



Team 17 Newsletter

March 4, 2012

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LEGISLATIVE UPDATE

FROM TEAM 17



Team 17

Senator [Elliot Werk](#)
Representative [Sue Chew](#)
Representative [Bill Killen](#)

Public Forum- THIS WEEK!!!

Thursday, March 8, 2012, 7 PM Whitney Elementary School Library

Office Hours!
Thursday's, 7:00 - 8:30 PM in the Borah High Career Center

We need your expertise. To help with legislation or community projects call:

Central

Welcome to our 5th newsletter of the 2012 legislative session. We hope that you find it enlightening. If you would like to contact any of the members of Team 17 please drop us an email at team17@mindspring.com.

TEAM 17 PUBLIC FORUM - THIS THURSDAY!

Please join us for our third legislative forum of this session beginning at 7:00 PM in the Whitney Elementary School library (SW corner of Overland and Owyhee). General Bill Shawver will be there for about 15 minutes to answer questions about the F35 process (this will not be a debate on the issue). In addition we can discuss women's health issues, schools, fracking, taxes, hunting, the budget, and any other issue that strikes your fancy.

Odds and Ends

As we near the end of the legislative session legislators begin to position themselves for their primaries. Because of the new closed GOP primary (the Democratic Party is open to all) we have seen a spate of memorials (messages to Congress, etc.) and bills to ensure that proponents are positioned as far to the right as possible. This provides some cover during their closed primary where they fear being out flanked.

Expect to see messages to Congress about contraception, health care, federal lands, etc. Also there are some bills to try and stop elements of the Affordable Care Act - we call them nullification light. There is also another run at restricting the lawful rights of workers - on the heels of costly court loses for two bills passed by the GOP last session (money that could have gone to schools not courts).

Senator Werk
208-658-0388

Rep Killen
208-345-2956

Rep Chew
208-344-0098

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[Chew for House](#)
[Werk for Senate](#)

From the Desk of Senator Werk:

Fracking – Part 2

Last time we learned the basics of fracking. The process is not inherently evil but it must be done properly and with proper oversight and accountability. So far the oil and gas industry has resisted efforts to ensure complete and proper oversight and accountability. This is understandable since industry would always want unfettered access to the resources they seek at the lowest possible cost. The job of the state and legislature should be to find the sweet spot between oversight, accountability, citizen protection, and maximizing the use of the resource. No easy task!

The new rules that govern the technical aspects of oil and gas development have passed legislative muster. I supported them. They did not contain everything that I wanted (as I'll explain below) but they represent a positive step forward compared to the outdated rules that previously existed.

Some positive steps include the requirement of lined surface pits (to stop seepage of fluids into the ground), and detailed well construction, integrity testing, and closure requirements. Also the rules require disclosure (to the Department of Lands) of the components of fracking fluids.

There are some areas of oil and gas development, however, that are poorly or not regulated by the new rules. These include the allowance of high volume fracking (like that used elsewhere and associated with environmental impacts) without any added oversight or regulation (the new rules treat all fracking the same), keeping the components of fracking fluids a trade secret that cannot be disclosed to the public, and a bonding requirement to cover the proper closure of wells that could leave Idaho vulnerable to operators disappearing and leaving abandoned wells behind (there are 1,000's of these in Oklahoma and Texas).

There are two critical issues not addressed adequately in the new rules that can have a direct impact on public safety and health. First is allowing the use of chemicals that cause cancer in humans in fracking fluids. I am working with my colleagues to allow the introduction of a bill that bans chemicals that cause cancer in humans from fracking fluids. So far this effort has been unsuccessful.

The second issue is a bit more complex. Right now industry claims that there has never been a documented case of groundwater pollution caused by fracking (not true...). This is an easy statement to make since fracking is done where oil and gas are present (and can naturally escape to the surface). Without any way to trace the source of the contamination back to the fracking operation, industry simply denies fault and there is no

way to definitively prove otherwise. I experienced this many times in my career as an environmental consultant. To ensure accountability we should add unique inert chemical tracers to fracking fluids that allow definitive tracking of the impacts of fracking to a specific company or operator. If industry truly believes that they do not contaminate water supplies and surface waters then they should embrace the opportunity to prove it through the use of these unique tracers.

Lastly, as a side note, the Oil and Gas Commission in Idaho (created in 1963) is tasked with all state oversight over oil and gas development. Their charge defines the Public Interest as maximizing the development of oil and gas (<http://bit.ly/zVV5Dj>).

Unfortunately, nowhere in this section of law are the health, safety, and welfare of the public included as part of this Public Interest. This is a major oversight that I am currently working to correct.

From the Desk of Representative Killen:

Fairness bites the Dust – Again

Proving once again that no good bill (especially if it contains the word tax) should survive the killing grounds of the House Revenue and Tax Committee, [H 581](#) – the Streamlined Sales Tax, died on a 9-9 tie vote Wednesday morning. After two and a half hours of debate, all supportive, nine members of the committee were unwilling to give Idaho brick and mortar retailers a fair and level playing field with on-line retailers. Based on their questions and comments, their reluctance appeared to be mainly grounded on their uncertainty as to exactly how the 79 page bill worked. Some clearly opposed on the grounds they simply didn't like taxes, sales and use taxes in particular.

