

MINUTES  
**SENATE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, March 02, 2018

**TIME:** 8:01 A.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Siddoway, Vice Chairman Hagedorn, Senators Hill, Winder, Lodge, Vick, Anthon, 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 8:01 a.m. with a quorum present.

**MINUTES APPROVAL:** **Senator Hill** moved to approve the Minutes of February 16, 2018. **Senator Vick** seconded the motion. The motion carried by **voice vote**.

**S 1318** **RELATING TO CODIFIER'S CORRECTIONS to make various codifier and technical corrections to Idaho Code.**

**Katherine Gerrity**, Legislative Services Office (LSO), stated **S 1318** is LSO's annual codified correction bill that proposes to revise various code references and correct grammatical errors.

**MOTION:** **Senator Hagedorn** moved to send **S 1318** to the floor with a **do pass** recommendation. **Senator Lodge** seconded the motion. The motion carried by **voice vote**

**UNANIMOUS CONSENT REQUEST:** **A UNANIMOUS CONSENT REQUEST from the Commerce and Human Resources Committee to print the following RSs and refer them back to the Committee.**

**RS 26192, RS 26193** **Senator Patrick**, Chairman, Commerce and Human Resources Committee, noted **RS 26192** and **RS 26193** are resolutions to reject **Docket No. 07-0901-1701** and **Docket No. 07-0401-1701**.

**MOTION:** **Senator Hagedorn** moved to send **RS 26192** and **RS 26193** to print. **Senator Vick** seconded the motion. The motion carried by **voice vote**.

**RS 26276** **RELATING TO PHARMACIES to establish a Pharmacy Benefit Manager Transparency Act.**

**Senator Patrick** advised that **RS 26276** is a rewrite of a previous bill, and represents agreement among the Idaho Department of Insurance (DOI) and pharmacists. **Senator Stennett** asked if any of the parties objected to the new bill. **Senator Patrick** replied the representatives of the DOI and pharmacists are in agreement, but there are some companies which still have some concerns. He pointed out the bill is needed in order to discuss the issues with relevant parties.

**MOTION:** **Senator Vick** moved to send **RS 26276** to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

**RS 26277** **RELATING TO CAMPAIGN FINANCE to promote public confidence and openness in government and to avoid secrecy by those giving financial support.**

**Senator Lodge** stated **RS 26277** is a result of the work of the Campaign Finance Working Group to identify ways to consolidate sunshine laws and increase openness, transparency, and public confidence in State campaign finance.

**MOTION:** **Senator Hagedorn** moved to send **RS 26277** to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

**RS 26281** **STATING FINDINGS OF THE LEGISLATURE to authorize the Legislative Council to appoint a committee to continue the study related to campaign finance reform.**

**Senator Lodge** explained **RS 26281** will authorize the Legislative Council to reappoint members of the Campaign Finance Working Group as an interim committee to continue studying issues relating to campaign finance reform.

**Senator Hill** asked what work remains for the campaign finance working group. **Senator Lodge** replied the group would like to study local campaign finance to help small cities and counties and to consolidate data under the Office of the Secretary of State. She stated the group felt centralizing the data would make it easier for people to file for office and understand the rules and regulations involved.

**MOTION:** **Senator Hill** moved to send **RS 26281** to print. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

**SCR 140** **STATING FINDINGS OF THE LEGISLATURE to finance a new skilled nursing facility on the Idaho State Hospital South campus.**

**Senator Bair** stated he is representing some of Idaho's most vulnerable citizens, the severely physically or mentally handicapped. He identified reasons and situations which cause them to be unable to care for themselves. He pointed out there are two places to care for these individuals: the Idaho State Hospital North (ISHN) and the assisted living facility in the Idaho State Hospital South (ISHS). **Senator Bair** indicated **SCR 140** is a proposal for a new skilled nursing facility on the ISHS campus. He explained the building presently there was built in 1938 and is in serious disrepair; the structure houses 29 patients who cannot care for themselves.

**Senator Bair** explained the financial aspects of building the \$35 million facility; he stated it has to meet the Joint Commission and Bureau facility standards. Additionally it must accommodate the special needs of the residents. He noted, because the Permanent Building Fund does not have \$35 million, the best option for funding is through the bonding authority. Medicaid would pay for 71 percent of the cost and the State would pay 29 percent (Attachment 1).

**Senator Stennett** asked where patients would go during construction. **Senator Bair** replied there is enough land to build the new building and demolish the old one after construction. **Senator Stennett** inquired as to the cost to operate the facility. **Senator Bair** noted Idaho's portion of the bond payment would be \$650,000.

**Tracy Sessions**, Idaho Department of Health and Welfare (DHW), discussed:

- revenue from Medicaid,
- future need for spending authority,
- the need for the facility to be self-sustaining,
- opening the new facility with 36 beds and increasing to 59 at full capacity,
- the plight of veterans, and
- controlling the environment.

**Senator Stennett** asked for clarification concerning the facility being self-sustaining. **Senator Bair** replied the operating budget will be about \$7 million per year. Spending authority from dedicated funds will be needed. An extensive discussion ensued regarding the level of need for the new facility, funding, the time and costs of the construction, and operating expenses.

**MOTION:**

**Senator Hagedorn** moved to send **SCR 140** to print. **Senator Lodge** seconded the motion.

**Sara Stover**, Health and Human Services Financial Management Analyst, Division of Financial Management, voiced support on behalf of the Governor's Office. She explained normally this proposal would be in the Governor's executive legislation package, but time constraints did not permit that inclusion. **Senator Winder** asked if this funding is set aside in the General Fund. **Ms. Stover** replied the State will have adequate funds for both the initial bond payments and the ongoing General Fund spending authority.

**Senator Winder** asked if there has been discussion regarding interest rates on the bonds. **David Taylor**, Deputy Director, Department of Health and Welfare, responded the projections used the current market rate as of February 2018, and added 1 percent which resulted in an average rate of 5 percent.

The motion carried by **voice vote**.

**S 1331**

**RELATING TO CONCEALED WEAPONS to provide that certain members of the Idaho State Bar may provide certain instruction.**

**Senator Potts**, District 33, specified **S 1331** proposes to allow senior or emeritus members of the Idaho State Bar to teach enhanced concealed weapons courses.

**Senator Stennett** asked how many of the members of the Idaho State Bar teach the courses. **Senator Potts** explained an enhanced permit requires classroom training as well as legal training regarding the use of concealed weapons. He elaborated on emeritus status with the Idaho State Bar.

**MOTION:**

**Senator Anthon** moved to send **S 1331** to the floor with a **do pass** recommendation. **Senator Lodge** seconded the motion.

**Senator Hill** noted there are also other requirements. **Senator Anthon** explained that while instructors may not have active licenses with the Idaho State Bar, they could still be qualified to teach the courses.

The motion carried by **voice vote**.

**H 486**

**RELATING TO THE STATE HISTORICAL SOCIETY to amend Idaho Code § 67-4112 to revise a definition.**

**Janet Gallimore**, Executive Director, Idaho State Historical Society, detailed the authority and responsibilities of the Idaho State Historical Society (ISHS). She outlined the historical background of the ISHS, and provided its key statutory authorities (Attachment 2). **Ms. Gallimore** stated **H 486** proposes to amend Idaho Code § 67-4112, clarifying the definitions section and the major program areas of responsibility of the ISHS.

**Senator Vick** asked what precipitated the change in definitions at this time. **Ms. Gallimore** replied it was an opportunity to codify the different responsibilities and authorities, having them all in one place for easy access and clarity.

**Senator Winder** inquired about the circumstances of historic properties in outlying areas. **Ms. Gallimore** explained how those properties were acquired and where they are located.

**MOTION:** **Senator Buckner-Webb** moved to send **H 486** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

**H 606** **RELATING TO THE OPEN MEETINGS LAW to revise the definition of "Public Agency"; repeal Idaho Code § 74-202 regarding Open Public Meetings; and add a new Idaho Code Section to provide definitions for Open Public Meetings.**

**Representative Tom Loertscher**, District 32, introduced Roy Eiguren to present the bill. **Roy Eiguren** explained this is consensus legislation negotiated between the Governor, the Governor's Chief of Staff, Skip Smyser on behalf of the Idaho Press Club (IPC), and himself. **Mr. Eiguren** pointed out **H 606** brings 28 agencies created by executive order of the Governor under the jurisdiction of the Idaho Open Meeting Law. He noted that the Governor's Cybersecurity Task Force and the Medal of Achievement Committee shall not constitute a public agency. **Mr. Eiguren** shared a document stating the Idaho Criminal Justice Commission (ICJC) is not required to comply with the Idaho Open Meeting Law ( Attachment 3). **Mr. Eiguren** quoted the preamble to the Open Meeting Law statute.

**Senator Stennett** inquired how the Open Meeting Law related to the special committees, such as the ethics committees in the Senate and the House. **Mr. Eiguren** explained that legislative meetings are subject to the Open Meeting Law, except in extraordinary circumstances as provided specifically in the rules of either body.

**Senator Lodge** asked why the ICJC was singled out. **Mr. Eiguren** stated there was discussion between the ICJC and the Governor's Chief of Staff to decide what would be considered open. He explained the decision was to put those guidelines into ICJC's official policy ( Attachment 3).

**Senator Hill** inquired if any of these agencies make binding decisions, or if they are all advisory in nature. **Mr. Eiguren** answered most are advisory, but some do make binding decisions. He added that Representative Loertscher and the Governor felt the change should be holistic.

**Skip Smyser**, Lobby Idaho and the IPC, spoke in support of **H 606**. He stated the IPC perceives that **H 606** coincides with their goals for openness and transparency in government.

**MOTION:** **Senator Vick** moved to send **H 606** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

**ADJOURNMENT:** There being no further business at this time, **Chairman Siddoway** adjourned the meeting at 9:05 a.m.

---

Senator Siddoway, Chair

---

Twyla Melton, Secretary

---

Carol Cornwall, Assistant Secretary