated the presenter for **RS 22073** would not be presenting because more time is needed to prepare.

**RS 21982:** **Rep. Woodings** presented **RS 21982**, a concurrent resolution to commemorate the City of Boise's Sesquicentennial Anniversary. She stated Boise has important historic and present day attributes that should be celebrated.

**MOTION:**        **Rep. Luker** made a motion to introduce **RS 21982** and send it to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Woodings** will sponsor the bill on the Floor.

**ADJOURN:**        There being no further business to come before the Committee, the meeting was adjourned at 9:22 a.m.

---

Representative Batt  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Monday, February 25, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS22044C1</a>	Idaho firearms/accessories and Federal commerce	Rep. Monks
<a href="#">RS22080</a>	Prohibition of regulation of firearms	Rep. Patterson
<a href="#">H 183</a>	Municipal Corporations/concealed weapons	Rep. Gestrin
<a href="#">H 192</a>	License to carry concealed weapons	Rep. Palmer

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

- DATE:** Monday, February 25, 2013
- TIME:** 9:00 A.M.
- PLACE:** Room EW40
- MEMBERS:** Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings
- ABSENT/  
EXCUSED:** Representative(s) Anderson(1)
- GUESTS:** Mark Reinhart, Idaho Calling, You Tube Channel; Raeleen Welton, Westerberg and Associates; Jim Lowe, Food Producers; Holly Koole, IPAA; Joel Teuber, FOP.
- Chairman Loertscher** called the meeting to order at 9:00 a.m.
- RS 22044C1:** **Rep. Monks** presented **RS 22044C1**, proposed legislation clarifying the language specifying that firearms, firearm accessories, and ammunition made in Idaho are not subject to the federal government's commerce power.
- MOTION:** **Rep. Luker** made a motion to introduce **RS 22044C1** with the following changes: on Page 2, delete lines 46-49 and the word "such" on line 1, Page 3. **Motion carried by voice vote.**
- Chairman Loertscher** turned the gavel over to **Vice Chairman Batt**.
- RS 22080:** **Rep. Patterson** presented **RS 22080**, proposed legislation which adds to existing law to provide for certain prohibited acts regarding firearms by public employees and officers of governmental entities, to provide penalties and to establish that certain laws are unenforceable in Idaho by state and local government officials, agents or employees. He stated the legislation is to protect law enforcement in Idaho.
- MOTION:** **Rep. Crane** made a motion to introduce **RS 22080**. **Motion carried by voice vote.**
- H 183:** **Rep. Gestrin** presented **H 183**, a bill that amends the language in Title 18, Section 50-308 to reflect the current law regarding municipal powers.
- Mark Reinhart**, representing himself, stated he is in support of the legislation but that it doesn't address the issue of people with mental illnesses carrying concealed weapons.
- In response to committee questions, **Mr. Reinhart** stated he believes doctors should spend more time with their patients and come to an agreement with law enforcement on other ways in which mentally ill people can defend themselves.
- MOTION:** **Rep. Packer** made a motion to send **H 183** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gestrin** will sponsor the bill on the floor.
- H 192:** **Rep. Palmer** presented **H 192**, a bill regarding an enhancement to concealed weapons permits. He stated almost 30 other states have legislation similar to the bill.
- In response to committee questions, **Rep. Palmer** stated the legislation will enhance the training by adding a requirement of eight (8) hours and 98 live shots. He stated this legislation is not to replace the existing concealed weapons training but to provide an enhancement option for those who want their permits to be recognized in other states.

**Allen Baker**, Idaho Sports Shooters Alliance, stated that he supports the legislation because currently Idaho's concealed weapons permits are not recognized in most other states which is an inconvenience for avid shooters who travel to other states and have had to apply for permits in those states as well as in Idaho. He stated this legislation would add a convenience for those people so they do not have to have more than one permit.

**MOTION:** **Rep. Monks** made a motion to send **H 192** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Palmer** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:30 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Tuesday, February 26, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS22096</a>	Veterans Recognition Fund	Rep. Eskridge
<a href="#">RS22119</a>	Concealed weapons	Rep. Nielsen
<a href="#">H 181</a>	Capitol Maintenance Reserve Fund	Jeff Youtz, Capitol Committee

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chairman Batt  
Rep Anderson(1)  
Rep Andrus  
Rep Luker  
Rep Crane

Rep Palmer  
Rep Sims  
Rep Barbieri  
Rep Holtzclaw  
Rep McMillan  
Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, February 26, 2013

**TIME:** 9:00 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:** Larry Johnson, EFIB; Tyler Mallard, Risch Pisca; Russell Westerberg, Westerberg and Associates.

**Chairman Loertscher** called the meeting to order at 9:01 a.m.

**MOTION:** **Rep. Packer** made a motion to correct the minutes of 2/14/13 to change "RS 21904C1" to "RS 21904". **Motion carried by voice vote.**

**RS 22096:** **Rep. Eskridge** presented **RS 22096**, proposed legislation will separate funds to benefit Idaho Veterans. He stated the Division of Veterans Service conducted a survey regarding the fund division and it was approved.

In response to committee questions, **Rep. Eskridge** stated the fund is currently in excess of \$20 million and is only able to be invested in short term investments. He stated with the new fund, the monies can be invested in long term investments which would benefit the veterans directly instead of the General Fund. He stated that one goal is to separate the funds for any buildings they might need in the near future.

**MOTION:** **Rep. Smith** made a motion to introduce **RS 22096**. **Motion carried by voice vote.**

**RS 22119:** **Rep. Nielsen** presented **RS 22119**, proposed legislation clarifying language regarding concealed weapons and permits for lawfully possessing knives stun guns, or pepper spray. He stated that he also added kitchen type utensils to the text for cooks and chefs.

**MOTION:** **Rep. Andrus** made a motion to introduce **RS 22119**. **Motion carried by voice vote.**

**H 181:** **Jeff Youtz**, Capitol Commission, presented **H 181**, a bill that creates a Capitol Maintenance Reserve Fund. He stated the real need is to fund the repair and maintenance of the Capitol Building. He stated the permanent fund would deposit up to 5% of the balance of the existing fund into the new fund each year.

In response to committee questions, **Mr. Youtz** stated the Endowment Fund was set up to grow and it was not intended to have money taken out which is why there is a need for the separate fund.

**Larry Johnson**, Manager of Investments of the Endowment Fund, stated the Endowment Fund was set up to always exist and the new fund is needed to fund new projects, repairs and maintenance to the Capitol Building.

**MOTION:** **Rep. Woodings** made a motion to send **H 181** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Barbieri, Gannon, Luker, and Monks** requested that they be recorded as voting **NAY**. **Rep. Hartgen** will sponsor the bill on the floor.

In opposition to the motion, **Rep. Gannon** stated he believes by creating another fund, the Legislature would be encouraging spending.

**ADJOURN:** There being no further business to come before the Committee, the meeting was adjourned at 9:55 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:30 A.M.**  
**Room EW40**  
**Wednesday, February 27, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS22111</a>	State Amphibian	Rep. Ward-Engelking
<a href="#">RS22000</a>	Public works	Stuart Davis Idaho Association of Highway Districts
<a href="#">RS22059C2</a>	Insurance contracts/notice delivery	Michael Kane Property and Casualty Insurers Association
<a href="#">HCR 11</a>	Lottery Rules	Rep. Gannon

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: hstaf@house.idaho.gov

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, February 27, 2013

**TIME:** 9:30 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:** Ilah Hickman, self; Jeff Anderson, Lottery Commission; Mike Kane, PCI; Stuart Davis, IAHD; Raeleen Welton, Westerberg and Associates; Jeremy Chou, Givens Pursley; Russell Westerberg, CDAR.

**Chairman Loertscher** called the meeting to order at 9:31 a.m.

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

**RS 22111:** **Rep. Ward-Engelking** introduced **Ilah Hickman**, presented **RS 22111**, proposed legislation to designate the Giant Salamander as the State Amphibian for the State of Idaho. She stated the salamander lives exclusively in Idaho and its skin looks like the Bitterroot Mountains.

**MOTION:** **Rep. Woodings** made a motion to introduce **RS 22111** and send it directly to the Second Reading Calendar.

**SUBSTITUTE MOTION:** **Rep. Crane** made a substitute motion to introduce **RS 22111**. **Motion carried by voice vote.**

**RS 22000:** **Stuart Davis**, Idaho Association of Highway Districts, presented **RS 22000**, proposed legislation which modifies existing law to provide an exception to the employment of residents of Idaho in public works. He stated that current legislation prevents the state from using any outside contractors. He stated this legislation would allow the state to use contractors from out-of-state if no one in Idaho is available or qualified to do the work needed.

**Rep. Crane** 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 introduce **RS 22000**. **Motion carried by voice vote.**

**RS 22059C2:** **Michael Kane**, on behalf of Property and Casualty Insurers Association, presented **RS 22059C2**, proposed legislation allowing the electronic delivery of insurance related documents to an insured person when the insured has affirmatively consented to such delivery. He stated the insured has to go online to sign up for the service and enter an e-mail address to which the documents will be sent.

**MOTION:** **Rep. Crane** made a motion to introduce **RS 22059C2** and refer it to the Business Committee. **Motion carried by voice vote.**

**HCR 11:** **Rep. Gannon** presented **HCR 11**, a concurrent resolution regarding the rejection of the State Lottery Rules, **Docket No. 52-0103-1203**. He stated the rejection includes the placement of continuous-play Lottery machines in nontraditional locations and is not consistent with legislative intent.

**Rep. Luker** referenced Article 3 of the Idaho Constitution which speaks about the limits of the Idaho State Lottery and wherein it says that "gambling is contrary to public policy and is prohibited."

**Jeremy Chou**, Givens Pursley, on behalf of Intralot, stated the electronic scratch tickets are available because of new technology. He stated there are already automatic playing machines in bars and other places with age requirements of 21 years of age and older. He stated these are legal games that are offered to the public that are not forced upon them.

In response to committee questions, **Mr. Chou** stated a person must be 18 years of age to play the Idaho Lottery and the Lottery Commission has put into policy that electronic lottery games are only allowed to be used by people over 21 years of age.

**MOTION:**

**Rep. Luker** made a motion to send **HCR 11** to the floor with a **DO PASS** recommendation.

**In opposition** to the motion, **Rep. Barbieri** stated the State of Idaho needs to increase its income somehow because of the need for funding. He also stated that trying to protect people from themselves is not the answer. **Rep. Packer** stated **in opposition** to the motion that the Idaho Constitution is valid but using electronic lottery games does not change the outcomes of the games, it only changes the method in which they are played. **Rep. Palmer** stated **in opposition** to the motion that he does not believe this is an expansion of the Lottery.

**In support** of the motion, **Rep. Crane** stated that all this concurrent resolution does is confirm the committee's position and prior vote on the Administrative Rules this session and allows the House members as well as the Senate a chance to hear the bill. **Rep. Monks** stated **in support** of the motion that he is concerned about the location of the machines where regulations on people 18 years old and younger is not required. He stated he believes he needs to uphold his oath as a legislator and support the Idaho Constitution, in this case, particularly Article 3 regarding the State Lottery. **Rep. Batt** stated **in support** of the motion that the problem is the age requirement. She stated she believes the policy regarding the age requirements needs to not only be in policy, but in statute as well, and then brought back to the committee.

**ROLL CALL  
VOTE:**

Roll Call Vote was requested. **Motion failed by a tied vote of 8 AYE, 8 NAY. Voting in favor** of the motion: **Reps. Loertscher, Batt, Andrus, Luker, Crane, Monks, Smith, and Gannon. Voting in opposition** of the motion: **Reps. Anderson(1), Palmer, Sims, Barbieri, Holtzclaw, McMillan, Packer, and Woodings.**

**ADJOURN:**

There being no further business to come before the Committee, the meeting adjourned at 10:33 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**8:00 A.M.**  
**Room EW40**  
**Thursday, February 28, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 220</a>	Historical Horse Racing	Rep. Perry
<a href="#">H 193</a>	Emergency Telecommunications	Skip Smyser
<a href="#">RS22105</a>	Fiber optic service/port districts	Rep. Rusche
<a href="#">38-0406-1202</a>	Rules governing use of the exterior of the State Property in the Capitol Mall and other state facilities	Teresa Luna Dept. of Administration
<a href="#">38-0408-1202</a>	Rules governing use of Idaho State Capitol exterior	

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: hstaf@house.idaho.gov

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, February 28, 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:** The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of session. Following the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

**Chairman Loertscher** called the meeting to order at 8:00 a.m.

**H 193:** **Skip Smyser**, on behalf of AT&T, presented **H 193**, a bill that allows telecommunication providers to charge prepaid wireless customers the same 911 fee that other customers are charged. He stated his company has worked with the Tax Commission to make the change an easy transition and the tax will be configured in business sales tax using the same form.

In response to committee questions, **Mr. Smyser** stated there are proposed changes to the bill that they have discussed with the ECC, the counties, and the Tax Commission to fashion what Idaho needs.

**Beth Cooley**, CTIA- The Wireless Association, stated she supports the bill because it modernizes the 911 service. She stated one in four subscribers are prepaid and that fad has grown by 10%. She stated similar legislation has been adopted in twenty-six states and is pending in 13 others.

**Michael Kane**, counsel for Association of Sheriffs and Counties, stated the money collected by the fee would change based on the census each year.

**MOTION:** **Rep. Packer** made a motion to send **H 193** to General Orders with amendments attached. **Motion carried by voice vote.** **Rep. Packer** will sponsor the bill on the floor.

**H 220:** **Rep. Perry** presented **H 222**, a bill that allows for historic horse racing to be conducted and bet on in Idaho. She stated there are currently only three tracks in Idaho that are authorized to conduct simulcast racing.

**Frank Lamb**, Executive Director of Idaho Racing Commission, explained that paramutual wagering is when someone mutually bets against other players. He stated it uses a tote system just like horse racing and there are over 200 races going on at one time. He stated the races come up randomly and the individual bets on the races he wants. He stated the races include some information on the horses and their odds. He stated paramutual wagering is regulated and there are daily reports in which to audit. He stated the paramutual wagering machine is different than slot machines and 8.24% is taken out of every dollar of a bet regardless of who wins.

In response to committee questions, **Mr. Lamb** stated the betting is done across the country. He also stated the terminals figure the total amount of people and winnings and it is just like live racing bets. He stated not everyone is seeing the same race at the same time because they come up randomly. He stated the odds for each horse is based on the beginning of the day of the actual race. He stated there are currently three locations this would affect.

**Ed McMillis**, Idaho Horse Council, stated he supports **H 220** and that horse racing helps FHA programs, veterinarians, the Idaho Horse Expo, ranching, colleges, research, and education in Idaho. He stated it is one of the best ways to keep kids focused. He also stated Idaho has the highest horses verses people ratio per capita in the world and Idaho is the equine industry leader in the Northwest. He stated the Idaho Youth Horse Council is the best in the country.

**Rick Yzaguirre**, Ada County Commissioners, owner of Les Bois Park, stated he supports **H 220** because of the positive impact horse racing has made to the community.

**Jim Grigsby**, Treasure Valley Racing, stated he supports **H 220** and he wants to ensure that horse racing is long term. He stated Les Bois Park was closed for three years because the former owners/operators couldn't keep it operating. He stated his organization had to purchase all new equipment and was able to do so with the overwhelming support of the community. He said on the first day of racing there was a record number of people in attendance. He stated the Park has created over 200 jobs and between 5,000 and 6,000 jobs throughout the entire horse racing industry in Idaho. He stated the Park has suffered significant loss in the past two years and have forecasted a similar loss in the future if changes aren't made. He stated they need Legislative relief to help with new technology so they can offer historic horse racing. He stated without the option of historic horse racing, the Park will inevitably have to close again. He also stated, based on an impact study, historic horse racing would strengthen the economy by \$40-65 million. He stated that horse racing in Idaho has tremendous historical value.

**Mark Buckley**, Albertson's Bakery and the HBPA, stated he is on a ten member Board who are a voice for the horsemen of Idaho. He stated the largest revenue from horse racing is from simulcast wagering which is done year round. He stated more people are wagering from home and simulcast wagering is falling. It has fallen 50% in the past year.

In response to committee questions, **Mr. Grigsby** stated there were 15 race days in 2011, thirty-six in 2012, and thirty-one days approved for this year by the Idaho Race Commission. He stated they have worked with the Attorney General's Office when preparing this legislation. He stated each terminal is \$10,000 to purchase but they have the option to lease them as well. He stated they want to install 50 terminals but the cost of the equipment and installation will be the determining factor when deciding. He stated the horse racing industry is struggling because the cost is very high to feed, breed, train and house horses. He stated the machines run almost all year, but the live horse racing is limited to the months of May to August. He stated a person must be 18 years old to wager and they have a huge cost that goes into keeping a secure place for that to happen.

**MOTION:**

**Rep. Gannon** made a motion to send **H 220** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Andrus and Crane** requested to be recorded as voting **NAY. Rep. Perry** will sponsor the bill on the floor.

**In support** of the motion, **Rep. Anderson(1)** stated the Horse Racing Commission has the responsibility to regulate and believes it will do so. He said the bill has the Attorney General's approval and approving the legislation will help the industry.

- RS 22105:** **Rep. Rusche** presented **RS 22105**, proposed legislation that would allow areas without fiber optic telecommunications to have access. He stated the legislation clarifies the port districts and gives authority to provide fiber optic cable to those areas.
- MOTION:** **Rep. Smith** made a motion to introduce **RS 22105**. **Motion carried by voice vote.**
- DOCKET NO. 38-0406-1202:** **Teresa Luna**, Department of Administration, presented **Docket No. 38-0406-1202**, Administrative Rules concerning the Capitol Mall building. She reviewed changes made in the rules that were suggested from the Senate and the House.
- MOTION:** **Rep. Luker** made a motion to approve **Docket No. 38-0406-1202** with the changes. **Motion carried by voice vote.** **Rep. Smith** requested she be recorded as voting **NAY**.
- DOCKET NO. 38-0408-1202:** **Teresa Luna**, Department of Administration, presented **Docket No. 38-0408-1202**, Administrative Rules concerning the Capitol Mall building and reviewed changes made in the rules that were from suggestions from the Senate as well as the House.
- MOTION:** **Rep. Batt** made a motion to approve **Docket No. 38-0408-1202** with the changes. **Motion carried by voice vote.** **Rep. Smith** requested she be recorded as voting **NAY**.
- ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 9:44 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
Upon adjournment of the House Floor  
Room EW40  
Friday, March 01, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">SCR 104</a>	Taiwan, reaffirming relationship	David Johnston
<a href="#">RS21627C1</a>	Athletic Commission, costs/fees/event tax	Tom Katsilometes Athletic Commission
<a href="#">RS22145C1</a>	Dev. impact fees/appeals	Larry Spencer
<a href="#">H 219</a>	Fed. Firearm and accessory Enforcement Act	Rep. Patterson
<a href="#">H 229</a>	Firearms, explosives	Rep. Monks

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Palmer	Rep Packer
Vice Chairman Batt	Rep Sims	Rep Smith
Rep Anderson(1)	Rep Barbieri	Rep Gannon
Rep Andrus	Rep Holtzclaw	Rep Woodings
Rep Luker	Rep McMillan	
Rep Crane	Rep Monks	

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

- DATE:** Friday, March 01, 2013
- TIME:** Upon adjournment of the House Floor
- 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:** Rep. McMillan.
- GUESTS:** Michael DeYoung, self; Tana Cory, Bureau of Occupational Licenses; Ernest Walker, self; Tom Murds, self; Patrick Malloy, District 20; Daniel Malloy, District 20, Precinct 6; Mike Carpenter, self; Mark Earls, BSMC; Roy Whitaker, BSMC; Patricia felts, self; Mike McElya, self; Tony Sinesko, Idaho Carry; Craig Campbell, self; Larry White, self; David Shrum, self; William Thomas Howie, self; Steve Auton, self; Joel Teuber, Fraternal Order of Police; Ralph Powell, Idaho State Police; Raeleen Welton, Westerberg and Associates; Ted Dunlap, Oath Keepers.
- Chairman Loertscher** called the meeting to order at 8:33 a.m.
- SCR 104:** **Dave Johnston**, on behalf of **Senator Fulcher**, presented **SCR 104**. He stated the concurrent resolution recognizes the beneficial trade relationship between Idaho and the Province of Taiwan, and reaffirms Idaho's commitment to a strong deepening relationship with Taiwan.
- MOTION:** **Rep. Packer** made a motion to send **SCR 104** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.**
- RS 21627C1:** **Tom Katsilometes**, Idaho Athletic Commission, presented **RS 21627C1**, proposed legislation that changes the fees for license holders and events. He stated the Commission met with promoters of MMA sports to reach an agreement regarding the new fees. He stated the proposed legislation would allow the Commission to recover costs and fees associated with investigation and prosecution of reviewing challenges. He stated the initial event fee will be increased from \$400 to \$1,000 and the event tax would be raised from 5% to 9%. The legislation also includes that if a negative balance exceeding \$200,000 prevails, business by the Commission would be suspended.
- MOTION:** **Rep. Anderson(1)** made a motion to introduce **RS 21627C1**. **Motion carried by voice vote.**
- H 229:** **Rep. Monks** presented **H 229**, a bill that clarifies language in the Idaho Code that firearms, firearm accessories, and ammunition made in Idaho are not subject to the federal government's commerce power.
- MOTION:** **Rep. Holtzclaw** made a motion to send **H 229** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Monks** will sponsor the bill on the floor.
- H 219:** **Rep. Patterson** presented **H 219**, a bill that protects Idaho law enforcement officers from being directed, through federal orders, laws, rules or regulations enacted or promulgated on or after January 13, 2013, to violate their oath of office and Idaho citizens' rights under the Idaho Constitution, Article 1, Section 11.

In response to questions, **Rep. Patterson** stated that law enforcement groups and lawyers have reviewed the bill and agree with its contents. He stated the bill is to protect Idaho's law enforcement officers from going against their oath of office which supports the U.S. Constitution and Bill of Rights. He stated the bill is designed to be a preemptive act in the case the federal government bans the right for citizens to have firearms. He stated the first responders are very important to our society and should be protected.

**Daniel Malloy**, on behalf of Police Precinct 26, stated he is in support of **H 219** and he believes the federal government will ban our right to bear arms in the near future.

**MOTION:** **Rep. Crane** made a motion to send **H 219** to the floor with a **DO PASS** recommendation.

**Tony Sinesko**, Idaho Conceal and Carry, stated he is **in support** of **H 219** and also believes the federal government will be banning our rights to bear arms in the future. **Craig Campbell**, representing himself, stated he is **in support** of **H 219** and believes this legislation upholds the rights of Idaho Citizens as afforded by the 2nd Amendment. **Patrick Mallory**, representing himself, stated he is **in support** of **H 219** and stated this legislation would not come into play unless the federal government came in and tried to confiscate guns from law abiding lawful gun owners in Idaho. **Joel Tueber**, Fraternal Order of Police, stated he is **in support** of **H 219** and represents the 1500 members who are police officers in Idaho. He stated the legislation does not affect any current laws we have and that it only speaks to any new laws the federal government passes. **Ted Dunlap**, Oath Keepers, stated he is **in support** of **H 219** and that there is legislation regarding banning firearms right now at the federal level. He stated that he hopes Idaho stands together against this breach of the Bill of Rights. **Tom Murds**, representing himself, stated he is **in support** of **H 219** because in the case that the rights of Idaho's citizens are infringed upon, we would have legislation in place to protect us.

**VOTE ON MOTION:** **Rep. Luker** called for a vote on the motion to send **H 219** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Gannon, Smith and Woodings** requested to be recorded as voting **NAY.** **Rep. Patterson** will sponsor the bill on the floor.

**RS 22145C1:** **Larry Spencer**, DH Consulting, presented **RS 22145C1**, proposed legislation that provides a clear threshold of evidence for appeals and judicial review with respect to impact fees and also clarifies the language of the appeals section of the Idaho Development Impact Fee Act. He stated this legislation is similar to the legislation enacted in Florida in 2011.

**MOTION:** **Rep. Luker** made a motion to introduce **RS 22145C1.** **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 9:32 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Monday, March 04, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 223</a>	Concealed weapons definition	Rep. Nielsen
<a href="#">RS22120</a>	Child Protective Act	Sr. Judge Varin
<a href="#">H 120</a>	Lottery ticket sales	Rep. Luker

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, March 04, 2013

**TIME:** 9:00 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:** Jeff Anderson, Idaho State Lottery; Russell Westerberg, Wetserberg and Associates; Jonathan Krutz; Michael Duff, United Families of Idaho; Jeremy Chou, Givens Pursley; Charley Jones, Stinker Stores; Suzanne Budge, SBS Convenience Store Association; Pam Eaton, Idaho Retailers Association.

**Chairman Loertscher** called the meeting to order at 9:00 a.m.

**RS 22120:** **Patty Tobias** introduced **Senior Judge Varin** to present **RS 22120**, proposed legislation that amends the Child Protective Act and the Termination of Parent and Child Relationship Act recommended by the Supreme Court's Child Protection Committee. He stated the amendments improve the implementation of the Child Protective Act and the Termination of Parent and Child Relationship Act by amending the definition of "aggravated circumstances"; clarifying the definitions of a "protective order" and "protective supervision"; clarifying the time lines for reunification, guardianship, termination of parental rights, and adoption to help children achieve permanency on a timely basis; and to ensure that child welfare practices that affect substantive rights are clearly set forth in Idaho Code.

In response to committee questions, **Judge Varin** stated the judge is given more authority to decide what an aggravated circumstance would be.

**MOTION:** **Rep. Smith** made a motion to introduce **RS 22120** and refer it to the Judiciary Rules and Administration Committee. **Motion carried by voice vote.**

**H 223:** **Rep. Nielsen** presented **H 223**, a bill that amends the definition of a concealed weapon to include knives with a blade of four inches or less, lawfully allowed tasers, stun guns, and pepper spray.

**MOTION:** **Rep. Monks** made a motion to send **H 223** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Nielsen** will sponsor the bill on the floor.

**H 120:** **Rep. Luker** presented **H 120**, a bill that prohibits the use of credit and debit cards and other electronic fund transfers for purchasing lottery tickets and that any customer operated lottery gaming machines accept only currency or coins. He stated that the current Lottery Rules allow the use of credit card and debit cards but the Commission has not fully implemented that authority. He stated that debit cards are allowed for over the counter transactions for lottery purchases. He stated that there are hidden costs associated with gambling and 2.5% of Americans have a gambling problem according to the Christian Monitor. He stated the National Gamblers Association has grown 10-15% over the past decade. He presented information on the nine hidden costs of gambling that affect society. He stated that studies have shown that using credit cards and/or debit cards to make purchases makes it easier to miss or ignore how much someone is spending.

He stated that five other States in the U.S. have this ban and eight others restrict the use of credit cards. He presented an amendment to the bill which takes out the words "debit cards."

**Jeff Anderson**, Idaho Lottery Commission, stated he **is opposed** to **H 120** because it is anti-business, anti-consumer, and will hurt the State Lottery, hence the proceeds that go towards education in the State. He stated the studies that **Rep. Luker** referred to were concerning gambling at casinos not lottery playing. He stated the legislation will put undue stress on retailers and will affect the general fund. **Jeremy Chou**, on behalf of Intralot, stated he **is opposed** to **H 120** because it takes the convenience out of convenience stores. He stated it creates longer lines and is inefficient for transactions. **Susanne Budge** Convenience Store Association, stated she **is opposed** to **H 120** and that the vast majority of consumers throughout the State who buy lottery tickets use credit and debit cards to purchase other items as well. She stated this inconvenience would cause problems and interference with businesses and consumers. **Pam Eaton**, Association of Idaho Retailers, stated she **is opposed** **H 120** and added that the prohibiting of using credit and/or debit cards will not stop a problem gambler. She stated the bill is an inconvenience to retailers and consumers and does not address the gambling problem. **Charley Jones**, owner of Stinker Stores, stated he **is opposed** to **H 120** because it prohibits convenience stores from providing convenience to their customers. He stated the bill would make business harder to conduct.

**Jonathan Krutz**, Stop Predatory Gambling Idaho, stated he is in support of **H 120** and has been studying gambling for 17 years. He stated the addictiveness of gambling comes from the speed of the machines which would include the touch tab machines or kiosks of the lottery. He stated **H 120** is a safeguard that the legislature can put into place that would provide more oversight of the State Lottery. **Michael Duff**, United Families of Idaho, stated he is in support of **H 120** and stated that the Idaho Lottery was controversial even at its conception. He stated **H 120** addresses the ABC's of gambling-addiction, bankruptcy, and crime. He stated electronic gambling helps support gamblers and problems. He stated that by prohibiting the use of credit and/or debit cards, there is an interruption of the convenience of the most addictive form of gambling which is electronic gambling. He also stated that 99.95% of problem gamblers did not seek help until they had almost lost everything and were in bankruptcy or in major debt.

**ORIGINAL MOTION:**

**Rep. Andrus** made a motion to send **H 120** to General Orders with amendments attached.

**In opposition** to the motion, **Rep. Barbieri** stated the legislation does not deal with the problem of gambling.

**SUBSTITUTE MOTION:**

**Rep. Anderson(1)** made a substitute motion to **HOLD H 120** in committee.

**In opposition** to the substitute motion, **Rep. Crane** stated there are too many problems with gambling and debt; the average family has \$15,000 in debt. He also stated that the text in the bill might need to change to reflect the prohibition is for consumers only and not retailers who buy their tickets wholesale.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:**

**Rep. Crane** requested a roll call vote on the **Substitute Motion H 120**. **Substitute motion failed by a vote of 6 AYE and 10 NAY**. **Voting in favor** of the motion: **Reps. Anderson(1), Sims, Barbieri, McMillan, Gannon, and Woodings**. **Voting in opposition** to the motion: **Reps. Loertscher, Batt, Andrus, Luker, Crane, Palmer, Holtzclaw, Monks, Packer, and Smith**.

**ROLL CALL  
VOTE ON  
ORIGINAL  
MOTION:**

Roll call vote was requested on the **Original Motion**. **Original motion carried by a vote of 11 AYE and 5 NAY**. **Voting in favor** of the motion: **Reps. Loertscher, Batt, Andrus, Luker, Crane, Palmer, Holtzclaw, Monks, Packer, Smith, and Gannon**. **Voting in opposition** to the motion: **Reps. Anderson(1), Sims, Barbieri, McMillan, and Woodings**. **Rep. Luker** will sponsor the bill on the floor.

**ADJOURN:**

There being no further business to come before the Committee, the meeting adjourned at 10:38 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
8:30 A.M.  
Room EW40  
Tuesday, March 05, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS22153</a>	Contract management/Dept. of Admin.	Rep. Rusche
<a href="#">S 1058</a>	Keg beer	Senator Patrick
<a href="#">RS22093</a>	Beer wine/electronic funds	Jeremy Pisca
<a href="#">RS22113</a>	Concealed weapons/records check	Rep. Perry

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Palmer	Rep Packer
Vice Chairman Batt	Rep Sims	Rep Smith
Rep Anderson(1)	Rep Barbieri	Rep Gannon
Rep Andrus	Rep Holtzclaw	Rep Woodings
Rep Luker	Rep McMillan	
Rep Crane	Rep Monks	

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 05, 2013

**TIME:** 8:30 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:** Rep. Woodings.

**GUESTS:** Jeremy Pisca, Idaho Beer and Wine Distributor Association; Tyler Mallard, Idaho Beer and Wine Distributor Association; Russell Westerberg, Hagadone Hospitality; Amy Lorenzo, OPE; Sheila Francis, Idaho Brewers United; Roy Eiguiren, Northwest Grocery; Jim Patrick, self.

**Chairman Loertscher** called the meeting to order at 8:38 a.m.

**MOTION:** **Rep. Packer** made a motion to approve the minutes of the February 20 and 21, 2013 meetings. **Motion carried by voice vote.**

**RS 22153:** **Rep. Rusche** presented **RS 22153**, proposed legislation that allows public works agencies to use out-of-state contractors when there are none available or qualified in Idaho.

**MOTION:** **Rep. Smith** made a motion to introduce **RS 22153**. **Motion carried by voice vote.** **Reps. Barbieri, McMillan and Sims** requested to be recorded as voting **NAY**.

**S 1058:** **Rep. Kaufmann** presented **S 1058**, a bill allowing for the size of keg beer to be changed from not less than seven and three-quarter gallons to five-gallon kegs. He stated the five-gallon kegs help micro-breweries in the area who deal in smaller volumes.

**Jeremy Pisca**, on behalf of Idaho Beer and Wine Distributor Association, stated micro-breweries are allowed to sell directly to the consumer and they cannot sell bottles or cans but only in kegs. He stated it is cheaper for micro-breweries to buy and sell in five-gallon kegs.

**Senator Patrick** stated micro-breweries had been selling five-gallon kegs until they realized it was against the law, which is the reason for the legislation. He stated that alcohol made and stored in smaller quantities has more flavor and freshness.

**MOTION:** **Rep. Anderson(1)** made a motion to send **S 1058** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Kaufmann** will sponsor the bill on the floor.

**RS 22093:** **Jeremy Pisca**, Idaho Beer and Wine Distributors Association, presented **RS 22093**, proposed legislation that amends the "cash law" to revise provisions relating to the acceptance and use of an electronic funds transfer that apply to the distribution of beer and wine products.

**Rep. Batt** invoked Rule 38 stating a possible conflict of interest because her husband could have worked on the proposed legislation but that she would be voting on the legislation.

**MOTION:** **Rep. Smith** made a motion to introduce **RS 22093**. **Motion carried by voice vote.**

**RS 22113:** **Rep. Perry** presented **RS 22113**, proposed legislation that allows applicants who apply for concealed weapon permits to receive a copy of their criminal background check upon request. She stated the legislation also clarifies that the Idaho State Police will provide a copy of the record check to the applicant.

**MOTION:** Rep. Packer made a motion to introduce **RS 22113. Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 9:10 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
8:30 A.M.  
Room EW40  
Wednesday, March 06, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS22082</a>	Public works exemption	Steve Price, Ada County Highway District Counsel
<a href="#">S 1025</a>	Wine, container size	Roger Batt, Idaho Grape Growers and Wine Producers
<a href="#">RS22187</a>	Concurrent Resolution re Athletic Commission Rules	Rep. Monks
<a href="#">H 176</a>	Overseas electors	Rep. Sims
<a href="#">RS22183</a>	Veterinary Act	Dr. Bingham

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chairman Batt  
Rep Anderson(1)  
Rep Andrus  
Rep Luker  
Rep Crane

Rep Palmer  
Rep Sims  
Rep Barbieri  
Rep Holtzclaw  
Rep McMillan  
Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

- DATE:** Wednesday, March 06, 2013
- TIME:** 8:30 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:** Roger Batt, Idaho Grape Growers and Wine Producers; Camille Blaylock, Idaho Grape Growers and Wine Producers; Steve Price, Ada County Highway District; Roger Seiber, Capitol West; Kerry Ellen Elliott, Idaho Association of Counties; Raeleen Welton, Westerberg & Associates; Brett Bingham, Idaho Veterinary Medical Association; Vicki Smith, Idaho Veterinary Medical Association.
- Chairman Loertscher** called the meeting to order at 8:30 a.m.
- RS 22082:** **Steve Price**, General Counsel for Ada County Highway District, presented **RS 22082**, proposed legislation which amends existing law to provide an exemption for certain public works in obtaining a review by a professional engineer.
- MOTION:** **Rep. Luker** made a motion to introduce **RS 22082** and refer it to the Transportation and Defense Committee. **Motion carried by voice vote.**
- S 1025:** **Roger Batt**, on behalf of Idaho Grape Growers and Wine Producers, presented **S 1025**, a bill which allows a change in the size of containers for wine distributors to purchase, receive, or sell from one gallon to a maximum of fifteen gallons. He stated that currently the distributors have to get special permission from the Idaho State Police when selling anything over a gallon which is needed when selling to restaurants, bars, and for wedding receptions. He said that Oregon, California, and Colorado currently have no size restrictions on wine containers.
- Rep. Batt** invoked Rule 38 stating a possible conflict of interest but that she will be voting.
- In response to committee questions, **Mr. Batt** stated that the containers that are widely used are rectangular in shape. He also stated that fifteen gallons is the size used in the beer industry and the wine industry wanted to mirror that.
- MOTION:** **Rep. Woodings** made a motion to send **S 1025** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Andrus and Luker** requested to be recorded as voting **NAY**. **Rep. Woodings** will sponsor the bill on the floor.
- RS 22183:** **Dr. Bingham**, Veterinarian, President of Idaho Veterinarian Medical Association, presented **RS 22183**, proposed legislation that amends existing law to revise the definition of the practice of veterinary medicine in the Veterinary Practice Act. He stated the new language adds the ability for veterinarians to prescribe, dispense, deliver, and administer drugs or medicine needed.
- MOTION:** **Rep. Andrus** made a motion to introduce **RS 22183** and refer it to the Agricultural Affairs Committee. **Motion carried by voice vote.**

