AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:00 A.M.
Room EW40
Wednesday, January 13, 2016

SUBJECT	DESCRIPTION	PRESENTER
	Administrative Rules Subcommittee assignments	Rep. Batt
RS24043	Pipeline Facilities	Joe Leckie, Executive Administrator, Idaho Public Utilities Commission
RS24031	Powdered alcohol	Jeff Anderson, Director, Idaho State Liquor Division

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, January 13, 2016

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow

ABSENT/ EXCUSED: Representative(s) Luker, Nielsen

GUESTS: Paul Kjellander, Idaho Public Utilities Commission; Joe Leckie, Idaho Public Utilities Commission; Jeff Anderson, Idaho State Liquor Division; Tyler Mallard, Risch Pisca; Russ Wheatley, Idaho State Police; Skip Smyser, Lobby Idaho; Kate Haas, Kestrel West; Doug Paddock, IORC; Suzanne Budge, SBS Association.

Chairman Loertscher called the meeting to order at 9:01 a.m.

Chairman Loertscher welcomed the committee members back to the legislature. He also introduced the intern assigned to the Committee, **Tony Eldeen** and **Tyra Peone**, the page assigned for the first part of the session.

RS 24043: **Paul Kjellander**, Commissioner, Idaho Public Utilities, presented **RS 24043**, proposed legislation that amends Section 61-712A of the Idaho Code to change civil penalties according to limits set by the PHMSA. He stated the Pipeline and Hazardous Materials Administration (PHMSA) is requiring all states who participate in the pipeline safety grant program to have statutory authority to assess civil penalty with maximum limits that are acceptable to the PHMSA. He stated the fines would increase from a limit of $2,000 per violation per day to $100,000, and the $200,000 limit for a related series of violations to $1,000,000. He stated the increase would put the State of Idaho in compliance with the limits accepted by PHMSA and all civil penalties assessed and collected under the current statute will be deposited into the General Fund. He also stated any monies collected would not directly benefit the Public Utilities Commission (PUC). He stated if a fine is assessed and contested, the issue would go directly to the District Court. He also asked that if the proposed legislation was introduced, that the committee strike the word "of" after "civil penalty" on line 14, as it is a grammar correction.

In response to committee questions, **Mr. Kjellander** stated penalties would most likely not be assessed against offenders by the PUC and the PHMSA simultaneously but that he would confirm that information later if needed. He also stated funding for the pipeline safety grant program provides approximately $4,000 a year in federal funding to the PUC. He stated the proposed change primarily focuses on compliance with the recommended standards because Idaho is seen as currently having lenient standards.

MOTION: **Rep. Palmer** made a motion to return **RS 24043** to the sponsor. He spoke to the motion and stated raising the fees is a long reach approach and there needs to be a good reason for the increase besides preserving the reputation of the State to the federal government. He stated the revenue collected from the fines should go back into training or something productive instead of just sending it to the General Fund.

Rep. Crane spoke **in support** of the original motion and stated the proposed legislation is a significant increase in fines and raising them over a period of time would be better.

SUBSTITUTE MOTION: **Rep. Wintrow** made a substitute motion to introduce **RS 24043** with the proposed changes striking the word "of" after "civil penalty" on line 14.

Rep. Andrus spoke **in support** of the substitute motion.

ROLL CALL VOTE: A roll call vote was requested on the substitute motion. **Substitute motion failed by a vote of 6 AYE, 9 NAY and 2 Absent/Excused. Voting in favor** of the motion: **Chairman Loertscher, Reps. Andrus, Smith, Jordan, McCrostie and Wintrow**. **Voting in opposition** to the motion: **Reps. Batt, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman and Cheatham. Absent/Excused: Reps. Luker and Nielsen.**

VOTE ON ORIGINAL MOTION: **Chairman Loertscher** called for a vote on the original motion to return **RS 24043** to the sponsor. **Motion carried by voice vote.**

RS 24031: **Jeff Anderson**, Director, Idaho State Liquor Division, presented **RS 24031**, proposed legislation that prohibits the possession, use, sale and purchase of powdered alcohol. He explained that the product is considered dangerous, unnecessary, and prone to abuse. In it's solid, powdered state at which it would be sold at retail, it is nearly 70% alcohol by volume (ABV). Unapproved uses include snorting, misuse by irresponsible adults of legal drinking age with underage persons, improper mixing with less than the prescribed amount of water, mixing with other spirituous liquors that could create lethal drinks, mixing with foods, and the inherent concealability that will lead to illicit use in venues where alcohol is prohibited (football stadiums, high school lunch rooms, etc.) He stated last year powdered alcohol received label approval from the Federal Alcohol and Tobacco Tax and Trade Bureau (TTB), which is the first step in allowing the product to be sold legally in the USA, the second step would be FDA approval. He stated the powder has been banned in 24 other states through legislation in the past two years. He also stated law enforcement, the education community and the liquor community all support the proposed legislation.

MOTION: **Rep. Bateman** made a motion to introduce **RS 24031**. **Motion carried by voice vote.**

Vice Chairman Batt was recognized for the purposes of coordinating the Administrative Rules that are assigned to the committee. She stated that the Military Division, Bureau of Homeland Security Rules, Public Utilities Commission Rules, State Liquor Division Rules, and Department of Administration, Capitol Mall Parking Rules and Interior of State Property Rules will be sent to a subcommittee to review, which will include the following members- **Chairman Holtzclaw, Reps. Slms, Nielsen, Cheatham and Wintrow**. She also advised the Idaho State Racing Commission Rules and Secretary of State Rules will be reviewed by another subcommittee, which will include the following members- **Chairman Bateman, Reps. Andrus, Jordan, McCrostie and McMillan**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:25 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AMENDED AGENDA #1

HOUSE STATE AFFAIRS COMMITTEE
BATEMAN SUBCOMMITTEE

Bateman

8:00 A.M.

Room EW40

Tuesday, January 19, 2016

DOCKET NO.	DESCRIPTION	PRESENTER
34-0501-1501	Rules Governing Farm Products Central Filing System	Jeff Harvey, UCC Supervisor, Secretary of State
34-0201-1501	Presidential Primary	Tim Hurst, Chief Deputy, Secretary of State
11-0406-1501	Rules Governing Racing Officials	Ardie Noyes, Acting Executive Director, Idaho Racing Commission
11-0411-1501	Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses	Ardie Noyes, Acting Executive Director, Idaho Racing Commission
11-0411-1502	Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses	Ardie Noyes, Acting Executive Director, Idaho Racing Commission

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Bateman

Rep.Andrus

Rep.Jordan

Rep.McCrostie

Rep.McMillan

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE
BATEMAN SUBCOMMITTEE

Bateman

DATE:	Tuesday, January 19, 2016
TIME:	8:00 A.M.
PLACE:	Room EW40
MEMBERS:	Chairman Bateman, Representatives Andrus, Jordan, McCrostie, McMillan
ABSENT/ EXCUSED:	Representative Andrus
GUESTS:	Jeff Harvey, Secretary of State; Adam Jarvis, DFM; Scott Leibgle, Idaho Racing Commission.

Chairman Bateman called the meeting to order at 8:05 a.m.

DOCKET NO. 11-0406-1501: **Ardie Noyes**, Acting Executive Director, Idaho Racing Commission, presented **Docket No. 11-0406-1501**, rules governing racing officials. She stated the rules simplify the selection, appointment and compensation of stewards required to preside over the live race meets.

MOTION: **Rep. McCrostie** made a motion to recommend the full committee approve **Docket No. 11-0406-1501. Motion carried by voice vote.**

DOCKET NO. 11-0411-1501: **Ardie Noyes**, Acting Executive Director, Idaho Racing Commission, presented **Docket No. 11-0411-1501**, rules governing veterinary practices, permitted medications, banned substances and drug testing of horses. She stated the change will give the Racing Commission the authority to collect and store split blood samples on every race horse that is tested following a race and give every owner/trainer the option of conducting split sample testing at a second laboratory in the event banned substances are detected by the primary laboratory. She also stated the additional samples will be collected and stored by the Idaho State Racing Commission veterinarian at the testing barns and that there was a one-time cost of $1,500.00 for the purchase of a new centrifuge and freezer associated with storing the additional samples. She stated negotiated rule making was not conducted because the 2015 live racing season commenced before the rule could be negotiated.

In response to committee questions, **Ms. Noyes** stated split sample tests are not requested very often.

MOTION: **Rep. Jordan** made a motion to recommend the full committee approve **Docket No. 11-0411-1501. Motion carried by voice vote.**

DOCKET NO. 11-0411-1502: **Ardie Noyes**, Acting Executive Director, Idaho Racing Commission, presented **Docket No. 11-0411-1502**, rules governing veterinary practices, permitted medications, banned substances and drug testing of horses. She stated the purpose of the rule change is to restructure the split sample testing rules outlined in IDAPA 11.04.11.150 and 11.04.11.170, to bring clarity to the rules to the horse owners and trainers and to achieve consistency with procedures that are used by other horse racing jurisdictions.

MOTION: **Rep. McMillan** made a motion to recommend the full committee approve **Docket No. 11-0411-1502. Motion carried by voice vote.**

DOCKET NO. 34-0201-1501: **Tim Hurst**, Chief Deputy, Secretary of State, presented **Docket No. 34-0201-1501**, rules governing the presidential primary. He stated the rule change repeals the section allowing write-in candidates during a presidential primary in its entirety. He stated the change is to coincide the administrative rules with current Idaho statutes.

MOTION: **Rep. Jordan** made a motion to recommend the full committee approve **Docket No. 34-0201-1501. Motion carried by voice vote.**

DOCKET NO. 34-0501-1501: **Jeff Harvey**, UCC Supervisor, Secretary of State, presented **Docket No. 34-0501-1501**, rules governing farm products central filing system. He stated the PML groupings and farm product codes/fees were originally set in 1986. He said upon review it became apparent that a fee reduction was in order. He stated the fee schedule has been simplified for both the customer and the state and a flat rate created for all.

MOTION: **Rep. McCrostie** made a motion to recommend the full committee approve **Docket No. 34-0501-1501. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the subcommittee, the meeting was adjourned at 8:25 a.m.

Representative Bateman
Chair

Kasey Winder
Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:00 A.M.
Room EW40
Thursday, January 21, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24168	Retail sale/ liquor by the drink	Russell Westerberg, Idaho Licensed Beverage Association
	Cyber Security Presentation	Brandon Hardenbrook, PNWER Reid Stephen, St. Luke's Health System

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

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Vice Chairman Batt
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Rep Sims
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Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, January 21, 2016

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow

ABSENT/ EXCUSED: None

GUESTS: Russ Wheatley, Idaho State Police; Ken Rolins, Idaho State Police/Attorney General.

Chairman Loertscher called the meeting to order at 9:01 a.m.

RS 24168: **Russell Westerberg**, Idaho Licensed Beverage Association, presented **RS 24168**, proposed legislation that clarifies the definition of the word "person" in Section 23-902(12) and other sections in Title 23, Chapter 9 of the Idaho Code. The new definition was adopted by the Idaho Uniform Commercial Code which is accepted in all states and has been thoroughly vetted through legal casework. He stated the change includes additional legal entities or business organizations that are capable of acquiring or holding a liquor license. He also stated that under the current definition, there could be legal entities otherwise qualified, but technically ineligible to acquire and hold a liquor license because that entity is not included in the current definition of a person. There have been problems with prosecuting complaints of unlicensed persons unlawfully keeping liquor in an unlicensed room or premise in violation of Idaho Code 23-934 because the legal description is not thorough enough.

In response to committee questions, **Mr. Westerberg** stated approximately 750 members of the Idaho Licensed Beverage Association as well as Idaho Beverage Control is in agreement with the proposed legislation.

MOTION: **Rep. Smith** made a motion to introduce **RS 24168**. **Motion carried by voice vote.**

Brandon Hardenbrook, Chief Operating Officer, Pacific Northwest Economic Region (PNWER), presented information on cyber security issues that affect the State of Idaho. He stated the main objective of the partnership between PNWER and the Idaho Bureau of Homeland Security is to develop a comprehensive plan focusing on issues like critical infrastructure related vulnerabilities and risk management, information sharing and legislative and public policy strategic coordination.

Reid Stephen, Chief Information Security Officer, St. Luke's Health System, spoke about the importance of cyber security, better information sharing and uniting efforts on training and prevention.

In response to committee questions, **Mr. Stephen** stated there are websites that offer free cyber awareness and training to small businesses. He stated the Informations Security System Association is also a good way for businesses to join discussions, ask questions and build relationships with similar businesses.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:42 a.m.

Representative Loertscher	Kasey Winder
Chair	Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE
HOLTZCLAW SUBCOMMITTEE

9:00 A.M.
Room EW40
Monday, January 25, 2016

DOCKET NO.	DESCRIPTION	PRESENTER
15-0603-1501	Public Safety Communications Systems Rules	Captain Stephen Stokes, Idaho Military Division
38-0404-1501	Rules Governing Capitol Mall Parking	Ric Johnston, Facilities Services Manager, Dept. of Administration
38-0407-1501	Rules Governing Use of Interior of State Property in Capitol Mall and Other State Facilities	Ric Johnston, Facilities Services Manager, Dept. of Administration

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Holtzclaw
Rep.Batt
Rep.Sims
Rep.Nielsen
Rep.Cheatham
Rep.Wintrow

COMMITTEE SECRETARY

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email: hstaf@house.idaho.gov

MINUTES

HOUSE STATE AFFAIRS COMMITTEE
HOLTZCLAW SUBCOMMITTEE

DATE:	Monday, January 25, 2016
TIME:	9:00 A.M.
PLACE:	Room EW40
MEMBERS:	Chairman Holtzclaw, Representatives Batt, Sims, Nielsen, Cheatham, Wintrow
ABSENT/ EXCUSED:	None
GUESTS:	Captain Steve Stokes, Idaho National Guard; Ric Johnston, Department of Administration; Ben Call, Idaho Military Division; Robert Huge, Idaho Military Division; Carlie Foster, Lobby Idaho; Bob Geddes, Department of Administration; Brad Hunt, Office of Administrative Rules.
	Chairman Holtzclaw called the meeting to order at 9:00 a.m.
DOCKET NO. 15-0603-1501:	**Captain Steven Stokes**, Attorney/Advisor, Idaho Military Division, presented **Docket No. 15-0603-1501**, rules governing public safety communications systems installation and maintenance fee. He stated the change is due to the Public Safety Communications Branch no longer being tied to the Bureau of Homeland Security. He stated contact information and Records Custodian information were updated in the rule change as well.
MOTION:	**Rep. Batt** made a motion to recommend the full committee approve **Docket No. 15-0603-1501**. **Motion carried by voice vote.**
DOCKET NO. 38-0404-1501:	**Ric Johnston**, Facilities Services Manager, Department of Administration, presented **Docket No. 38-0404-1501**, rules governing Capitol Mall parking. He stated the changes are updates to the rules that provide clarification to the provisions for reserved parking, visitor parking, meeting parking and violations enforcement.
	In response to committee questions, **Mr. Johnston** stated accommodations for legislators can be made to allow them to park in the new parking garage. He also stated security personnel has 24/7 access to the security center when reporting anything relating to the parking garages or surrounding areas.
MOTION:	**Rep. Wintrow** made a motion to recommend the full committee approve **Docket No. 38-0404-1501**. **Motion carried by voice vote.**
DOCKET NO. 38-0407-1501:	**Ric Johnston**, Facilities Services Manager, Department of Administration, presented **Docket No. 38-0407-1501**, rules governing use of interior of state property in Capitol Mall and other state facilities. He stated the rule changes the designation of the Capitol Annex allowing tenant occupancy and public access.
MOTION:	**Rep. Wintrow** made a motion to recommend the full committee approve **Docket No. 38-0407-1501**. **Motion carried by voice vote.**
ADJOURN:	There being no further business to come before the subcommittee, the meeting was adjourned at 9:14 a.m.

Representative Holtzclaw
Chair

Kasey Winder
Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE
HOLTZCLAW SUBCOMMITTEE

8:30 A.M.
Room EW40
Wednesday, January 27, 2016

DOCKET NO.	DESCRIPTION	PRESENTER
31-1101-1501	Safety Accident Reporting Rules for Utilities Regulated by the Idaho Public Utilities Commission	Paul Kjellander, Commissioner, Idaho Public Utilities Commission
31-7103-1501	Railroad Safety and Accident Reporting Rules	Paul Kjellander, Commissioner, Idaho Public Utilities Commission

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Holtzclaw
Rep.Batt
Rep.Sims
Rep.Nielsen
Rep.Cheatham
Rep.Wintrow

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE
HOLTZCLAW SUBCOMMITTEE

DATE:	Wednesday, January 27, 2016
TIME:	8:30 A.M.
PLACE:	Room EW40
MEMBERS:	Chairman Holtzclaw, Representatives Batt, Sims, Nielsen, Cheatham, Wintrow
ABSENT/ EXCUSED:	None
GUESTS:	Paul Kjellander, Idaho Public Utilities Commission; Joe Leckie, Idaho Public Utilities Commission; Dennis Stevenson, Office of Administrative Rules.
	Chairman Holtzclaw called the meeting to order at 8:31 a.m.
MOTION:	**Rep. Wintrow** made a motion to approve the subcommittee minutes of the January 25, 2016 meeting. **Motion carried by voice vote.**
DOCKET NO. 31-1101-1501:	**Paul Kjellander**, Commissioner, Idaho Public Utilities Commission, presented **Docket No. 31-1101-1501**, Rules regarding safety accident reporting for utilities regulated by the Commission. He stated the adoption of the current national safety codes and the CFR's will make the Rules consistent with federal safety regulations concerning natural gas and pipeline utilities. He stated the incorporation of the other two codes, Section 202 and 203, is to promote the safety of utility employees, customers, and the public.
MOTION:	**Rep. Batt** made a motion to recommend the full committee approve **Docket No. 31-1101-1501,** Section 201 (Federal Natural Gas Safety Regulations), in its entirety, with the exception of codified final rule Section 202 (International Fuel Gas Code), in its entirety, and codified final rule Section 203 (International Mechanical Code), in its entirety. **Motion carried by voice vote.**
DOCKET NO. 31-7103-1501:	**Paul Kjellander**, Commissioner, Idaho Public Utilities Commission, presented **Docket No. 31-7103-1501**, Rules regarding railroad safety and accident reporting. He stated the Rules were updated to reflect the 2014 Federal Safety Regulations which provides uniformity between state and federal rail safety provisions. He also stated incorporation by reference will also mitigate the need to publish hundreds of pages of nationally available safety regulations.
MOTION:	**Rep. Wintrow** made a motion to recommend the full committee approve **Docket No. 31-7103-1501**. **Motion carried by voice vote.**
ADJOURN:	There being no further business to come before the subcommittee, the meeting was adjourned at 8:41 a.m.

Representative Holtzclaw
Chair

Kasey Winder
Secretary

AMENDED AGENDA #1

HOUSE STATE AFFAIRS COMMITTEE

9:30 A.M.
Room EW40
Wednesday, January 27, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24175	Statue of Liberty/130th Anniversary	Rep. Kloc
RS24246C1	Community Colleges/ Trustee zones	Rep. Chaney
RS24089	Public Records Act exemptions	Tim Hurst, Chief Deputy, Secretary of State
RS24117	Agriculture liens/ Notice of lien claims	Jeff Harvey, UCC/Lien Supervisor, Secretary of State
RS24252	Corporate Benefit Report filing	Jeff Harvey, UCC/Lien Supervisor, Secretary of State

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE:	Wednesday, January 27, 2016
TIME:	9:30 A.M.
PLACE:	Room EW40
MEMBERS:	Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow
ABSENT/ EXCUSED:	None
GUESTS:	Carlie Foster, Lobby Idaho; Greg Casey, Veritas Advisors; Matt Reiber, self; Todd Schwarz, CSI; Jeff Fox, CSI; Mark Browning, NIC; Jeff Harvey, Secretary of State; Kim Hunter, Secretary of State.
	Vice Chairman Batt called the meeting to order at 9:29 a.m.
MOTION:	**Rep. Holtzclaw** made a motion to approve the minutes of the January 21, 2016 meeting. **Motion carried by voice vote.**
MOTION:	**Rep. McCrostie** made a motion to approve the Bateman Subcommittee minutes of the January 19, 2016 meeting. **Motion carried by voice vote.**
RS 24175:	**Rep. Kloc** presented **RS 24175**, a proposed concurrent resolution to commemorate and recognize the 130th anniversary of the Statue of Liberty. He explained how his family was given the opportunity to come to America and how the Statue of Liberty has always been an icon that represents a gateway to America and the unity of the free society we share.
MOTION:	**Rep. Nielsen** made a motion to introduce **RS 24175** and send it directly to the Second Reading Calendar.
SUBSTITUTE MOTION:	**Rep. Andrus** made a substitute motion to introduce **RS 24175**.
ORIGINAL MOTION WITHDRAWN:	**Rep. Nielsen** withdrew his motion to introduce **RS 24175** and send directly to the Second Reading Calendar.
VOTE ON MOTION:	**Vice Chairman Batt** called for a vote on the motion to introduce **RS 24175**. **Motion carried by voice vote.**
	Vice Chairman Batt turned the gavel over to **Chairman Loertscher**.
RS 24246C1:	**Rep. Chaney** presented **RS 24246C1**, proposed legislation that sets processes for community college trustee zoning and rezoning that Idaho Code already requires of school districts. He stated the purpose of the legislation is to ensure proper representation is distributed evenly throughout a community college district. He also stated that in the event a community college seeks to expand, the bill appends the existing process of seeking State Board of Education approval by adding the rezoning plan to the request for approval.
	In response to committee questions, **Rep. Chaney** stated the process is not new, the school districts have been using this for a long time and the legislation would standardize the process for both the school districts and the community college districts.

MOTION: **Rep. Nielsen** made a motion to introduce **RS 24246C1**. **Motion carried by voice vote.**

Rep. Wintrow spoke **in support** of the motion and stated she would like to know more about how the counties might be pitted against one another under the new legislation.

RS 24089: **Tim Hurst**, Chief Deputy, Secretary of State, presented **RS 24089**, proposed legislation that protects certain personal information of personnel records from public disclosure. He stated the mailing address, residence address and telephone number are still available to anyone that requests it but the e-mail address and cellular phone number would be protected. He stated the Secretary of State's office needs to contact political candidates, campaign treasurer's, lobbyists and/or people requesting absentee ballots and e-mail or cellular phones are the fastest way to get a response. Many are reluctant to give the Secretary of State this information because it is not currently protected from public disclosure.

MOTION: **Rep. Crane** made a motion to introduce **RS 24089**. **Motion carried by voice vote.**

RS 24117: **Jeff Harvey**, UCC/Liens Supervisor, Secretary of State, presented **RS 24117**, proposed legislation that resolves a discrepancy in the law between the filing requirements of liens in crops in Title 45, Chapter 3, Idaho Code and the filing requirements under the Uniform Commercial Code. He stated the legislation clearly states that a claim of lien in crops meets the requirements of perfection for farm products financing statement under Title 28, Chapter 9, Idaho Code.

In response to committee questions, **Mr. Harvey** stated he reached out to the Farm Bureau about the legislation but was directed back to the Bankers Association. He also stated the debtor information is available from the Secretary of State's office upon request. He stated the emergency clause is because most liens are filed between May and July so the UCC wanted to have the legislation in place.

MOTION: **Rep. Luker** made a motion to introduce **RS 24117**. **Motion carried by voice vote.**

RS 24252: **Jeff Harvey**, UCC/Liens Supervisor, Secretary of State, presented **RS 24252**, proposed legislation that removes the requirement that benefit corporations file an annual report with the Secretary of State. He stated benefit corporations would still be required to send their annual benefit report to each stockholder and post it on the corporations' website, if it has one.

MOTION: **Rep. McCrostie** made a motion to introduce **RS 24252. Motion carried by voice vote.**

Rep. Luker spoke **in support** of the motion but stated he wanted more information on options for benefit companies to be transparent to the public.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:10 a.m.

Representative Loertscher	Kasey Winder
Chair	Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

8:30 A.M.
Room EW40
Thursday, January 28, 2016

SUBJECT	DESCRIPTION	PRESENTER
H 331	Alcoholic beverages, powdered alcohol	Jeff Anderson, Executive Director, Idaho State Liquor Division
H 362	Retail sale/ liquor by the drink	Russell Westerberg, Idaho Licensed Beverage Association

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

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COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, January 28, 2016

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow

ABSENT/ EXCUSED: None

GUESTS: Jeff Anderson, Idaho State Liquor Division; Russ Wheatley, Idaho State Police; Tony Faraca, Idaho State Liquor Division; Ken Robins, Idaho State Police/Attorney General; Kay Bennett, Idaho State Liquor Division; Elisha Figueroa, Idaho Office of Drug Policy; Marianne King, Idaho Office of Drug Policy; Gayle Hines, Idaho Office of Drug Policy; Stephanie Pustejousky, Idaho Office of Drug Policy; Wayne Hoffman, Idaho Freedom Foundation; Tyler Mallard, Idaho Beer and Wine Distributors Association.

Chairman Loertscher called the meeting to order at 8:31 a.m.

H 331: **Jeff Anderson**, Director, Idaho State Liquor Division (ISLD), presented **H 331**, a bill that prohibits the possession, use, sale and purchase of powdered alcohol. He stated there are concerns of unapproved uses such as snorting the powder, use by irresponsible adults of legal drinking age and underage persons, improper mixing with less than the prescribed amount of water that dilutes the alcohol content, mixing with other spirituous liquors that could create lethal drinks, mixing with foods, and the issue of inherent concealability that will lead to illicit use at venues where alcohol is prohibited.

In response to committee questions, **Mr. Anderson** stated if the legislation was not passed, the ISLD would have the authority to regulate the substance if it came to Idaho. He stated he spoke with the Board of Pharmacy and they stated ethanol alcohol cannot be used as a pharmaceutical drug. He stated the creator of Palcohol, powdered alcohol has a patent/trademark on the product and his understanding is that it is not being sold in the U.S. yet. He stated the law enforcement community has many concerns with the use of the product.

Tony Eldeen, Intern, spoke regarding **H 331** and stated the Alcohol, and Tobacco Tax Bureau approved four labels of Palcohol, powdered alcohol which is absorbed in a carbohydrate such as dextrin. He stated Palcohol's website originally acknowledged that snorting the substance could lead to rapid intoxication, yet later the information was retracted from the website, after attracting negative publicity. He stated the substance is easy to conceal because it is a powder which causes concern for schools officials and retailer's who sell alcohol at special events, etc. The substance could have serious repercussions on "Dram" laws because of the accessibility of patrons to add powdered alcohol into other drinks without retailers/bartenders knowing and thus creating a civil liability without realizing it.

Captain Russ Wheatley, Idaho State Police, spoke **in support** of **H 331** and stated he oversees the Alcohol and Beverage Control for the State of Idaho and has many concerns with the misuse of powdered alcohol. **Tyler Mallard**, Idaho Beer and Wine Distributors Association, spoke **in support** of **H 331** and stated the difference with liquid alcohol and powdered alcohol is you know the percentage of alcohol in liquid alcohol, powdered alcohol can be mixed and possibly create lethal drinks. He stated it is also easier to conceal and there is great concern with underage kids getting the substance and misusing it.

Wayne Hoffman, President, Idaho Freedom Foundation, spoke **in opposition** to **H 331** and stated the legislation is unnecessary and is produced out of fear. He stated Idaho Code already allows for regulation of this type of product and that it is not marketable. He stated in 2007, scientists tried to market the product outside of the U.S. and it disappeared from the market soon after. He stated there have not been any reports of misuse of the product.

In response to committee questions, **Mr. Anderson** stated that according to the maker of powdered alcohol, liquid is needed to release the alcohol. He stated prevention of misuse, mostly by underage drinkers, was the main focus of the bill and has many supporters in the law enforcement and education communities. He stated the legislation is needed because it defines powdered alcohol and the penalties of possession, use, and sale thereof. He stated substances such as baking powders that contain small amounts of alcohol, for uses other than beverages, are regulated under Section 23-504 of the Idaho Code.

In response to committee questions, **Tim Davies**, Deputy Attorney General, Idaho State Liquor Division, stated the legislation was crafted using language from neighboring states.

In closing, **Mr. Anderson** stated the Idaho State Liquor Division is focused on responsible service to all citizens of Idaho. He stated the legislation is not an agency initiative but a plea from the community to protect the citizens, especially underage kids.

MOTION: **Rep. Luker** made a motion to send **H 331** to General Orders with amendments to include: On line 16, page 1, add ""Powdered alcohol" does not include alcoholic nonbeverages listed in section 23-504, Idaho Code."; and delete line 34, and insert "prisonment in the county jail for more".

Rep. Andrus spoke **in support** of the motion.

SUBSTITUTE MOTION: **Rep. Batt** made a substitute motion to **HOLD H 331** in committee. She spoke to the motion and stated the product is not even available in the U.S., the circumstances have changed since the bill was initially drafted and there are still a lot of unanswered questions regarding powdered alcohol.

Rep. Nielsen spoke **in support** of the substitute motion and stated a re-write of the legislation might be in order.

AMENDED SUBSTITUTE MOTION: **Rep. Wintrow** made an amended substitute motion to send **H 331** to the floor with a **DO PASS** recommendation. She spoke to the motion and stated the concern of college kids misusing the substance is very high and our neighboring state of Oregon has already banned the substance.

VOTE ON AMENDED SUBSTITUTE MOTION: Roll Call vote was requested on the amended substitute motion to send **H 331** to the floor with a **DO PASS** recommendation. **Amended Substitute Motion failed by a vote of 7 AYE, 10 NAY. Voting in favor** of the motion: **Chairman Loertscher, Reps. Crane, Holtzclaw, Bateman, Smith, McCrostie and Wintrow. Voting in opposition** to the motion: **Reps. Batt, Andrus, Luker, Palmer, Sims, Barbieri, McMillan, Cheatham, Nielsen and Jordan.**

VOTE ON SUBSTITUTE MOTION: Roll Call vote was requested on the substitute motion to **HOLD H 331** in committee. **Substitute Motion failed by a vote of 7 AYE, 10 NAY. Voting in favor** of the motion: **Reps. Batt, Sims, Barbieri, McMillan, Cheatham, Nielsen and Jordan. Voting in opposition** to the motion: **Chairman Loertscher, Reps. Andrus, Luker, Crane, Palmer, Holtzclaw, Bateman, Smith, McCrostie and Wintrow.**

VOTE ON ORIGINAL MOTION: **Chairman Loertscher** called for a vote on the original motion to send **H 331** to General Orders with amendments. **Motion carried by voice vote. Reps. Batt, Nielsen, Sims, Cheatham, Jordan, McMillan and Barbieri** requested that they be recorded as voting **NAY. Rep. Luker** will sponsor the bill on the floor.

H 362: **Russell Westerberg**, Idaho Licensed Beverage Association, presented **H 362**, a bill that clarifies the existing definition of "person" in Section 23-902(12), Idaho Code and other sections in Title 23, Chapter 9, Idaho Code. He said the change is necessary to reflect the definition of "person" in the Uniform Commercial Code, which is accepted in all states and has been thoroughly vetted through legal casework.

Captain Russ Wheatley, Idaho State Police, Alcohol Beverage Control, spoke **in support** of **H 362** and stated the clarification of the definition of "person" is needed for different types of organizations that are not defined in the Idaho Code. He stated when the current statute is applied, the courts have problems enforcing it because of the language which does not list the unique types of organizations who might have a liquor license.

MOTION: **Rep. Wintrow** made a motion to send **H 362** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Wintrow** will sponsor the bill on the floor.

Rep. Barbieri spoke **in support** of the motion and stated a person is not a natural human being anymore as defined in the law, and our state statutes should reflect that.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:52 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:00 A.M.
Room EW40
Friday, January 29, 2016

SUBJECT	DESCRIPTION	PRESENTER
	Administrative Rules	Rep. Batt
RS24271	Bond guarantee	Jace Perry, Treasurer's Office
RS24309	Bond bank authority	Jace Perry, Treasurer's Office

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

Kasey Winder
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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: Friday, January 29, 2016

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow

ABSENT/ EXCUSED: Representative(s) Palmer

GUESTS: Laura Steffler, Treaurer's Office; Dennis Stevenson, Office of Administrative Rules; Larry Johnson, EEIB.

Chairman Loertscher called the meeting to order at 9:04 a.m.

MOTION: **Rep. Wintrow** made a motion to approve the Holtzclaw subcommittee minutes of the January 27, 2015 meeting. **Motion carried by voice vote.**

Vice Chairman Batt introduced the Subcommittees to their review of the proposed Pending Administrative Rules.

Rep. Bateman reported the Bateman Subcommittee reviewed the Pending Rules of the Idaho State Racing Commission, **Docket No. 11-0406-1201, Docket No. 11-0411-1501,** and **Docket No. 11-0411-1502** and are recommended to be approved in their entirety. He stated the Pending Rule **Docket No. 34-0201-1501** and Pending Fee Rule **Docket No. 34-0501-1501** for the Secretary of State were reviewed and are recommended to be approved in their entirety.

MOTION: **Rep. McCrostie** made a motion to accept the report of the Bateman Subcommittee. **Motion carried by voice vote.**

Rep. Holtzclaw reported the Holtzclaw Subcommittee reviewed the Pending Rule of the Idaho Military Division, **Docket No. 15-0603-1501** and are recommended to be approved in its entirely. He stated the Pending Rules for the Department of Administration, **Docket No. 38-0404-1501** and **38-0407-1501** were reviewed and are recommended to be approved in their entirety. He also indicated Pending Rules from the Idaho Public Utilities Commission, **Docket No. 31-7103-1501** and **Docket No. 31-1101-1501** were reviewed. He stated **Docket No. 31-7103-1501** are recommended to be approved in their entirety. He stated **Docket No. 31-1101-1501** is recommended to be approved, Section 201, in its entirety, with the exception of codified final rule Section 202, in its entirety, and codified final rule Section 203, in its entirety- both of which should be rejected by adoption of a concurrent resolution.

MOTION: **Rep. Wintrow** made a motion to accept the report of the Holtzclaw Subcommittee. **Motion carried by voice vote.**

RS 24271: **Jace Perry**, Deputy Treasurer, State Treasurer's Office, presented **RS 24271**, proposed legislation to clarify that defeased bonds or advance refunded bonds no longer have the State credit enhancement guarantee, as they would have the security of the escrow. He stated the clarification helps define the liability that the State reports under the program and is important for capacity calculations.

In response to committee questions, **Mr. Perry** stated the legislation would apply to any bonds that are issued through the school bond guarantee program. He also stated there has been no opposition to the legislation.

MOTION: **Rep. Nielsen** made a motion to introduce **RS 24271**. **Motion carried by voice vote.**

RS 24309: **Jace Perry**, Deputy Treasurer, State Treasurer's Office, presented **RS 24309**, proposed legislation that clarifies arbitrary and confusing language relating to the Idaho Bond Bank Authority Administrative Fund. He stated the fund pays for the administration of the Idaho Bond Bank and the recommendation for the legislation comes from the IBBA Board. He stated the legislation gives ultimate authority to the Bond Bank to pay the Treasurer's Office, allows the Bond Bank to self-serve and does not use any General Fund monies.

MOTION: **Rep. McCrostie** made a motion to introduce **RS 24309**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:26 a.m.

Representative Loertscher	Kasey Winder
Chair	Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:00 A.M.
Room EW40
Monday, February 01, 2016

SUBJECT	DESCRIPTION	PRESENTER
H 387	Community colleges, trustee zones	Rep. Chaney
H 388	Public Record Act exemptions	Tim Hurst, Chief Deputy, Secretary of State

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, February 01, 2016

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow

ABSENT/ EXCUSED: Representative(s) Barbieri

GUESTS: Betsy Russell, Idaho Press Club; Braden Jensen, Idaho Farm Bureau; Wayne Hoffman, Idaho Freedom Foundation; Michael McGrane, self; Jeremy Pisca, Newspaper Association of Idaho; Karen Echeverria, ISBA; Benjamin Kelly, Food Producers of Idaho; Ray Stark, Boise Metro Chamber.

Chairman Loertscher called the meeting to order at 9:01 a.m.

Chairman Loertscher announced that **H 388** would not be heard.

H 387: **Rep. Chaney** presented **H 387**, legislation that provides for community college trustee zones and districts. He stated the legislation utilizes the same processes for zoning and rezoning within the district that the Idaho Code already requires of school districts. In the event a community college seeks to expand, the bill appends the existing process of seeking State Board of Education approval by adding the rezoning plan to the request for approval. He stated legislation controlling the zoning for community colleges first came about in 1969.

In response to committee questions, **Rep. Chaney** stated the ultimate reason for the bill is to provide community colleges with the same provisions as school districts to allow for all districts to be fairly represented. He stated he has not spoken to all of the community colleges in the State but did speak with the College of Western Idaho who had concerns with annexation. He stated the districts should be represented by people in their own geographical area because the trustees will know the needs of their community. He stated the appointment of the board of trustees for a district, that was formed before the legislation, would occur after the first board meeting after July 1, 2017. He stated the first election for the board of trustees would occur in 2018, they would be required to have a zoning plan in place by July 1, 2017 and to reorganize the board accordingly. He stated the legislation mirrors the language from Chapter 3, Title 33, Idaho Code that regulates school districts and has proven to work well.

Braden Jensen, Farm Bureau, spoke **in support** of **H 387** and stated they support the legislation because it offers fair and equal representation of rural residents as part of the community college district, it allows for the presence of a more diverse economic and academic perspective by trustee members, and it offers the promotion of educational initiatives that would best serve the interest of all community members.

Mark Browning, Vice President for Community and Governmental Relations, North Idaho College (NIC), spoke regarding **H 387** and stated the NIC Board does not hold a position on the legislation. He stated NIC was the first community college in Idaho and only had one district when the original statute was created in 1963.

MOTION: **Rep. Palmer** made a motion to send **H 387** to the floor with a **DO PASS** recommendation.

Rep. Wintrow spoke **in opposition** to the motion and stated she would like to hear feedback from the other community college boards before passing the bill along.

SUBSTITUTE MOTION: **Rep. McCrostie** made a substitute motion to **HOLD H 387** in committee. He spoke to the motion and stated he has concerns with the boards of the community colleges not being given the opportunity to testify on the issue. He stated it is important because they are the stakeholders.

Rep. Batt spoke **in opposition** to the substitute motion and stated the issue of zoning for community colleges has been a work in the making since 2011, so it should not be held up any longer. She stated other legislation has come and gone a few times over the years but always had issues. She stated this legislation was created because of problems with small counties not getting represented. She also stated Boise and Caldwell are not the only counties affected, many counties have shown interest in the prior hearings to have this legislation passed. She stated the demographics are different in every district and should be represented accordingly.

Rep. Crane spoke **in opposition** to the substitute motion and stated the committee has had proposed legislation on this issue many times but there were always problems with the language. He stated the boards are centered around larger urban areas not rural Idaho and that needs to change so all are represented.

VOTE ON SUBSTITUTE MOTION: **Chairman Loertscher** called for a vote on the substitute motion to **HOLD H 387** in committee. **Motion failed by voice vote.**

VOTE ON ORIGINAL VOTE: Roll Call vote was requested on the original motion to send **H 387** to the floor with a **DO PASS** recommendation. **Original Motion carried by a vote of 13 AYE, 3 NAY and 1 Absent/Excused. Voting in favor** of the motion: **Chairman Loertscher, Reps. Batt, Andrus, Luker, Crane, Palmer, Sims, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen and Jordan. Voting in opposition** to the motion: **Reps. Smith, McCrostie and Wintrow. Absent/Excused: Rep. Barbieri. Rep. Chaney** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:58 a.m.

Representative Loertscher	Kasey Winder
Chair	Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:30 A.M.
Room EW40
Tuesday, February 02, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24234	Idaho Day Celebration, dates	Rep. Bateman
RS24147	Anthony Doerr honored	Rep. Rubel

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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email: hstaf@house.idaho.gov

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE:	Tuesday, February 02, 2016
TIME:	9:30 A.M.
PLACE:	Room EW40
MEMBERS:	Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow
ABSENT/ EXCUSED:	Representative(s) Barbieri
GUESTS:	None.
	Chairman Loertscher called the meeting to order at 9:32 a.m.
MOTION:	**Rep. Holtzclaw** made a motion to approve the minutes of the January 27 and 28, 2016 meetings. **Motion carried by voice vote.**
RS 24234:	**Rep. Bateman** presented **RS 24234**, proposed legislation to clarify the dates of Idaho Day. He stated Idaho Day should be celebrated on March 4 because that is the day Idaho became a territory in 1863.
MOTION:	**Rep. Luker** made a motion to introduce **RS 24234** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote. Rep. Bateman** will sponsor the bill on the floor.
RS 24147:	**Rep. Rubel** presented **RS 24147**, a concurrent resolution to commend and celebrate **Anthony Doerr**, for his award winning work as an author.
MOTION:	**Rep. Bateman** made a motion to introduce **RS 24147**.
UNANIMOUS CONSENT REQUEST:	**Rep. Bateman** made a unanimous consent request to withdraw his motion. There being no objection, the request was granted.
MOTION:	**Rep. Luker** made a motion to introduce **RS 24147** and send it directly to the Second Reading Calendar. **Motion carried by voice vote. Rep. Rubel** will sponsor the bill on the floor.
ADJOURN:	There being no further business to come before the committee, the meeting was adjourned at 9:50 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:00 A.M.
Room EW40
Friday, February 05, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24358C1	Public Records/disclosure exemption	Will Hart, Idaho Consumer Owned Utilities Association
H 389	Agriculture Liens, notice of lien claims	Jeff Harvey, UCC/Liens Supervisor, Secretary of State
H 390	Benefit corporation report filing	Jeff Harvey, UCC/Liens Supervisor, Secretary of State

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE:	Friday, February 05, 2016
TIME:	9:00 A.M.
PLACE:	Room EW40
MEMBERS:	Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow
ABSENT/ EXCUSED:	None
GUESTS:	Will Hart, Idaho Consumer Owned Utilities Association; Jeff Harvey, Secretary of State; Matt Reike, self; Russell Westerberg, PacifiCorp.

Chairman Loertscher called the meeting to order at 9:02 a.m.

MOTION: **Rep. Holtzclaw** made a motion to approve the minutes of the January 29, February 1, and 2, 2016 meetings. **Motion carried by voice vote.**

RS 24358C1: **Will Hart**, Executive Director, Idaho Consumer Owned Utilities Association, presented **RS 24358C1**, proposed legislation that exempts public disclosure of any public record that contains sensitive information regarding critical infrastructure and adds a definition for "infrastructure". He stated the current statute only protects persons and not property and there is no current definition of the word "infrastructure." He stated Idaho Cities, the Newspaper Associations, as well as others, support the legislation.

MOTION: **Rep. Cheatham** made a motion to introduce **RS 24358C1**. **Motion carried by voice vote.**

Rep. Wintrow spoke **in support** of the motion and stated she would like more history on the statute at the bill hearing.

H 389: **Jeff Harvey**, UCC/Liens Supervisor, Secretary of State, presented **H 389**, a bill that resolves a discrepancy in the law between the filing requirements of liens in crops in Title 45, Chapter 3, Idaho Code and the filing requirements under the Uniform Commercial Code. He stated the legislation clearly states that a claim of lien in crops meets the requirements of perfection for farm products financing statement under Title 28, Chapter 9, Idaho Code.

MOTION: **Rep. Batt** made a motion to send **H 389** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Nielsen** will sponsor the bill on the floor.

Rep. Batt invoked Rule 38 stating a possible conflict of interest but that she would be voting on the legislation.

H 390: **Jeff Harvey**, UCC Liens Supervisor, Secretary of State, presented **H 390**, a bill that removes the requirement that benefit corporations file an annual benefit report with the Secretary of State. He stated the legislation would make the requirements for benefit corporations the same as other corporations in the state. He stated benefit corporations would still be required to send their annual benefit report to each stockholder and post it on the corporation's website, if it has one.

In response to committee questions, **Mr. Harvey** stated there are three levels in which benefit corporations must report, 1) to each shareholder, 2) posted on the company's website and/or 3) reports available upon public request. He stated the Secretary of State's office is basically the filing office for these companies and has no other power over them. He stated other states have questioned the advantages of benefit corporations filing their report with the Secretary of State. He also stated no reports have been filed by benefit corporations yet because the one-year mark to file has not come to pass. He stated there will be no overlap in the effective date of the legislation. He stated the fee to file the report is $30.00.

MOTION: **Rep. McCrostie** made a motion to send **H 390** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:29 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:00 A.M.
Room EW40
Monday, February 08, 2016

SUBJECT	DESCRIPTION	PRESENTER
HCR 029	Statue of Liberty/130th Anniversary	Rep. Kloc
H 426	Bond guaranty	Jace Perry, Investment Accountant, State Treasurer's Office
H 427	Bond Bank Authority	Jace Perry, Deputy Treasurer, State Treasurer's Office

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE:	Monday, February 08, 2016
TIME:	9:00 A.M.
PLACE:	Room EW40
MEMBERS:	Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow
ABSENT/ EXCUSED:	Representative Crane.
GUESTS:	Larry Johnson, Endowment Fund Investment Board.

Chairman Loertscher called the meeting to order at 9:02 a.m.

HCR 29: **Rep. Kloc** presented **HCR 29**, a concurrent resolution to honor the values of America symbolized by the Statue of Liberty. He gave some history of immigrants that have come to America and the Statue of Liberty through the years.

MOTION: **Rep. Bateman** made a motion to send **HCR 29** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Kloc** will sponsor the bill on the floor.

H 426: **Jace Perry**, Investment Accountant, State Treasurer's Office, presented **H 426**, a bill that clarifies defeased bonds or advanced bonds no longer have the State credit enhancement guarantee, as they would have the security of the escrow. He stated the clarification helps define the liability that the State reports under the program and is important for capacity calculations.

In response to committee questions, **Mr. Perry** stated the IBBA worked with the Bond Council and school districts and they felt the rewording of the language was better understood than the previous language that currently exists. He stated the new language is stronger language and does not change the law. He stated the legislation is specifically for Section 33-5303 of the Idaho Code which deals with the school bond program.

MOTION: **Rep. McCrostie** made a motion to send **H 426** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Nielsen** requested to be recorded as voting **NAY**. **Rep. Barbieri** will sponsor the bill on the floor.

H 427: **Jace Perry**, Deputy Treasurer, State Treasurer's Office presented **H 427**, a bill that clarifies arbitrary and confusing language relating to the Idaho Bond Bank Authority (IBAA) Administrative Fund. He stated the fund pays for the administration of the Idaho Bond Bank and the recommendation for the legislation comes from the IBBA Board.

In response to committee questions, **Mr. Perry** stated the duties of the administration of the IBBA is to analyze applications of bonds, review legal documents, and oversee compliance with requirements for bonds. He stated the Treasurer's Office currently doesn't ask for reimbursement for these costs. He stated the intent of the legislation is to give the Treasurer's Office the authority to approve or deny the costs and pull the funds needed. He stated this is not a revenue bill, it simply gives authority for the Treasurer's Office to pay for its costs. He stated the Bond Bank revenue is from the bonds themselves and does not pay for overhead costs. He stated the wording inserted is to ensure the natural overview from the Treasurer's Office and allows the Bond Bank Board to have authority over the funds instead of the monies going directly to the Treasurer's Office.

Ron Crane, Treasurer, State Treasurer's Office, stated when the bond bank first started, there were very few bonds so the Treasurer's Office absorbed the costs. He stated now the bond bank is more successful and this legislation provides a way for the IBBA to become a self-serving entity. He stated the bond bank is needed to provide a way for all municipalities to get into the market and that would not be possible otherwise.

In response to committee questions, **Treasurer Crane** stated the word "may" on page 1, line 32 is more flexible than "shall" would be. He stated the bill is purely operational and all the monies come from the Treasurer's budget, the IBBA does not receive separate funds.

MOTION: **Rep. Batt** made a motion to send **H 427** to General Orders.

SUBSTITUTE MOTION: **Rep. Nielsen** made a substitute motion to **HOLD H 427** in committee.

AMENDED SUBSTITUTE MOTION: **Rep. McCrostie** made an amended substitute motion to send **H 427** to the floor with a **DO PASS** recommendation.

ROLL CALL VOTE: Roll call vote was requested on the amended substitute motion to send **H 427** to the floor with a **DO PASS** recommendation. **Amended Substitute Motion carried by a vote of 8 AYE, 7 NAY, 2 Absent/Excused. Voting in favor** of the motion **Chairman Loertscher, Reps. Luker, Bateman, Cheatham, Smith, Jordan, McCrostie and Wintrow**. **Voting in opposition** to the motion **Reps. Batt, Palmer, Sims, Barbieri, Holtzclaw, McMillan and Nielsen. Absent/Excused: Reps. Andrus and Crane**. **Rep. McCrostie** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:25 a.m.

_____
Representative Loertscher
Chair

_____
Kasey Winder
Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

10:00 A.M.
Room EW40
Tuesday, February 09, 2016

SUBJECT	DESCRIPTION	PRESENTER
SCR 133	Black History Month	Rep. Erpelding

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE:	Tuesday, February 09, 2016
TIME:	10:00 A.M.
PLACE:	Room EW40
MEMBERS:	Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow
ABSENT/ EXCUSED:	None
GUESTS:	None.
	Chairman Loertscher called the meeting to order at 10:01 a.m.
MOTION:	**Rep. Smith** made a motion to approve the minutes of the February 5, 2016 meeting. **Motion carried by voice vote.**
SCR 133:	**Senator Buckner-Webb** presented **SCR 133**, a concurrent resolution that honors Black History Month in Idaho and recognizes the courage, sacrifice and contributions of Black Idahoans, past and present.
MOTION:	**Rep. Wintrow** made a motion to send **SCR 133** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Erpelding** will sponsor the bill on the floor.
ADJOURN:	There being no further business to come before the committee, the meeting was adjourned at 10:14 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:00 A.M.
Room EW40
Wednesday, February 10, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24401	Azerbaijan recognition	Rep. Dayley
RS24429	Treasurer, Duties, Public Endowment Funds	Jace Perry, State Treasurer's Office
RS24370	Code provisions, gender neutral language	Rep. Wintrow
RS24233C1	Inspector General Office	Rep. Rusche

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE:	Wednesday, February 10, 2016
TIME:	9:00 A.M.
PLACE:	Room EW40
MEMBERS:	Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow
ABSENT/ EXCUSED:	None
GUESTS:	Donna Caldwell, Idaho Department of Lands; Debbie Buck, Idaho Department of Lands; Jack Hansen, Partners in Policy Making; Chris Halverson, Endowment Fund Investment Board; Dennis Stevenson, Office of Administrative Rules.

Chairman Loertscher called the meeting to order at 9:03 a.m.

RS 24401:	**Rep. Dayley** presented **RS 24401**, a concurrent resolution that recognizes the Republic of Azerbaijan, a staunch ally and partner of the United States, in supporting their efforts and example of multiculturalism and interfaith tolerance.
MOTION:	**Rep. Cheatham** made a motion to introduce **RS 24401**.
SUBSTITUTE MOTION:	**Rep. Nielsen** made a substitute motion to introduce **RS 24401** and recommend it be sent directly to the Second Reading Calendar. **Motion failed by voice vote.**
VOTE ON ORIGINAL MOTION:	**Chairman Loertscher** called for a vote on the original motion to introduce **RS 24401**. **Motion carried by voice vote.**

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

RS 24429:	**Jace Perry**, State Treasurer's Office, presented **RS 24429**, proposed legislation that gives the Treasurer's Office, at the request of the Endowment Fund Investment Board, the authority to invest public endowment funds consistent with the Prudent Investor Act. He stated the legislation also establishes a fund to hold costs paid for investment and administration services. He stated the monies in the fund, or a fund designated by the agency, would be used to pay investment and administration costs of the permitted investments outside of idle funds and the General Fund will not pay for the costs.
MOTION:	**Rep. Wintrow** made a motion to introduce **RS 24429**. **Motion carried by voice vote.**
RS 24370:	**Rep. Smith** presented **RS 24370**, proposed legislation that provides direction to bill drafters to use language that is gender neutral when writing new legislation and Administrative Rules. She stated there have been several instances already when gender references in the Code have been updated. She also stated the United States Military Academy uses gender neutral language.

Rep. Wintrow spoke regarding **RS 24370** and stated there is power in language. She stated language affects perception which affects behavior. She stated the purpose of the legislation is to show girls/women that they belong. She stated there was legislation last year that promoted gender neutral language regarding elected officials. She stated if the government is trying to increase gender equality in elected offices, the language in the State's laws and rules should be gender neutral.

In response to committee questions, **Rep. Wintrow** stated the legislation is a small clean up bill.

Vice Chairman Batt turned the gavel back over to **Chairman Loertscher.**

MOTION: **Rep. McCrostie** made a motion to introduce **RS 24370**. **Motion carried by voice vote. Reps. Batt, McMillan, Holtzclaw, Cheatham, Sims, Nielsen and Palmer** requested as being recorded as voting **NAY**.

RS 24233C1: **Rep. Rusche** presented **RS 24233C1**, proposed legislation that establishes an Office of the Inspector General. He stated 19 other states have an Office of the Inspector General. He stated an Inspector General's office would improve concerns with fraud, waste, abuse or malfeasance prior to public court action. He said the Office would start off with one Inspector and one support staff.

In response to committee questions, **Rep. Rusche** stated legislators are exempt from the legislation because they have a separate code of ethics and complaint process which they abide by. He stated that setting up an Inspector General's Office to deal with requests for investigation will minimize the number of requests as a whole. He stated there is already whistle blower protection in Idaho so complainants don't need to worry about retaliation from their employers. He stated the Inspector General's office would not deal with criminal proceedings, it would be more of a compliance office. He stated the Inspector General would be held accountable by the Governor and the legislature and removal from office would require malfeasance and approval by the Board of Examiners and the Senate.

MOTION: **Rep. Batt** made a motion to introduce **RS 24233C1**.

Rep. Andrus spoke **in opposition** to the motion and stated one inspector would not be enough to handle all of the complaints statewide which means the office would grow, as would bureaucracy. He stated he would support the legislation if there was a cap on the amount of staff. **Rep. Palmer** spoke **in opposition** to the motion and stated the legislation creates bureaucracy. He stated he might support language that allowed up to two staff, but no more.

Rep. Luker spoke **in support** of the motion and stated there are many citizens in the state that have complaints that do not know where to go. He stated the office would offer a service to the public that provides transparency within government and business. He stated the legislature would have adequate control of the budgets every year as they do with all state agencies. **Rep. Wintrow** spoke **in support** of the motion and stated a trained investigator is needed to handle the complaints. She also stated that if there was a need to increase the number of staff in the office, that would mean the number of complaints had grown.

ROLL CALL VOTE: Roll Call vote was requested on the motion to introduce **RS 24233C1**. **Motion carried by a vote of 9 AYE, 8 NAY. Voting in favor** of the motion: **Chairman Loertscher, Reps. Batt, Luker, Bateman, Nielsen, Smith, Jordan, McCrostie and Wintrow. Voting in opposition** to the motion: **Reps. Andrus, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan and Cheatham.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:18 a.m.

Representative Loertscher	Kasey Winder
Chair	Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

8:30 A.M.
Room EW40
Thursday, February 11, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24118	Public Records, firearm disclosure	Rep. Troy
RS24360	National Cowboy Day	Rep. Miller
RS24043C1	Public Utility Law/pipeline facilities	Paul Kjellander, Public Utilities Commission
H 447	Public Records, disclosure exemption	Will Hart, Idaho Consumer Owned Utilities Association

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE:	Thursday, February 11, 2016
TIME:	8:30 A.M.
PLACE:	Room EW40
MEMBERS:	Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow
ABSENT/ EXCUSED:	None
GUESTS:	Wayne Hoffman, Idaho Freedom Foundation; Julie Hart, RMP; Joe Leckie, Idaho Public Utilities; Will Hart, Idaho Consumer Owned Utilities; Mayor Rebecca Casper, City of Idaho Falls; Kathy Griesmyer, ACLU of Idaho; Giany Kennebeal, self; Don Kennebeck, self; Neil Colwell, Avista; Seth Grigg, Association of Idaho Cities.
	Chairman Loertscher called the meeting to order at 8:35 a.m.
MOTION:	**Rep. Smith** made a motion to approve the minutes of the February 8, 2016 meeting with the following correction: On page 1, paragraph 4, change 'then' to 'than' and February 9, 2016. **Motion carried by voice vote.**
RS 24118:	**Rep. Troy** presented **RS 24118**, proposed legislation that adds an exemption to the Idaho Public Records Act for notifications and certifications required to be made to the Chief Law Enforcement Officer by Federal law in connection with the acquisition of fire arms under the National Firearms Act.
MOTION:	**Rep. Palmer** made a motion to introduce **RS 24118**. **Motion carried by voice vote.**
RS 24360:	**Rep. Miller** presented **RS 24360**, a proposed concurrent resolution that recognizes the history, power and impact of the cowboy in our society and reserves a National Day of the Cowboy each year on July 25th with appropriate ceremonies and activities.
MOTION:	**Rep. Andrus** made a motion to introduce **RS 24360. Motion carried by voice vote.**
RS 24043C1:	**Paul Kjellander**, Commissioner, Idaho Public Utilities Commission, presented **RS 24043C1**, proposed legislation that raises the civil penalties for violations of Title 61, Idaho Code, governing safety of pipeline facilities and the transportation of gas, or of any order, decision, rule or regulation duly issued by the Idaho Public Utilities Commission (PUC). He stated the Pipeline and Hazardous Materials Administration (PHMSA) is requiring all states that participate in the Pipeline Safety Grant Program to have statutory authority to seek civil penalties with maximum limits acceptable to the PHMSA. He stated the maximum limits are currently $100,000 per incident per day, up to a maximum of $1,000,000 per incident per related series of violations. He stated the PUC Is seeking to amend Section 61-712A, Idaho Code to increase the penalty limit from $2,000 per violation per day to $100,000 per violation per day, and increase the $200,000 maximum limit for a related series of violations to $1,000,000. He stated the change would put Idaho in compliance with the limits accepted by the PHMSA.

In response to committee questions, **Mr. Kjellander** stated the legislation will help in minimizing the federal government's authority over the state. He stated the increase fine limits is the halfway mark according to the national average. He stated the lowest limits are in Mississippi at $1,000 and the highest is in California at $1.6 billion. He stated the legislation provides guidance to the PUC which allows them to negotiate fixing problems and reaching a settlement agreement. not just fining violators. He stated the cost of fines would rest with the shareholders not the customers. He stated the legislation is specifically for natural gas pipelines only. He stated the PUC speaks through orders, which are notifications of violations and any rule changes would go through the legislature to be approved.

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

MOTION: **Rep. Andrus** made a motion to introduce **RS 24043C1**. **Motion carried by voice vote. Reps. Batt, Crane, McMillan, Nielsen and Sims** requested to be recorded as voting **NAY**.

H 447: **Will Hart**, Idaho Consumer Owned Utilities Association, presented **H 447**, legislation that exempts from disclosure any public record that contains sensitive information regarding critical infrastructure and also adds a specific definition for critical infrastructure. He stated there are three major problems with the current language found in Section 74-105, Idaho Code: 1) it is impossible to prove that disclosing the records would cause a threat to public safety, security or habilitation, 2) the statute does not protect property from disclosure, only person and 3) there is no current definition of a critical infrastructure. He stated the legislation is supported by the Idaho Newspaper Association and the Idaho School Board Association, among others.

Mayor Rebecca Casper, City of Idaho Falls, spoke **in support** of **H 447** and stated the legislation creates reasonable standards of openness. She stated the current definition of exemptions for record requests is very broad. She stated Idaho Falls and other areas in Idaho have power utility facilities which have critical infrastructure information. She stated public record requests can be made to those facilities under current law, which could produce a concern with public safety because the agency producing the records cannot ask why the request is made. She stated there are other places in the state with critical infrastructures as well, such as jails, prisons and schools and the purpose of the legislation is to protect critical infrastructure information from getting into the wrong hands. She stated all information that is requested is provided as long as the request is filled out completely because the current statute is so vague.

In response to committee questions, **Randy Fife**, City Attorney, Idaho Falls, stated if there is a possible exemption, the City Attorney reviews the request and decides whether to provide the records, deny in part, or deny the entire request. He stated the Supreme Court has ruled that a request must be read in a narrow way and the custodian has to prove the records would interfere with public safety if the request is denied. He stated if they are denied, the requester can then go to district court to ask for the records, wherein the judge would decide, after reviewing the records not disclosed, if providing them would indeed cause an issue with public safety. He stated the custodian of records might have records that are nationally related because there are facilities in Idaho that could have national impact.

MOTION: **Rep. Bateman** made a motion to send **H 447** to the floor with a **DO PASS** recommendation.

Rep. Luker spoke **in support** of the motion and stated the langauge is needed to protect our state and neighboring states but a community threat is not listed in the new language, which could be a problem. **Rep. Cheatham** spoke **in support** of the motion and stated many of the records for critical infrastructures are vulnerable to terrorism and they should be protected. **Rep. McCrostie** spoke **in support** of the motion and stated the legislation is a good balance between public safety and welfare. **Rep. Batt** spoke **in support** of the motion and stated the new language is needed to meet the threshold.

Kathy Griesmyer, ACLU of Idaho, spoke **in opposition** to **H 447** and stated there are already safeguards in place that protect certain public record requests. She stated the change in language could prevent the public from knowing about future plans.

In response to committee questions, **Ms. Griesmyer** stated anything that makes it difficult for the public to get records is bad public policy. She stated the language is very broad and could prohibit the public from getting records on potential building plans or rate hikes. She stated the public should be able to know what is going on with critical infrastructures and the records should be accessible.

Vice Chairman Batt turned the gavel over to **Chairman Loertscher**

Wayne Hoffman, Idaho Freedom Foundation, spoke **in opposition** to **H 447** and stated the new language is too broad and the custodian of public records in each agency would make the determination if the request was a threat to public safety.

Seth Grigg, Association of Idaho Cities, spoke **in support** of **H 447** and stated the new language strikes a balance with public safety and access to records.

Will Hart was recognized to provide a closing statement. He stated the current language in the statute does not protect from the threat of public safety when it comes to releasing records pertaining to critical infrastructures. He stated companies such as Idaho Power and the Association of Idaho Cities also support the bill.

SUBSTITUTE MOTION: **Rep. Nielsen** made a substitute motion to send **H 447** to General Orders.

Rep. Bateman spoke **in opposition** to the substitute motion and stated confidence should be placed in the public officials who determine what records are released.

VOTE ON SUBSTITUTE MOTION: **Chairman Loertscher** called for a vote on the substitute motion to send **H 447** to General Orders. **Motion failed by voice vote.**

VOTE ON ORIGINAL MOTION: **Chairman Loertscher** called for a vote on the original motion to send **H 447** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Nielsen and Jordan** requested to be recorded as voting **NAY. Rep. Cheatham** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:05 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:00 A.M.
Room EW40
Monday, February 15, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24510	Primary Care Access Program Fund	Rep. Wood
RS24150	Lobbyists, State entity reports	Tim Hurst, Chief Deputy, Secretary of State

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, February 15, 2016

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow

ABSENT/ EXCUSED: Vice Chairman Batt, Representative(s) Bateman, Wintrow

GUESTS: Kelli Brossfield, Idaho Association of Counties; Mckinsey Lyon, Gallatin; Lee Flinn, Idaho Primary Care Association; Erin Berklett, AHA/ASA.

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

RS 24510: **Rep. Wood** presented **RS 24510**, proposed legislation that creates an ongoing funding stream from dedicated funds for the Primary Care Access Program in the Department of Health and Welfare. He stated the legislation allows for 20% of monies received by the State of Idaho that is transferred into the Idaho Millennium Fund to be transferred into the Primary Care Access Program Fund which would begin July 1, 2016, and annually for 5 years. He stated the legislation would provide $5 million in fiscal year 2017, $15,611,000 in fiscal year 2018, $16,367,600 in fiscal year 2019, $17,224,600 in fiscal year 2020, $18,086,500 in fiscal year 2021 and $18,948,500 in fiscal year 2022.

In response to committee questions, **Rep. Wood** stated the State of Idaho receives $25 million each year as part of the tobacco settlement which will continue perpetually. He stated the settlement funds have no particular designation as long as there is a clear record kept of how the money was spent. He stated Idaho has usually used the money for health care related costs. He stated the legislation has a 5-year sunset clause.

MOTION: **Rep. Luker** made a motion to introduce **RS 24510**.

ROLL CALL VOTE: A Roll Call vote was requested. **Motion failed by a vote of 6 AYE, 8 NAY, 3 Absent/Excused. Voting in favor** of the motion: **Chairman Loertscher, Reps. Andrus, Luker, Cheatham, Nielsen, and McCrostie**. **Voting in opposition** to the motion: **Reps. Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Smith and Jordan. Absent/Excused**: **Reps. Batt, Bateman and Wintrow.**

RS 24150: **Tim Hurst**, Chief Deputy, Secretary of State, presented **RS 24150**, proposed legislation that requires state government agencies and educational institutions to report gifts given to legislators and executive officials in the same manner as lobbyists are required to report. He stated it does not require the agencies or institutions have registered lobbyists, although they may if they choose to do so, but lobbying activities would be reported.

In response to committee questions, **Mr. Hurst** stated all gifts must be reported regardless of the size. He stated the legislation requires anyone, registered as a lobbyist or not, shall report any gifts given.

MOTION: **Rep. Andrus** made a motion to introduce **RS 24150**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:31 a.m.

Representative Loertscher	Kasey Winder
Chair	Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:30 A.M.
Room EW40
Tuesday, February 16, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24527C1	Community College trustee zones	Rep. Chaney
RS24149	Idaho Great Seal, 125th Anniversary	Rep. Troy
RS24516	Real ID Act, 2015 implementation	Rep. Palmer

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE:	Tuesday, February 16, 2016
TIME:	9:30 A.M.
PLACE:	Room EW40
MEMBERS:	Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow
ABSENT/ EXCUSED:	None
GUESTS:	Mark Browning, North Idaho College.

Chairman Loertscher called the meeting to order at 9:31 a.m.

MOTION: **Rep. Holtzclaw** made a motion to approve the minutes of the February 10 and 11, 2016 meetings. **Motion carried by voice vote.**

RS 24527C1: **Rep. Chaney** presented **RS 24527C1**, proposed legislation regarding community college trustee zones and districts. He stated the legislation utilizes the same processes for zoning and rezoning within the district that the Idaho Code already requires of school districts. In the event a community college seeks to expand, the legislation appends the existing process of seeking State Board of Education approval by adding the rezoning plan to the request for approval. He stated he has worked with the community colleges extensively in regards to the legislation and all three community colleges- College of Western Idaho (CWI), College of Southern Idaho (CSI) and North Idaho College (NIC) agree with the language. He stated CWI and CSI had special board meetings to discuss the bill and both boards are in support of the legislation. He stated a change was made from the first proposed legislation that was introduced that every board member that has been elected will finish their elected term and when rezoning happens, they will be reassigned within the new zone if necessary.

MOTION: **Rep. Batt** made a motion to introduce **RS 24527C1**. **Motion carried by voice vote.**

RS 24149: **Rep. Troy** presented **RS 24149**, a concurrent resolution that commemorates the adoption of the Great Seal of the State of Idaho for capturing the natural beauty, the varied industry and the pioneering spirit of this great state. She stated it also honors the memory of **Emma Edwards Green**, the only woman to design a state seal.

MOTION: **Rep. Bateman** made a motion to introduce **RS 24149**. He spoke to the motion and stated there have been four different seals in Idaho history. **Motion carried by voice vote.**

RS 24516: **Rep. Palmer** presented **RS 24516**, proposed legislation that lifts the moratorium on Real ID in Idaho. He stated if the legislation is introduced it will go to the House Transportation Committee for a bill hearing.

MOTION: **Rep. Wintrow** made a motion to introduce **RS 24516**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:43 a.m.

Representative Loertscher	Kasey Winder
Chair	Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:00 A.M.
Room EW40
Wednesday, February 17, 2016

SUBJECT	DESCRIPTION	PRESENTER
HCR 38	National Day of the Cowboy	Rep. Miller
RS24354	Ultrasounds, abortion	Rep. Nate
RS24521	Gaming agency	Rep. Loertscher

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 17, 2016

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow

ABSENT/ EXCUSED: None

GUESTS: Karleen Davis, self; Julie Lynde, Cornerstone Family Council; Kerry Uhlenkott, Right to Life Idaho; Russell Westerberg, CDAR; Bill Roden, self; Helo Hancock, CDA Tribe; Jeff Anderson, Idaho Lottery Commission; Matt Reik, self.

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

HCR 38: **Rep. Miller** presented **HCR 38**, a concurrent resolution that recognizes the history, power and impact of the cowboy in our society in Idaho. He stated the legislation recognizes National Day of the Cowboy in Idaho on July 25th of each year with appropriate ceremonies and activities.

MOTION: **Rep. Bateman** made a motion to send **HCR 38** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Miller** will sponsor the bill on the floor.

RS 24354: **Rep. Nate** presented **RS 24354**, proposed legislation that requires the Department of Health and Welfare to compile a list of providers that perform free ultrasounds within 24 hours of an abortion and provide a pamphlet that states the woman has a right to obtain a free ultrasound, view an ultrasound image and hear tone monitoring, and to provide that no abortion be performed unless the woman is informed prior to the abortion that these services are available. He stated the legislation would ensure pregnant mothers are offered important accurate medical information prior to undergoing an abortion.

In response to committee questions, **Rep. Nate** stated any provider, health care facility or clinic could offer free ultrasounds. He stated there won't be a penalty for not reporting every year, the purpose is to compile a list of providers who will provide free ultrasounds.

MOTION: **Rep. Nielsen** made a motion to introduce **RS 24354**. **Motion carried by voice vote. Reps. Smith, McCrostie, Jordan and Smith** requested that they be recorded as voting **NAY**.

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

RS 24521: **Chairman Loertscher** presented **RS 24521**, proposed legislation that establishes an Idaho Gaming Agency under the auspices of the Governor. He stated the agency would oversee all gaming activities in the State of Idaho. He stated the Gaming Agency would consist of 3 members who would be appointed by the Governor and approved by the Senate. He stated the legislation is not an attempt to say the Directors of the Lottery and Racing Commission are not doing well, it simply provides oversight to all gaming to be sure they are all following the state constitution, compacts and administrative rules.

In response to committee questions, **Chairman Loertscher** stated all aspects of gaming- the lottery, tribal gaming, and paramutuel wagering would be included in the oversight by the new agency. He stated the purpose of the legislation is to remove the self-regulation from the gaming in Idaho.

Rep. Jordan invoked Rule 38 stating a possible conflict of interest.

MOTION: **Rep. Barbieri** made a motion to introduce **RS 24521. Motion carried by voice vote. Reps. Jordan and Wintrow** requested that they be recorded as voting **NAY**

Vice Chairman Batt turned the gavel back over to **Chairman Loertscher**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:34 a.m.

Representative Loertscher	Kasey Winder
Chair	Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:00 A.M.
Room EW40
Thursday, February 18, 2016

SUBJECT	DESCRIPTION	PRESENTER
H 464	Treasurer duties/Public Endowment Funds	Jace Perry, State Treasurer's Office

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, February 18, 2016

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow

ABSENT/ EXCUSED: Representative(s) Crane

GUESTS: None.

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

MOTION: **Rep. Holtzclaw** made a motion to approve the minutes of the February 15, 2016 meeting. **Motion carried by voice vote.**

H 464: **Jace Perry**, State Treasurer's Office, presented **H 464**, a bill that addresses a gap in the code concerning investment of funds not within the definition of Idle funds of the State of Idaho. He stated the Treasurer currently has no clear statutory authority to invest funds of the land grant endowments and other funds held in trust by the State. He stated Trust funds include settlement for reclamation of mining sites, an endowment for the Ritter Island State Park, funds in the State Insurance Fund reserve, funds held for veterans residing at the state veterans home, and PERSI money processed for payout to retirees but not yet distributed. He stated at the direction of the agencies overseeing such funds, the Office of the Treasurer has been investing the funds as if they were Idle funds for decades. He stated all of the agencies surveyed are in support of codifying the Treasurer's authority to continue this practice. He stated the legislation strikes confusing language exempting public endowments from the Treasurer's authority in Section 67-1201 and 1210, Idaho Code and creates two new sections.

He stated the new language also addresses investment of land grant endowments within Section 67-1202, Idaho Code. He stated the amendment recognizes and implements the Idaho Supreme Court's decision in State of Idaho v. Moon, 96 Idaho 140 (1974). He stated the revised language maintains the legislature's designation of the Endowment Fund Investment Board as the agency with authority to select investments for public endowments, and the Treasurer's constitutional role as the custodian of the Public School Permanent Endowment Fund. The amendment would allow the Treasurer, at the request of the Endowment Fund Investment Board, to invest public endowment funds consistent with the provisions of the Prudent Investor Act.

He stated the new section in 67-1227, Idaho Code is added to address trust and endowment funds not within the revised Section 67-1202. Examples of these funds are the Bunker Hill settlement funds and the State Insurance Fund reserve. He stated no new investments are authorized by the legislation and the costs of investment are paid by the agency or by the funds invested. He stated the new section in 67-1228, Idaho Code establishes a fund to hold costs paid for investment and administrative services paid pursuant to this legislation and other existing code provisions. He stated the monies in this fund, or a fund designated by the agency, will be used to pay investment and administration costs of the permitted investments outside of the Idle funds and the General Fund will not pay for such costs.

