

MINUTES
HOUSE BUSINESS COMMITTEE

DATE: Wednesday, January 27, 2016

TIME: 1:30 P.M.

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 (Van Tassel), Jordan

**ABSENT/
EXCUSED:** Representative(s) Palmer, Hixon

GUESTS: Miguel Legarreta, Ada County Association of Realtors; Sean Armatage, Hilex Poly Company; Teresa Molitor, American Progressive Bag Alliance; Dean Cameron, Kathy McGill, Department of Insurance; Suzanne Budge, Idaho Petroleum Marketers and Convenience Store Association; Pam Eaton, Idaho Retailers Association; Jeremy Pisca, Risch Pisca

Vice Chairman Clow called the meeting to order at 1:30 p.m.

Mitch Toryanski, Legal Counsel, Board of Occupational Licenses, provided information pertinent to the legal exposure of Idaho's Regulatory Boards to federal antitrust claims. He said if a state uses active market participants as regulators, it must provide active supervision if the board is to qualify for state-action immunity from federal antitrust laws. There must be more than a mere façade of state involvement to ensure political accountability. In answer to a question, he stated Idaho's regulatory boards have functioned with active market participants for years. Although, if any board or commission restrains trade it could be affected.

Vice Chairman Clow turned the gavel over to **Chairman Barbieri**.

H 372: **Rep. Kauffman** presented **H 372** relating to the regulation of auxiliary containers. The purpose of this legislation is to ensure the uniform and prudent regulation of auxiliary containers. This law would require any regulation or taxation of auxiliary containers be done by the legislature, not by individual political subdivisions of the state. It would not interfere with or limit any municipal or county recycling program, nor would it prevent any retail or food establishment from utilizing any type of auxiliary container it chooses.

Suzanne Budge, IPMCSA, spoke **in support** of this legislation.

Pam Eaton, Idaho Retailers Association, spoke **in support** of the bill.

MOTION: **Rep. Thompson** made a motion to send **H 372** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Kauffman** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:05 p.m.

Representative Barbieri
Chair

Joyce McKenzie
Secretary