

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, March 02, 2018

**TIME:** 8:30 A.M.

**PLACE:** Room EW40

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

**ABSENT/  
EXCUSED:** None

**GUESTS:** Dale Tustison, Moose Creek Mining District; John Thill, Idaho Library Association; Don Smith, Public Lands for the People; Dylan Baxter, Idaho Council for Libraries; Russell Westerberg, LAMAR; Jonathan Openheimer, Idaho Conservation League; Beverly Richmond, ILA-Priest Lake Public Library; Jana Reeves Streibel, Lizard Butte Library, LeAnn Gelskey, Hailey Public Library; Kate Lovan, Middleton Public Library; Cindy Erickson, Soda Springs Public Library; Mary DeWalt, Ada Community Library; Ann Joslin; Bette Ammon, Couer d' Alene Public Libraries; John Watts, Legislative Advisor for the Idaho Library Association; Craig Cobia, Citizens for Decency; Nick Veldhouse, Idaho Association of Highway Districts.

**Chairman Loertscher** called the meeting to order at 8:02 a.m.

**HCR 50:** **Rep. Clow** presented **HCR 50**, legislation to raise awareness and declare pornography has reached the level of a public health hazard leading to a broad spectrum of individual and public health impacts. Pornography shows to adversely impact healthy relationships and influence abuse of men, women and children. The resolution encourages education and policies to address the pornographic epidemic which is harming the people of our state and nation. It encourages all of Idaho's state agencies, local governments and political subdivisions to establish policies, procedure and appropriate technology to prevent access to pornography through their internet connections, whether wired or wireless.

**Craig Cobia**, self; spoke in support of **HCR 50**.

**MOTION:** **Rep. Harris** made a motion to send **HCR 50** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Clow** will sponsor the bill on the floor.

**H 619:** **Rep. Clow** presented **H 619**, legislation to amend Chapter 27, Section 41 of Title 33 Idaho Code. The change will update public libraries requirement to filter access to minors of obscene and pornographic material through their internet. Current law did not anticipate use of personal laptop computers, tablets and smart phones gaining access through publicly provided wireless access to the libraries internet. The bill adds the language "publicly accessible wireless internet access or" and like terminology to several references of "publicly accessible computers". This legislation confirms Idaho's public libraries assure their wireless (WiFi) is filtered as is required of the use of their available computers with internet access. The Library Board of Trustees shall update their policy to include this amendment. Child Protection Internet Access is required to be eligible for E-Rate.

**Chairman Loertscher** turned the gavel over to **Vice Chairman Monks**.

**John Thill, Jana Reeves Streibel, LeeAnn Gelskey, Kate Lovan, Cindy Erickson, Tammy Gray, Mary DeWalt, Bette Ammon, Ann Joslin, John Watts**, Spoke in opposition to **H 619**. Behavior and safety are a priority to librarians. Libraries are aware of issues and are on top of them. This is an unfunded mandate, and would cause a financial burden on libraries. **Craig Cobia** spoke in support of **H 619**.

- MOTION:** **Rep. Zito** made a motion to **HOLD H 619** in the committee.
- SUBSTITUTE MOTION:** **Rep. Crane** made a substitute motion to send **H 619** to the floor with a **DO PASS** recommendation.
- ROLL CALL VOTE ON SUBSTITUTE MOTION:** A Roll Call vote was requested. **Substitute Motion failed** by a vote of **7 AYE** and **7 NAY**. **Voting in favor** of the motion: **Vice Chairman Monks; Rep.(s) Crane, Palmer, Holtzclaw, Harris, Armstrong, Manwaring**. **Voting in opposition** to the motion: **Chairman Loertscher; Rep.(s) Barbieri, Giddings, Zito, Scott, Smith, and Tway**.
- ROLL CALL VOTE ON ORIGINAL MOTION:** A Roll Call vote was requested. **Motion failed** by a vote of **7 AYE** and **7 NAY**. **Voting in favor** of the motion: **Chairman Loertscher, Rep.(s) Barbieri, Giddings, Zito, Scott, Smith, and Tway**. **Voting in opposition** to the motion: **Vice Chairman Monks; Rep.(s) Crane, Palmer, Holtzclaw, Harris, Armstrong, Manwaring**.
- H 637:** **Rep. Giddings** presented **H 637**, 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 through eminent domain proceedings. 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 have denied the public's access to enjoy the lands' multiple uses and has reduced state and county revenues derived from all industries related to access and extraction. These closures have also created wildfire suppression hazards by delaying response times to either re-open the closures or construct new means of access.
- Dale Tustison, Don Smith, and Sandra Mitchell** spoke in support of **H 636**. **Jonathan Oppenhiemer** spoke in opposition of **H 636**. He stated that the bill could raise questions with regards to property rights, and result in a loss of rights of way.
- MOTION:** **Rep. Scott** made a motion to send **H 637** to the floor with a **DO PASS** recommendation.
- SUBSTITUTE MOTION:** **Rep. Luker** made a substitute motion to send **H 637** to General Orders. **Motion carried by voice vote**. **Rep. Giddings** will sponsor the bill on the floor.
- H 636:** **Rep. Giddings** presented **H 636**, This legislation creates a new section of code that prohibits state agencies or political subdivisions from using appropriated funds or public money to employ contract lobbyists.
- ADJOURN:** Due to time constraints, **H 636** will be heard at time certain, Monday, March 5, 2018. There being no further business to come before the committee, the meeting adjourned at 10:05 a.m.

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Representative Loertscher  
Chair

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Jayne Feik Spinato  
Secretary