This is the fifth or sixth year that bills have come to the Committee regarding the Streamlined Sales Tax Project, a compact of some 24 states seeking to simplify for all retailers the process for the collection and remittance of sales taxes, already owed under law on, transactions by their residents with out of state e-commerce vendors. It imposes no new taxes ; it does streamline or simplify the collection mechanism; relieving the burden from individual online retailers to track tax rates and exempt transactions in 50 different states. More importantly it would act to remove the 6% handicap that local retailers carry compared to those online vendors that choose not to collect and remit to Idaho the tax presently due and owing.

Particularly disconcerting to me (full disclosure – I have been a sponsor or co-sponsor of this bill over the last several years) is that one member of the committee campaigned for office in 2010 expressing their full support for this as an issue of fairness to local brick and mortar businesses. Given the opportunity to live up to their rhetoric on the campaign trail, they fell short and voted against the bill - providing the margin of defeat.

From the Desk of Representative Sue Chew:

Curbing Prescription Drug Abuse

As a member of the House Health and Welfare Committee and a licensed pharmacist, I'm always interested in updates to laws involving prescriptions. Currently we are seeing an epidemic in prescription medication abuse. Prescription abuse exceeds all illicit drug use combined. Nationally, many states are trying to reduce prescription drug abuse, overdose, and misuse. Different types of legislation have been enacted to address an increasingly important public health issue. Doctor shopping, Prescription Drug Monitoring Programs (PMPS), interstate sharing of information and required identification before dispensing are four areas being discussed.

Doctor shopping refers to people obtaining multiple prescriptions for controlled substances from different health care practitioners without the knowledge of the practitioners. PDMPs help prescribers and pharmacies track people who are writing and filling prescriptions for controlled substances. Although forty-three states have authorized prescription drug monitoring programs, only thirty-five states have operational PDMPs which are established by state legislation and paid for by a combination of state and federal funds. In Idaho, the Prescription Monitoring Program (PMP) is viewed as a prototype and leader around the country. It has been moving from a paper version to an on-line version during the last couple of years that lets practitioners view prescriptions prescribed by other practitioners. An interstate sharing of information law allows data from a state's prescription drug monitoring program to be shared with authorized individuals in other states. Required identification before dispensing requires or permits pharmacies to request identification prior to dispensing a controlled substance. The Idaho Board of Pharmacy includes that as one of its 497 rules.

According to a Drug Enforcement Administration fact sheet, the Center for Disease Control states that "prescription drugs, including opioids [any synthetic narcotic that has opiate-like activities but is not derived from opium] and antidepressants, are responsible for more overdose deaths than 'street drugs' such as cocaine, heroin, and amphetamines." Ten years ago, when prescription drug abuse took the life of a young Boisean, professionals pledged to do something. Two young people have died in the Boise area in the past few months from overdoses. Parents, relatives, and friends are wondering how those deaths could have been avoided and how similar tragedies could be avoided in the future.

A Prescription Drug Abuse Workgroup has met twice during this legislative session. Those involved include Representative Sue Chew, Representative John Rusche, Senator Dan Schmidt, and representation from all of these organizations: Office of Drug Policy, Idaho State Police, Saltzer Medical Group, Idaho Medical Association, Idaho Board of Medicine, Board of Pharmacy, Board of Dentistry, Board of Nursing, and Office of Drug

Policy. The Workgroup is especially interested in improving communication among agencies. The next meeting will take place in a couple of weeks. **If you have thoughts or information about drug abuse that you would like to share with me, please call me at 344-0098 or send an email to schew@house.idaho.gov.**

Contacting Team 17

Public Forums to Discuss Legislative Issues

The legislative forums that we have held in past years have proven a great way to keep in close contact with the people we represent. Of course we want to keep these lines of communication open and we will hold more forums this year.

Here is the schedule of our remaining forums:

March Forum THIS WEEK	Thursday, March 8th 7:00 - 9:00 PM	Whitney Elem. School Library
Wrap-Up Forum (We hope!)	Thursday, April 5 th 7:00 - 9:00 PM	Borah High School Library

Weekly Office Hours

Once again Team 17 will offer the people that we serve the opportunity to meet individually with the Team on a first come - first served basis. Office hours will be every **Thursday** (except forum nights) from **7:00 - 8:30 PM** in the **Career Center** at **Borah High School**.

Our web sites are constantly being updated with the latest information, so visit them often.

WEB SITES
Senator Elliot Werk – detailed info on the legislative session and Sen. Werk’s activities
Representative Bill Killen – read Bill’s updates
Representative Sue Chew – coverage of legislative activities

Other Links
Fiscal Facts Book (historic information about budgets and good basic budget data – including various account balances)
2012 Legislative Budget Book (used by the budget committee members)
2012 Legislative Fiscal Report (details where the budget currently stands)
2010 Idaho Fiscal Source Book (sources and uses of funds for state agencies)

We want to stress what an honor it is to represent you in the Idaho legislature. We appreciate all of the visits, phone calls, emails, and letters. This input helps us to better represent our community.

Please feel free to contact any one of us at any time at team17@mindspring.com, or by phone at 658-0388 (Sen. Werk) or 344-0098 (Rep. Chew) or 345-2956 (Rep. Killen).

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