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Legislative News from Donna Pence Week 6, February 22, 2011

The Capitol continues to have a heavy flow of visitors here to testify or to listen to committee debate on a whole host of Idaho issues. We also are seeing the beginning of student groups touring the Capitol and learning more about their government. Last week Wendy Jaquet and I had a great visit with students and their teacher from Camas County High School.

We have had two spirited debates on the floor. The first over whether the State of Idaho has the legal right to refuse to implement a federal law if they do not agree with it. In this case the Patient Protection and Affordable Health Care Act. I believe the Idaho Attorney General's opinion that unless this Act is overturned by the Supreme Court, HB117 is unconstitutional under both Idaho's Constitution and the United States Constitution. This opinion was based on the Supremacy Clause which says Federal Law overrides State Law. The nullification principle, which has been around since the time of the Articles of Confederation, has never been legally confirmed by any court action. It is the basis for the current lawsuit against the PPAHCA working its way through our legal system. It is customary that we must adhere to any law passed until it is ruled illegal by the highest legal authority that being the Supreme Court of the United States. There have been four rulings in Federal Court, two in favor and two against the Act. None of these really settle the issue and should not be the basis for doing what HB 117 is written to do. That is to forbid any implementation of the PPAHC Act by any individual in the State of Idaho. This means that until the bill is ruled unconstitutional in court children with pre existing conditions no longer can be insured, seniors no longer get relief when they reach the donut hole and a host of other parts of the PPAHCA already starting to function will no longer be available to Idaho Residents. HB117 passed but, I was one of the 20 Representatives who adhered to the oaths we made to uphold the Idaho and the United States Constitutions when we took office.

The second issue concerned a dispute between Benewah County and the Coeur d' Alene tribe about law enforcement on their reservation. There are several counties that have reservation lands within them. All but Benewah have worked out agreements related to tribal and county law enforcement duties and responsibilities, the rights of both Indians and non Indians to trial in either Idaho Courts or Tribal Courts, and various other issues. Last year we were about to vote on the issue but instead brokered a compromise which later conveniently broke down after the

Legislature adjourned. The Coeur d'Alene's brought this bill after talks failed this summer and fall. After two hours of debate the bill failed by one vote and it looks like there will still be discord over this issue. Much time was spent last year and also this year. I supported HB 111 passage. Primarily because this issue needs resolving and it did not appear the will to do that exists at the local level.

This next week there will be 8 different bills dealing with Urban Renewal heard in the Local Government Committee. This concept has been a useful tool for our communities and I am hearing from Chambers of Commerce and local government officials in support of retaining this concept. The 8 bills, most of which are brought by people opposed to urban renewal, are likely to contain measures that limit the powers available to UR agencies or at worse completely do away with them. We will learn more about these bills next week.

The School Boards Association was in town several days last week and we were able to touch bases with the fine people that have taken on the responsibility of running our local schools. They all had concerns with the Supt. Luna's Education Plan. Most centered around the loss of teachers and its effect on their districts. Most I talked with had good technology at this point and were looking to be given the ability to shift some of the proposed technology funds to other areas of the school budget. The proposed plan also offers a budget item that is supposed to cover maintenance on all the computers and technology and there is concern that it will be insufficient. Since the three Luna bills passed out of the Senate Education Committee last Thursday they will likely be debated on the floor of the Senate next week.

This update is a little later than usual because I took some time Friday afternoon to support District 25 Girls Basketball teams at the State Tournament. Dietrich, Richfield and Wood River won their semi-final games to qualify for State Championship Games. It was exciting for an old coach to sit with each team's fans and watch those young ladies put their skills to good use. Saturday I watched as Dietrich finally outscored Richfield in three overtimes to be champions of the A-1 classification. Wood River was up against a senior laden Middleton team and had to settle for 2nd. place in their division. Wood River is a young team and will return many of their players. I expect them to be back to State next year. Congratulations to those players, coaches, and fans that represented their communities so well.

Thank you for all the messages and ideas you are sending. Keep up the flow of information back to us. I can be reached at 208-308-0046, dpence@house.idaho.gov, 1960 US Hwy 26, Gooding, ID 83330.