

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, January 27, 2014

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman McKenzie, Senators Davis, Fulcher, Hill, Lodge, Siddoway, Stennett and Werk

ABSENT/ EXCUSED: Senator Winder

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: Chairman McKenzie called the Senate State Affairs Committee (Committee) to order at 8:02 a.m. with a quorum present, welcomed the Committee and announced the first order of business.

RS 22539 **A Joint Resolution proposing an amendment to the Idaho Constitution relating to persons subject to military duty** presented by Senator Rice.

Senator Rice explained that a constitution has mandatory requirements and prohibitions on actions of government. Idaho's Constitution requires that every able bodied male 18-45 years of age be enrolled in the state militia. Idaho has not been in compliance with the Constitution for a number of years. It is incumbent upon the Legislature to put an amendment before the people of the State to eliminate the requirement to enroll males between 18-45 and replace it with language that states that all able bodied persons who are residents of this state, 18 years or older shall constitute the militia. We currently have both men and women up to age 64 serving on active duty in the Idaho National Guard.

MOTION: **Senator Davis** moved, seconded by **Senator Fulcher**, to send **RS 22539** to print.

DISCUSSION: **Senator Stennett** asked what changes have been made to the bill brought before the Committee last year. **Senator Rice** responded that the changes clarified that the practices for military service is in accordance with statute rather than having a requirement that is not being met.

Senator Werk inquired if the Attorney General (AG) had been asked for an opinion or, if not, would they be asked to prepare an opinion regarding the constitutional language and the proposed language. **Senator Rice** responded that there was no plan to ask for an AG's opinion.

VOTE: The motion carried by **voice vote**

MINUTES: **Senator Siddoway** moved, seconded by **Senator Werk**, to accept the minutes of January 17th. The motion carried by **voice vote**.

RS 22623C1 **Relating to Worker's Compensation (W/C) to provide alternative security requirements for certain self-insured employers under the State Worker's Compensation laws** presented by Senator Davis.

Senator Davis said that there are two sections to this bill. The first section is brought by the Industrial Commission (Commission) and Tom Limbaugh is here to speak to that portion of the bill if necessary. **Senator Davis** explained that the second part, which is a new section, deals with self insurance for W/C benefits that are required by Idaho law. The law allows employers with historical records of

three years or more to post a cash bond with the State Treasurer; those funds act as security for payment of W/C benefits. Recent developments have brought about decisions by insurance or bond providers to avoid participating with employers like the Idaho National Lab (INL) contractors. There is no market for the INL to obtain W/C insurance. As a result, they can only be self-insured which requires three years of employer records. If that information is not available, there is not a market to buy insurance and they can't meet the statutory requirements, effectively closing the INL. Idaho needs to have the INL and what it provides. This bill gives some additional protection for those types of employers making it easier for them to participate in the self insured program. If these changes are not made, the cost to the economy could be equal to 100 jobs. **Senator Davis** asked that the Committee print **RS 22623C1**.

MOTION: **Senator Hill** moved, seconded by **Senator Werk**, to send **RS 22623C1** to print. The motion carried by **voice vote**.

RS 22591 **Relating to Wine to provide that manufacturing or bottling functions of a winery continue to remain in operation if it's license is suspended, revoked or not renewed except for certain circumstances** presented by Roger Batt representing the Idaho grape and wine industry.

Mr. Batt outlined the moving parts of an Idaho winery which is made up of manufacturing/agriculture components, the bottling process, as well as the retail and distribution activities. Only one license is issued to cover all areas of production from planting to distribution. The purpose of this legislation is to allow the operation of a winery's bottling and manufacturing/agriculture operation to continue if a license is suspended, revoked or not renewed unless the winery violates statutes pertinent to manufacturing/agriculture or bottling activities. This would allow the winery to save the product the even though it may not be distributed. Alcohol and Beverage control agreed with this revision to the Statute and supports this effort.

Idaho's grape and wine industry is a growing part of the agricultural industry supplying about 650 full and part-time jobs and approximately \$90.0 million in revenue to Idaho's economy. There is no fiscal impact and the grape and wine industry asks for the Committee's support of **RS 22591**.

Senator Stennett clarified that this bill allows the grape grower to harvest the crop and have it go through the bottling process but doesn't include the retail and distribution activities. **Mr. Batt** agreed.

MOTION: **Senator Lodge** moved, seconded by **Senator Siddoway**, to send **RS 22591** to print. The motion carried by **voice vote**.

PASSED THE GAVEL: **Chairman McKenzie** passed the gavel to Senator Lodge, de facto Vice Chairman.

RS 22598C2 **Relating to Firearm Regulations for College and University Campuses** presented by Chairman McKenzie.

Chairman McKenzie stated that **RS 22598C2** relates to the regulation of firearms on public college campuses in the state of Idaho. It is an issue related to a fundamental part of Idaho's Bill of Rights Article I, § 11, which states that the people have the right to keep and bear arms. **RS 22598C2** addresses that particular right on Idaho campuses, and is an issue that has been before this Committee in prior sessions. This bill has been crafted to protect that constitutional right, but also takes into consideration the concerns that were expressed in Committee, as well as input received over the summer. **RS 22598C2** would basically provide that

colleges and universities have the right to regulate firearms on campus but it doesn't extend to the lawful possession or transport of firearms by two categories of persons: retired military and those with an enhanced carry license. An enhanced carry license requires that a person must be over 21 years of age; must be a resident of Idaho; must have taken the enhanced carry class which has instructions on the use of firearms, the laws related to self defense and firearms in the state of Idaho; and they must have live fire training. Also, you can't be prohibited from carrying a firearm by state and/or federal law. The other provisions provide that even those categories cannot carry in a dormitory or residence hall or at an entertainment facility with a large seating capacity of 1,000 or more. The penalty has been expanded for those with an enhanced concealed carry permit so that one would lose their license. There is also an immunity provision for colleges and universities related to their setting a policy that allows or disallows the bearing of arms within this framework. Those are the general provisions. If this bill is printed, there will be some lively debate in committee.

Vice Chairman Lodge called for questions.

Senator Hill referred to page 3, line 7 of the RS, and asked for an explanation for those references. **Chairman McKenzie** stated that the sections referred to Idaho Code: § 18-3302H referred to retired law enforcement and § 18-3302K referred to those with the enhanced concealed carry permits. **Senator Hill** directed attention to line 43 referring to § 19-202A and asked for further explanation. **Chairman McKenzie** responded that law enforcement carrying out law enforcement duties and persons who are authorized by the campus to carry can do so but he would have to look at the exact language.

Senator Werk read § 19-202A and said it refers to legal jeopardy in the case of self-defense and defense of other threatened parties. **Chairman McKenzie** stated that there are five areas in this section that would apply.

Senator Werk asked how § 19-202A becomes operative unless someone is coming from the outside with a weapon. **Chairman McKenzie** said that would apply in situations where someone in a dorm room was being attacked and called for help, and someone went in to protect them; that would not be a crime.

Senator Stennett asked if someone with an enhanced concealed weapons permit is required to have any additional training after the initial course. **Chairman McKenzie** said they didn't add a different standard for those with the enhanced carry permit and the current statute does not have additional training requirements.

MOTION: **Senator Fulcher** moved, seconded by **Senator Siddoway**, to print **RS 22598C2**.

DISCUSSION: **Senator Werk** referred to the sections referenced in § 18-3302B (2) which do not refer to the enhanced concealed weapons carry permit. Is this part of the legislation talking about people with the enhanced carry permit or with the regular permit? **Chairman McKenzie** responded that the provision applies to all licensees who would be carrying under the influence of alcohol or drugs; they would lose any category of license for three years.

VOTE: **Vice Chairman Lodge** called for the will of the Committee. The motion carried by **voice vote**.

PASSED THE GAVEL: **Senator Lodge** passed the gavel back to Chairman McKenzie.

ADJOURNED: **Chairman McKenzie** adjourned the meeting at 8:29 a.m.

Senator McKenzie, Chair

Twyla Melton, Secretary