- RS 22187:** **Rep. Monks** presented **RS 22187**, a concurrent resolution which rejects Section 107, Subsection 07, a Final Rule of the State Athletic Commission, Rules Governing Licensing, IDAPA 03.01.01, which deems the Rule null and void. He stated the Rule is in regards to female combatants being forced to have annual physical exams that include pelvic and breast exams and that the Rule is not consistent with legislative intent.
- MOTION:** **Rep. Packer** made a motion to introduce **RS 22187** and send it directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Monks** will sponsor the bill on the floor.
- H 176:** **Rep. Sims** presented **H 176**, a bill which amends existing law relating to absentee voting to define a term and to provide voting requirements for overseas electors.
- In response to committee questions, **Rep. Sims** stated anyone who is a registered voter who has a domicile in Idaho can vote in the local and state elections.
- Tim Hurst**, Secretary of State, stated that an overseas voter would be someone who has left the country and no longer intends on living in Idaho. He said the current laws state overseas voters can still vote in the federal elections. He stated if citizens of Idaho maintain their residency in Idaho they will not be affected. He stated there are two options on the absentee ballot which are "not going to return" or "uncertain or unsure of when returning." He stated it is a self-identification tool for voters. He stated the Clerk can challenge the registration if warranted.
- Chairman Loertscher** turned the gavel over to **Vice Chairman Batt**.
- MOTION:** **Rep. Barbieri** made a motion to send **H 176** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Gannon, Luker, Smith, and Woodings** requested to be recorded as voting **NAY**. **Rep. Sims** will sponsor the bill on the floor.
- ADJOURN:** There being no further business to come before the Committee, the meeting was adjourned at 9:07 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
8:00 A.M.  
Room EW40  
Thursday, March 07, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 222</a>	Veterans Recognition Fund	Rep. Eskridge
<a href="#">H 202</a>	Administrative Procedure Act	Rep. Burgoyne
<a href="#">H 195</a>	Liquor license/resort cities	Rep. Gibbs
<a href="#">RS22137</a>	Building safety, Rule rejection	Rep. Thompson
<a href="#">RS22138</a>	Occupational licenses, Rule rejection	Rep. Thompson
<a href="#">RS22104C1</a>	Motor vehicle financial responsibility	Paul Jackson
<a href="#">RS22143</a>	Study, State acquiring federal lands	Rep. Denney
<a href="#">RS22195</a>	Federal land/transfer in Idaho	Rep. Denney
<a href="#">RS22200</a>	Traffic Safety Education Program	Rep. Luker

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: hstaf@house.idaho.gov

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.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**Upon Adjournment**  
**Room EW40**  
**Friday, March 08, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS22233</a>	Firearms, explosives, deadly weapons	Rep. Monks
<a href="#">RS22019C2</a>	Election of City Councilmen	Rep. Luker
<a href="#">RS22210</a>	Vehicle registrations	Rep. Gestrin
<a href="#">RS22220</a>	Irrigation and drainage	Rep. Shepherd
<a href="#">RS22223</a>	Funding for animal damage control boards	Rep. Boyle

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, March 08, 2013

**TIME:** Upon Adjournment

**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:** Rep. McMillan.

**GUESTS:** Holly Koole, IPAA; Tyler Mallard, Risch Pisca.

**Chairman Loertscher** called the meeting to order at 8:24 a.m.

**MOTION:** **Rep. Woodings** made a motion to approve the minutes of the February 25, 26, and 27, 2013 meetings. **Motion carried by voice vote.**

**RS 22220:** **Rep. Shepherd** presented **RS 22220**, proposed legislation that amends existing law relating to irrigation and drainage to provide additional requirements relating to well construction standards.

**MOTION:** **Rep. Anderson(1)** made a motion to introduce **RS 22220** and refer it to the Resources and Conservation Committee. **Motion carried by voice vote.**

**RS 22223:** **Rep. Boyle** presented **RS 22223**, proposed legislation which amends existing law relating to fish and game to provide that certain monies shall be earmarked for sportsmen access programs; and to revise provisions relating to the transfer and use of certain monies from the Expendable Big Game Depredation Fund.

**MOTION:** **Rep. Anderson(1)** made a motion to introduce **RS 22223** and refer it to the Agricultural Affairs Committee. **Motion carried by voice vote.**

**RS 22210:** **Rep. Gestrin** presented **RS 22210**, proposed legislation that amends existing law relating to registrations to revise registration provisions relating to certain vehicles; to provide that certain certificates of title or evidence of prior registration shall be sufficient evidence of ownership for certificate of number and registration purposes and to authorize the Department of Parks and Recreation to share registration information with the Idaho Transportation Department.

**MOTION:** **Rep. Palmer** made a motion to introduce **RS 22210** and refer it to the Transportation and Defense Committee. **Motion carried by voice vote.**

**RS 22233:** **Rep. Monks** presented **RS 22233**, proposed legislation that amends and adds to existing law relating to firearms, explosives and other deadly weapons to revise and establish additional provisions relating to the prohibition of federal regulation of certain firearms if those items are prohibited after March 1, 2013.

In response to committee questions, **Rep. Monks** stated the main purpose is to avoid firearms and accessories from being banned by the Federal Government.

**MOTION:** **Rep. Luker** made a motion to introduce **RS 22233** and send it directly to the Second Reading Calendar. **Motion carried by voice vote.** **Reps. Gannon, Smith and Woodings** requested to be recorded as voting **NAY**. **Rep. Monks** will sponsor the bill on the floor.

**RS 22019C2:** **Rep. Luker** presented **RS 22019C2**, proposed legislation that amends existing law relating to the election of city councilmen to require certain cities to establish districts and to provide for the election of councilmen by districts.

**MOTION:** **Rep. Crane** made a motion to introduce **RS 22019C2. Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 8:47 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
8:30 A.M.  
Room EW40  
Monday, March 11, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS22189</a>	Owyhee county, sesquicentennial	Rep. Wills
<a href="#">RS22148</a>	FCC Enforcement encouraged	Rep. Bolz
<a href="#">RS22181</a>	Public defense reform, study	Rep. Bolz
<a href="#">RS2219C1</a>	Safety restraint evidence	Rep. Perry
<a href="#">H 257</a>	Beer/wine, electronic funds transfer	Jeremy Pisca
<a href="#">H 245</a>	Athletic Commission, costs/fees/event tax	Tana Cory

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: hstaf@house.idaho.gov

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, March 11, 2013

**TIME:** 8:30 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:** Rep. Anderson(1).

**GUESTS:** Tana Cory, Bureau of Occupational Licenses; Barbara Jordan, ITLA; Mike Kane, PCI; Paul Jackson, Farmers Insurance; Holly Koole, IPAA; Jeremy Pisca, Idaho Beer and Wine Distributor Association; Woody Richards, Insurance Companies; Phil Barber, American Insurance Association.

**Chairman Loertscher** called the meeting to order at 8:30 a.m.

**RS 22189:** **Rep. Wills** presented **RS 22189**, a concurrent resolution that recognizes and congratulates Owyhee County for its 150th Anniversary on December 31, 2013. He gave a history of Owyhee County, which is the second largest county in Idaho.

**MOTION:** **Rep. Packer** made a motion to introduce **RS 22189** and send it directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Wills** will sponsor the bill on the floor.

**RS 22148:** **Rep. Bolz** presented **RS 22148**, proposed legislation that states the findings of the Legislature and encourages the Federal Communications Commission to resume enforcement of traditional American standards of decency in prohibiting portrayals of premarital sex on television.

**MOTION:** **Rep. Batt** made a motion to introduce **RS 22148.** **Motion carried by voice vote.**

**RS 22181:** **Rep. Bolz** presented **RS 22181**, a concurrent resolution that states findings of the Legislature and authorizes the Legislative Council to appoint a committee to undertake and complete a study of potential approaches to public defense reform.

**MOTION:** **Rep. Luker** made a motion to introduce **RS 22181.** **Motion carried by voice vote.** **Rep. Barbieri** requested he be recorded as voting **NAY.**

**In support** of the motion, **Rep. Luker** stated if someone does not fix the issue of poor representation for defendants, we will have more lawsuits and a study committee would be a preventative measure.

**In opposition** to the motion, **Rep. Barbieri** stated he believes a study committee will not help the issue.

**RS 22219C1:** **Rep. Perry** presented **RS 22219C1**, proposed legislation that permits jury consideration of the contribution to injuries for a failure to wear a safety restraint, while providing for procedural safeguards. She stated that currently juries are precluded from knowing whether a seat belt was used.

**Rep. Gannon** invoked a Rule 38, stating a possible conflict of interest but that he would be voting.

**MOTION:** **Rep. Packer** made a motion to introduce **RS 22219C1** and refer it to the Judiciary, Rules and Administration Committee. **Motion failed by voice vote.**

**H 257:** **Jeremy Pisca**, on behalf of the Idaho Beer and Wine Distributor Association, presented **H 257**, a bill that amends existing law to revise provisions relating to the acceptance and use of an electronic funds transfer; that it must occur promptly and be completed within five business days. He stated the legislation provides that when such electronic funds transfers are completed in this manner, they do not violate the cash law or constitute an unlawful extension of credit.

**Rep. Batt** invoked Rule 38, stating a possible conflict of interest but that she will be voting.

**MOTION:** **Rep. Crane** made a motion to send **H 257** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Sims** will sponsor the bill on the floor.

**H 245:** **Rep. Tom Katsilometes**, Idaho Athletic Commission, presented **H 245**, a bill that amends existing law relating to the State Athletic Commission to revise provisions relating to duties of the commission and to provide for the recovery of certain costs and fees. He stated the bill also revises provisions relating to the payment of an initial event tax, additional event tax, and establishes provisions relating to the issuance of tickets as well as the suspension of operations if the Commission is in the negative of \$200,000 or more.

**Leroy Rice**, representing himself, stated he is **in support** of **H 245** because it allows the promoters, matchmakers and contestants to continue to practice and compete in Mixed Martial Arts (MMA) events in the State. He stated they are willing to work with the Commission to keep it running but believes the burden of the past debt should not be the responsibility of the new promoters, matchmakers and contestants.

**Dallas Phillips**, representing himself, stated he is **opposed** to **H 245** because he feels the fees are too high for kids to participate. He stated that MMA style competitions is a good way for youth to get involved and keeps them out of trouble. He stated MMA is more of a sport than it is just fighting. It teaches them to work hard and to be in a member of a team.

**Rep. Packer** invoked Rule 38, stating a possible conflict of interest but that she will be voting.

**Rep. Monks** invoked Rule 38, stating a possible conflict of interest but that he will be voting.

**Rep. Crane** invoked Rule 38, stating a possible conflict of interest but that he will be voting.

**Rep. Holtzclaw** invoked Rule 38, stating a possible conflict of interest but that he will be voting.

**MOTION:** **Rep. Packer** made a motion to send **H 245** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Chairman Loertscher** will sponsor the bill on the floor.

**Rep. Crane** is **in support** of the motion because of the clause that states once the Commission goes over \$200,000 in the negative, all operations must stop. He stated he does not support the sport because it is violent, and does not like the fee increases but believes it is the only option at this point.

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 9:24 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Tuesday, March 12, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">HCR 18</a>	Contract management/Dept. of Admin.	Rep. Rusche
<a href="#">H 215</a>	Ballots	Phil McCrane
<a href="#">H 258</a>	Concealed weapons/records check	Rep. Perry
<a href="#">H 231</a>	Public works	Stuart Davis- Idaho Association of Highway Districts

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Palmer	Rep Packer
Vice Chairman Batt	Rep Sims	Rep Smith
Rep Anderson(1)	Rep Barbieri	Rep Gannon
Rep Andrus	Rep Holtzclaw	Rep Woodings
Rep Luker	Rep McMillan	
Rep Crane	Rep Monks	

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: hstaf@house.idaho.gov

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 12, 2013

**TIME:** 9:00 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:** Representative Gannon

**GUESTS:** Amy Lorenzo, OPE; Roger Seiber, Capitol West; Steve Price, Ada County Highway District; Laura Lantz, Idaho Association of Highway Districts.

**Chairman Loertscher** called the meeting to order at 9:02 a.m.

**HCR 18:** **Rep. Rusche** presented **HCR 18**, a concurrent resolution that calls upon the Department of Administration to develop a plan to improve the development, management, and reporting of contracts, to provide training and to develop and maintain a database of contracts.

**MOTION:** **Rep. Woodings** made a motion to send **HCR 18** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. McMillan** requested to be recorded as voting **NAY**. **Rep. Rusche** will sponsor the bill on the floor.

**H 215:** **Phil McGrane**, Ada County Clerk, presented **H 215**, a bill that modifies the way in which ballots are identified as official. He stated the legislation will simplify the administration of elections at the polls by incorporating newer ballot security. He stated the unique identifier nullifies the ballot stamp that is currently used, which is not very effective.

In response to questions, **Mr. McGrane** stated the counties who use paper ballots will not be forced to change the way they count their ballots.

**MOTION:** **Rep. Holtzclaw** made a motion to send **H 215** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Holtzclaw** will sponsor the bill on the floor.

**H 258:** **Rep. Perry** presented **H 258**, a bill that allows citizens who are applying for concealed weapons permits, to receive a copy of their criminal background check, upon request.

In response to committee questions, **Rep. Perry** stated there is no additional cost to the person requesting a copy and advised that language will be added in the Statement of Purpose.

**MOTION:** **Rep. Packer** made a motion to send **H 258** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep Perry** will sponsor the bill on the floor.

**H 231:** **Stuart Davis**, Idaho Association of Highway Districts, presented **H 231**, a bill that allows any public construction, repair, and maintenance work to be completed by out of state contractors when one in Idaho is not available. He stated the current law requires that only Idaho residents can perform the work.

**Steve Price**, Ada County Highway District, stated he is **in support** of the legislation because they have had numerous issues with having work completed by qualified contractors because they could not use out of State contractors.

**MOTION:** **Rep. Luker** made a motion to send **H 231** to General Orders with amendments attached. **Motion carried by voice vote.** **Chairman Loertscher** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the Committee, the meeting was adjourned at 9:30 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
8:30 A.M.  
Room EW40  
Wednesday, March 13, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 265</a>	Public works, exemption	Steve Price- Ada County Highway District
<a href="#">S 1029</a>	Codifier corrections	Katharine Gerrity

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, March 13, 2013

**TIME:** 8:30 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:** Representative(s) Crane, Palmer

**GUESTS:** Steve Price, Ada County Highway District; Roger Seiber, Ada County Highway District.

**Chairman Loertscher** called the meeting to order at 8:31 a.m.

**MOTION:** **Rep. Packer** made a motion to approve the minutes of the February 28, 2013 and March 1, 2013 meetings. **Motion carried by voice vote.**

**H 265:** **Steve Price**, Ada County Highway District, presented **H 265** a bill that amends existing law to provide an exemption for certain public works that have been certified by a professional engineer and does not represent a material risk to public health or safety.

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

**Rep. Batt** requested to add additional text to the Statement of Purpose and the bill as was proposed to the committee by the presenter.

**MOTION:** **Rep. Sims** made a motion to send **H 265** to General Orders with amendments attached. **Motion carried by voice vote.** **Rep. Loertscher** will sponsor the bill on the floor.

**S 1029:** **Katharine Gerrity**, Research and Legislation, presented **S 1029**, a bill that amends existing law to make codifier's corrections, technical corrections and to provide for correct terminology and code references .

**MOTION:** **Rep. Gannon** made a motion to send **S 1029** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gannon** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the Committee, the meeting was adjourned at 8:41 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Thursday, March 14, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS22247</a>	Printing contract, session laws	Rep. Wills
<a href="#">RS22275</a>	Alcohol beverage laws, study committee	Rep. Gibbs
<a href="#">HJM 002</a>	FCC Enforcement encouraged	Rep. Bolz
<a href="#">S 1080</a>	County officers, attorney general duty	Senator Rice

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, March 14, 2013

**TIME:** 9:00 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:** Chairman Loertscher

**GUESTS:** Brian Wonderlich, Holland and Hart; Monica Hopkins, ACLU; Holly Koole, IPAA.

**Chairman Loertscher** called the meeting to order at 9:01 a.m.

**RS 22247:** **Rep. Wills** presented **RS 22247**, a concurrent resolution that approves the contract for the printing of the Session Laws.

**MOTION:** **Rep. Anderson(1)** made a motion to introduce **RS 22247** and send it directly to the Second Reading Calendar. **Motion carried by voice vote. Rep. Wills** will sponsor the bill on the floor.

**RS 22275:** **Rep. Gibbs** presented **RS 22275**, proposed legislation to authorize the Legislative Council to appoint an interim committee to undertake and complete a study of the alcoholic beverage laws of the State of Idaho.

**MOTION:** **Rep. Anderson(1)** made a motion to introduce **RS 22275. Motion carried by voice vote. Rep. Gibbs** will sponsor the bill on the floor.

**HJM 002:** **Rep. Bolz** presented **HJM 002**, a joint memorial that encourages the Federal Communications Commission to resume enforcement of traditional American Standards of decency in prohibiting portrayals of premarital sex on television.

**MOTION:** **Rep. Luker** made a motion to send **HJM 002** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Gannon and Woodings** requested to be recorded as voting **NAY. Rep. Bolz** will sponsor the bill on the floor.

**S 1080:** **Senator Rice** presented **S 1080**, a bill that amends and adds to existing law relating to county officers, to revise provisions relating to an action against county officials, county commissioners or auditors. He stated it also provides for duties of the Attorney General relating to preliminary investigations and actions against county elected officers and provides a certain exception relating to the primary responsibility for enforcing penal laws. He stated the bill also provides that the Attorney General shall have the duty to enforce a certain act with respect to certain violations committed by members of a Board of County Commissioners.

In response to committee questions, **Senator Rice** stated the Joint Finance and Appropriations Committee told him funding for the plan would not be an issue. He also stated the plan would include hiring one additional Deputy Attorney General and one investigator.

**Brian Wonderlich**, Holland and Hart, stated he is **in support** of the bill. He said that his firm represented the person who initially requested the public records from Canyon County regarding the financial dealings of former Prosecuting Attorney Bujak. He stated if the Attorney General's office had been involved there would not have been an issue with getting the records.

**MOTION:** **Rep. Packer** made a motion to send **S 1080** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Andrus, Monks and Palmer** requested to be recorded as voting **NAY**. **Rep. Batt** will sponsor the bill on the floor.

**Rep. Sims** stated she is **in support** of the motion because there is a need for such legislation.

**Rep. Palmer** stated he is **opposed** to the motion because of the funds needed to implement the plan.

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 9:35 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Monday, March 18, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS22092</a>	Natural Resources Interim Committee	Rep. Denney
<a href="#">S 1108</a>	Initiative and referendum of elections	Senator McKenzie
<a href="#">HCR 21</a>	Study, state acquiring federal lands	Rep. Denney
<a href="#">HCR 22</a>	Federal land/transfer to Idaho	Rep. Denney
<a href="#">HCR 26</a>	Public defense reform, study	Daniel Chadwick Idaho Association of Cities

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: hstaf@house.idaho.gov

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, March 18, 2013

**TIME:** 9:00 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:** The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes of the Legislative Services Library.

**Chairman Loertscher** called the meeting to order at 9:01 a.m.

**RS 22092:** **Rep. Denney** presented **RS 22092**, a concurrent resolution to authorize the Legislative Council to appoint a committee to undertake and complete a study of natural resource issues.

**MOTION:** **Rep. Andrus** made a motion to introduce **RS 22092** and refer it to the Resources and Conservation Committee. **Motion carried by voice vote.**

**S 1108:** **Russ Hendericks**, on behalf of Idaho Farm Bureau, presented **S 1108**, a bill that amends existing law relating to initiative and referendum elections to revise provisions relating to the form of certain petitions, to revise provisions relating to certain signature sheets, to revise provisions relating to the number of signatures required on certain petitions; and to revise provisions relating to certain petitions and signature sheets.

In response to committee questions, **Mr. Hendericks** stated the information is very accessible to petition gatherers online at the Secretary of State's website.

**Ann Ness**, spoke on behalf of an online petition **opposed to S 1108**, stated they do not agree with the legislation because it makes it harder for rural communities to collect signatures for petitions who might not be as organized as other counties.

**Monica Hopkins**, ACLU, spoke **in opposition** to the legislation and believes it constricts an individuals' Fourteenth and First Amendment rights. She believes the legislation discriminates against the poorer populations in the State. She stated the bill disenfranchises the rural communities.

**Rod Beck**, spoke **in opposition** to the legislation and believes there is not an imbalance in regard to gathering signatures in urban or rural counties. He stated the process to have an initiative added to the ballot is already very difficult and should not be made harder.

**Bert Marley**, Idaho Education Association Director of Public Policy, spoke **in opposition** to the legislation and believes the process is already restrictive and signature gathering is more difficult in the State because of the high amount of active voters which is approximately 75% of the population.

**Jeff Wright**, representing himself, spoke **in opposition** to the legislation because he believes the process of gathering signatures is already stringent and should not become more difficult.

**Tyler Mallord**, on behalf of Idaho Beer and Wine Distributors, spoke **in support** of **S 1108** because it gives the people around the entire State the ability to be involved instead of the larger counties making the majority of the decisions for initiatives and referendums.

**Benjamin Kelly**, on behalf of Idaho Food Producers, spoke **in support** of the legislation and stated the rural population should be involved more.

**MOTION:** **Rep. Batt** made a motion to send **S 1108** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:** **Rep. Gannon** made a substitute motion to **HOLD S 1108** in committee.

**VOTE ON SUBSTITUTE MOTION:** **Chairman Loertscher** called for a vote on the substitute motion to **HOLD S 1108** in committee. **Motion failed by voice vote.**

**VOTE ON ORIGINAL MOTION:** **Chairman Loertscher** called for a vote on the original motion to send **S 1108** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Gannon, Smith and Woodings** requested to be recorded as voting **NAY**. **Rep. Luker** will sponsor the bill on the floor.

**HCR 26:** **Daniel Chadwick**, presented **HCR 26**, a concurrent resolution to authorize the Legislative Council to appoint a committee to undertake and complete a study of potential approaches to public defense reform.

**Monica Hopkins**, ACLU, spoke **in support** of **HCR 26** because it provides indigent services for everyone who wants or needs defense counsel.

**Hiedi Tolman**, Ada County Public Defender's office, spoke **in support** of the legislation because everyone deserves to be represented by competent and effective counsel.

**MOTION:** **Rep. Packer** made a motion to send **HCR 26** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Bolz** will sponsor the bill on the floor.

**HCR 22:** **Rep. Denney**, presented **HCR 22**, a concurrent resolution that demands that the federal government imminently transfer title to all of the public lands within Idaho's borders directly to the State of Idaho.

**Commissioner Jim Chmelick**, Idaho County, spoke **in support** of **HCR 22** because the counties would benefit from managing the lands themselves.

**Jeff Wright** spoke **in support** of **HCR 22** because he believes it is a fundamental fairness to Idahoans. He stated Idaho only has 38% control of its lands unlike other states who have far more control.

In response to committee questions, **Commissioner Chmelick** stated Idaho County would be able to effectively fight wildfires by taking a more proactive stance by removing the dead trees and brush that substantially fuels wildfires. He also stated that there is a market for the dead trees that need to be removed.

Due to time constraints, **Chairman Loertscher** stated the meeting would continue tomorrow and anyone who signed up to testify and had not yet done so, would have the opportunity to do so tomorrow, Tuesday, March 19, 2013.

**ADJOURN:** There being no further business to come before the Committee, the meeting was adjourned at 10:44 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
8:00 A.M.  
Room EW40  
Tuesday, March 19, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">HCR 22</a>	Federal land/transfer to Idaho	Rep. Denney
<a href="#">HCR 21</a>	Study, State acquiring Federal lands	Rep. Denney
<a href="#">S 1105</a>	Legislative Dept/audit	Jeff Youtz
<a href="#">SCR 112</a>	Opposing Idaho marijuana legislation	Senator Winder
<a href="#">H 281</a>	Election of City Councilmen	Rep. Luker

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 19, 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:** The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes of the Legislative Services Library.

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

**HCR 22:** A continuation of the March 18, 2013 meeting on **HCR 22** was conducted. Individuals signed up at the original meeting and who were unable to be accommodated due to time constraints were afforded the opportunity to testify.

**John Robison**, Idaho Public Conservation Committee, stated he **is opposed** to **HCR 22** because he believes the fire management costs would bankrupt Idaho. He also stated the mining companies would not be regulated as tightly if not by the federal government.

In response to committee questions, **Mr. Robison** stated he believes the long term management of federal lands in Idaho would be expensive and difficult.

**Mike Midbury**, representing himself, stated he **is opposed** to **HCR 22** because under the federal management all of the citizens of the United States have access to the lands of Idaho and it should not belong only to Idahoans.

In response to committee questions, **Mr. Midbury** stated the smaller communities should find other ways to get money and there are better ways to get more funds than taking over federal lands.

**Walter Butler**, Range and Livestock Specialist for the Idaho Farm Bureau, is **in support** of **HCR 22** and stated the point of the resolution is to set up an interim committee to study the subject.

**Betty Richardson**, former U.S. Attorney in Idaho, stated she **is opposed** to **HCR 22** because it is very costly to represent all of the issues the federal lands have in regards to enforcing the laws and any tort claims. She stated the federal government currently has the responsibility to investigate and prosecute crimes on federal lands; and also defends agents and agencies in lawsuits. She stated the effective operations of federal lands requires a large workforce not only to manage the lands, but to protect them as well.

**Rep. Denney** stated **HCR 21 and HCR 22** are not an attempt to sell the land to the highest bidder. He stated the collaboratives are only a small portion of the land in question and that an interim committee would be able to find concrete figures.

**MOTION:** **Rep. Monks** made a motion to send **HCR 22** to the floor with a **DO PASS** recommendation.

**ROLL CALL VOTE:** Roll call vote was requested. **Motion carried by a vote of 13 AYE and 3 NAY.** **Voting in favor** of the motion: **Reps. Loertscher, Batt, Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, and Packer.** **Voting in opposition** to the motion: **Reps. Gannon, Smith and Woodings.** **Rep. Denney** will sponsor the bill on the floor.

**HCR 21:** **Rep. Denney** presented **HCR 21**, a concurrent resolution authorizing the Legislative Council to appoint a study committee to ascertain the process for the State of Idaho to acquire title to and control of public lands controlled by the federal government in the State of Idaho.

**MOTION:** **Rep. Packer** made a motion to send **HCR 21** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Gannon, Smith, and Woodings** requested to be recorded as voting **NAY.** **Rep. Denney** will sponsor the bill on the floor.

**S 1105:** **Jeff Youtz**, Director of Legislative Services Office, presented **S 1105** a bill that changes the audit cycle of the legislative branch from an annual audit to a two year, biennial audit. He stated it also places management of the biennial audit under the Legislative Council, rather than the Board of Examiners. He said the biennial audit will be a more efficient use of the legislative fiscal staff resources, tie the audit to a legislative term, and also save the State money, with no loss of transparency and accountability. He stated the current annual costs from a private CPA firm are about \$15,000, plus additional indirect costs of inhouse staff providing support. He said moving to a biennial budget would save time and money and reduce the overall costs by about one-third.

**MOTION:** **Rep. Woodings** made a motion to send **S 1105** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Woodings** will sponsor the bill on the floor.

**SCR 112:** **Senator Winder** presented **SCR 112**, a concurrent resolution that states the Idaho Legislature's opposition to the legalization of marijuana for any purpose in the State of Idaho. He stated that only 4% of users in other states are using it for cancer-related purposes, all others are using it for recreational purposes.

**Rep. Gannon** proposed an amendment to line 31, "except prescribed by a cancer specialist doctor for a patient that is terminally ill with cancer."

**Chairman Loertscher** stated the House cannot make amendments to a Senate Concurrent Resolution.

**Lindsey Rinehart**, Compassionate International, stated she **is opposed** to the resolution. She stated Compassionate International is launching a medical marijuana initiative for patients with terminal cancer. She said there is legislation in the process which will change Cannabis into a Schedule 2 drug instead of a Schedule 1. She said some people need the drug to help make them more comfortable in their last days. She stated that medical marijuana should be allowed for terminally ill patients. She said there are other people who are in need of the drug as well who have diseases like Crohns disease and Multiple Sclerosis. She stated that patients with those diseases are on the front line fighting for the use of the drug.

In response to committee questions, **Ms. Rinehart** stated that Cannabis has not been approved by the FDA, but a similar drug called "Marinol" is being used. She stated it costs between \$400 and \$2,400 a month.

**Alisha Figuira**, Administrator, Office of Drug Policy, stated she is **in support** of **SCR 112** because marijuana is classified as a Schedule 1 drug and is addictive. She stated it is linked to public danger and is related to mental illness. She said no drug is more correlated to poor school performance and issues in school-aged children. She stated that other states like Washington, California, Colorado, and Montana were surprised when they discovered they had been defrauded into believing the legalization of marijuana would not have any negative effects. She stated the average user with a license to use marijuana in those states is a 32 year-old white male. She said society is obligated to protect our children and future generations and urged the committee to approve the resolution.

In response to committee questions, **Ms. Figuira** stated her office is in support of the FDA process. She stated they will not support the legalization of a street drug that does not have the approval of the FDA.

**Holly Koole**, Legal Counsel for the Idaho Prosecuting Attorney's Association, stated she is **in support** of **SCR 112**. She stated sentencing for marijuana possession is not very strict unless you possess large amounts of the drug or are growing and/or selling the drug.

**Officer Darren Hurst**, Meridian Police Department, former D.U.I. Task Force member, and current Resource Officer, stated his office is **in support** of **SCR 112** because marijuana is an impairing drug. He stated he has worked on special task forces dealing with drugs and alcohol. He said he has learned and seen the negative effects of drugs especially on school-age children. He stated the most largely used drug by school-age youth is marijuana, the second is prescription drugs. He said the State already has a difficult time regulating the use and abuse of prescription drugs and believes marijuana would be just as difficult, if not even more so. He said he believes if the State legalizes marijuana, that will send a message to the youth that it is okay to participate and will only bring negative results.

**Shane Anderson**, representing himself, stated he is **in support** of **SCR 112**. He stated he was a lifelong user of marijuana and because of it his life was wasted. He stated his drug use caused him a great deal of legal trouble and led to a lifestyle that was not productive. He stated he knows from experience that marijuana is a gateway drug to other harder drugs. He said that after he became drug-free, he tried to teach his children not to use drugs. He said that both of his children ended up using drugs and his son actually overdosed from drug abuse. He stated young people think that marijuana is not harmful, but that is a lie. He stated there is a high number of youth who are headed down a dangerous path that starts with marijuana.

**Mayor Tammy DeWeerd**, representing the City of Meridian and the Association of Cities, stated she is **in support** of **SCR 112**. She stated that Idaho is a compassionate state, but wonders at what cost. She stated many people have been paying attention to the other states who have legalized the use of marijuana for medicinal purposes. She said marijuana use has affected families, communities, and the safety of our roads. She said we can see the results of marijuana use in the rise in crime, especially property crime and domestic abuse. She said the purpose of the legislation is to send a strong message to the State that we will not support drug legislation. She stated we should work with the FDA to assist terminally ill patients in getting the medicine they need.

**Monte Stiles**, representing himself, stated he is **in support** of **SCR 112** because he is a former prosecuting attorney who worked for 28 years on cases of drug use. He stated youth today are being taught that tobacco smoke will harm you but marijuana smoke will heal you. He said there are massive amounts of fraud after drug legislation is passed which causes litigation regarding individuals rights. He said the costs are too high for the community.

**William Esbensen**, representing himself, stated he **is opposed** to **SCR 112** because it has been used for thousands of years to heal people. He stated it is currently used for Cancer, Multiple Sclerosis, brain tumors and is helping people with their illnesses. He stated there are already laws against marijuana use in Idaho and that this concurrent resolution is not needed.

**Jeff Lavey**, Meridian Police Department, Chief of Police, stated he is **in support** of **SCR 112** and he is in opposition of all forms of legalizing of marijuana unless it is accepted after testing to be an FDA approved drug.

**David Potts**, Pastor of Treasure Valley Baptist Church, stated he is **in support** of **SCR 112**. He stated he has been a rehabilitation counselor for people with drug and alcohol problems for years. He stated that marijuana is a gateway drug and he has known many people who have lost their lives to drug use, who all started using marijuana before they used harder drugs. He stated medical marijuana has changed to reflect a party life and is not for medical purposes.

**Cody Snell**, a high school student from Meridian representing herself, stated she is **in support** of **SCR 112**. She stated marijuana is harmful to young people and drops their IQ by 8%. She posed the question, why would society want to hurt the futures of young people by allowing the legalization of marijuana.

**MOTION:** **Rep. Palmer** made a motion to send **SCR 112** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Woodings** requested to be recorded as voting **NAY**. **Rep. Monks** will sponsor the bill on the floor.

**H 281:** **Rep. Luker** presented **H 281**, a bill that amends existing law relating to the election of city councilmen to require certain cities to establish districts and to provide for the election of councilmen by districts.

In response to committee questions, **Rep. Luker** stated that some councilmen feel disenfranchised. He stated that there are approximately five cities that would be affected by the legislation: Boise, Meridian, Nampa, Idaho Falls, and Pocatello.

**Bobby Sanchez**, City of Nampa, stated he **is opposed** to **H 281** because he believes it is not necessary. He stated the cities and counties have the ability to vote-in whom they want to elect. He said the cities and counties need the flexibility that is currently provided under the law.

**Mayor Brian Blad**, City of Pocatello, stated he **is opposed** to **H 281**. He stated the same issue was on the ballot in 1989, which brought into question representing a population "at large." The legislation also discovered it would cost \$300,000 to complete the re-districting process. He said citizens need the best representation, not more representation. He asked that the bill is held in committee.

**MOTION:** **Rep. Palmer** made a motion to **HOLD H 281** in committee per the Call of the Chair. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 10:32 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

JOINT  
**HOUSE STATE AFFAIRS COMMITTEE  
AND  
SENATE STATE AFFAIRS COMMITTEE**  
8:00 A.M.  
WW02 - (Abraham Lincoln Auditorium)  
Wednesday, March 20, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	<b>PRESENTATION TO THE JOINT SENATE AND HOUSE STATE AFFAIRS COMMITTEES ON ADDING LANGUAGE TO THE IDAHO HUMAN RIGHTS ACT</b>	Senator Cherie Buckner-Webb and Representative Grant Burgoyne

COMMITTEE MEMBERS

Chairman Loertscher	Rep Palmer
Vice Chairman Batt	Rep Sims
Rep Anderson(1)	Rep Barbieri
Rep Andrus	Rep Holtzclaw
Rep Luker	Rep McMillan
Rep Crane	Rep Monks

Rep Packer
Rep Smith
Rep Gannon
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
JOINT MEETING  
**HOUSE STATE AFFAIRS COMMITTEE  
SENATE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, March 20, 2013

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

**PLACE:** WW02 - (Abraham Lincoln Auditorium)

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

Chairman McKenzie, Senators Davis, Fulcher, Hill, Winder, Lodge, Siddoway, Stennett, Werk

**ABSENT/  
EXCUSED:** None.

**GUESTS:** Don Curtis, Sr., self; Mistie Tolman, Add the Words Idaho; Chief Mike Masterson, Boise City Police Department; Jennifer Miesbach, self; Clark Krause, Boise Valley Economic Partnership.

**Senator Webb-Buckner** gave a short introduction relating to changes in the Idaho Human Rights Act and introduced the speakers.

**Don Curtis**, representing himself, stated he supports the future proposed additions to the language of the Idaho Human Rights Act. He stated he has studied Human Rights issues for years. He said he is a former executive and father of a gay/lesbian child. He said he has been involved in equal rights for the Lesbian, Bisexual, Gay and Transgender (LBGT) community for quite some time.

**Mistie Tolman**, representing "Add the Words Idaho," stated the future proposed additions to the language of the Idaho Human Rights Act is good for Idaho. She stated she is a mother and lesbian who has faced struggles in the workplace due to the stresses of keeping her sexual orientation a secret from her employer for fear of discrimination. She urged support of the additions to the Human Rights Act.

**Chief Mike Masterson**, Boise Police Department, Chief of Police, stated he is in support of the future proposed additions to the language of the Idaho Human Rights Act. He stated the police need the citizens trust and right now the LBGT community does not trust law enforcement. He said that most crimes in the LBGT community are not reported.

**Jennifer Miesbach**, representing herself, stated she is employed at Hewlett Packard in Boise, Idaho where she manages employees. She stated she has found that all of her employees want the same rights as others who work there. She stated she supports the additions to the Human Rights Act.

**Clark Krause**, Boise Valley Economic Partnership, Vice President, stated he supports the future proposed additions to the language of the Idaho Human Rights Act. He said his company is the largest sales and marketing company in Idaho. He stated that discrimination is bad for business. He said that if businesses do not accept diversity, they will lose their ability to get quality employees.

**Dodds Hayden**, Hayden Beverage, stated he supports the future proposed additions to the language of the Idaho Human Rights Act. He said there are 250 employees at his company and two of them are openly gay. He stated there is no difference in the quality of work from them compared to other employees.

In response to committee questions, **Mr. Curtis** stated he worked at Hewlett Packard for 28 years and retired thirteen years ago. He stated the company he worked for invited gay/lesbian employees to discuss their issues of sexual orientation and gender identity. He said his parents were school teachers who taught him about tolerance and acceptance.

In response to committee questions, **Chief Masterson** stated he has no concrete data of crime rates in the LGBT community because of the poor reporting.

**Pamela Parks**, Idaho Human Rights Commission, Administrator, stated her office has created an independent tracking log of reports made to the Commission. She stated that 21 people contacted the office claiming discrimination based on their sexual orientation and/or gender identity.

In response to committee questions, **Monica Hopkins**, ACLU, stated the LGBT community is not asking for special rights. She stated that adding the terms "sexual orientation and gender identity" to the Idaho Human Rights Act offers them the same rights as all other citizens.

**Chairman McKenzie** thanked the speakers and audience for coming.

**ADJOURN:**

There being no further business to come before the committees, the meeting adjourned at 9:06 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
Upon adjournment of Joint Meeting  
Room EW40  
Wednesday, March 20, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>SCR 117</u></a>	PUC Rule rejected	Senator McKenzie
<a href="#"><u>SCR 118</u></a>	Admin Dept/Rules rejected	Senator McKenzie
<a href="#"><u>SCR 119</u></a>	Admin Dept/Rules rejected	Senator McKenzie

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, March 20, 2013

**TIME:** Upon adjournment of Joint Meeting

**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:** Chairman Loertscher, Representative Crane

**GUESTS:** Dennis Stevenson, Office of Administrative Rules.

**Vice Chairman Batt** called the meeting to order at 9:23 a.m.

**SCR 117:** **Senator McKenzie** presented **SCR 117**, a concurrent resolution rejecting an Idaho Public Utilities Commission rule, Section 502, Subsection 01.a, only, of the Idaho Code, a pending rule relating to the Telephone Customer Relations Rules.

**MOTION:** **Rep. Luker** made a motion to send **SCR 117** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gannon** will sponsor the bill on the floor.

**SCR 118:** **Senator McKenzie** presented **SCR 118**, a concurrent resolution rejecting certain Department of Administration rules governing the exterior of state property in the Capitol Mall and other state facilities, Section 201, 302, Subsections 01., 02. and 03. and Section 313, only, of the Idaho Code.

**MOTION:** **Rep. Monks** made a motion to send **SCR 118** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Luker** will sponsor the bill on the floor.

**SCR 119:** **Senator McKenzie** presented **SCR 119**, a concurrent resolution rejecting certain Department of Administration rules governing the use of the Idaho State Capitol exterior, Section 201, 302, Subsections 01.a., 01.b., 01.c. and 01.d., and Section 313, only, of the Idaho Code.

**MOTION:** **Rep. Monks** made a motion to send **SCR 119** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Monks** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 9:34 a.m.

---

Representative Batt  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Thursday, March 21, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">SCR 125</a>	Fee Rules, adopted/rejected	Dennis Stevenson
<a href="#">SCR 126</a>	Temporary Rules	Dennis Stevenson
<a href="#">SCR 124</a>	Idaho Servicemen honored	Rep. Holtzclaw
<a href="#">S 1138</a>	Local Planning Act	Senator Tippits

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chairman Batt  
Rep Anderson(1)  
Rep Andrus  
Rep Luker  
Rep Crane

Rep Palmer  
Rep Sims  
Rep Barbieri  
Rep Holtzclaw  
Rep McMillan  
Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, March 21, 2013

**TIME:** 9:00 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:** Russell Westerberg, Westerberg and Associates; Nancy Stricklin, Association of Idaho Counties; Dennis Stevenson, Office of Administrative Rules; Kerry Ellen Elliott, IAC; Jack Lyman, Idaho Mining; Lorna Jorgensen, Ada County.

**Chairman Loertscher** called the meeting to order at 9:01 a.m.

**MOTION:** **Rep. Woodings** made a motion to approve the minutes of the March 6, 7, 8, and 11, 2013 meetings. **Motion carried by voice vote.**

**SCR 125:** **Dennis Stevenson**, Office of Administrative Rules, Rules Coordinator, presented **SCR 125**, a concurrent resolution that approves administrative rules that impose a fee or charge, with stated exceptions, and rejecting certain agency rules that are not approved for the 2013 Legislative session.

**MOTION:** **Rep. Batt** made a motion to send **SCR 125** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Smith** will sponsor the bill on the floor.

**SCR 126:** **Dennis Stevenson**, Office of Administrative Rules, Rules Coordinator, presented **SCR 126**, a concurrent resolution that approves and extends temporary rules reviewed by the Legislature for the 2013 Legislative session.

**MOTION:** **Rep. Monks** made a motion to send **SCR 126** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Monks** will sponsor the bill on the floor.

**SCR 124:** **Rep. Holtzclaw** presented **SCR 124**, a concurrent resolution that honors five Idaho servicemen who fought and lost their lives in Afghanistan within the past year.

**MOTION:** **Rep. Packer** made a motion to send **SCR 124** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Holtzclaw** will sponsor the bill on the floor.

**S 1138aa:** **Rep. Gibbs** presented **S 1138aa**, a bill that amends existing law relating to the Local Planning Act that provides overlay zoning districts have specific standards; that in no event shall the governing board by local ordinance enact provisions that abrogate the statutory authority of a public health district, state and/or federal agency; that enumerate express standards regarding the Local Planning Act, and that provide procedures for reconsideration and to provide standards for appeal. He stated the bill amends Section 67-6522, of the Idaho Code.

**Nancy Stricklin**, Association of Idaho Counties, stated she is **in support** of **S 1138aa**. She stated three areas of the Local Planning Act are changed in the bill. She said the changes are necessary and her association is in full support.

In response to committee questions, **Ms. Stricklin** stated the 14-day timeline for submitting a reconsideration is a standard procedure. She said they do not want to have too much time pass by before the appeals process. She stated the decisions must include information about compliance and any out of compliance issues as well. She stated that all parties involved in the matter will receive a copy of the decision.

**Lorna Jorgensen**, Ada County Commissioners, stated she is **in support** of **S 1138aa**. She said the parameters are laid out clearly for all counties.

**MOTION:** **Rep. Palmer** made a motion to send **S 1138aa** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gibbs** will sponsor the bill on the floor.

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

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**8:00 A.M.**  
**Room EW40**  
**Monday, March 25, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>S 1126</u></a>	Lottery prizes	Amber French, Idaho State Lottery
<a href="#"><u>S 1127</u></a>	Bingos/ Raffles, license provisions	Amber French, Idaho State Lottery
<a href="#"><u>H 320</u></a>	Performance of autopsies	Rep. Monks

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher      Rep Palmer  
Vice Chairman Batt      Rep Sims  
Rep Anderson(1)      Rep Barbieri  
Rep Andrus      Rep Holtzclaw  
Rep Luker      Rep McMillan  
Rep Crane      Rep Monks

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, March 25, 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:** Representatives Anderson(1), Barbieri

**GUESTS:** Amber French, Idaho Lottery; Becky Schroeder, Idaho Lottery; Jennifer Quinno-Miller, Idaho Lottery; Angie Vitek, Idaho Lottery; Michael Chakarun, ISTC.

**Chairman Loertscher** called the meeting to order at 8:05 a.m.

**H 320:** **Rep. Monks** asked to **HOLD H 320** in committee so further negotiations can be made.

**S 1126:** **Amber French**, Idaho State Lottery, Security and Enforcement Section, presented **S 1126**, a bill that amends existing law to revise procedures for withholding and offset of lottery prize winnings for satisfaction of outstanding state taxes and child support debt owed.

**Chairman Loertscher** turned the gavel over to **Vice Chair Batt**.

**MOTION:** **Rep. Packer** made a motion to send **S 1126** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Rep. Packer** will sponsor the bill on the floor.

**S 1127:** **Amber French**, Idaho State Lottery, Security and Enforcement Section, presented **S 1127**, a bill that amends existing law to revise provisions regarding the licensure of bingo and raffles.

**Vice Chairman Batt** turned the gavel over to **Chairman Loertscher**.

**MOTION:** **Rep. Batt** made a motion to send **S 1127** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Gannon** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 8:31 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Tuesday, March 26, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">S 1134</a>	Unmanned aircrafts/restrictions	Senator Winder

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chairman Batt  
Rep Anderson(1)  
Rep Andrus  
Rep Luker  
Rep Crane

Rep Palmer  
Rep Sims  
Rep Barbieri  
Rep Holtzclaw  
Rep McMillan  
Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 26, 2013

**TIME:** 9:00 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:** Representative Palmer

**GUESTS:** Monica Hopkins, ACLU.

**Chairman Loertscher** called the meeting to order at 9:01 a.m.

**Rep. Woodings** made a motion to approve the minutes of March 18, 2013. **Motion carried by voice vote.**

**S 1134aa:** **Senator Winder** presented **S 1134aa**, a bill that adds a new section to the Idaho Code to define "unmanned aircraft systems" excluding model flying airplanes or rockets, and to exclude unmanned aircraft used in taking commercial photography. He stated the bill provides that no person, entity or state agency may use an unmanned aircraft system to conduct unwarranted surveillance or observation of an individual or a dwelling owned by an individual without reasonable, articulable suspicion of criminal conduct. He said the same restrictions for unwarranted observation or surveillance will be used for a farm, dairy, ranch or other agricultural industry, except for state and local law enforcement agencies engaged in marijuana eradication efforts.

He stated the bill also provides that no person, entity or state agency may use an unmanned aircraft system to photograph an individual without reasonable, articulable suspicion of criminal conduct and without consent from the individual for the purpose of publishing or publicly distributing photographs and that a civil cause of action and a fine in the amount of \$1,000 will be imposed if violated. He stated the bill allows for utility companies to inspect facilities when there is a valid easement permit or right of occupancy as well.

In response to committee questions, **Senator Winder** stated the maximum damages for a person in civil court would be \$1,000, which includes reasonable attorney fees and costs. He stated that in order to use unmanned aircrafts for surveillance you must have a reasonable articulable suspicion or consent from the individual or owner of such property. He said there will be instances in which law enforcement will need a warrant to make surveillance. He stated the aircrafts could not only be equipped with cameras, but with sensors as well.

**Monica Hopkins**, ACLU, stated she is **in support** of **S 1134aa** but has some recommendations for amendments. She stated that many states have passed similar legislation this year and included a "probable cause warrant" clause in the text to further protect individual rights regarding unreasonable searches and seizures.

**MOTION:** **Rep. Luker** made a motion to **HOLD S 1134aa** in committee. **Motion carried by voice vote. Reps. Batt and Loertscher** requested to be recorded as voting **NAY**.

**In support** of the motion, **Rep. Barbieri** stated the language in the bill creates problems with existing laws. He stated the rights of the individuals need to be protected and too much government intrusion needs to be avoided.

**ADJOURN:** There being no further business to come before the Committee, the meeting was adjourned at 9:44 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Wednesday, March 27, 2013**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS22206</a>	Specie legal tender	Rep. Nielsen
<a href="#">S 1191</a>	Initiative referendum/elections	Tim Hurst, Secretary of State

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher  
Vice Chairman Batt  
Rep Anderson(1)  
Rep Andrus  
Rep Luker  
Rep Crane

Rep Palmer  
Rep Sims  
Rep Barbieri  
Rep Holtzclaw  
Rep McMillan  
Rep Monks

Rep Packer  
Rep Smith  
Rep Gannon  
Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, March 27, 2013

**TIME:** 9:00 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:** None

**Chairman Loertscher** called the meeting to order at 9:04 a.m.

**MOTION:** **Rep. Packer** made a motion to approve the minutes of March 19, 20, 25, 2013.  
**Motion carried by voice vote.**

**RS 22206:** **Rep. Nielsen** presented **RS 22206**, proposed legislation that provides the State of Idaho with an alternate currency to help maintain order in today's potentially perilous fiscal conditions. He stated it is evident that the value of the Federal Reserve dollar decreases as national debt increases, and therefore, as the United States creates trillions in more debt, the dollar's value naturally and inevitably decreases. He said alternate legal tender such as gold and silver coin currency will protect Idaho and its citizens from the potential decreases and the potential destabilization by hyperinflation of the dollar. Legal tender specie (gold and silver coin) is the only lawful monetary option for states. He stated gold and silver coin will protect Idaho citizens by insulating them from a loss of purchasing value. He also stated that Idaho can protect its citizens by establishing this alternative legal tender currency prior to any potential systemic fiscal crisis without disrupting the current monetary order. He also stated the legislation accepts gold and silver as an alternative currency that may be exercised voluntarily and at the choice of Idaho citizens.

**Chairman Loertscher** turned the gavel over to **Vice Chairman Batt**.

**MOTION:** **Rep. Monks** made a motion to introduce **RS 22206**. **Motion carried by voice vote.**  
**Vice Chairman Batt** turned the gavel over to **Chairman Loertscher**.