In response to committee questions, **Julie Weaver**, Attorney General, Treasurer's Office, stated the original language in Title 67, Chapter 12, Idaho Code honors the Land Board as the trustee of Idle funds which the legislation reflects.

MOTION: **Rep. Nielsen** made a motion to send **H 464** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Nielsen** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:25 a.m.

Representative Loertscher	Kasey Winder
Chair	Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:30 A.M.
Room EW40
Monday, February 22, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24578	Sexual assault evidence kits	Rep. Wintrow
H 478	Public records, firearm disclosure	Rep. Troy
HCR 41	Idaho Great Seal, 125th Anniversary	Rep. Troy
H 512	Community College Trustee Zones	Rep. Chaney

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE:	Monday, February 22, 2016
TIME:	9:30 A.M.
PLACE:	Room EW40
MEMBERS:	Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow
ABSENT/ EXCUSED:	None
GUESTS:	Bert Glandon, CWI; Ray Stark, Boise Metro Chamber.
	Chairman Loertscher called the meeting to order at 9:30 a.m.
MOTION:	**Rep. Smith** made a motion to approve the minutes of the February 16 and 17, 2016 meetings. **Motion carried by voice vote.**
RS 24578C1:	**Rep. Wintrow** presented **RS 24578C1**, proposed legislation that creates and codifies systems used by law enforcement, health care facilities and the Idaho State Police (ISP) Forensics Laboratory in the processing of sexual assault evidence kits in the State of Idaho. She stated it also creates a system of tracking and reporting to require audit reports for untested kits. She stated if introduced, the legislation will go to the Judiciary, Rules and Administration Committee for a bill hearing.
	In response to committee questions, **Rep. Wintrow** stated the fiscal note includes the costs for additional ISP forensic lab staff to handle the evidence kits. She also stated the kits cost an estimated $5,500 a year.
MOTION:	**Rep. Luker** made a motion to introduce **RS 24578C1**. **Motion carried by voice vote.**
H 478:	**Rep. Troy** presented **H 478**, a bill that adds an exemption to the Idaho Public Records Act for notifications and certifications required to be made to the Chief Law Enforcement Officer by Federal law in connection with the acquisition or transfer of firearms under the National Firearms Act. She stated the bill provides for the protection of confidential information from public disclosure.
MOTION:	**Rep. Palmer** made a motion to send **H 478** to the floor with a **DO PASS** recommendation.
SUBSTITUTE MOTION:	**Rep. McCrostie** made substitute motion to **HOLD H 478** for time certain of ten minutes.
	Chairman Loertscher put the committee at ease at 9:45 a.m.
	Chairman Loertscher resumed the meeting at 9:52 a.m.
SUBSTITUTE MOTION WITHDRAWN:	**Rep. McCrostie** withdrew his substitute motion to **HOLD H 478** for time certain of ten minutes.

In response to committee questions, **Rep. Troy** stated the legislation protects information that is completed on transfer and registration of firearms forms, such as the Employer Identification Number (EIN), from public disclosure. She stated EIN's could be the same as a person's social security number which should remain confidential. She stated information such as EINs are not available for public disclosure under federal law and this legislation would exempt the information from being released under state law.

Rep. McCrostie spoke **in opposition** to the motion and stated he is concerned with having too many exemptions to the public records law. **Rep. Jordan** spoke **in opposition** to the motion and stated she is concerned with the recent impact firearms have had on the community and would have liked to hear from law enforcement regarding their view.

Rep. Nielsen spoke **in support** of the motion and stated the Second Amendment of the Constitution affords the people the right to keep and bear arms and that right should not be infringed. **Rep. Holtzclaw** spoke **in support** of the motion and stated neither state nor federal government should have the right to know what firearms a person might have.

VOTE ON ORIGINAL MOTION: Roll call vote was requested on the motion to send **H 478** to the floor with a **DO PASS** recommendation. **Motion carried, 13 AYE, 4 NAY. Voting in favor** of the motion: **Chairman Loertscher, Reps. Batt, Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham and Nielsen. Voting in opposition** to the motion: **Reps. Smith, Jordan, McCrostie and Wintrow. Rep. Troy** will sponsor the bill on the floor.

HCR 41: **Rep. Troy** presented **HCR 41**, a concurrent resolution to commemorate the adoption of the Great Seal of the State of Idaho for capturing the natural beauty, the varied industry and the pioneering spirit of the great State of Idaho. It also honors the memory of **Emma Edwards Green**, the only woman to design a state seal.

MOTION: **Rep. Bateman** made a motion to send **HCR 41** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Troy** will sponsor the bill on the floor.

H 512: **Rep. Chaney** presented **H 512**, legislation regarding community college trustee zones and districts. He stated the legislation utilizes the same processes for zoning and rezoning within the district that the Idaho Code already requires of school districts. In the event a community college seeks to expand, the legislation appends the existing process of seeking State Board of Education approval by adding the rezoning plan to the request for approval. He stated he has worked with the community colleges extensively in regards to the legislation and all three community colleges- College of Western Idaho (CWI), College of Southern Idaho (CSI) and North Idaho College (NIC) agree with the language. He stated CWI and CSI had special board meetings to discuss the bill and both boards are in support of the legislation. He stated a change was made from the first proposed legislation that was introduced that every board member that has been elected will finish their elected term and when rezoning happens, they will be reassigned within the new zone if necessary.

MOTION: **Rep. McCrostie** made a motion to send **H 512** to the floor with a **DO PASS** recommendation.

Bert Glanden, President, College of Western Idaho, spoke **in support** of **H 512** and stated he appreciates **Rep. Chaney** efforts on the legislation and for working with all of the community colleges to form a consensus on zoning districts. **Rep. Clow** spoke **in support** of **H 512** and stated representatives from the College of Southern Idaho were planning on attending the hearing but could not and that they support the bill. **Dan Blocksom**, Idaho Association of Counties, spoke **in support** of **H 512** and stated the legislation will assist county clerks with the ballots.

VOTE ON MOTION: **Chairman Loertscher** called for a vote on the motion to send **H 512** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Chaney** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:22 a.m.

Representative Loertscher	Kasey Winder
Chair	Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:30 A.M.
Room EW40
Tuesday, February 23, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24571	Public Records Act, exemptions disclosure	Tim Hurst, Chief Deputy, Secretary of State
H 497	Lobbyists, state entity reports	Tim Hurst, Chief Deputy, Secretary of State
RS24568	Agriculture facilities/penalties	Rep. Batt

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, February 23, 2016

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow

ABSENT/ EXCUSED: Representative(s) Crane, Wintrow

GUESTS: Dennis Tanikuni, Idaho Farm Bureau; Marcia Fedris, IACI.

Chairman Loertscher called the meeting to order at 9:33 a.m.

MOTION: **Rep. Holtzclaw** made a motion to approve the minutes of the February 18, 2016 meeting. **Motion carried by voice vote.**

RS 24571: **Tim Hurst**, Chief Deputy, Secretary of State, presented **RS 24571**, proposed legislation that protects certain personal information of personnel records from public disclosure. He stated the mailing address, residence address and telephone number are still available to anyone that requests it but the e-mail address and cellular phone number would be protected. He stated the Secretary of State's office needs to contact political candidates, campaign treasurer's, lobbyists and/or people requesting absentee ballots and e-mail or cellular phones are the fastest way to get a response. Many are reluctant to give the Secretary of State this information because it is not currently protected from public disclosure.

In response to committee questions, **Mr. Hurst** stated he has not spoken to the Newspaper Association about the legislation.

MOTION: **Rep. Palmer** made a motion to introduce **RS 24571**. **Motion carried by voice vote.**

H 497: **Tim Hurst**, Chief Deputy, Secretary of State, presented **H 497**, legislation that requires government agencies and educational institutions to report gifts given to legislators and executive officials in the same manner lobbyists are required to report. He stated it does not require the agencies or institutions to be registered as lobbyists.

MOTION: **Rep. Bateman** made a motion to send **H 497** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Bateman** will sponsor the bill on the floor.

RS 24568: **Dennis Tanikuni**, Idaho Farm Bureau, presented **RS 24568**, proposed legislation that adds a new section to Chapter 70, Title 18, Idaho Code which addresses breaches of bio security on agriculture facilities or operations in Idaho and sets fines and penalties.

In response to committee questions, **Mr. Tanikuni** stated there is a law in Idaho currently that relates to what to do after a bio security breach has occurred. He stated this legislation fills the void and addresses the act of breaching bio security and also adds infectious diseases.

MOTION: **Rep. Batt** made a motion to introduce **RS 24568**. She spoke to the motion and stated the legislation will be sent to the Agricultural Affairs Committee. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:53 a.m.

Representative Loertscher	Kasey Winder
Chair	Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:30 A.M.
Room EW40
Wednesday, February 24, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24435C1	U.S. Capitol Christmas Tree 2016	Rep. Gestrin
RS24552	Land Commissioners Board, constitutional amendment	Rep. Vander Woude
RS24577	Highways, out of county judges	Rep. Loertscher

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 24, 2016

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow

ABSENT/ EXCUSED: Representative Crane

GUESTS: Jonathan Parker, Holland & Hart; Matt Reih, self.

Chairman Loertscher called the meeting to order at 9:32 a.m.

RS 24435C1: **Rep. Gestrin** presented **RS 24435C1**, a concurrent resolution to recognize Idaho's unique honor in providing the 2016 "People's Christmas Tree" from the Payette National Forest at the United States Capitol in Washington D.C. and to encourage Idahoans to participate and support the event. He stated Idaho was also selected in 2004 to provide the Christmas tree.

MOTION: **Rep. Bateman** made a motion to introduce **RS 24435C1** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote. Rep. Gestrin** will sponsor the bill on the floor.

RS 24552: **Rep. Vander Woude** presented **RS 24552**, a joint resolution that amends Section 7, Article IX of the Idaho Constitution relating to the State Board of Land Commissioners, that removes the Attorney General and adds the State Treasurer. He stated new sections were also added to address the question to be submitted to the electors at the next general election, authorization for the Legislative Council to prepare the statements required by Section 67-453, Idaho Code, and direction for the Secretary of State to publish the proposed constitutional amendment and arguments as required by law. He stated the Attorney General is currently in a conflict of interest as a Land Board member because he provides legal counsel to the Board and has also sued the Land Board previously.

MOTION: **Rep. Palmer** made a motion to introduce **RS 24552**. **Motion carried by voice vote.**

Rep. McCrostie spoke to the motion and stated he wants to hear from the Attorney General's office regarding the legislation. **Rep. Batt** spoke to the motion and stated the legislation will be voted on by the people of Idaho because it is an amendment to the State Constitution and that legislators, who are policy makers, have put the Attorney General in the conflict of interest and the situation needs to be changed. **Rep. Wintrow** spoke to the motion and stated she would like more information at the bill hearing of what the treasurer's role will be.

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

RS 24577: **Chairman Loertscher** presented **RS 24577**, proposed legislation relating to judicial review of county road or highway district decisions that amends Section 40-208 of the Idaho Code to provide that either party to a proceeding may request appointment of a judge who is not a resident of the county where the road or property is located and to make technical corrections. He stated the legislation would be sent to the Transportation and Defense Committee.

Chairman Loertscher invoked Rule 38 and stated a possible conflict of interest but that he would be voting.

In response to committee questions, **Chairman Loertscher** stated judges can excuse themselves when a conflict of interest comes up but they don't always. He stated the language is broad to allow the courts the discretion when needed.

MOTION: **Rep. Nielsen** made a motion to introduce **RS 24577. Motion carried by voice vote. Rep. McCrostie** requested to be recorded as voting **NAY**.

Vice Chairman Batt turned the gavel back over to **Chairman Loertscher.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:56 a.m.

_____
Representative Loertscher
Chair

_____
Kasey Winder
Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

8:30 A.M.
Room EW40
Thursday, February 25, 2016

SUBJECT	DESCRIPTION	PRESENTER
H 516	Ultrasounds, abortion	Rep. Nate

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, February 25, 2016

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow

ABSENT/ EXCUSED: None

GUESTS: The sign-in sheets will be retained with the minutes in the committee secretary's office until the end of session. Following the end of session, the sign-in sheets will be filed with the minutes in the Legislative Services Library.

Chairman Loertscher called the meeting to order at 8:33 a.m.

MOTION: **Rep. Smith** made a motion to approve the minutes of the February 22, 2016 meeting. **Motion carried by voice vote.**

H 516: **Rep. Nate** presented **H 516**, a bill that requires the Department of Health and Welfare to compile a list of providers that perform free ultrasounds, provide information that states the woman has a right to obtain a free ultrasound, view an ultrasound image and hear tone monitoring, and to provide that no abortion be performed unless the woman is informed prior to the abortion that ultrasound imaging and heart tone monitoring are available. When enacted, this legislation will help ensure that pregnant mothers are offered important accurate medical information prior to undergoing an abortion. He stated the legislation does not require an utlrasound be obtained, it simply offers the option to obtain one.

Kerry Uhlenkott, Idaho Right to Life, spoke **in support** of **H 516** and stated women need access to scientific and medical information about their condition before choosing to have an abortion. She stated that having an ultrasound before an abortion has proven to reduce the number of abortions. She stated 11 states have similar legislation. She stated an abortion is not reversible and the decision should be made by the woman after she is provided with all the information available because it is not an easy decision to make.

Teresa Hammer, representing herself, spoke **in opposition** to **H 516** and stated she feels the bill tries to coerce women into going to pregnancy crisis centers that are affiliated with religious groups who try to deter woman from getting an abortion. She stated an option may be to provide the extra information on the clinic's website instead of printed materials. **Avery Roberts** spoke **in opposition** to **H 516** and stated there are too many injustices to women who decide to have an abortion and the legislation directs women to a lower-standard of health care provided by pregnancy clinics that will try to sway them into not having an abortion. **Marci Glass**, Pastor, spoke **in opposition** to **H 516** and stated she feels the legislation is meant to deter women from getting an abortion. She stated if ultrasounds are to be free to pregnant women, then all other preoperative procedures should be free as well, such as MRIs.

Angela Dwyer, Clinic Manager, Stanton Healthcare Boise, spoke **in support** of **H 516** and stated last year her clinic provided 418 ultrasounds for free to pregnant women. She stated ultrasounds provide an additional level of informed consent. She stated women need to be provided with the most accurate medical information available and the legislation increases that information.

In response to committee questions, **Ms. Dwyer** stated her clinic, as with others, are regulated by the National Institute of Family and Life Advocates (NIFLA) and follow those guidelines. She stated her staff is fully trained and certified to provide ultrasounds.

Lindsey Rees, Manager/Nurse, Stanton Healthcare Idaho Falls, spoke **in support** of **H 516** and stated her clinic provides a high standard of care, which includes free ultrasounds to women. She stated her staff support women in their decisions regarding their healthcare. She stated if the legislation is passed it will increase the volume of ultrasounds requested and her office will accommodate those requests accordingly. **Dori Sanstrom**, Stanton Healthcare Twin Falls, spoke **in support** of **H 516** and stated her clinic provides services to pregnant women free of charge and does not receive state or federal funds. She stated ultrasounds offer an insight to pregnant women about their unborn child. She stated society has put pressure on women to receive abortions as their only choice. She stated education empowers women and allows them to make informed decisions. She stated abortion carries many risks and her clinic offers a variety of services like post-abortion recovery and other counseling. She stated the burden of having to pay for medical information such as an ultrasound should not be a factor in a woman's decision regarding pregnancy options. **Melissa Hemphill**, Idaho Regional Coordinator, Silent No More Campaign, spoke **in support** of **H 516** and stated the organization has over 17,000 people registered who support the campaign that adds awareness about abortion's adverse effect on society. She stated many women have regretted getting an abortion and have said they wished they had the option to receive an ultrasound prior to doing so.

Hanna Brass Greer, Legislative Director, Planned Parenthood Idaho, spoke **in opposition** to **H 516** and stated the legislation does not give women more information about their health, it is a way to deter women from receiving an abortion. She stated the legislation pushes women to facilities that would talk them out of getting an abortion.

In response to committee questions, **Ms. Brass Greer** stated Planned Parenthood (PPH) provides ultrasounds when it is medically indicated. She stated she did not know what PPH charges for ultrasounds but that they do offer financial assistance to qualifying patients. She stated PPH provides patients with the information that is mandated to be provided from the Department of Health and Welfare and that they give the patient all of the information available so they can make an informed decision. She stated she did not have any documentation on case studies of any facilities/clinics in Idaho that have been under scrutiny for lack of proper training or staff to conduct ultrasounds. She stated PPH does not have any religious affiliation but they do offer help from clergy if requested. She stated PPH performed over 1,200 abortions in Idaho in 2014, which was the last report completed, and she did not know how many ultrasounds were performed last year or what the cost was to the patient. She stated PPH offers assistance to women who have abortions but the patients have to request that support, there is no follow-up care unless it is requested. She stated they do not keep a database of information on patients who have had abortions and they do not have to sign a waiver waving their right to sue PPH if they develop Post-Traumatic Stress Disorder after having an abortion.

Julie Lynde, Cornerstone Family Council, spoke **in support** of **H 516** and stated an ultrasound is a life-changing tool that offers the ability of a woman to make an informed decision. She stated pregnancy is difficult enough and if a woman is looking at her options, a free ultrasound allows her to have all the information without putting a financial burden on her. She stated many women have changed their minds on having an abortion after having an ultrasound. She stated Health and Welfare have been providing written materials for pregnant women for decades and they are occasionally updated and this addition should be no problem. **David Ripley**, Executive Director, Idaho Right to Life, spoke **in support** of **H 516**. **Lorinda Gatea**, spoke **in support** of **H 516** and stated the legislation seeks to put information into the hands of women so they can make informed decisions and it does not funnel them to one place or another for services.

Kathy Griesmyer, Public Policy Strategist, ACLU, spoke **in opposition** to **H 516** and stated when providers speak to women about their pregnancy they speak to them about their care and this legislation is being used to deter women away from having abortions. She stated the legislation invades patient/physician communication and every woman deserves unbiased information about her health.

In response to committee questions, **Ms. Griesmyer** stated the legislation helps to shame women with biased information when they have already made up their mind to have an abortion. She stated she did not have any documentation of instances of facilities not providing all available information to patients in regards to pregnancy options.

Ms. Gwyer was recognized to provide additional testimony and stated many women are still undecided when they go into pregnancy crisis clinics and they should have all information available to them which is provided without bias.

Rep. Nate was recognized for a closing statement and stated the state has laws in place that regulate any place that offers ultrasounds, that is why that language did not need to be included in the legislation. He stated the legislation does not mandate that a woman receive an ultrasound before an abortion, it provides the woman with the information and allows her the opportunity to have one at no cost. He stated in his research he found that Planned Parenthood does not offer free ultrasounds and that they charge patients between $249-298 per ultrasound. He stated when the inquiry was made via telephone of the price of an ultrasound no questions were asked regarding financial assistance. He stated he did not speak to the Department of Health and Welfare regarding the legislation. He stated there are currently 7 facilities in Idaho that provide ultrasounds free of charge to pregnant women.

MOTION: **Rep. Bateman** made a motion to send **H 516** to the floor with a **DO PASS** recommendation. He spoke to the motion and stated children have no power of their own and it is up to society to protect them. He stated when he took his oath of office to become a legislator, he vowed to protect the unborn child.

Rep. Nielsen spoke **in support** of the motion and stated scientific evidence proves the fetus is a living person and therefore is protected by the U.S. Constitution like everyone else. **Rep. Crane** spoke **in support** of the motion and stated an unborn child has no voice and providing women with more information on their health helps them to make the best informed decision.

Rep. Smith spoke **in opposition** to the motion and stated the decision to have an abortion is between a woman, her family, and her physician and the legislation creates another barrier.

SUBSTITUTE MOTION: **Rep. Wintrow** made a substitute motion to send **H 516** to General Orders with amendments. She spoke to the motion and stated Idaho does not provide anything for free and if so, the same offering should be made for all medical procedures. She stated the facilities offering free ultrasounds could advertise on their own at no cost to the state.

Rep. McCrostie spoke **in support** of the substitute motion and stated women have the right to make their own decisions and this legislation puts up a barrier to women that have already made up their mind to have an abortion. **Rep. Jordan** spoke **in support** of the substitute motion and stated she would feel personally responsible if something happened to someone who had an ultrasound done at a facility that did not have properly trained staff.

Rep. Barbieri spoke **in opposition** to the substitute motion and stated clinics that provide any medical procedure, including ultrasounds to pregnant women, are already regulated by the law in Idaho. He stated there is no need to add language to the legislation when that language already exists in Idaho statute. He stated it is the State's responsibility to protect life and the mental health of a woman is just as important as their medical health and an opportunity to see an ultrasound or hear heart monitoring helps a woman to make that tough decision of whether or not to receive an abortion.

VOTE ON SUBSTITUTE MOTION: A Roll Call vote was requested on the substitute motion to send **H 516** to General Orders with amendments. **Motion failed by a vote of 4 AYE, 13 NAY. Voting in favor** of the motion: **Reps. Smith, Jordan, McCrostie and Wintrow. Voting in opposition** to the motion: **Chairman Loertscher, Reps. Batt, Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham and Nielsen.**

VOTE ON ORIGINAL MOTION: A Roll Call vote was requested on the original motion to send **H 516** to the floor with a **DO PASS** recommendation. **Motion carried by a vote of 13 AYE, 4 NAY. Voting in favor** of the motion: **Chairman Loertscher, Reps. Batt, Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham and Nielsen. Voting in opposition** to the motion: **Reps. Smith, Jordan, McCrostie and Wintrow. Rep. Nate** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:57 a.m.

Representative Loertscher	Kasey Winder
Chair	Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:00 A.M.
Room EW40
Friday, February 26, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24597	Election ads, precinct committeeman	Rep. Chaney
RS24097	Idaho Women's Commission, repealed	Rep. Scott
RS24592	Wheat Commission, rules rejected	Rep. Batt
RS24596	Alcohol, films, indecency/obscenity	Rep. Palmer

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

Kasey Winder
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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE:	Friday, February 26, 2016
TIME:	9:00 A.M.
PLACE:	Room EW40
MEMBERS:	Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow
ABSENT/ EXCUSED:	Representative(s) Sims
GUESTS:	Ken Robins, OAG, ISP; Jonathan Parker, Holland and Hart.

Chairman Loertscher called the meeting to order at 9:03 a.m.

MOTION: **Rep. Holtzclaw** made a motion to approve the minutes of the February 23 and 24, 2016 meetings. **Motion carried by voice vote.**

RS 24597: **Rep. Chaney** presented **RS 24597**, proposed legislation that extends the requirement to communications made relating to races for party precinct committeeman requiring whoever is responsible for the production and distribution of messages be noted on the advertisement.

MOTION: **Rep. Luker** made a motion to introduce **RS 24597**. **Motion carried by voice vote.**

RS 24097: **Rep. Scott** presented **RS 24097**, proposed legislation to repeal the State Women's Commission. She stated the Commission was first set up in the 1960's and has not received any funding since FY 2009. She stated just having the Commission in place states women are inferior, which they are not and have proven so.

In response to committee questions, **Rep. Scott** stated she has not spoken to the Governor's office and the members of the Commission disassembled themselves in 2009. She stated the Commission is outdated and should be removed from Idaho Code.

MOTION: **Rep. Batt** made a motion to introduce **RS 24097** and stated women don't need a special commission to be successful.

Rep. Bateman spoke **in support** of the motion and stated Idaho has more children than any other state in the country. He stated women are usually the primary caregivers for children and don't always work outside the home or get involved with government and/or politics. **Rep. Andrus** spoke **in support** of the motion and stated women do well holding their own in society. **Rep. Wintrow** spoke **in support** of the motion and stated Commissions such as the State Women's Commission were set up because of the barriers women face in society within the workplace or in governmental offices and the commissions are important. **Rep. Cheatham** spoke **in support** of the motion.

VOTE ON MOTION: **Chairman Loertscher** called for a vote on the motion to introduce **RS 24097**. **Motion carried by voice vote. Reps. Jordan and McCrostie** requested to be recorded as voting **NAY**.

RS 24592: **Rep. Batt** presented **RS 24592**, a proposed concurrent resolution rejecting proposed amendments to codified Section 301, including subsections 01, 02 and 03 of the Idaho State Wheat Commission Rules, which includes amendments to IDAPA 42.01.01. She stated the resolution would go to the Agricultural Affairs Committee for a bill hearing.

In response to committee questions, **Rep. Batt** stated the Agricultural Affairs Committee heard the proposed Rule changes and voted to reject the changes because there was no negotiated rulemaking with the stakeholders.

MOTION: **Rep. Nielsen** made a motion to introduce **RS 24592**. **Motion carried by voice vote.**

RS 24596: **Rep. Palmer** presented **RS 24596**, proposed legislation that clarifies that the same standard will apply for the content of movies shown in facilities that serve liquor and those that serve beer and wine. He stated the bill also replaces standards for the content of movies that may be unenforceable with the standards that meet constitutional requirements.

In response to committee questions, **Rep. Palmer** stated the current language in the law does not line up with the State Constitution and the new language strengthens it. He stated all the stakeholders have come together and agree on the language.

MOTION: **Rep. Batt** made a motion to introduce **RS 24596**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:30 a.m.

Representative Loertscher	Kasey Winder
Chair	Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:00 A.M.
Room EW40
Monday, February 29, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24475	ATV, UTV, SOHV, motorbikes, highway use	Rep. Gestrin
S 1218	Codifier's corrections	Katharine Gerrity, Legislative Services

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE:	Monday, February 29, 2016
TIME:	9:00 A.M.
PLACE:	Room EW40
MEMBERS:	Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow
ABSENT/ EXCUSED:	Representative(s) Barbieri, Nielsen
GUESTS:	Katharine Gerrity, LSO

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

RS 24475: **Rep. Terry Gestrin**, District 8, presented **RS 24475** regarding ATV, UTV and motorbike travel on state highways. Last year legislation was passed to allow off highway vehicles (OHV) to travel on highways within city limits. This legislation would extend outside of city limits one mile each way with a speed limit of 45 MPH or less. The Idaho Transportation Department will now have authority to restrict OHV travel and crossings as needed for public safety.

Rep. Sims invoked Rule 38 stating a possible conflict of interest due to her occupation of selling off highway vehicles, but she would be voting on the legislation.

MOTION: **Rep. Cheatham** made a motion to introduce **RS 24475**. **Motion carried by voice vote.**

S 1218: **Katharine Gerrity**, LSO, presented **S 1218** regarding the Legislative Services Office (LSO) annual codifier correction bill. There are 44 sections of the code included. Revisions that are proposed include codifier suggested corrections and simple technical corrections.

MOTION: **Rep. McCrostie** made a motion to send **S 1218** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote**. **Rep. McCrostie** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 9:07 a.m.

Representative Loertscher
Chair

Michele Jarvis
Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:30 A.M.
Room EW40
Tuesday, March 01, 2016

SUBJECT	DESCRIPTION	PRESENTER
SCR 146	Purple Heart Day	Rep. James Holtzclaw

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE:	Tuesday, March 01, 2016
TIME:	9:30 A.M.
PLACE:	Room EW40
MEMBERS:	Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow
ABSENT/ EXCUSED:	Representative(s) Crane
GUESTS:	None
	Chairman Loertscher called the meeting to order at 9:32 a.m.
SCR 146:	**Rep. Holtzclaw** presented **SCR 146**, a concurrent resolution that recognizes and honors the service and sacrifices of Idaho's men and women in uniform, wounded or killed by the enemy while serving to protect the freedom enjoyed by all Americans. The resolution designates the State of Idaho as a Purple Heart State and permanently sets the date of August 7th as Purple Heart Day in Idaho.
MOTION:	**Rep. Jordan** made a motion to send **SCR 146** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Holtzclaw** will sponsor the bill on the floor.
ADJOURN:	There being no further business to come before the committee, the meeting was adjourned at 9:40 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:00 A.M.
Room EW40
Wednesday, March 02, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24626	Public Utilities Commission, rules rejected	Rep. Batt
RS24598	Commercial Drivers License, skills test fee	Rep. Monks
H 542	Election ads, precinct committeeman	Rep. Chaney

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, March 02, 2016

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow

ABSENT/ EXCUSED: Representative(s) Bateman, Nielsen

GUESTS: Dennis Stevenson, Administrative Rules Coordinator; Neil Cowell, Avista Corp.

Chairman Loertscher called the meeting to order at 9:02 a.m.

MOTION: **Rep. Holtzclaw** made a motion to approve the minutes of the February 25, 26, 29, and March 1, 2016 meetings. **Motion carried by voice vote.**

RS 24626: **Rep. Batt** presented **RS 24626**, a concurrent resolution that rejects a portion of the Rules Governing Safety and Accident Reporting of the Idaho Public Utilities Commission under IDAPA 31.11.01, removing codified rules Sections 202 and 203, to eliminate duplicative and conflicting language that exists between the Public Utilities Commission and the Division of Building Safety.

MOTION: **Rep. Wintrow** made a motion to introduce **RS 24626** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote. Rep. Batt** will sponsor the bill on the floor.

RS 24598: **Rep. Monks** presented **RS 24598**, proposed legislation that eliminates the State's role in setting costs for commercial drivers license (CDL) skills testing. Currently the Idaho Transportation Department (ITD) stipulates and collects $70.00 for CDL skills tests. He stated ITD keeps $10.00 for administrative purposes and passes along $60.00 to the private CDL skills organization. This legislation will allow ITD to still receive $10.00 but ITD will not have to transfer monies to the CDL skills testing organization. He stated the CDL skills testing organizations will be allowed to establish fees as they deem necessary and will allow the free market to determine prices. He stated the legislation will be sent to the Transportation and Defense Committee for a bill hearing.

MOTION: **Rep. Palmer** made a motion to introduce **RS 24598**. **Motion carried by voice vote.**

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

H 542: **Rep. Chaney** presented **H 542**, a bill that extends the requirement to state clearly who is responsible for the production and distribution of messages made for the purposes of influencing an election relating to races for party precinct committeeman.

In response to committee questions, **Rep. Chaney** stated there is a renewed interest in the political area and problems could arise if this legislation is not in place. He stated transparency in politics is important and the legislation supports that idea.

John Duvall, Chairman, Washington County Republican Central Committee, spoke **in support** of **H 542** and stated the legislation is important because it helps to provide transparency and identify entities that might try to influence a precinct election from outside of the county.

MOTION: **Rep. Luker** made a motion to send **H 542** to the floor with a **DO PASS** recommendation.

Rep. McCrostie invoked Rule 38 stating a possible conflict of interest but that he would be voting on the legislation.

ROLL CALL VOTE: **Vice Chairman Batt** called for a vote on the motion to send **H 542** to the floor with a **DO PASS** recommendation. Roll Call vote was requested. **Motion carried by a vote of 10 AYE, 4 NAY, 3 Absent/Excused. Voting in favor** of the motion: **Chairman Loertscher, Reps. Batt, Andrus, Luker, Crane, Holtzclaw, Smith, Jordan, McCrostie and Wintrow. Voting in opposition** to the motion: **Reps. Sims, Barbieri, McMillan, and Cheatham. Absent/Excused: Reps. Palmer, Bateman and Nielsen. Rep. Chaney** will sponsor the bill on the floor.

Vice Chairman Batt turned the gavel back over to **Chairman Loertscher**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:25 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:00 A.M.
Room EW40
Thursday, March 03, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24436	Negotiated Rulemaking, additional requirement	Rep. Miller
SCR 147	Women's History Month	Rep. Jordan
S 1298	Racing Commission, Horse Council, payment	Rep. Andrus

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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email: hstaf@house.idaho.gov

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE:	Thursday, March 03, 2016
TIME:	9:00 A.M.
PLACE:	Room EW40
MEMBERS:	Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow
ABSENT/ EXCUSED:	None
GUESTS:	Ardie Noyes, Idaho State Racing Commission; Myrm Amsden, Idaho Horse Council; Keith Reynolds, Idaho Horse Council; Dennis Stevenson, Administrative Rules Coordinator; Jay Shaw, OAR; Brad Hunt, OAR; John Jameson, Idaho Horse Council; Stan Boyd, Idaho Horse Council.
	Chairman Loertscher called the meeting to order at 9:03 a.m.
SCR 147:	**Rep. Jordan** presented **SCR 147**, a concurrent resolution that honors March 2016 as Women's History Month in Idaho and recognizes the profound economic, cultural and social contributions of women, past and present. She spoke about the courage of women long ago who helped build and protect communities in Idaho.
MOTION:	**Rep. Bateman** made a motion to send **SCR 147** to the floor with a **DO PASS** recommendation. He spoke to the motion and stated Idaho has an array of history regarding strong and courageous women. **Motion carried by voice vote. Rep. Jordan** will sponsor the bill on the floor.
S 1298:	**Rep. Andrus** presented **S 1298**, a bill that authorizes the Idaho Racing Commission to distribute funds from the Historic Horse Racing proceeds, the paramutuel distribution fund, to the Idaho Horse Council youth programs account. He stated the legislation will only be in force until July 1, 2016.
	In response to committee questions, **Rep. Andrus** stated the funds will be distributed in one lump sum, a one-time transfer. He stated the authorization to allow the Racing Commission to distribute the funds was an oversight in the drafting of **H 220** in 2013, wherein 3 of the 4 take-out funds were addressed. He stated this legislation closes the loop and allows the funds in the last group to be disbursed.
	Steve Taylor, President, Idaho Horse Council, spoke **in support** of **S 1298** and stated the Idaho Horse Council youth fund is held in a separate account with the Council and will be used especially for youth programs.
MOTION:	**Rep. Jordan** made a motion to send **S 1298** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Andrus** will sponsor the bill on the floor.
	Chairman Loertscher put the committee at ease at 9:45 a.m.
	Chairman Loertscher called the meeting back to order at 9:59 a.m.
ADJOURN:	There being no further business to come before the committee, the meeting was adjourned at 10:00 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:00 A.M.
Room EW40
Monday, March 07, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24594C1	Parent/guardian, delegation of power	Rep. Redman
RS24210	Incapacitated persons, rights	Rep. Redman
RS24436	Negotiated rulemaking, additional requirement	Rep. Miller

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE:	Monday, March 07, 2016
TIME:	9:00 A.M.
PLACE:	Room EW40
MEMBERS:	Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow
ABSENT/ EXCUSED:	None
GUESTS:	None.

Chairman Loertscher called the meeting to order at 9:02 a.m.

MOTION: **Rep. Holtzclaw** made a motion to approve the minutes of the March 2 and 3, 2016 meetings. **Motion carried by voice vote.**

RS 24594C1: **Rep. Redman** presented **RS 24594C1**, proposed legislation called the "Idaho Safe Families Act", that enhances current Idaho law, which allows temporary voluntary custody arrangements between families outside of the Idaho Child Protection Services (CPS) foster care system. The legislation extends existing legislation to a year for temporary custody and longer for active duty military. It adds new legislation to Idaho Code to specify that non-profit organizations can be involved in helping facilitate these voluntary partnerships between families. It will provide a less respective option to support families in crisis before conditions rise to the level of CPS intervention. He stated the legislation will be sent to the Judiciary, Rules and Administration Committee for a bill hearing.

MOTION: **Rep. Palmer** made a motion to introduce **RS 24594C1**. **Motion carried by voice vote.**

RS 24210: **Rep. Redman** presented **RS 24210**, proposed legislation known as the "Peter Falk Bill", which enhances current Idaho law with a new section that requires a guardian to allow an incapacitated person the right of communication, visitation or interaction with other persons, including the right to receive visitors, telephone calls or personal mail. In addition, there is a new section that requires a guardian promptly notify an incapacitated person's closest relatives when the incapacitated person is going through a location change or life altering event.

In response to committee questions, **Rep. Redman** stated an incapacitated person could be a minor. He stated the court could intervene by means of the Guardian if an issue arises. He stated the key to the legislation is not to restrict but to allow better access to the disabled person.

MOTION: **Rep. Batt** made a motion to return **RS 24210** to the sponsor and spoke to the motion stating the legislation lacks definitions for "incapacitated persons" and "guardians". **Motion carried by voice vote. Rep. Barbieri** requested to be recorded as voting **NAY**.

MOTION: **Rep. Luker** made a motion to adjourn. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:30 a.m.

Representative Loertscher	Kasey Winder
Chair	Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:00 A.M.
Room EW40
Tuesday, March 08, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24665	Lands, multiple use sustained yield	Rep. Boyle
RS24654	Gaming provisions, clarify/revise	Grant Ipsen
H 544	Alcohol, films, indecency/obscenity	Rep. Palmer

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, March 08, 2016

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow

ABSENT/ EXCUSED: None

GUESTS: Grant Ipsen, Stop Predatory Gambling Idaho; Jonathan Krutz, Stop Predatory Gambling Idaho; Ralin Flores, CVI; Mike Gilmore, Attorney General; Preston Carter, Givens Pursley; Jeff Anderson, Idaho Lottery; Jeremy Chou, Givens Pursley; Bill Roden, self; Russ Wheatley; ISP; Ken Robies, AG/ISP.

Chairman Loertscher called the meeting to order at 9:01 a.m.

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

RS 24665: **Rep. Boyle** presented **RS 24665**, proposed legislation that establishes the Idaho Multiple Use Sustained Yield Act. The Act sets forth parameters under which lands will be managed that Idaho may receive in the future from the federal government, which are not designated endowment lands.

MOTION: **Rep. Crane** made a motion to introduce **RS 24665. Motion carried by voice vote. Reps. Smith, McCrostie, Jordan and Wintrow** requested to be recorded as voting **NAY**.

RS 24654: **Grant Ipsen**, Stop Predatory Gambling Idaho, presented **RS 24654**, proposed legislation that re-affirms the parameters of constitutionally limited gambling in Idaho; to restore the integrity of Article III, Section 20 of the Idaho Constitution; to rectify violation of Article III, Section 20 by the Idaho State Lottery Commission; to provide new guidance and definitions related to electronic devices used in gambling; partially remove from Idaho Code the intellectual dishonesty of using slot machines but calling them something else; to protect and defend the citizens of Idaho from the deleterious effects of government-sponsored predatory gambling; and to preserve the intended purpose of the Idaho Lottery by mandating higher rates of return to Idaho schools and the State Building Fund.

Jon Krutz, Stop Predatory Gambling Idaho, spoke **in support** of **RS 24654** and stated the legislation defends the State Constitution. He stated the Idaho Lottery's Touchtabs rapid-bet electronic gambling device is not just an electronic version of a lottery ticket. He stated that like Historic Horse Racing, the Touchtabs are unconstitutional slot machines.

In response to committee questions, **Mr. Krutz** stated he was not familiar with the current Idaho Supreme Court case regarding the constitutionality of gaming in Idaho. He stated he was not qualified to discuss the rulemaking process of the agencies. He stated the legislation was not discussed with the Idaho State Lottery.

MOTION: **Rep. Andrus** made a motion to introduce **RS 24654**.

Rep. Holtzclaw spoke **in opposition** to the motion and stated there are many inconsistencies in the legislation and this would be a huge policy change. He stated the stakeholders were not involved in drafting the legislation and many questions could not be answered by the sponsor. **Rep. Barbieri** spoke **in opposition** to the motion and stated the legislation is being introduced late in the session and this is an issue that will take a lot of time, research and discussion.

Rep. Jordan invoked Rule 38 and stated she would still be voting on the legislation.

SUBSTITUTE MOTION: **Rep. McCrostie** made a substitute motion to return **RS 24654** to the sponsor.

ROLL CALL VOTE: Roll Call vote was requested on the substitute motion. **Substitute motion carried by a vote of 9 AYE, 8 NAY. Voting in favor** of the motion: **Reps. Batt, Sims, Barbieri, Holtzclaw, McMillan, Smith, Jordan, McCrostie and Wintrow. Voting in opposition** to the motion: **Chairman Loertscher, Reps. Andrus, Luker, Crane, Palmer, Bateman, Cheatham, Nielsen**.

Vice Chairman Batt turned the gavel back over to **Chairman Loertscher**.

H 544: **Rep. Palmer** presented **H 544**, a bill that clarifies that the same standard will apply for the content of movies shown in facilities that serve liquor and those that serve beer and wine. The bill replaces standards for the content of movies that may be enforceable with the standards that meet constitutional requirements.

Russ Wheatley, Captain, Idaho State Police/Alcohol Beverage Control, spoke **in support** of **H 544** and stated the legislation has been reviewed by law enforcement and they are in support. He stated the legislation emphasizes a standard that is in Code which gives industry consistency.

Rep. Sims invoked Rule 38 and stated she would still be voting on the legislation.

MOTION: **Rep. Bateman** made a motion to send **H 544** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Palmer** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:32 a.m.

Representative Loertscher	Kasey Winder
Chair	Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:00 A.M.
Room EW40
Wednesday, March 09, 2016

SUBJECT	DESCRIPTION	PRESENTER
H 362aaS	Retail sale/liquor by the drink	Rep. Wintrow
H 447aaS	Public records, disclosure exemption	Rep. Cheatham
RS24436	Negotiated rulemaking/additional requirement	Rep. Miller
RS24666	Public lands, sale, cession	Rep. Boyle
H 530	Public Records Act, disclosure exemption	Tim Hurst, Secretary of State
S 1297aa	Elections, electronic voter registration	Lawrence Denney, Secretary of State

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE:	Wednesday, March 09, 2016
TIME:	9:00 A.M.
PLACE:	Room EW40
MEMBERS:	Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow
ABSENT/ EXCUSED:	None
GUESTS:	Will Hart, ICUA; Carlie Foster, Lobby Idaho; Rialin Flores, CVI; Kelli Brassfield, IAC; Phil McGrane, IAC; Russell Westerberg, ILBA; Russ Wheatley, ISP; Ken Robies, AG/ISP; Kathy Griesmyer, ACLU Idaho; Brian Brooks, IWF; Jon Oppenhiemer, ICL.
H 362aaS:	**Rep. Wintrow** presented **H 362aaS**, which was amended by the Senate to include changes on page 2 to include adding "business corporation, nonprofit corporation, benefit corporation as defined in Section 30-2002(1), Idaho Code, partnership, limited partnership, limited liability company, general cooperative association, limited cooperative association, estate, unincorporated nonprofit association, statutory trust, business trust, common-law business trust, estate trust, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality, any entity defined in Section 30-21-102, Idaho Code, or any other commercial entity,"
MOTION:	**Rep. Wintrow** made a motion to concur with the amendments made in the Senate to **H 362aaS**. **Motion carried by voice vote. Rep. Wintrow** will sponsor the bill on the floor.
H 447aaS:	**Rep. Cheatham** presented **H 447aaS**, which was amended by the Senate to include changes on page 2, which deletes lines 6 through 9, and inserts: "(b) Records of buildings, facilities, infrastructures and systems, other than public expenditure records, related to proposed or existing critical infrastructure held by or in the custody of any public agency only when the disclosure of such information would is reasonably likely to jeopardize the safety of persons,".
MOTION:	**Rep. Cheatham** made a motion to concur with the amendments made in the Senate to **H 447aaS**. **Motion carried by voice vote. Rep. Cheatham** will sponsor the bill on the floor.
RS 24436:	**Rep. Miller** presented **RS 24436**, proposed legislation that adds additional requirements for negotiated rulemaking when a rule is submitted to the legislature and to make technical corrections.
	Chairman Loertscher turned the gavel over to **Vice Chairman Batt**.
	In response to committee questions, **Rep. Miller** stated it costs $50.00 per sheet to print a summary page to be attached to the Pending Rule Docket books presented to the Legislature. He stated it would be approximately $2,000.00 a year increase to add the summaries from each agency.
MOTION:	**Rep. Crane** made a motion to introduce **RS 24436**.

Rep. Andrus spoke **in support** of the motion and stated there has been trouble in the past with state agencies not practicing negotiated rulemaking. **Rep. Barbieri** spoke **in support** of the motion and stated it is important for the Legislature to have all the information available in regards to the rules and the stakeholders, in order to make a well-informed decision. **Rep. Luker** spoke **in support** of the motion and stated more information on the rulemaking meetings is very helpful but that meeting minutes could also be used to show negotiations during rulemaking meetings.

Rep. Palmer spoke **in opposition** to the motion and stated although the intent of the legislation is good, he feels the agencies will use this to create more positions which will lead to more funds to be allocated to them.

VOTE ON MOTION: **Vice Chairman Batt** called for a vote on the motion to introduce **RS 24436**. **Motion carried by voice vote.**

RS 24666: **Rep. Boyle** presented **RS 24666**, proposed legislation that withdraws any past consent granted by the Idaho Legislature for the federal government to acquire any additional lands within the State of Idaho in the future. Pursuant to Article I, Section 8, paragraph 17 of the U.S. Constitution, no additional land may be acquired within the borders of Idaho by any federal agency unless consented to by a future act of the Legislature of the State of Idaho. She stated currently 67% of Idaho is owned by the federal government.

MOTION: **Rep. Barbieri** made a motion to introduce **RS 24666** and stated the matter is an important issue with State sovereignty. **Motion carried by voice vote. Reps. Smith, McCrostie, Jordan and Wintrow** requested to be recorded as voting **NAY**.

H 530: **Lawrence Denney**, Secretary of State, presented **H 530**, legislation that protects the cell phone number and email address of voters, political candidates, campaign treasurers and lobbyists from public record request disclosure.

In response to committee questions, **Secretary Denney** stated he was not sure if the Newspaper Association supported the legislation. He stated the Secretary of State's office would redesign a new form that would list a separate space for someone to add their cell phone number and the current form only has a space for one telephone number. He stated phone numbers are not mandatory information on the form, only optional.

MOTION: **Rep. Cheatham** made a motion to send **H 530** to the floor with a **DO PASS** recommendation.

Phil McGrane, Chief Deputy, Ada County Clerk's Office, spoke **in opposition** to **H 530** and stated the legislation creates an administrative burden and extra costs to the counties who are the official custodian of the records. He stated Ada County currently has 250,000 records that would have to be gone through to determine what numbers are home phone numbers versus cell phone numbers. He stated his office is willing to work with the Secretary of State's office to prepare better legislation and other county clerks should be involved as well.

Secretary Denney was recognized for a closing statement and said his office disagrees with the Ada County Clerk's office and that the legislation is a forward looking bill.

SUBSTITUTE MOTION: **Rep. Luker** made a substitute motion to **HOLD H 530** in committee and stated he has a concern with the county clerks' offices having to differentiate what information should be private and it could be difficult.

VOTE ON SUBSTITUTE MOTION: **Vice Chairman Batt** called for a vote on the substitute motion. **Motion carried by voice vote. Reps. Barbieri, Sims, Cheatham, Batt, McMillan, Andrus and Palmer** requested to be recorded as voting **NAY.**

S 1297aa: **Lawrence Denney**, Secretary of State, presented **S 1297aa**, legislation that authorizes the Secretary of State to develop and implement an online voter registration application. He stated in order to register online, a person would be required to have an Idaho Drivers License or identification card. A digital copy of the signature from the State identification card would be provided by the Department of Transportation and become part of the voter registration database.

In response to committee questions, **Betsie Kimbrough**, Secretary of State's Office, stated there are two versions of the voter poll books- the electronic version and a hard copy version. She stated each county is responsible for doing due diligence on updating their lists with current information, including deleting persons who have moved or are deceased. She stated if a voter casts the vote and then passes away before the vote tallies, the vote still counts. She stated it would be difficult to use a deceased person's information to vote because photo identification is required when voting.

MOTION: **Rep. McCrostie** made a motion to send **S 1297aa** to General Orders with amendments and stated changes need to be made on page 4, lines 28-29 and line 32-33 regarding identification cards.

Kathy Griesmyer, ACLU of Idaho, spoke **in support** of **S 1297aa** and stated voting is a fundamental right and the legislation could potentially make voting more accessible. **Phil McGrane**, Chief Clerk, Ada County Clerk's Office, spoke **in support** of **S 1297aa** and stated the counties handle hundreds of voter registration forms and online voter registration would help streamline the process and reduce errors such as voters not signing the forms.

Rep. Luker and **Rep. Crane** spoke **in support** of the motion.

SUBSTITUTE MOTION: **Rep. Nielsen** made a motion to send **S 1297aa** to the floor with a **DO PASS** recommendation.

MOTION WITHDRAWN: **Rep. Nielsen** withdrew his substitute motion to send **S 1297aa** to the floor with a **DO PASS** recommendation.

VOTE ON ORIGINAL MOTION: **Vice Chairman Batt** called for a vote on the original motion to send **S 1297aa** to General Orders with amendments. **Motion carried by voice vote. Rep. McCrostie** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:37 a.m.

Representative Batt	Kasey Winder
Chair	Secretary

AMENDED AGENDA #1

HOUSE STATE AFFAIRS COMMITTEE

9:30 A.M.
Room EW40
Thursday, March 10, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24698	Administrative Rules, constitutional amendment	Chairman Loertscher
RS24664	Breweries, persons under 21 years of age	Rep. Dixon
SCR 148	Hecla Mining Co., 125th anniversary	Sen. Nonini
SCR 149	Veteran's Cemetery, Eastern Idaho	Rep. Thompson
S 1274	Absentee voting, application deadline	Sen. Winder
S 1275	Absentee voting, early	Sen. Winder

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, March 10, 2016

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan (Memmott), McCrostie, Wintrow

ABSENT/ EXCUSED: None

GUESTS: Kate Haas, Idaho Brewers United; Kelli Brassfield, IAC; Phil McGrane, Ada County; Dennis Stevenson, Rules Coordinator; Keith Reynolds, Administrative Rules; Jeff Thompson, House; Bob Nonini, Senate.

Chairman Loertscher called the meeting to order at 9:32 a.m.

S 1274: **Senator Winder** presented **S 1274**, a bill that increases the current 6 days to 11 days to allow for adequate mailing time for absentee ballots. He stated recently the U.S. Post Office has restructured its postal services in areas such as Pocatello and will also be changing in Boise in the coming years. He stated these changes have slowed down the mail and do not allow for voters in certain areas in the state ample time for the county clerk's to mail the ballots to the voter, for the voter to vote, and for the voter to mail back to the elections office in time to be counted. He stated the 6 days currently allowed in insufficient.

MOTION: **Rep. Smith** made a motion to send **S 1274** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Chairman Loertscher** will sponsor the bill on the floor.

S 1275: **Senator Winder** presented **S 1275**, a bill that modifies the requirement for counties electing to conduct early voting. He stated the current statute is limited to counties that count ballots at a central location. He stated the change would also allow counties that use modern polling based counters to also participate in early voting. The legislation also cleans up a reference to the official ballot stamp to reflect the current legislation for official election ballot identification. He stated the new machines use a software program to count the ballots.

In response to committee questions, **Phil McGrane**, Chief Clerk, Ada County Clerk's Office, stated the machine takes a digital image of the ballot and afterwards the clerk goes through and verifies the machine is accurate. He stated the volunteers working the polls don't have access to the machines, they are brought back to the clerk's office and held there. He stated Ada County has 155 machines used for early voting and they used 145 of them in the last voting session.

MOTION: **Rep. Holtzclaw** made a motion to send **S 1275** to the floor with a **DO PASS** recommendation.

Rep. Crane spoke **in opposition** to the motion and stated he believes the legislation brings us closer to online voting which he disagrees with and is concerned with the higher risk of mistakes.

Rep. McCrostie spoke **in support** of the motion and stated the legislation will help the counties, especially the larger ones, with counting the ballots.

VOTE ON MOTION: **Chairman Loertscher** called for a vote on the motion to send **S 1275** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Crane, McMillan, Bateman, Sims and Nielsen** requested to be recorded as voting **NAY**. **Chairman Loertscher** will sponsor the bill on the floor.

SCR 148: **Senator Nonini** presented **SCR 148**, a concurrent resolution that recognizes the contributions and accomplishments of Hecla Mining Company and its employees, as well as to congratulate Hecla Mining Company on its 125th anniversary.

MOTION: **Rep. McMillan** made a motion to send **SCR 148** to the floor with a **DO PASS** recommendation.

Rep. Jordan spoke **in opposition** to the motion and stated the Hecla Mining Company has caused a lot of damage to Indian land.

VOTE ON MOTION: **Chairman Loertscher** called for a vote on the motion. **Motion carried by voice vote. Rep. Jordan** requested she be recorded as voting **NAY**. **Rep. Malek** will sponsor the bill on the floor.

SCR 149: **Rep. Thompson** presented **SCR 149**, a concurrent resolution that establishes the State of Idaho's commitment to request a federal grant to construct and fund a second veteran's cemetery in Eastern Idaho. He stated the commitment is necessary for the Idaho Division of Veterans Services to proceed with the application for a federal grant to provide 100 percent of the allowable construction cost. He stated the State of Idaho would need to appropriate 10 percent of the architectural and engineering costs for the cemetery, which will be reimbursed to the State following the grant award. He also stated the preliminary estimate will be $13.2 million in 2016 and the federal Department of Veterans Affairs will provide 100 percent of allowable cost, approximately $11.2 million. Idaho's 10 percent reimburseable match will be approximately $1.12 million and non-allowable/reimburseable cost is estimated to be $2.0 million.

In response to committee questions, **Rep. Thompson** stated the monies that Idaho would need to appropriate prior to the grant would come out of the General Fund appropriated to the Idaho Veterans Services.

MOTION: **Rep. Bateman** made a motion to send **SCR 149** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Palmer** requested to be recorded as voting **NAY**. **Rep. Thompson** will sponsor the bill on the floor.

RS 24664: **Rep. Dixon** presented **RS 24664**, proposed legislation that permits breweries to allow minors in tasting rooms. He stated current code allows minors to enter winery tasting rooms but does not account for breweries.

MOTION: **Rep. McCrostie** made a motion to introduce **RS 24664**. **Motion carried by voice vote. Rep. Andrus** requested to be recorded as voting **NAY.**

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

RS 24698: **Chairman Loertscher** presented **RS 24698**, proposed joint resolution that amends Section III of the Idaho State Constitution which allows the legislature to approve or reject administrative rules.

MOTION: **Rep. Palmer** made a motion to introduce **RS 24698** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote. Rep. McCrostie** requested to be recorded as voting **NAY**. **Chairman Loertscher** will sponsor the bill on the floor.

Vice Chairman Batt turned the gavel back over to **Chairman Loertscher**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:18 a.m.

Representative Loertscher	Kasey Winder
Chair	Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:00 A.M.
Room EW40
Monday, March 14, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24723	Idaho State Flag	Rep. Bateman
RS24720	Elections, Identifications, weapons license	Rep. Cheatham
S 1234	Administrative Procedure Act, electronic copies	Dennis Stevenson, Administrative Rules Coordinator
S 1356	Alcohol beverage, winery license permit	Roger Batt, Idaho Grape Growers and Wine Producers

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE:	Monday, March 14, 2016
TIME:	9:00 A.M.
PLACE:	Room EW40
MEMBERS:	Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan (Memmott), McCrostie, Wintrow
ABSENT/ EXCUSED:	Representative(s) Palmer
GUESTS:	Dennis Stevenson, Rules Coordinator; Keith Reynolds, O.A.R.C; Brad Hunt, O.A.R.C.; Jay Shaw, O.A.R.C.; Roger Batt, Idaho Grape and Wine Producers.

