

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Tuesday, March 21, 2017

TIME: 9:00 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 9:00 a.m. and welcomed the Committee and those in the audience as well as those listening at home.

H 278 RELATING TO FIRST INFORMER BROADCASTERS to provide for the addition of a new Chapter 59, Title 31, Idaho Code relating to emergency operating plans.

Representative Jeff Thompson, District 30, explained that **H 278** defines broadcasters to include engineers, who report as first informers during times of declared emergencies. The bill allows access to emergency sites to take care of the transmitters used to inform the public about an emergency and what the public can do. It is the intent of the bill that all first informer broadcasters complete a training process that will be designed by the Idaho Office of Emergency Management (OEM) in conjunction with broadcasters. When this training is complete, a first informer will have credentials so they will be allowed in an area that has been declared an emergency site. **Representative Thompson** asked Larry Benton to speak to the bill.

Larry Benton, lobbyist for the Idaho Broadcasters Association (Association), stated that five other states have passed bills similar to **H 278**. The legislation was brought because of several instances where problems occurred. It is important to get the word out to people when there is an emergency. If the broadcasters can't get to remote sites in an emergency situation to get fuel to run generators or do maintenance, it is a real problem. There would not be a way to get the word out if those sites are not operating. It is important to note that the broadcasters do not take responsibility to make all the decisions; they will work under the OEM and the team that is in charge at a specific emergency incident. In addition, there is not a cost to the government because the broadcasters, primarily the engineers, will pay their own fees to develop, learn, and take the training program.

Senator Davis referred to page 2, line 6-7 and read that it "shall not be construed as giving broadcasters authority," but it doesn't say broadcaster or first informer broadcaster. Why was first informer broadcaster left out of that exception? **Mr. Benton** said they are talking about first informer broadcasters and it was probably left out accidentally. This bill is not talking about plain broadcasters. **Senator Davis** pointed to page 1, line 38, that says "The Idaho Office of Emergency Management will develop" the study course. If they do not have funding, how are they

supposed to develop and adopt a course of instruction? **Mr. Benton** responded that it is a cooperative effort to develop the training and the Association had to have the bill before they could get any concerted effort to develop a program. **Mr. Benton** understands OEM doesn't have any money; other states that have first informers and work with their local emergency management people have funding. **Mr. Benton** is asking that the bill be passed and then this issue dealt with. **Senator Davis** said the Statement of Purpose says there is no fiscal impact. However, as Senator Davis looks at page 1, lines 38-39 and the rest of that subpart, it says that OEM may develop a program and indicates that they must adopt rules and regulations. It says the cost of the training is paid by the first informer broadcasters. However, there is a fiscal impact in that the Legislature is, by the statute, asking OEM to develop and adopt courses of instruction. How much is that going to cost and why isn't that cost reflected in the fiscal note? **Mr. Benton** couldn't specifically answer the question but the stated intent of the bill is to be cost neutral. If the broadcasters have to pay a reasonable amount of money to assist them to make the training possible for the first informer broadcasters, the broadcasters will pay for it.

Senator Stennett referred to the fires on Bald Mountain and having the sites taken down twice; she appreciated Mr. Benton's comment about the appropriateness of training. **Senator Stennett** asked if, when an incident commander allows a broadcaster to go to a site, how would the people in the field know that broadcaster has the appropriate training. **Mr. Benton** answered that there would be a card, or some sort of photo identification that would identify them to the incident commander and show they had been trained.

Senator Lakey asked for an explanation of the purposes for first informer broadcasters to go to a site to repair communications equipment or facilities. Are they subject to the incident commander as to where they go and what areas they access? How would they be limited if there comes a time when they would be in the way of the emergency personnel? **Mr. Benton** responded that this type of situation has been discussed. For example, if the incident commander says it is a "no go" and the first informer says he is going anyway or if the broadcaster gets off track and goes in another direction and is in an area he wasn't designated to be in, it will be the Association's job to reprimand him. The first informer is also subject to the law.

Senator Stennett referred to page 1, lines 35-37 and stated her confusion about subsection 2. Does subsection 2 indicate that broadcasters may or may not bring in such things as vehicles, fuel, food, etc. unless they were trained. **Mr. Benton** said this section was brought about because, in another state, items that were brought in by first informers were seized by other emergency workers. This is a protection against having equipment or anything else belonging to the broadcasters confiscated. **Senator Stennett** asked if this would apply if a piece of equipment was needed in an emergency situation. **Mr. Benton** couldn't specifically answer the question. He asked the Committee to keep in mind that these are engineers, not someone with a microphone.

Senator Hill asked what precipitated the need for this bill this late in session. **Mr. Benton** said he had been working on this type of a bill since 2016. There has been a lot of questions and information so they rewrote the bill. **Senator Hill** asked if there is any opposition to this bill that Mr. Benton was aware of. **Mr. Benton** answered that he didn't know of any opposition. The Association continues to invite people to ask questions, provide information, and they expect to refine the program. Before the Association can get any interest in the program, the OEM must have a reason to do so; that is the purpose of this bill.

Chairman Siddoway stated that **H 278** is now before the Committee.

MOTION:

H 278 failed due to lack of a motion.

Senator Winder indicated that this is an issue that needs to be resolved. He encouraged Representative Thompson to continue to work on this issue and bring it back earlier in the session, clean up some of the language, and determine how to pay for the development of the program. He would be supportive of those changes.

Senator Stennett agrees with Senator Winder. **Senator Stennett** stated her concern with the language about who is in charge, and the fiscal note. This issue should be pursued.

S 1196

RELATING TO THE IDAHO UNBORN INFANTS DIGNITY ACT to revise provisions regarding prohibitions.

Senator Cliff Bayer, District 21, stated that **S 1196** addresses a clarification that is needed for the higher education institutions in regard to research work and materials that had implications as a result of last years Idaho Unborn Infants Dignity Act (Act). I.C. § 39-9306(3)(c) addressed projects rather than materials and through subsequent analysis from legal analysis, there were some nebulous situations concerning minimizing liability for important research such as infectious disease and cancer that were not covered in the Act. **Senator Bayer** said this provision recognizes certain materials and keeps the same date. It is a clarification that the universities support as do their researchers, the pro life advocacy community, and the sponsors of last years Act.

MOTION:

Senator Davis moved to send **S 1196** to the floor with a **do pass** recommendation. **Senator Lodge** seconded the motion.

Senator Hill expressed his appreciation to Senator Bayer for his work on this legislation.

The motion carried by **voice vote**.

ADJOURNED:

There being no further business at this time, **Chairman Siddoway** adjourned the meeting at 9:26 a.m.

Senator Hagedorn
Vice Chair

Twyla Melton,
Secretary