

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 25, 2015

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow

**ABSENT/
EXCUSED:** None

GUESTS: Roger Batt, Idaho Heartland Coalition; Cassy Solmanson, Gallatin; Dan Blocksom, Idaho Association of Counties; Elizabeth Roberts, self.

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

MOTION: **Rep. Sims** made a motion to approve the minutes of the February 18, 2015 meeting. **Motion carried by voice vote.**

RS 23622C1: **Rep. Kloc** presented **RS 23622C1**, proposed legislation that creates a 'Pet Friendly' license plate. He stated the funds collected will be used to assist low-income Idaho families with the cost of spaying or neutering their pets. He said goals of this program are to improve the lives of dogs and cats in low-income households throughout the state of Idaho, enable veterinarians in low-income areas to assist and connect with pet owners, provide relief to Idaho animal shelters and impound facilities by decreasing pet overpopulation and unwanted litters, and provide pet care information to under-served communities. He said Idaho is one out of 16 states that do not have a license plate program to fund spaying and neutering of dogs and cats. He stated half of the money collected goes to the Idaho Transportation Department for highways and roads.

In response to committee questions, **Rep. Kloc** stated the license plate program is only a state program.

ORIGINAL MOTION: **Rep. McCrostie** made a motion to introduce **RS 23622C1**.

SUBSTITUTE MOTION: **Rep. Luker** made a substitute motion to return **RS 23622C1** to the sponsor. He spoke to the motion and stated there are too many special license plates in Idaho already and adding another one will just take away funds from the others.

Rep. McCrostie spoke **in opposition** to the substitute motion and stated there are a lot of special plates but they will keep adding to the list anyway, this one should not be a problem.

Rep. Andrus spoke **in opposition** to the substitute motion and stated one special plate should not be singled-out.

VOTE ON SUBSTITUTE MOTION: **Chairman Loertscher** called for a vote on the substitute motion to return **RS 23622C1** to the sponsor. **Motion failed by voice vote.**

VOTE ON ORIGINAL MOTION: **Chairman Loertscher** called for a vote on the original motion to introduce **RS 23622C1**. **Motion carried by voice vote.**

RS 23677C1: **Rep. Monks** presented **RS 23677C1**, proposed legislation that repeals the Unfair Sales Act Chapter 4, Title 48, Idaho Code, except for motor fuel sales. The Act originally became law in 1939, and, with limited exceptions, prohibits merchandise from being advertised or sold below cost. He stated 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. He said that 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, **Senator Burgoyne** stated the repeal changes the language to reflect the economy today. He stated the Attorney General's Office advised the repealed language is not necessary and can be removed. He stated the Act was originally enacted in 1939 when there was consumer rationing.

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

MOTION: **Rep. Palmer** made a motion to introduce **RS 23677C1**. **Motion carried by voice vote.**

RS 23685: **Jerry Deckard**, Associated Logging Contractors, presented **RS 23685**, proposed legislation that adds the definition for "Agricultural products" and "Forest products" to Title 49 in Idaho Code. Previously, a provision for extraneous materials of up to 2,000 pounds on an agriculture truck coming out of the field over gross allowed weight to be waived was placed into Idaho Code. This legislation allows for this same waiver for all agriculture products including forestry related products. During the Winter and Spring months when logging is occurring many times mud, snow, and ice will build up on the vehicle so that when the vehicle crosses the scales at a port of entry it is ticketed for being overweight. This provision allows for a waiver of the excess build up.

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

MOTION: **Rep. Palmer** made a motion to introduce **RS 23685** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Wintrow** requested to be recorded as voting **NAY**. **Rep. Palmer** will sponsor the bill on the floor.

Rep. Wintrow spoke in opposition to the motion and stated she is concerned with the 2,000 pound overweight limits and the money that will be lost on permits.

RS 23695: **Rep. Luker** presented **RS 23695**, proposed legislation that replaces **H 105**. This bill is one of a group of bills to reclassify low level misdemeanors to infractions. He stated the subject matter is certain fireworks violations. The purpose behind the reclassification is to better align punishment with crimes committed and save costs related to public defense, while maintaining penalties adequate for deterrence and enforcement. He said this effort builds on **H 434** (2014) which updated infraction penalties to increase the viability of migrating low level misdemeanors to infraction penalties. The changes in this bill originated with recommendations from the Misdemeanor Reclassification Subcommittee of the Criminal Justice Commission, which were then reviewed and approved in concept by the Public Defense Reform Interim Committee. The bill sets a \$100 infraction fine for altering fireworks and for selling or using fireworks at times not permitted by law.

MOTION: **Rep. Crane** made a motion to introduce **RS 23695**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:42 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary