

MINUTES
HOUSE BUSINESS COMMITTEE

DATE: Wednesday, March 09, 2016
TIME: 1:30 P. M. or Upon Adjournment
PLACE: Room EW41
MEMBERS: Chairman Barbieri, Vice Chairman Clow, Representatives Collins, Crane, Palmer, Thompson, Batt, Hixon, Kauffman, Monks, Anderst, Beyeler, DeMordaunt, Dixon, Troy, Smith, Rusche, Jordan

**ABSENT/
EXCUSED:** None

GUESTS: Doug Loertscher, Starr Family Behavioral Health; Scott Galloway, Codi Galloway, Ken Coulter, LeapFox Learning; Quinn Perez, Guy Hallam, Barbara Jorden, Marcia Jedry, ITLA; Mark Estess, Idaho Bail Coalition; Jody Sedrick, Zenware; Tom Donovan, Elaine Mellon, DOI; Jeremy Chou, Givens Pursley; Jason Ronk, Micron; Suzanne Budge, SBS Assoc. LLC; William Monk, Renee Karel, Lindsey Tyler, William Locke, Attny

Chairman Barbieri called the meeting to order at 1:33 P.M.

S 1345: **Mark Estess**, Eiguren Ellis Public Policy Firm, spoke on behalf of the Idaho Bail Coalition. He presented **S 1345**, stating the purpose of the legislation is to address a problem relating to bail agent solicitation of incarcerated inmates and reportedly paying the inmates referral fees. The legislation allows the Director of the Idaho Department of Insurance to impose a fine, suspend or revoke a bail agent's license if the bail agent, his employees, contractors or agents acting under his supervision compensate, employ, or solicit any person incarcerated in any courthouse, jail, or prison for the purpose of the incarcerated person referring business to the licensed bail agent. In answer to questions, Mr. Estess deferred to **Tom Donovan**, Dept of Insurance, who stated this regulation would prevent bail agents from soliciting. As far as inmates receiving referral fees, he said he's not aware of other classes who are prohibited from receiving referral fees. The harm done by inmates receiving kickbacks is it disturbs the general order of the jail and could place an inmate in authority or power over fellow inmates.

MOTION: **Rep. Rusche** made a motion to send **S 1345** to the floor with a **DO PASS** recommendation.

**ROLL CALL
VOTE:** Roll call vote was requested. **Motion failed by a vote of 8 AYE, 9 NAY, 1 Absent/Excused.** **Voting in favor** of the motion: **Reps. Collins, Thompson, Kauffman, Troy, Smith, Rusche, Jordan, Chairman Barbieri.** **Voting in opposition** to the motion: **Reps. Crane, Palmer, Batt, Hixon, Monks, Anderst, Beyeler, DeMordaunt, Dixon.** **Rep. Clow was Absent/Excused.**

S 1285aa: **Keith Simila**, Board of Engineers and Land Surveyors presented **S 1285aa**. He stated the legislation authorizes the Board to issue a professional engineering license to engineering faculty with an earned Ph.D. and employed at any Idaho university without a written technical examination. The requirements of professional examinations are clarified. The conditions concerning reexamination for those failing on prior attempts are also clarified. Fees for reexamination are removed with this legislation. In answer to questions, Mr. Simila responded faculty who teach upper division engineering courses are required by law to be licensed professional engineers. At some universities, faculty may receive specialized education relating to technical fields for which no technical examinations are available. A restricted license process will allow a waiver of the technical examination, in lieu of other requirements such as a written examination on laws, rules and ethical responsibilities. The license would be restricted to certain requirements such as remaining employed by the university and teaching upper division engineering courses.

Roger Brown, Director of Community Relations, Boise State University, spoke **in support** of **S 1285aa**.

MOTION: **Rep. Troy** made a motion to send **S 1285aa** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Batt and Monks** requested to be recorded as voting **NAY**. **Rep. Troy** will sponsor the bill on the floor.

H 487: **Rep. McDonald** presented **H 487**. This legislation relates to agreements and covenants protecting legitimate business interests and provides that a rebuttable presumption of irreparable harm by a key employee is established under certain circumstances. In answer to a question, Rep. McDonald responded in a manner to which **Rep. Rusche** objected. An apology was proffered and graciously accepted.

Doug Loertscher spoke **in opposition** to the bill saying he had been sued for hiring employees from competing companies.

Scott Galloway, LeapFox Learning; **Lindsey Tyler**, on behalf of **Brody Tyler**, Inbound Systems; **Jody Sedrick**, **Jeremy Chou**, on behalf of himself, spoke **in support** of the bill.

Codi Galloway, stated the bill uses clear, concise language and the focus should be on the term "Key Employee".

MOTION: **Rep. DeMordaunt** made a motion to send **H 487** to the floor with a **DO PASS** recommendation.

Guy Hallam, **William Locke** and **Renaë Carroll** spoke **in opposition** to the bill. They agreed that a presumption of irreparable harm is inappropriate. The legislation could lead to frivolous lawsuits. Mr. Locke stated resolution of these conflicts can't be legislated and the bill changes how cases are tried.

Aaron Coulter and **Jason Ronk** spoke **in support** of the bill. Mr. Ronk said the Micron legal team had reviewed the issue and determined the legislation would benefit employers.

Rep. McDonald was called upon to give his closing remarks. He thanked those who testified and apologized once again for what he termed his uncivil behavior earlier.

Rep. Crane invoked **Rule 38** stating a possible conflict of interest.

Reps. Clow, Anderst, Beyeler, and **Rusche** spoke **in opposition** to the motion citing concerns relative to the terms key employee and presumption of irreparable harm. Proving a negative is difficult to do.

Reps. DeMordaunt, Troy, and **Monks** spoke **in support** of the motion.

A clarification was called for, **Rep. Crane** objected to the clarification because the chairman had already asked for a closing statement from the sponsor.

**ROLL CALL
VOTE:**

Roll call vote was requested. **Motion carried by a vote of 13 AYE, 3 NAY, 2 Absent/excused. Voting in favor of the motion: Vice Chairman Clow, Reps. Collins, Crane, Palmer, Batt, Hixon, Monks, Anderst, Beyeler, DeMordaunt, Dixon, Troy and Chairman Barbieri. Voting in opposition to the motion: Reps. Smith, Rusche and Jordan. Reps. Thompson and Kauffman were Absent/excused. Rep. McDonald will sponsor the bill on the floor.**

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 4:04 P.M.

Representative Barbieri
Chair

Joyce McKenzie
Secretary