

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, February 25, 2014

TIME: 8:30 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(s) Anderson(1), Woodings

GUESTS: Raeleen Welton, Westerberg and Associates; Sheila Frances, Idaho Brewers United; Dan Scovel, Hayden Beverage Company; Jeremy Pisca, Idaho Beer and Wine Distributors Association; Dennis Tanikuni, Idaho Farm Bureau.

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

MOTION: **Rep. Packer** made a motion to approve the minutes of February 13, 17, and 18, 2014 meetings. **Motion carried by voice vote.**

HJM 7: **Rep. Dayley** presented **HJM 7**, a joint memorial that expresses the Idaho legislature's opposition to the proposed FDA Rules and request the United States Congress 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 there will be an estimated cost of \$30,000 per farm in Idaho, approximately \$2,000 per business, and \$149,000 nationwide.

MOTION: **Rep. Batt** made a motion to send **HJM 7** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Dayley** will sponsor the bill on the floor.

H 515: **Rep. Eskridge** presented **H 515**, a bill 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 limitation for a sample size of beer and require a specific area that the tasting sponsor can observe and ensure no minors or intoxicated persons are served. The legislation verifies and clarifies that beer tasting events are a very important part of the distribution process. He stated this legislation will assist the industry in growing and help Idaho's economy.

Shiela Francis, Idaho Brewers United, stated she is **in support** of the bill because as brewers, they rely highly on customer relations such as sampling. She stated sampling events help with brand name recognition and customer loyalty.

Jeremy Pisca, Idaho Beer and Wine Distributors Association, stated he is **in support** of the bill because wine vendors have been doing the same thing with no incident since legislation was passed in 2004. He stated breweries are growing in number and so consumer relations and sampling of new beers is essential.

In response to committee questions, **Mr. Pisca** stated the retailers conduct the events and so the sampling is managed by them. He stated sampling in retail stores is pretty rare and if assisted by a brewer, there are many limitations.

Pam Eaton, Idaho Retailers Association, stated she is **in support** of the legislation because there has already been wine sampling for years without any negative effects.

MOTION: **Rep. Smith** made a motion to send **H 515** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Andrus and Loertscher** requested to be recorded as voting **NAY**. **Rep. Eskridge** will sponsor the bill on the floor.

H 514: **Rep. Youngblood** presented **H 514**, legislation that removes special treatment for elected officials in regards to Second Amendment Rights. Currently, all citizens except those who fall in several specific groups enumerate in Idaho Code are required to obtain a license to carry a concealed weapon, including firearms. Elected officials are currently one such group who is excepted from this requirement. The legislation also streamlines language defining when an unloaded or disassembled gun can be concealed in a vehicle and clarifies the instances when a concealed weapon permit is necessary for carrying a concealed weapon.

MOTION: **Rep. Packer** made a motion to send **H 514** to the floor with a **DO PASS** recommendation.

Rep. Barbieri spoke in support of the motion and stated it is essential for an individual to be able to protect themselves at any time and restrictions are arbitrary.

Rep. Gannon spoke in support of the motion and stated it is only fair for public officials to be under the same laws as the public.

VOTE ON MOTION: **Chairman Loertscher** called for a vote on the motion to send **H 514** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. McMillan** requested to be recorded as voting **NAY**. **Rep. Youngblood** will sponsor the bill on the floor.

H 511: **Rep. Morse** presented **H 511**, a bill that establishes privacy standards for, and definitions of biometric data collected by private entities. Some private businesses are obtaining, analyzing, and transferring private biometric information. This bill requires safeguards for data that is collected, by requiring written notice to the subject, and obtaining written consent to collect such data. It informs the subject of the specific purpose of the data collection. It prohibits private entities from selling, trading, or transferring or profiting from the transfer of private biometric data. No private entity may disclose or copy, transfer private biometric data unless the subject consents to the disclosure, and such information is necessary for a contractual transaction, is required by law, or is required by a warrant. A private entity in possession of private biometric data must store the data securely by employing a reasonable standard of care. The bill further provides for a right of action for damages in the event of breach of these protections for a minimum of \$1,000 or actual damages, plus reasonable attorney's fees and costs. This act does not apply to the admission of evidence in Court, nor the storage or retention of medical records mandated by any state or federal law.

In response to committee questions, **Rep. Morse** stated government entities do not work under the standards in the bill. He said there are multiple layers of government and analyzing and deciding what information would be included would be very complex. He said private entities are the issue because of the threat of selling biometric data for a profit. He said pawn shops and lenders take fingerprints which could be sold to others. He stated there are various types of identifiers that are used to conduct transactions and are sometimes done without the person knowing or agreeing to it. This bill would prevent that information from being sold or traded. He stated there are HIPPA laws in place to protect people at the federal level. He stated the penalty would be liquidated and actual damages, civil damages, whichever is greater. He said private entities would fall into the scope of becoming liable for damages if they take a sample of someone's biometric data, test it, link it to identifying information and sell it.

MOTION: **Rep. Packer** made a motion to send **H 511** to the floor with a **DO PASS** recommendation.

Rep. Monks spoke in support of the motion.

VOTE ON MOTION: **Chairman Loertscher** called for a vote on the motion to send **H 511** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Palmer and Loertscher** requested to be recorded as voting **NAY. Rep. Morse** will sponsor the bill on the floor.

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

Representative Loertscher
Chair

Kasey Perkins
Secretary