

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, February 28, 2017

TIME: 9:00 A.M.

PLACE: Room EW40

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

**ABSENT/
EXCUSED:** None

GUESTS: Kelli Brassfield, Idaho Association of Cities; Micki Love, Ada County Elections; Karen Echeverria, Idaho School Boards Association; Eric Heringer, Piper Jaffray; Rob Winslow, Idaho Association School Administrators; Kathy Griesmeyer, ACLU Idaho.

Chairman Loertscher called the meeting to order at 9:00 a.m.

H 189: Continuation of the meeting of February 27, 2017 at 9:00 a.m.

Rob Winslow, Idaho Association of School Administrators, spoke **in opposition** to **H 189** and stated he was concerned about the restrictions of information which could restrict the forming of school bonds and levies. **Karen Echeverria**, Idaho School Board Association, spoke **in opposition** to **H 189** and stated the bill conflicts with existing law, lacks a time frame to challenge an issue and who can file a challenge. The language is ambiguous. She stated it limits the manner to even speak about elections. She stated the public wants more information on bonds and levies and the bill limits that access. **Kathy Griesmeyer**, ACLU Idaho, spoke **in opposition** to **H 189** and stated the bill raises concerns with freedom of speech. She stated those qualified to speak on important issues could be limited. **Eric Heringer**, Piper Jaffray, spoke **in opposition** to **H 189** and stated there is no limit on the challenge period in the bill and it is ambiguous.

Rep. Monks was recognized to close testimony on **H 189**. He stated there is a problem with influencing the outcome of elections. He stated there is currently only case law that deals with the issue and it is not in statute, so it is left up to interpretation. He stated public resources should not be used to influence elections and public property or resources should only be allowed to be used if they are available to all. He stated every state surrounding Idaho already has similar legislation/laws.

SUBSTITUTE MOTION: **Rep. Giddings** made a substitute motion to **HOLD H 189** in committee for a time certain, until March 7, 2017.

Rep. Smith spoke **in support** of the substitute motion and stated all the affected parties should collaborate to make the language better.

Rep. Luker spoke **in support** of the original motion to send **H 189** to General Orders with a recommendation and stated the bill needs to move along if the committee decides to send it to General Orders.

VOTE ON SUBSTITUTE MOTION: **Chairman Loertscher** called for a vote on the substitute motion to **HOLD H 189** in committee for a time certain, until March 7, 2017. **Motion failed by voice vote.**

VOTE ON ORIGINAL MOTION:

Chairman Loertscher called for a vote on the motion to send **H 189** to General Orders. **Motion carried by voice vote. Rep. Smith** requested to be recorded as voting **NAY. Rep. Monks** will sponsor the bill on the floor.

H 193:

Chad Houck, Director of Special Projects, Secretary of State, presented **H 193**, a bill that amends existing law to provide that the Secretary of State may deliver a record to a person by electronic transmission. The Secretary of State plans to upgrade its filing system to allow state users to do online filings. The Secretary of State also plans on using electronic transmission of delivery of certain records to those who use the online filing system. Thus, the Secretary of State would like to amend Idaho Code Section 30-21-212 to explicitly allow for delivery of records via electronic transmission.

MOTION:

Rep. Manwaring made a motion to send **H 193** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Giddings** will sponsor the bill on the floor.

H 203:

Chad Houck, Director of Special Projects, Secretary of State, presented **H 203**, a bill that amends and adds to existing law to authorize the Secretary of State to create a statewide electronic filing system and to provide that public disclosure of certain personal information of users of the system shall be exempt. The secretary will need to collect specific, personal information from consumers to create a user account through which users can access an online filing system. This information will be used for verification and validation of a user on that account, and for communicating with that consumer should the consumer forget a password, or should that user choose to receive electronic notifications. Current statute does not directly authorize the Secretary of State to collect personal information for this purpose, or exempt this information from public records requests. Thus, the Secretary of State would like to amend Idaho Code Section 74-106 and add to Chapter 9 Title 67 a new section designated as 67-906, to specifically authorize the collection of this information and maintain its confidentiality.

MOTION:

Rep. Zito made a motion to send **H 203** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Zito** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 9:59 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary