

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, February 27, 2017

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Siddoway, Vice Chairman Hagedorn, Senators Davis, Hill, Winder, Lodge, 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.

CONVENED: **Chairman Siddoway** called the Senate State Affairs Committee (Committee) to order at 8:02 a.m.

RS 25381 **A Senate Joint Resolution proposing an amendment to the Constitution of the State of Idaho relating to the rights of crime victims.**

Senator Lakey, District 12, explained that **RS 25381** is a revision of a previous Joint Resolution that was presented.

MOTION: **Vice Chairman Hagedorn** moved to send **RS 25381** to print. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

RS 25337 **Unanimous Consent Request from the Senate Education Committee relating to schools to provide for costs of transportation to and from certain approved school activities.** (Senator Guthrie)

MOTION: **Senator Davis** moved to send **RS 25337** to print. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

Chairman Siddoway moved **HCR 11** to the end of the meeting.

H 126 **Relating to the Appointment of Officers to provide for certain appointments to Cemetery Maintenance Boards.**

Representative Giddings, District 7, introduced Ann Beebe, Senior Special Assistant for Board and Commissions, Governor's Office. **H 126** moves the appointing authority from the Governor to the County Commissioners (Commissioners) for the Cemetery Maintenance Board, the Fire Protection Board, and the Recreation Board where and when there is a vacancy. These three boards are unique because they represent specific land districts and they have frequent vacancies. Idaho has 185 cemetery boards, 158 fire boards, and 36 recreation boards for a total of 379 boards. There are three commissioners in each district for a total of 1,037 board positions. There have been 77 vacancies filled by the Governor's office over the last 10 years. Current Idaho code specifies that board vacancies must be filled by the Governor if there is no other mode to fill that vacancy in code. This bill provides the mechanism to fill those vacant positions locally by locally elected officials who better understand the board dynamics. This proposal has been shared with commissioners statewide and the Idaho Association of Counties with no objections.

Chairman Siddoway referred to page 2, line 26: "hearings would be heard in the county with the largest area." He gave an example assuming Boise and Ada Counties were contiguous. Boise County has the larger land mass area so that

meeting would be held in Boise County. Is that interpretation correct? **Representative Giddings** answered in the affirmative. **Chairman Siddoway** asked what the rationale behind using area instead of population was used. **Representative Giddings** yielded to Ms. Beebe. **Ms. Beebe** explained the current process used by the Governor. **Ms. Beebe** did not know how the largest area was chosen.

Senator Davis asked Representative Giddings who wrote the bill and if other stakeholders worked with her on the bill. **Representative Giddings** answered she is the sponsor and has worked closely with Ms. Beebe and she wasn't familiar with any stakeholders working on the bill. The original bill was drafted prior to her being in the Legislature. Others have worked on the bill over the years. **Senator Davis** asked if the Idaho Association of Counties (IAC) supports the bill. **Representative Giddings** answered, the IAC verbally supports the bill. **Senator Davis** asked if the language regarding the land mass could be removed. **Representative Giddings** responded it shouldn't have anything to do with the number of people they are representing, it should be the size of the district. **Senator Davis** asked if there were any counties surrounding Representative Giddings's county that has a larger land mass than her county. **Representative Giddings** said that she lived in Idaho County, the largest county in the State.

Senator Winder asked if the bill was referencing the county or the district land in the language of the bill. **Representative Giddings** answered the districts. **Senator Winder** stated the land mass depends on the cemetery district size in that particular county and not the size of the county. **Representative Giddings** concurred.

Senator Hill referred to page 2, lines 24-26, that says "Unless otherwise agreed to by each board of county commissioners involved, the hearing shall be held in the county with the largest area to be included in the district." **Representative Giddings** replied when a board has a vacancy, the commissioners in the district where that specific board location is will hold a public meeting and vote to fill the board vacancy. If the district or a specific board covers multiple counties, then all of the commissioners involved would have a public meeting to decide who will fill the vacancy. **Senator Hill** asked if both boards would have to agree to hold the hearing somewhere else. **Representative Giddings** stated that was the intent. There are only a few counties where the districts overlap. They would normally hold the hearing where the county commissioners hold their public meetings.

Senator Hagedorn commented that he had been communicating with the representative for IAC, Kelli Brassfield, and her comment was that they had not taken a formal position and were not concerned with the change. They will probably vote to support but this topic won't be on their agenda until next Wednesday, March 1, to decide on a formal position.

Chairman Siddoway commented if there is a district that overlaps county lines or a district where the location population center is removed from the rest of the district, it seems inefficient for the commissioners to spend their time deciding when and where to hold a hearing. **Representative Giddings** said she asked the commissioners that question, their response was that it was an easy decision to make.

Vice Chairman Hagedorn asked how many cemetery districts overlap into different counties. **Representative Giddings** answered five districts, and yielded to Ms. Beebe. **Ms. Beebe** answered: 15 out of 185 cemetery districts involve two counties; 26 out of 158 fire protection districts overlap; and 1 out of 38 recreation districts overlap. **Vice Chairman Hagedorn** asked Ms. Beebe how much interaction she has had with the counties in selecting the individuals that

are appointed to these positions. When there is an overlap, do you normally communicate with both counties? **Ms. Beebe** replied she has not had one instance where inquiries have been made regarding counties that overlap. .

Senator Davis asked about a tie between two counties for an appointment and why appoint the commissioners rather than the Governor to break a tie. **Representative Giddings** answered there is not specific language for a tie breaker, only for a majority vote referenced on page 1, line 23 and she is confident in the commissioners decisions.

Senator Hagedorn suggested that the answer to the tie breaker is on page 1, lines 29-31. **Senator Davis** said that lines 29-31 are about location. His question is about the vote on the individuals running for the commission. He supports the policy target of moving this from the Governor's office to the counties.

Senator Hagedorn stated if the hearing is held in the county with the largest area, those commissioners in that county would be running the hearing. The commissioners from the other county would not have a vote.

Senator Stennett didn't agree that the intent was to give superiority over place; there was to be equal standing. There is the difficulty about making sure there isn't a deadlock and to provide for a tie breaker.

Senator Lakey stated page 1, lines 26-29 talk about a joint public meeting whereby the appointment will be made by a majority of all the county commissioners present. It is a joint meeting where every commissioner attending is going to get a vote. If there is a challenge in the tie breaker – there is a potential for an even number of commissioners who will vote. **Representative Giddings** replied the intent is to give local input and local control to the local counties.

Senator Lakey asked Ms. Beebe if it was possible to have the Governor as a backup in case of a tie. **Ms. Beebe** said she has not encountered a tie in her ten year tenure, but she agreed the Governor could be the backup.

MOTION:

Senator Davis moved that **H 126** be referred to the 14th Order for possible amendment regarding the tie breaker issue and review the land area issue or another alternative. **Senator Hagedorn** second the motion. The motion carried by **voice vote**.

H 151

Relating to Dog Racing to provide that prohibition on dog races shall not apply to certain sled dog races.

Representative Heather Scott, District 1, introduced **H 151**. This legislation would clarify that the prohibition on dog racing shall not apply to sled dog races; provide definitions and conditions; and make technical corrections to Idaho Code (I.C.) § 54-2514(A) which states that dog racing is illegal. **Representative Scott** explained the focus on the original ban was related to Greyhound racing but it is possible that sled dog racing could fall under dog racing. This would prohibit sled dog racing and would make Idaho mushers potential felons under current law because the term "dog racing" is not well defined in Idaho statutes.

Idaho is the home to the American Dog Derby, the oldest surviving American dog sled race, held annually in Ashton, Idaho. This year marked the 100th anniversary of the first race held in March 1917. The 2017 events were held in Ashton two weeks ago. (see attachment 1 a-e courtesy of Crystal Anderson). Two other annual dog sled races are held in Idaho; the Inland Empire Sled Dog Association race in the Priest Lake and Norman area (48th year), and the Stanley Sled Dog Rendezvous organized by the City of Stanley (8th year). **Representative Scott**

mentioned the Iditarod Trail Sled Dog Race from Settler's Bay to Nome, Alaska; a race covering over 1,000 miles. She elaborated on the effect dog sled use has had throughout American history. The passage of **H 151** would affect communities that depend on dog sled racing for income during slow times and it adheres to the humane treatment and protection of the participating dogs.

Representative Scott said that **H 151** defines sled dog racing; it provides an exemption from the dog racing prohibition for sled dog racing under I.C. § 54-2514A, and it requires sled dog racers to follow the statute Title 25, Chapter 35 on the humane treatment of the dogs. Sled dog racing's inclusion in the statute could have been an unforeseen consequence under the current dog racing ban.

Senator Davis asked if pari-mutuel betting would be allowed for a sled dog race if this bill becomes law. **Representative Scott** answered that is not the intent of this bill; the intent of the bill is to allow dog sledding to continue as it has been for 100 years and that hasn't been defined in the Greyhound racing language. **Senator Davis** referred to line 27 where it says, "The provisions of subsection (1) of this section shall not apply to a sled dog race..." Subsection (1) not only talks about the races but also about pari-mutuel betting. That suggests that subsection (2) is not just exempting the race itself, but also pari-mutuel betting. **Representative Scott** responded that is not her intent.

Senator Davis referred to line 12 and the word "notwithstanding." An unintended consequence would be to disregard "notwithstanding," and as a result, pari-mutuel betting is prohibited in the first sentence. The "notwithstanding" section that further defines what the simulcast and pari-mutuel wagering standards are, will also be disregarded. **Representative Scott** agreed that would not be in accordance with the intent of this legislation. She explained her intent to maintain the sled dog activities. She asked the Committee to assist her to change the language to fix the problem.

Chairman Siddoway asked if there have been any challenges to the dog sled races. **Representative Scott** was not aware of any at this time.

MOTION:

Senator Hill moved to hold **H 151** in Committee subject to the call of the chair. **Senator Davis** seconded the motion.

Senator Davis suggested that Representative Scott could work on the language and the Committee could reconsider the bill and how that language might look in order to advance the legislation at a later date.

Senator Winder asked Representative Scott if she is willing to look at some amendments and take care of the pari-mutuel issue. **Representative Scott** agreed.

Senator Hagedorn stated his hope to develop some language that will move this kind of legislation forward. The mushers should not feel they are breaking the law and the dogs are amazing.

Motion carried by **voice vote**.

HCR 11

A House Concurrent Resolution to honor Ray Houston upon his retirement for his service .

MOTION:

Senator Hill moved to send **HCR 11** to the floor with a **do pass** recommendation. **Senator Lodge** seconded the motion. Motion carried by **voice vote**.

PRESENTATION: The Idaho Public Safety Communications Commission (Commission) 2017 Annual Report to the Idaho Legislature (Report).

Craig Logan, 911 Program Manager for the Idaho Public Safety Communications Commission, presented the Report. The Commission's name has changed from the Idaho Emergency Communications Commission to the Idaho Public Safety

Communications Commission due, in part, to S 1212 that went into effect in 2016. The change combines 911 radio and data roles into one Commission reaching from phone calls to issue resolution by the first responder. Mr. Logan outlined how the Commission functions.

- There are 46 primary Public Safety Answering Points (PSAPS) that take 911 phone calls. **Mr. Logan** explained where those were located and how they operated.
- The Commission representation has changed. There are 18 members on the Commission including: the Association of Counties; a legislative representative; the Idaho State Emergency Medical Services Communications Center; the Idaho Chiefs of Police Association; and others. Meeting schedules have also changed (see attachment 2, page 3-4).
- Funding for the operations of the Commission comes from an assessment level of one percent of all emergency communications fees collected in the State. In 2016 the operations budget was at \$191,300 (attachment 2, pages 15-16). There was also a budget of \$191,100 approved for the grants program (attachment 2, page 17). Revenue collected in 2016 was \$190,166.92 (see attachment 2, page 4).
- The fees collected under the Special Grants Program was \$2,137,907.75 (attachment 2, page 4). The grant fees allocated for FY 2017 are \$2,106,191.66 (see attachment 2, page 2).

Mr. Logan said the Commission's goals are:

- To ensure that all peace operations are brought to E911 capabilities. That goal is complete.
- To ensure that all peace operations are compliant with requirements to receive information from callers using a wireless or cell phone. Those are Phase I and Phase II capabilities and are complete.
- To assess the feasibility of implementing next generation 911. That is still in progress.
- To encourage equipment consolidation between PSAPS and support host remote operations. Those activities are in progress at this time.
- To review the need or ability to help support rural PSAPS with line fee costs which is part of the internet protocol and is now under review by the Commission.
- To support a statewide Geographic Information System (GIS) mapping which is in progress.
- To review and assess statewide next generation 911 solutions and purchasing agreements also in progress.
- To sustain and maintain E911 Phase I and II compliance. This is ongoing.
- To encourage text to 911 (see attachment 2, appendix N).

Mr. Logan discussed the results of all 46 PSAPS through the grant fund:

- E 911 - Phase I and II capable.
- Nearly \$16.0 million has gone to counties since 2010.
- Washington and Payette Counties have a host remote operation with the call taking equipment located at Farmers Mutual Telephone Company.

- Southern Idaho Regional Communications and Blaine County worked together to go live with text to 911 to cover that geographic region (attachment 2 - page 2). This was a good example of cross-jurisdictional coordination.
- Nez Perce and Lewis counties are currently working on host remote operations with plans to expand out into the Region 2 area.

Senator Lakey asked if there has been any issues or challenges with the "glitch" that was reported on last year. **Mr. Logan** asked for a specific example. **Vice Chairman Hagedorn** responded to the question. It was the Interim Operability Council started in 2007 or 2008. He had served on that Council for a number of years. It appears to be doing well. At the beginning, the grant funding came from the federal government and was used to move all of the sheriffs, fire departments, and first responders onto the 700 megahertz program.

Vice Chairman Hagedorn asked how much longer the State would be receiving those grant funds. **Mr. Logan** answered that those funds have expired. Currently, the only items funded within the Commission's purview are E911; those funds are received from 911 fees. To answer Senator Lakey's question, there are no funds coming in for radio or data. Currently, funding is provided for 911 covering the cost from call implementation to call answering. Local control covers the radio piece from the dispatcher to the first responder and is locally funded. Data is a new piece that the Commission is investigating and will be providing an opinion to the State plan. That plan is provided from the First Net Program. The future will include live text, video, and photos from the caller to the call taker to the first responder. At this time, there is no plan to ask for financial resources although there are some provisions in S 1212 (2016) for some funding.

Vice Chairman Hagedorn asked if the \$1 fee for 911 was applied to cell phones. **Mr. Logan** answered in the affirmative.

Chairman Siddoway asked if a four person family plan was in place for cell phones, would they pay \$4 for the family or only \$1. **Mr. Logan** answered it would be \$4 if there were four phones and four phone numbers for a family.

ADJOURNED: Being no further business **Chairman Siddoway** adjourned the meeting at 9:19 a.m.

Senator Siddoway
Chair

Twyla Melton, Secretary

Amber Highburger, Assistant
Secretary