**S 1191:** **Tim Hurst**, Secretary of State, presented **S 1191**, a bill that amends Sections 1, 2 and 4 of **S 1108**, as enacted by the First Regular Session of the Sixty-second Legislature. He stated the bill provides that residence in a legislative district shall be for official use only of the county clerk and the Secretary of State. He also stated the bill removes provisions relating to a requirement that a certain signature sheet contain signatures of qualified electors from a legislative district and also deletes provisions relating to district petition signers who know their legislative districts.

**MOTION:** **Rep. Andrus** made a motion to send **S 1191** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Woodings** will sponsor the bill on the floor.

**MOTION:** **Rep. Barbieri** made a motion to **Reconsider S 1134aa**. **Motion carried by voice vote.**

**S 1134aa:** **Rep. Luker** discussed an amendment to **S 1134aa**, a bill that adds new language to the Idaho Code to define "unmanned aircraft systems" and that outlines restrictions and specific terms regarding surveillance and observations. He stated the amendment requires a warrant for targeting individuals and property unless consent is obtained.

In response to committee questions, **Chairman Loertscher** explained the available options on how to handle the bill in the committee.

**MOTION:** **Rep. Barbieri** made a motion to send **S 1134aa** to General Orders. **Motion carried by voice vote. Rep. Luker** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the Committee, the meeting was adjourned at 9:30 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
8:30 A.M.  
Room EW40  
Thursday, March 28, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">S 1118</a>	Beer brewer/wholesaler	Jeremy Pisca, Idaho Beer and Wine Distributors Association

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher

Vice Chairman Batt

Rep Anderson(1)

Rep Andrus

Rep Luker

Rep Crane

Rep Palmer

Rep Sims

Rep Barbieri

Rep Holtzclaw

Rep McMillan

Rep Monks

Rep Packer

Rep Smith

Rep Gannon

Rep Woodings

COMMITTEE SECRETARY

Kasey Perkins

Room: EW46

Phone: 332-1145

email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, March 28, 2013

**TIME:** 8:30 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:** The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes of the Legislative Services Library.

**Chairman Loertscher** called the meeting to order at 8:30 a.m.

**MOTION:** **Rep. Packer** made a motion to approve the minutes of March 20, 21, and 26, 2013 meetings. **Motion carried by voice vote.**

**S 1118aa:** **Jeremy Pisca**, Risch Pisca, on behalf of Idaho Beer and Wine Association, presented **S 1118aa**, a bill that adds to existing law to provide that it shall be unlawful for a brewer to have financial interest in the business of a dealer or wholesaler of beer and to provide a one year exemption in the event of a termination, cancellation, discontinuance or failure to renew an agreement. He stated that the two opponents are multinational brewing companies and are not local breweries who create jobs for the citizens of Idaho. He stated there are no brewery-owned branches in Idaho.

In response to committee questions, **Mr. Pisca** stated there was a Coors Distributor in Meridian a few years ago that was an independent brewer. He also stated that since then Miller and Coors have merged and are now a Canadian company. He said that all states in the United States use the three-tier system in some form.

**Ken McClure**, Givens Pursley, on behalf of Anheuser Busch, stated he **is opposed** to **S 1118aa**. He stated the legislation takes away the right that breweries currently have. He stated his client does not have a corporate objective to own brewery branches. He said currently they can only sell through three distributors. He said this is a private distribution contract between the breweries and distributors and the legislature does not need to be involved. He stated the legislation prohibits the business relationship between distributors and breweries.

**Mr. McClure** also stated the three-tier system only exists in the United States and direct distribution is legal almost everywhere else. He said his clients have a finance plan to help distributors when transitioning ownership but the legislation prevents that.

In response to committee questions, **Mr. McClure** stated distributors are strictly regulated and have to have a right of exclusive territory in order to conduct business.

**Ryan Dressen**, President of Idaho Beer and Wine Distribution Association, stated he is **in support** of **S 1118aa**. He stated in order to keep the three-tier system working, there can not be only two tiers. He said this legislation is a preventative step to ensure the system keeps working effectively.

**Dodds Hayden**, Hayden Beverage Company, stated he is **in support** of **S 1118aa**. He stated that all distributors in Idaho are family owned businesses. He stated breweries have contracts with distributors that outline certain issues and allows the right to refusal if sales are not doing very well, etc. He said that breweries make the decision of who they want to sell to.

In response to committee questions, **Mr. Hayden** stated the sale and distribution of alcohol has more restrictions due to freshness issues and the need to control the market.

**MOTION:**

**Rep. Andrus** made a motion to **HOLD S 1118aa** in committee. **In support** of the motion, **Rep. Andrus** stated he felt the two groups of people involved can solve the problem themselves.

**In opposition** to the motion, **Rep. Sims** stated the legislature needs to be involved in order to protect the three-tier system. She stated the one-year limitation should be established.

**David Morrison**, Idaho Distributing, stated he is **in support** of **S 1118aa**. He stated there are a number of people who are willing to testify who work for distributors in Idaho who are in support of the legislation. He asked that the committee pass the legislation.

**Wayne Hoffman**, Idaho Freedom Foundation, stated he **is opposed** to **S 1118aa**. He stated the legislation drives up costs of products and restricts business activity. He also stated that not everyone supports the current three-tier system. He said that under the legislation, employees give up their right to ownership.

**Skip Smyser**, representing the Miller Coors Company, stated he **is opposed** to **S 1118aa**. He stated companies should not be restricted on what they can and cannot own. He stated this is not a corporate strategy. He said the one year provision is unreasonable and should be changed. He said there should be no restriction of ownership to any property.

**Jeremy Pisca**, Rische Pisca, on behalf of Idaho Beer and Wine Association, followed up by saying that the three-tier system exists so that history does not repeat itself. He said most states have legislation the same as the one being presented.

**SUBSTITUTE MOTION:**

**Rep. Barbieri** made a substitute motion to send **S 1118aa** to General Orders. **In support** of the motion, **Rep. Barbieri** stated the protection of Idaho businesses need to be considered and the one year provision needs to be considered and it be determined whether it is a long enough amount of time.

**Rep. Crane** stated he would **support** the substitute motion. **Rep. Gannon** stated he would **support** the substitute motion because the one year provision is questionable. **Rep. Andrus** stated he would **support** the substitute motion. **Rep. Anderson(1)** stated he would **support** the substitute motion because the issue of the three-tier system needs to be worked out. **Rep. Batt** stated she would **support** the substitute motion. **Rep. Monks** stated he would also **support** the substitute motion because the Legislators need to discuss this issue further.

**AMENDED SUBSTITUTE MOTION:**

**Rep. Luker** made an amended substitute motion to send **S 1118aa** to the floor with a **DO PASS** recommendation. **In support** of the motion, **Rep. Luker** stated this issue deals with alcohol policy. He stated there are two international companies that sell more than 80% of the alcohol in the United States that could potentially buy out the business in Idaho and this legislation would prevent that.

**Rep. Barbieri** stated he would **support** the amended substitute motion but if it fails, he will still support the substitute motion.

**Rep. Woodings** stated she **opposes** the amended substitute motion because the legislature needs to deal with the three-tier system in more detail.

**ROLL CALL  
VOTE:**

A roll call vote was requested. **Amended Substitute Motion failed by a vote of 6 AYE, 10 NAY. Voting in favor** of the motion: **Reps. Batt, Luker, Sims, Barbieri, Packer, and Smith. Voting in opposition** to the motion: **Reps. Loertscher, Anderson(1), Andrus, Crane, Palmer, Holtzclaw, McMillan, Monks, Gannon, and Woodings.**

**VOTE ON  
SUBSTITUTE  
MOTION:**

**Chairman Loertscher** called for a vote on the substitute motion to send **S 1118aa** to General Orders. **Motion carried by voice vote. Rep. Luker** will sponsor the bill on the floor.

**ADJOURN:**

There being no further business to come before the Committee, the meeting was adjourned at 10:29 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Tuesday, April 02, 2013

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 343</a>	Administrative Rules	Dennis Stevenson, Office of Administrative Rules
<a href="#">S 1192</a>	Capitol Mall parking facility	Jeff Youtz, LSO

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Loertscher	Rep Palmer	Rep Packer
Vice Chairman Batt	Rep Sims	Rep Smith
Rep Anderson(1)	Rep Barbieri	Rep Gannon
Rep Andrus	Rep Holtzclaw	Rep Woodings
Rep Luker	Rep McMillan	
Rep Crane	Rep Monks	

COMMITTEE SECRETARY

Kasey Perkins  
Room: EW46  
Phone: 332-1145  
email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, April 02, 2013

**TIME:** 9:00 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:** Dennis Stevenson, Office of Administrative Rules; Ross Borden, City of Boise.

**Chairman Loertscher** called the meeting to order at 9:00 a.m.

**MOTION:** **Rep. Woodings** made a motion to approve the minutes of the March 27 and 28, 2013 meetings.

**Rep. Batt** stated a correction needed to be made to the minutes of March 27, 2013, on page 2, paragraph 1, should state: "**Rep. Luker** discussed an amendment to **S 1134aa**, a bill that adds new language to the Idaho Code to define "unmanned aircraft systems" and that outlines restrictions and specific terms regarding surveillance and observations. He stated the amendment requires a warrant for targeting individuals and property unless consent is obtained."

**VOTE ON  
MOTION:**

**Motion carried by voice vote with changes noted above.**

**H 343:**

**Dennis Stevenson**, Office of Administrative Rules, presented **H 343**, a bill that adds to existing law to provide that the Administrative Rules that expire on July 1, 2013, will continue to be effective until July 1, 2014. He stated it also provides that Administrative Rules approved or extended by the adoption of a concurrent resolution shall be effective until July 1, 2014, or until such time as they expire, and that Rules rejected by concurrent resolution shall be null, void and of no force and effect and to authorize agencies to amend or repeal certain Rules pursuant to the Administrative Procedure Act.

**MOTION:** **Rep. Woodings** made a motion to send **H 343** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.**

**S 1192aa:**

**Jeff Youtz**, Capitol Commission, presented **S 1192aa**, a bill that adds to existing law to provide that the administrator of the Division of Public Works shall develop facilities in the Capitol Mall and to create a process for exempting a certain Capitol Mall parking facility from planning and zoning restrictions.

In response to committee questions, **Mr. Youtz** stated the State is and has been working with City officials to get the parking facility approved and will continue to go through the process. He stated they are responding to their requests and negotiating with them to find a good result for all.

**Ross Borden**, Office of the Mayor, City of Boise, stated he is **in support** of **S 1192aa** because he believes the State and City will be able to reach an agreement and a suitable facility will be built. He stated the Mayor of Boise neither supports nor opposes the bill.

**Elaine Clegg**, Boise City Council, stated the parking garage project was given a temporary permit and a variance was approved by the City Council. She stated if the design of the parking structure is changed it will have to be done in District Court. She stated that because she is on the City Council, she cannot take a position at this time.

**MOTION:**

**Rep. Palmer** made a motion to send **S 1192aa** to the floor with a **DO PASS** recommendation.

**Rep. Woodings** stated she is **opposed** to the motion because the State should need to go through the same processes as other private business.

**Rep. Gannon** stated he is **opposed** to the motion because he believes the government should not have special rights in construction matters. He stated he is concerned because there has been no public involvement. He also stated that he agrees with the building of the parking garage.

**Rep. Barbieri** stated that according to the bill, the State facilities and plans are being exempted from the City Ordinances, which is not fair to everyone affected. He stated the bill might be overreaching.

**Rep. Packer** stated her concern is for the bond holders who should be respected as well. She stated that the State has the obligation to follow the rules and procedures just like anyone else who wants to do a project.

**Rep. Luker** stated he is **in support** of the motion because there has already been negotiation between the State and the City of Boise in which they both see a favorable outcome for both parties. He stated there needs to be a better building program that includes details of design and funding so this problem does not happen again.

**Rep. Crane** stated he is **in support** of the motion because the bill adds certainty for the bond holders.

**ROLL CALL  
VOTE:**

**Rep. Woodings** requested a roll call vote on **S 1192aa**. **Motion carried by a vote of 11 AYE and 5 NAY. Voting in favor** of the motion: **Reps. Loertscher, Batt, Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Holtzclaw, McMillan, and Monks. Voting in opposition** to the motion: **Reps. Barbieri, Packer, Smith, Gannon, and Woodings. Rep. Crane** will sponsor the bill on the floor.

**Chairman Loertscher** gave special recognition to House Secretary **Kasey Perkins** thanking her for her outstanding service to the Committee during the session. He also gave recognition to the House Page **Joseph Andrus**, thanking him for his excellent service over the past 7 weeks.

There being no further business to come before the Committee, the meeting was adjourned at 9:48 a.m.

---

Representative Loertscher  
Chair

---

Kasey Perkins  
Secretary