

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Friday, February 23, 2018

TIME: 8:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith

**ABSENT/
EXCUSED:** None

GUESTS: Kerry Uhlenkott, Right to Life Idaho; Christian Welp, Diocese of Boise; Julie Lynde Family Policy Alliance of Idaho; Toni Lawson, Idaho Hospital Association; Jan Sylvester; Shasta Kilmaster- Hadley

Chairman Loertscher called the meeting to order at 8:03 a.m.

H 611: **Rep. Gayann DeMordaunt** presented **H 611**, legislation to provide transparency to meeting agendas subject to Idaho Open Meeting Laws. In addition to current posting requirements for meeting agendas, notices for meetings and agendas be posted electronically if the governing entity has an online presence. An item on an agenda requiring a vote by the governing entity be clearly identified as an "action item." Agenda amending requirements remain the same and additional language added to allow for action on an item taken after the start of a meeting if an emergency is declared. The declaration must be justified and reflected in the minutes of the meeting..

Rep. DeMordaunt introduced **Brian Kane**, Attorney General's office explained, if brought up as an action item not marked as an action item it would be in violation. It has to be set aside within 30 days of the violation. If done within 120 days, it can go back and be made right. Smaller towns may not have an internet presence, however most public entities who would be included have an online presence.

MOTION: **Rep. Scott** made a motion to send **H 611** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. DeMordaunt** will sponsor the bill on the floor.

H 571: **David Ripley**, President, Idaho Right to Life, presented **H 571**, legislation to require the reporting of health complications arising from the performance of an abortion to the Department of Health & Welfare.

RS 26213C2: **Rep. Chaney** presented **RS 26213C2**, legislation to require reporting of health complications arising from the performance of an abortion to the Department of Health & Welfare. Annual statistical reports will be provided to the Idaho Legislature and made available to the public. Data is unavailable because a doctor provides the health care, and a different doctor provides the follow up. This will provide data on who is providing procedures, identify trouble providers, and a demographic that may be receiving lower quality health care than others.

ORIGINAL MOTION: **Rep. Barbieri** made a motion to introduce **RS 26132C2** with the following changes: Page 5 strike lines 1 through 6, and line 15, page 6, strike the word "criminal" and recommend it be sent directly to the Second Reading Calendar.

SUBSTITUTE MOTION: **Rep. Luker** made a substitute motion to make changes to the fiscal note, and recommend it be sent directly to the Second Reading Calendar.

David Ripley, Idaho Right to Life, addressed the fiscal note; the information from 2016, 39-261, Idaho code, which the legislature authorized in 1977. There is no requirement to report any complication in this document. This legislation is incorrect because complications aren't included. There is no indication how many reports will be filed. It is impossible to know the cost. If it is determined that there is a large fiscal impact then the problem is much larger.

SUBSTITUTION MOTION WITHDRAWN: **Rep. Luker** withdrew his substitute motion without objection.

Karrie Uhlenkott, Right to Life of Idaho, Inc. spoke in support of **RS 26132C2**. She stated women in the world are suffering from complications associated with abortion drugs. These complications include hemorrhage, infection, cases of ectopic pregnancies and even death. If women tell the doctor they are suffering from a miscarriage the doctor can't tell the difference, and do not get the appropriate treatment, which can result in death.

Julie Lynde, Family Policy Alliance of Idaho, spoke in support of **RS 26213C2**.

David Ripley said this information came from Right to Life, and on page 4 the Idaho Medical Association terminology was added, "in the physicians reasonable medical judgement". The current reporting system isn't mandatory, so any previous report wouldn't be accurate.

VOTE ON ORIGINAL MOTION: **Chairman Loertscher** called for a vote on the motion to introduce **RS 26213C2**, with the following changes: Page 5, strike lines 1 through 6, and page 6, line 15, strike the word "criminal", and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep.(s) Manwaring and Smith** requested to be recorded as voting **NAY**. **Rep. Chaney** will sponsor the bill on the floor.

MOTION: **Rep. Monks** made a motion to **HOLD H 571** in committee. **Motion carried by voice vote.**

RS 26235: **Rep. Giddings** presented **RS 26235** legislation that the current Idaho Statute 402-04(A) recognizes the federal land rights-of-way were granted to the state for public use in perpetuity. The 1976 act allowed for the continuance of rights-of-ways in existence prior to its passage. Abandonment of any rights-of-way shall not occur due to passage of time or frequency of use, but only through eminent domain proceedings. Recently, through the use of federal travel management, resource and land management plans, the federal agencies, primarily the U.S. Forest Service and the Bureau of Land Management, have closed roads and trails across federal lands, sometimes without regard to rights-of-way existing prior to the act. These closures denied the public's access to enjoy the lands' multiple uses and reduced state and county revenues derived from industries related to access and extraction. Closures have created wildfire suppression hazards by delaying response times to re-open the closures or construct new means of access. This bill clarifies federal agency plans desiring to close any existing rights-of-ways cannot circumvent eminent domain proceedings and explains what maintenance actions may be taken by the state or any of its political subdivisions. A change, page 1 line 22, "shall be shown", changed to "says may be shown".

MOTION: **Rep. Barbieri** made a motion to introduce **RS 26235**. **Motion carried by voice vote.**

H 418: **Rep. Giddings** presented **H 418** to create a new section of code prohibiting state agency personnel from communicating with legislators or the governor for the purpose of influencing the passage, defeat, amendment or postponement of a legislative action or an executive action with certain caveats.

- MOTION:** **Rep. Monks** made a motion to **HOLD H 418** in the committee. **Motion carried by voice vote.**
- RS 26234:** **Rep. Giddings** presented **RS 26234**, legislation to create a new section of code to prohibit state agencies or political subdivisions from using appropriated funds or public money to employ contract lobbyists.
- MOTION:** **Rep. Barbieri** made a motion to introduce **RS 26234**. **Motion carried by voice vote.**
- ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 9:45 a.m.

Representative Loertscher
Chair

Jayne Feik Spinato
Secretary