

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

- DATE:** Monday, February 17, 2014
- TIME:** 9:30 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 Crane
- GUESTS:** Russell Westerberg, Westerberg and Associates; Raeleen Welton, Westerberg and Associates.
- Chairman Loertscher** called the meeting to order at 9:31 a.m.
- MOTION:** **Rep. Woodings** made a motion to approve the minutes of the February 5, 2014 meeting. **Motion carried by voice vote.**
- RS 22907:** **Rep. Dayley** presented **RS 22907**, a joint memorial that expresses the Idaho Legislature's opposition to the proposed Food and Drug Administration (FDA) Rules and requests that the Congress of the United States prohibit the FDA from adopting the Proposed Rules including any numerical water quality standards for irrigation water, Transportation Rules and any future FSMA Rules until a clear understanding of their impact can be determined. He stated Idaho does not want those standards to be put in place until the federal government can give a clear understanding of the parameters. He stated the Food Safety Modernization Act (FSMA) was signed into law in 2011. The proposed FDA Rule for FSMA would have a devastating impact on Idaho agriculture. Compliance with the Water Quality Rules would be impossible or impractical throughout much of Idaho including an FDA estimated cost of \$30,566 first-year cost per farm. Also, the proposed Transportation Rules would be difficult and costly to Idaho business.
- MOTION:** **Rep. Batt** made a motion to introduce **RS 22907**. **Motion carried by voice vote.**
Rep. Barbieri spoke to the motion and stated the language in the fiscal note needs to be cleaned up.
- RS 22883:** **Rep. Youngblood** presented **RS 22883**, proposed legislation that replaces **H 472**, and stated a change was made in Section 9 which clarifies when a concealed weapons permit is needed when carrying a concealed weapon in a motor vehicle.
- MOTION:** **Rep. Packer** made a motion to introduce **RS 22883**. **Motion carried by voice vote.** **Rep. Barbieri** requested to be recorded as voting **NAY**.
- RS 22874:** **Rep. Eskridge** presented **RS 22874**, proposed legislation that sets requirements and limitations for beer tasting events on premises not licensed for the sale of beer by the individual glass or opened bottle. It provides the limit for a sample size of beer and requires a specific area of a design that the tasting sponsor can observe and ensure no minors or intoxicated persons are served. This legislation verifies and clarifies that beer tasting events are a very important aspect of the industry and will align beer tasting events with the current Idaho statute authorizing wine tasting events.
- MOTION:** **Rep. Woodings** made a motion to introduce **RS 22874**. **Motion carried by voice vote.**

RS 22856: **Rep. Monks** presented **RS 22856**, proposed legislation to repeal the Unfair Sales Act, Chapter 4, Title 48, Idaho Code. The Act originally became law in 1939, and, with limited exceptions, prohibits merchandise from being advertised or sold below cost. The social and economic circumstances which previously motivated this law no longer exist. Today it is common for merchandisers to offer their wares below cost as an inducement to patronize the merchandiser and purchase other goods. Although the law is generally not enforced, its violation is a misdemeanor carrying fines and jail time. Rather than run the risk of arbitrary and capricious enforcement, the law should be repealed.

In response to committee questions, **Rep. Monks** stated the Attorney General's office advised that the law is not currently being enforced. He stated there are federal anti-dumping laws that discourage predatory price reductions. He stated during the time the original law was passed, there were a lot of anti-monopoly laws put into place. He stated this legislation only concerns the state Unfair Sales Act.

MOTION: **Rep. Anderson(1)** made a motion to introduce **RS 22856**. **Motion carried by voice vote.**

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