

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, February 29, 2016

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman McKenzie, Vice Chairman Lodge, Senators Davis, Hill, Winder, Siddoway, Lakey, Stennett and Buckner-Webb

ABSENT/ EXCUSED: None

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.

VOTE ON GUBERNATORIAL APPOINTMENT: Vote on the reappointment of Michael "Mike" Mark Mooney to the Idaho Energy Resources Authority.

MOTION: **Senator Buckner-Webb** moved to send the Gubernatorial reappointment of Michael "Mike" Mark Mooney to the Idaho Energy Resources Authority to the floor with the recommendation that he be confirmed by the Senate. **Senator Winder** seconded the motion. The motion carried by a **voice vote**.

H 473 RELATING TO THE MILITARY to remove a certain active member requirement. **Representative Kauffman**, District 25, stated that this year he was asked to serve on the Idaho Military Advocacy Commission (IMAC). At the first meeting he attended, IMAC discussed the 30-consecutive-day wait to be covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA) when called to Idaho active duty. The purpose of **H 473** is to remove that requirement. Idaho law refers to federal law, which states that members are covered the first day they are activated. **H 473** would allow Idaho to conform to federal law and members would be covered on the first day of duty.

USERRA gives employees who leave a civilian job to perform military service the right to return to that civilian job with the rights of seniority, the right to purchase insurance and the right to purchase retirement.

Senator Lakey said he has always wondered why the 30-day requirement was in the Idaho statute.

MOTION: **Senator Lakey** moved to send **H 473** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by a **voice vote**.

H 355 RELATING TO THE IDAHO OFFICE OF EMERGENCY MANAGEMENT to replace any reference to the Bureau of Homeland Security with the Idaho Office of Emergency Management.

Captain Steve Stokes, Attorney Advisor to the Adjutant General, Idaho Army National Guard, referenced a line from Shakespeare's "Romeo and Juliet": "What's in a name? That which we call a rose by any other name would smell as sweet." Captain Stokes explained that they call the Idaho Bureau of Homeland Security the Bureau of Homeland Security and that conjures up images that do not accurately reflect what that agency does. The purpose of **H 355** is to correct misconceptions, align the agency name with its core functions and provide a

clear distinction between the federal Department of Homeland Security and the Idaho agency charged with emergency planning.

Captain Stokes reviewed the history and enumerated the functions of the Bureau of Homeland Security (Bureau). In 2004, S 1266, carried by Senator Davis, combined the Bureau of Hazardous Materials and the Bureau of Disaster Services to form the Bureau of Homeland Security and included reference to "acts of terrorism" and "homeland security." He clarified that the Bureau plans for and responds to manmade and natural disasters within the state of Idaho. There are images included in the PowerPoint presentation that demonstrate what the Bureau does (see attachment 1).

Senator Hill referred to section 22 that says that section 20 shall be null, void and of no force and effect on and after December 31, 2018. What is the purpose of section 22? **Captain Stokes** said he would research this.

Chairman McKenzie said this issue is addressed in another bill, **S 1212**, that they just ran that integrates the two emergency preparedness councils into one council.

MOTION: **Senator Hill** moved to send **H 355** to the floor with a **do pass** recommendation. **Senator Siddoway** seconded the motion. The motion carried by a **voice vote**.

S 1234 RELATING TO THE IDAHO ADMINISTRATIVE PROCEDURE ACT to remove reference to certain electronic copies.

Dennis Stevenson, Administrative Rules Coordinator, Department of Administration, stated that **S 1234** amends section 67-5205 of the Administrative Procedure Act to remove the provisions that the rules coordinator provide repositories with copies of the publications. He clarified that the publications are posted to a website for public access and that CDs will be provided upon request.

MOTION: **Senator Siddoway** moved to send **S 1234** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion carried by a **voice vote**.

S 1357 RELATING TO BINGO AND RAFFLES to provide revisions to multiple statutes to clarify charitable gaming laws and requirements.

Angela Vitek, Charitable Gaming Coordinator for the Idaho State Lottery Commission (Commission), stated that questions previously submitted by Senator Davis concerning **S 1357** were addressed and wondered if any further clarification was needed (see attachment 2).

Senator Davis noted that he appreciated the information Ms. Vitek had provided and most of his questions have been resolved. However, **Senator Davis** was unaware of a problem related to "perpetual raffles" and asked about the definition of "raffles" and requested more information about "perpetual raffles"; are problems with those limited to a particular region or is there a statewide problem? **Ms. Vitek** answered that they do have that problem but did not clarify whether it was regional or statewide. Some organizations are under the impression that they can have an unlimited amount of raffles per event; the Commission wants to restrict organizations to 12 raffles per year by statute. The language in the bill clarifies that intent and clears up any existing confusion.

Senator Davis questioned the statutory change and if it would allow for the electronic payment of prizes by those who run the bingo or raffle games. **Ms. Vitek** answered no; this does not allow for any type of electronic prize payment. **Senator Davis** referred to page 5 of the bill and quoted, "electronic bill payment from a bingo bank account may be used for bingo expenses upon state lottery

approval." **Ms. Vitek** indicated that would allow bingo organizations to use their bank account to pay business expenses electronically. She further stated that winners of a bingo game are paid by cash or check, which is an immediate payment.

Senator Davis asked if any bingo game player could use a card or a device as payment to play the game. **Ms. Vitek** indicated that one bingo hall is testing a debit/credit card system that could be used to participate in the game; this type of payment to play does not affect the payment of prizes. **Senator Davis** asked Ms. Vitek to show him where in the bill it prohibits electronic payment for prizes. **Ms. Vitek** stated that the bill enables bingo organizations to pay for business expenses out of their bank account. It is not intended for any kind of electronic transfer. The checks are made out and mailed from the bank. Bingo game winners expect an immediate payment, and most organizations pay in cash; they are allowed to pay by check from the bingo account in consecutive check numbers. Idaho Code § 67-7709(b) says that all prizes must be paid by consecutively numbered checks. **Senator Davis** noted that it says "funds" not "prizes." The worry is that a card can be used to get in to play and to get out of the game. **Ms. Vitek** referred Senator Davis to Idaho Code § 67-7709(1)(a) and read lines 18-28. **Senator Davis** pointed out the ambiguity in the language in that section.

Senator Davis inquired about the criminalization language in the legislation on page 9, lines 15-17. He reminded the Committee that there is a serious civil penalty already in code. Why is it a misdemeanor for failure to properly do paperwork? **Ms. Vitek** indicated that the language was suggested by the Attorney General's office. The language is in the bingo section and the desire was to carry the same language to the raffle section. She stated that, unfortunately, problems have occurred with people furnishing fraudulent information.

Senator Davis noted that the language was being removed in relation to duck races on page 8, lines 13-15. **Ms. Vitek** noted that raffles and duck races are in the same section; this is meant to apply to both duck races and raffles. The Attorney General's office considered this language redundant and inaccurate. She said that Tim Davis from the Attorney General's office may be able to speak more clearly on that issue.

Senator Davis thanked Ms. Vitek for her hard work.

MOTION:

Senator Davis moved to send **S 1357** to the floor with a recommendation that it be sent to the 14th Order for possible amendment. **Senator Hill** seconded the motion. The motion carried by a **voice vote**.

S 1323

RELATING TO THE IDAHO STATE INDEPENDENT LIVING COUNCIL (Council) to refer to a federal law instead of the Code of Federal Regulations.

Senator Marv Hagedorn, District 14, explained that **S 1323** is an administrative change rather than a policy change. The Council receives funds through various connecting paths that go through the Idaho Department of Health and Welfare (DHW). He stated that those are federal funds originating from the Rehabilitation Act of 1973. He explained that every time there is a re-appropriation of these federal funds, it is renamed and goes to the DHW and is distributed to various divisions. The Council then has to redo their contract with that particular organization, requiring revision of statute because it is a new Code of Federal Regulations (CFR) and the contractor has a different name. **Senator Hagedorn** stated that the objective of **S 1323** is to remove the CFR from statute and allow rules to address with whom the contract is made and under what CFR. That is a summary of the bill.

Senator Hill inquired how Senator Hagedorn was made aware of the need for this legislation. **Senator Hagedorn** indicated that Mel Leviton, Executive Director of the Council, contacted him.

MOTION:

Senator Lakey moved to send **S1323** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by a **voice vote**.

**PASSED THE
GAVEL:**

Chairman McKenzie passed the gavel to Vice Chairman Lodge.

RS 24491C1

A JOINT MEMORIAL to direct the United States Department of State to take input from the states of the Pacific Northwest to receive and consider input regarding the Columbia River Treaty.

Senator McKenzie provided a brief background of the Columbia River Treaty, which is open for re-negotiation. Signed in 1961 and implemented in 1964, the treaty addresses flood control and hydroelectricity generation. **Senator McKenzie** stated that he was in Washington, D.C., lobbying for legislatures from the Pacific Northwest to continue the treaty, and to encourage input from the states. The Western Governors' Association has also looked at this issue. This joint memorial is asking the United States Department of State to consider the input of the states of Washington, Oregon, Idaho and Montana as negotiations move forward. If this Joint Memorial is passed, Senator McKenzie will bring it up to staff when he goes back to Washington, D.C., to lobby with the Pacific NorthWest Economic Region.

Senator Stennett applauded this effort. She said this is an important step.

MOTION:

Senator Winder moved to print **RS 24491C1**. **Senator Stennett** seconded the motion. The motion carried by a **voice vote**.

**PASSED THE
GAVEL:**

Vice Chairman Lodge passed the gavel to Chairman McKenzie.

**MINUTES
APPROVAL:**

Senator Winder moved to approve the minutes of February 17, 2016, as submitted. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

ADJOURNED:

There being no further business, **Chairman McKenzie** adjourned the meeting at 8:35 a.m.

Senator McKenzie
Chair

Twyla Melton, Secretary

Assisted by Marian Smith