

Idaho Legislative Update - February 2014

Insight — February 2014

The Idaho Legislature just concluded the fourth week of the 2014 session. Despite the customary slow start that consists of committee budget hearings and rule making, things are starting to pick up and legislative proposals are starting to surface. As I mentioned in my last report, www.legislature.idaho.gov is an excellent resource for tracking bills, agendas, legislator information, and much more.

State of the Union: President Obama delivered his State of the Union address on Tuesday, and most coverage emphasized Obama's insistence that despite implicitly acknowledging that he is unlikely to achieve anything on the scale of the Affordable Care Act, he will use his executive authority whenever possible to advance his priorities, including outlining more than a dozen ways in which he intends to use his executive powers to try to boost the economy on his own. The President also addressed topics such as lifting the minimum wage, overhauling immigration, and closing Guantanamo Bay once and for all. Republicans expectedly responded critically by calling on the President to work on bipartisan measures, including approving the Keystone XL pipeline. A full reading of the President's State of the Union address can be found [here](#). Additionally, a link to responses from Idaho's all-Republican delegation can be found by clicking [here](#).

Budget Hearings: The first four weeks of hearings of the Joint Finance and Appropriations Committee has consisted mostly of budget requests and presentations from state agencies and departments. As I mentioned last month, the first presentation was Governor Otter's budget recommendation that was delivered by the Administrator of the Governor's Office of the Division of Financial Management, Jani Revier. A full copy of the Governor's budget recommendation can be found [here](#).

Rule Making: The first few weeks of every Idaho legislative session consists of relevant committees holding public hearings on administrative rules that have the force and effect of law and as such are subject to a comprehensive process that includes review and approval by the Idaho Legislature in order to become final and enforceable. Best defined, a rule means the whole or part of an agency statement of general applicability that interprets or prescribes law or policy or the procedure or practice requirements of an agency. Despite the low level of attention the rule-making process receives, the effects can be real, and Idaho is one of only three states in the nation that provides the Legislature with the authority to amend, modify, or reject rules.

Dominant Issues Facing the Legislature: A few issues I predicted that

would surface during the 2014 session have already been brought to fruition in the forms of proposed legislation. A few other unexpected, and possibly controversial, issues have also surfaced in the Legislature. Here is a quick run-down of some of those issues that are getting a fair amount of attention at the Capitol and in the press:

Pollution Discharge Permit Bill: Legislation that would authorize the state of Idaho to assume the function of permitting and enforcing NPDES (National Pollution Discharge Elimination System) programs has been introduced in the Legislature. The bill passed a House committee earlier this week, and received a unanimous vote in the House on Friday. Idaho is currently just one of four states without this program, and it has been studying the feasibility of operating it for over 15 years. The Idaho Association of Commerce and Industry is the primary driver of the legislation, and it is receiving far-reaching support, including from municipal interests such as the Association of Idaho Cities.

Guns on Campus Legislation: The Senate State Affairs Committee voted earlier this week to introduce a bill that would allow concealed firearms on Idaho public college campuses under certain circumstances. The bill would only allow retired law enforcement officers or people who have Idaho's new enhanced concealed carry permit to have concealed weapons on campuses. The legislation also includes exemptions that don't allow for concealed weapons in dormitories or in large entertainment venues with attendances of 1,000 people or more. The bill is being proposed by State Senator Curtis McKenzie, a Republican from Nampa, and is sure to see some lively debate in the full committee hearing.

Religious Liberty Proposals: State Representative Lynn Luker presented a bill in the House State Affairs Committee that outlines a plan to shield religious people from the threat of having their professional licenses revoked for refusing service or employment to those they conclude violate their religious beliefs. A full hearing on this issue will be forthcoming and is likely to receive a lot of attention both at the Capitol and in the media.

Increasing the Speed Limit: A legislative proposal to increase speed limits on some stretches of Idaho highways by 5 miles per hour is expected to surface next week. The Idaho Senate Majority Leader, Senator Bart Davis, is expected to propose the legislation that would require the Idaho Transportation Department to determine which highways could handle the higher speeds, up to 75 on state highways and 80 on interstate highways.

State Takeover of Privately Run Prison: In December, Governor Butch Otter announced that he'd asked the State Department of Corrections to take over the operations of the state's largest prison which has been privately run by Corrections Corp. of America. The prison, which is south of Boise, has been at the center of multiple lawsuits, scandals, and allegations of fraud over the years. In response to this request by Governor Otter, the Senate voted in favor of a bill that would spend \$1.9 million during the current year to transition the prison to state operation

on July 1st. The bill now moves to the House.

Additional issues that have surfaced so far include discussions on local option taxes, Medicaid expansion, proposals to limit eminent domain, complete repeal of the personal property tax, education reform, eliminating the Idaho Health Insurance Exchange, and much more.

Please contact me if you have any questions or comments.

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