Chairman Loertscher called the meeting to order at 9:02 a.m.

MOTION: **Rep. Smith** made a motion to approve the minutes of the March 7 and 8, 2016 meetings. **Motion carried by voice vote.**

RS 24723: **Rep. Bateman** presented **RS 24723**, proposed legislation that encourages the display of the Idaho State Flag each year on March 4, July 3, July 4 and on all other appropriate occasions. He stated Idaho became a state when President Harrison signed the law admitting Idaho as a U.S. state on July 3rd.

MOTION: **Rep. Crane** made a motion to introduce **RS 24723** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote. Rep. Bateman** will sponsor the bill on the floor.

RS 24720: **Rep. Cheatham** presented **RS 24720**, proposed legislation that allows voters at the polls to present a concealed weapons license, as an additional form of personal identification, before voting.

MOTION: **Rep. Nielsen** made a motion to introduce **RS 24720**. **Motion carried by voice vote.**

S 1234: **Dennis Stevenson**, Administrative Rules Coordinator, Office of Administrative Rules Coordinator (O.A.R.C.), presented **S 1234**, a bill that removes the requirement to provide CD-ROMs of the Administrative Code and the Administrative Bulletin. He stated an informal survey was done of some of the larger repositories, such as University of Idaho and the Ada County Clerk's office and they indicated that they do not use the CDs provided to them. He stated technology has made the requirement for sending out CDs obsolete and computer network security issues are such that most computers sold and used now no longer have CD readers. He stated to date, only the University of Idaho law library in Moscow has requested that the O.A.R.C. continue to send them a CD.

MOTION: **Rep. Wintrow** made a motion to send **S 1234** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Wintrow** will sponsor the bill on the floor.

S 1356: **Roger Batt**, Idaho Grape Growers and Wine Producers, presented **S 1356**, a bill that authorizes two or more wineries to use a winery's licensed premises to host an event at one of those licensed premises under an alcohol beverage catering permit and to serve and sell the respective wines of those wineries. He stated the Idaho State Police supports the legislation.

Rep. Batt invoked Rule 38 but stated she will be voting on the legislation.

MOTION: **Rep. McCrostie** made a motion to send **S 1356** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. McCrostie** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:31 a.m.

_____
Representative Loertscher
Chair

_____
Kasey Winder
Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:30 A.M.
Room EW40
Tuesday, March 15, 2016

SUBJECT	DESCRIPTION	PRESENTER
SJM 106	Columbia River Treaty, consultation	Sen. McKenzie
S 1325	Regulatory takings, written request	Sen. Lakey
H 597	Breweries, persons under 21 years of age	Rep. Dixon
RS24675C1	Elections, school district trustees	Rep. McCrostie

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, March 15, 2016

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan (Memmott), McCrostie, Wintrow

ABSENT/ EXCUSED: Representative(s) Barbieri

GUESTS: Robert Clements, Regulatory Consulting Services; Bob Dodge, Broken Horn Brewing; Jenny Grunke, Broken Horn Brewing; Jess Harrison, ISBA; Matt Compton, IEA; Kate Haas, Kestrel West/IBU; Collin Rudeen, Boise Brewing/IBU; Rob Landerman, Woodland Empire/IBU; Will Hart, Idaho Consumer Owned Utilities; Andrew Mitzel, Realtors.

Chairman Loertscher called the meeting to order at 9:31 a.m.

SJM 106: **Senator McKenzie** presented **SJM 106**, a joint memorial that requests the U.S. Department of State to listen to and consider input from the Pacific Northwest states on negotiations with respect to the Columbia River Treaty.

MOTION: **Rep. Batt** made a motion to send **SJM 106** to the floor with a **DO PASS** recommendation and stated the states should be included in the negotiation talks. **Motion carried by voice vote. Rep. Batt** will sponsor the bill on the floor.

S 1325: **Sen. Lakey** presented **S 1325**, a bill that clarifies the right of a private property owner to request a regulatory takings analysis is discretionary. He stated if a private property owner elects not to request a regulatory takings analysis, it does not limit their ability to pursue other legal or equitable remedies regarding the government action pertaining to their property. The legislation also changes "real" property to "private" property.

MOTION: **Rep. Luker** made a motion to send **S 1325** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Luker** will sponsor the bill on the floor.

H 597: **Rep. Dixon** presented **H 597**, a bill that brings breweries into alignment with wineries by allowing minors in tasting rooms at breweries. He stated current code allows them to enter a winery tasting room but does not account for breweries. He stated craft brewing is a new and growing industry and many people are interested in the brewing process, most breweries offer tours of the breweries.

Robert Clements, Regulatory Consulting Services, spoke **in support** of **H 597** and stated he spoke with **Russ Wheatley**, Bureau Chief, Idaho Alcohol Beverage Control, and he had no objection to the legislation. He also stated most breweries are primarily brewing establishments, not drinking establishments.

In response to committee questions, **Mr. Clements** stated most people who tour breweries don't hop from brewery to brewery. He stated the allocation will help the local economy and he doesn't see any public safety hazards.

In response to committee questions, **Kate Haas**, Idaho Brewers United, stated she spoke to **Russ Wheatley** last week and he said he was going to be out of town during the hearing.

Collin Rudeen, Boise Brewing/Idaho Brewers United, spoke **in support** of **H 597** and stated breweries should be on the same level as wineries. He stated a brewery is much different than a bar because they specialize in the craft of brewing and they allow the public to tour the breweries so they can appreciate the art of brewing.

MOTION: **Rep. Sims** made a motion to send **H 597** to the floor with a **DO PASS** recommendation.

Rep. Andrus spoke **in opposition** to the motion and stated children shouldn't be allowed around alcohol.

ROLL CALL VOTE: A roll call vote was requested on the motion to send **H 597** to the floor with a **DO PASS** recommendation. **Motion carried by a vote of 10 AYE, 6 NAY, 1 Absent/Excused. Voting in favor** of the motion: **Reps. Batt, Luker, Crane, Palmer, Sims, Holtzclaw, McMillan, Cheatham, Smith and McCrostie. Voting in opposition** to the motion: **Chairman Loertscher, Reps. Andrus, Bateman, Nielsen, Jordan (Memmott) and Wintrow. Absent/Excused: Rep. Barbieri. Rep. Dixon** will sponsor the bill on the floor.

RS 24675C1: **Rep. McCrostie** presented **RS 24675C1**, proposed legislation that increases transparency in school district measure elections, including bonds, levies and recalls. He stated the bill applies existing code language regarding school district trustee elections and applies it to all school district elections including school district measure elections.

MOTION: **Rep. Bateman** made a motion to introduce **RS 24675C1**.

SUBSTITUTE MOTION: **Rep. Nielsen** made a substitute motion to return **RS 24675C1** to the sponsor and stated he wanted more information.

VOTE ON SUBSTITUTE MOTION: **Chairman Loertscher** called for a vote on the substitute motion to return **RS 24675C1** to the sponsor. **Motion failed by voice vote.**

VOTE ON ORIGINAL MOTION: **Chairman Loertscher** called for a vote on the original motion to introduce **RS 24675C1**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:08 a.m.

Representative Loertscher	Kasey Winder
Chair	Secretary

AMENDED AGENDA #1

HOUSE STATE AFFAIRS COMMITTEE

8:30 A.M.
Room EW40
Wednesday, March 16, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24647C2	Submersible well pumps	Sen. Nonini
RS24711	Wireless communications, emergency, state police	Rep. Jordan
SJM 105	USPS, budget priorities restructured	Dan Blocksom, Idaho Association of Counties
S 1354	Alcohol beverage, catering permits	Seth Grigg, Association of Idaho Cities
H 568	Foreign laws, court application	Rep. Redman

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan(Memmott)
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE:	Wednesday, March 16, 2016
TIME:	8:30 A.M.
PLACE:	Room EW40
MEMBERS:	Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow
ABSENT/ EXCUSED:	None
GUESTS:	A.J. Ellis, self; Matt Reiber, intern; Thomas Rogers, for Rabbi Fink-Congregation Ahavath Beth Israel; Dan Blocksom, Idaho Association of Counties; Dan Anderson, self; Seth Grigg, self; Bob Nonini, Senate; Janelle Wise, self; Monica Church, self/Boise High School; Russell Westerberg, ILBA; Lynn Tominaga, IGWA; Chris Hurt, self; Kathy Griesmyer, ACLU Idaho; Mojan Farid, self; Leilani Maher, self; Anna Ehrlich, self; Jeff Fitcloff, UL LLC.

Chairman Loertscher called the meeting to order at 8:32 a.m.

MOTION: **Rep. Holtzclaw** made a motion to approve the minutes of the March 9, 10 and 14, 2016 meetings. **Motion carried by voice vote.**

RS 24647C2: **Senator Nonini** presented **RS 24647C2**, proposed legislation that removes three sections of the Electrical Code from Idaho's adoption of the code and directs the Division of Building Safety to create rules governing the use, inspection and safety of submersible well pumps. He stated submersible well pumps have historically been permitted to be used in Idaho's lakes, rivers, ponds and streams. Recently, it was discovered that the use of such pumps is not adequately covered by the National Electric Code, which is adopted as Idaho's Electrical Code.

MOTION: **Rep. Barbieri** made a motion to introduce **RS 24647C2** and stated the current rules contradict the reality of the issue. **Motion carried by voice vote.**

RS 24711: **Rep. Jordan** presented **RS 24711**, proposed legislation that adds a new section to Chapter 48, Title 31, Idaho Code and requires a wireless telecommunications carrier to provide call location information of a user's telecommunications device when requested by Idaho State Police (ISP) in emergency situations. She stated she has worked with local police and telecommunication providers.

In response to committee questions, **Rep. Jordan** stated ISP would still have to get a warrant.

MOTION: **Rep. Cheatham** made a motion to introduce **RS 24711**. **Motion carried by voice vote.**

SJM 105: **Dan Blocksom**, Idaho Association of Counties, presented **SJM 105**, a joint memorial that asks the U.S. Congress to restructure the U.S. Postal Service in a way that would reopen shuttered mail processing plants throughout the nation and provide acceptable delivery times.

MOTION: **Rep. Smith** made a motion to send **SJM 105** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Palmer** requested to be recorded as voting **NAY. Rep. Smith** will sponsor the bill on the floor.

S 1354: **Seth Grigg**, Executive Director, Idaho Association of Cities, presented **S 1354**, a bill that authorizes issuing catering permits for musical and cultural festivals, provides a definition of festival and extends the period that catering permits are effective; from three to five days with an option to request one five-day extension. The legislation also provides that the Chief of Police and Fire Chief may attach conditions to catering permits to ensure public safety. The legislation also clarifies that no catering permit shall be used on a licensed premise and a catering permit shall only be exercised by the licensee on record.

In response to committee questions, **Mr. Grigg** stated the original draft of the legislation only included "festivals" but the license holders wanted to add "parties". He stated most permit applications for parties are single day events. He stated each county has their own ordinances on permits. He stated giving the Chief of Police and Chief of Fire authorization to endorse applications gives them a chance to be aware of any public safety issues.

In response to committee questions, **Steve Rutherford**, Boise City Attorney's office, stated the Chief of Police or Fire Chief may give advice on an application because some applications are incomplete.

MOTION: **Rep. Wintrow** made a motion to send **S 1354** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. Palmer** made a substitute motion to send **S 1354** to General Orders with amendments and stated he is concerned with the Chief of Police and Fire Chief having to endorse all applications and would like to make it an option and not mandatory.

VOTE ON SUBSTITUTE MOTION: **Chairman Loertscher** called for a vote on the substitute motion to send **S 1354** to General Orders with amendments. **Motion carried by voice vote. Reps. Barbieri, Sims and McCrostie** requested to be recorded as voting **NAY. Rep. Wintrow** will sponsor the bill on the floor.

Chairman Loertscher put the committee at ease at 9:12 a.m.

Chairman Loertscher resumed the meeting at 9:22 a.m.

H 568: **Rep. Redman** presented **H 568**, a bill that protects the citizens of Idaho from the application of foreign laws when the application of foreign law will result in the violation of a fundamental right guaranteed by the Constitution including due process, freedom of religion, speech or press and any right of privacy or marriage embodied in the Constitution of the State of Idaho.

In response to committee questions, **Paul Deckert**, legal advisor, stated Great Britain has had issues with Shariah law overreaching their laws. He stated his concern is with American judges in the U.S. siding with foreign law. He stated the legislation is to clarify the intent of the people of the State of Idaho to abide by the laws of the Idaho Constitution and the U.S. Constitution.

A.J. Ellis, self, spoke **in opposition** to **H 568** and stated there might be unintended consequences from the legislation in regards to private arbitrations. **Thomas Rogers**, for Rabbi Fink-Congregation Ahavath Beth Israel, spoke **in opposition** to **H 568** and stated the legislation would detrimentally impact Idaho's Jewish and Israeli communities, as well as other religious groups. **Dan Anderson**, self, spoke **in opposition** to **H 568** and stated he believes the legislation would affect foreign adoptions. **Janelle Wise** spoke **in opposition** to **H 568** and stated the legislation may discourage international commerce and foreign adoptions.

Kathy Griesmyer, ACLU of Idaho, spoke **in opposition** to **H 568** and stated the First Amendment of the U.S. Constitution already protects us from foreign law. She stated the courts mainly look to foreign law in matters of family law. She stated if foreign law is not recognized, foreign adoptions would become null and void. She stated the legislation is also bad for business and the economy because international business would be affected.

MOTION: **Rep. Andrus** made a motion to send **H 568** to the floor with a **DO PASS** recommendation and stated people come to the U.S. for freedom and because of the laws we have in place, and other countries laws should not mandate people in our country.

MOTION: **Rep. Crane** made a motion to adjourn. **Motion carried by voice vote.**

ADJOURN: Due to time constraints, **H 568** will be carried over to the meeting of March 18, 2016 at 8:30 a.m. The meeting was adjourned at 10:18 a.m.

Representative Loertscher	Kasey Winder
Chair	Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

8:00 A.M.
Room EW40
Thursday, March 17, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24761	Self-sufficient community lands	Rep. Boyle
S 1377	Elections/judges posting requirement	Phil McGrane, Ada County Clerk's Office
H 568	Foreign laws, court application	Rep. Redman
S 1389	Concealed weapons, prohibited conduct	Sen. McKenzie

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

Kasey Winder
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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE:	Thursday, March 17, 2016
TIME:	8:00 A.M.
PLACE:	Room EW40
MEMBERS:	Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow
ABSENT/ EXCUSED:	None
GUESTS:	Rich Chaney, Idaho Second Amendment Alliance; Hannah Sharp, Mom's Demand Action; Fred Birnbaum, Idaho Freedom Foundation; Dakota Moore, NRA-ILA; Rev. William Thomas Howie, self; Warren Grover, self; Mary Grover, self; Lisa Wolfe, self; Bryan Carter, self; Bradley Kindell, self; Jon Oppenheimer, ICC; Mike Kane, ISA; James Reynolds, self; Jerry Todd, self; Rev. Sara LaWall, self; Diana David, self; Lori Thomas, self; Scott Solders, self.
	Chairman Loertscher called the meeting to order at 8:03 a.m.
MOTION:	**Rep. Holtzclaw** made a motion to approve the minutes of the March 15, 2016 meeting. **Motion carried by voice vote.**
S 1377:	**Phil McGrane**, Chief Clerk, Ada County Clerk's Office, presented **S 1377**, a bill that modifies the requirement for election judges to post a correct copy of elections results at a polling place. He stated modern polling place counters, which tabulate ballots electronically, deliver more efficient and timely results, making official results available the same calendar day as the election and eliminate the need for an official copy of election results to be posted at a later date.
MOTION:	**Rep. Wintrow** made a motion to send **S 1377** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Wintrow** will sponsor the bill on the floor.
RS 24761:	**Rep. Boyle** presented **RS 24761**, proposed joint resolution that encourages the U.S. Congress to pass **H.R. 2316** and companion legislation for a pilot program on federally managed lands.
MOTION:	**Rep. Bateman** made a motion to introduce **RS 24761**.
SUBSTITUTE MOTION:	**Rep. Batt** made a substitute motion to introduce **RS 24761** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote. Reps. Smith, Jordan and Wintrow** requested to be recorded as voting **NAY**. **Rep. Boyle** will sponsor the bill on the floor.
S 1389:	**Sen. McKenzie** presented **S 1389**, a bill that makes state law consistent regarding concealed weapons carry between counties and cities which makes it lawful for a person who is over 21 years of age, a resident of Idaho and not disqualified from being issued a license under subsection (11), Section 18-3302 to carry a concealed firearm.
	In response to committee questions, **Sen. McKenzie** stated the sheriff may require the applicant, person carrying without a license, to demonstrate familiarity with a firearm. He stated the original law in 1909 was set in motion because most people did not drive through cities, times have changed and the population has grown tremendously.

Rick Chaney, Idaho Second Amendment Alliance, spoke **in support** of **S 1389** and stated the legislation allows citizens of the state to open carry with a coat on. He stated without a coat, lawful citizens are allowed to carry without a concealed weapons license. He stated other states have passed similar legislation and have not had issues including an increase in crime. **Fred Birnbaun**, Idaho Freedom Foundation, spoke **in support** of **S 1389** and stated no license is required outside of city limits currently and the legislation cleans up the statute and does not put citizens in harms way. **Lisa Wolfe**, self, spoke **in support** of **S 1389** and stated it should be allowable for a law-abiding citizen to carry a concealed weapon as it is for a criminal and it will allow people to be more subtle when they are carrying. She also stated it adds a layer of protection for those who want to protect themselves at all times. **Brian Carter**, self, spoke **in support** of **S 1389** and stated law-abiding citizens should have the right to carry weapons lawfully if they choose to do so.

Dakota Moore, National Rifle Association, spoke **In support** of **S 1389** and stated a lot of effort went into the legislation and stakeholders were involved in negotiations on the language. He stated anytime someone buys a gun from a dealer federal law requires a background check. He stated in order for a person to legally carry a concealed weapon under this legislation, they will need to meet the exceptions listed in the language as well as under current statute and he does not see any public safety concerns with the changes. He stated 25 states allow persons to carry loaded handguns in their vehicles without a permit. He also stated research shows the mandated training to receive a concealed weapons permit has no effect on misuse or firearm accidents and many states do not require training when applying for concealed permit licenses. He stated the legislation does not eliminate the concealed carry license process and has no effect on current statutes in regards to carrying at public schools and other exceptions of open carry.

Hannah Sharp, Moms Demand Action, spoke **in opposition** to **S 1389** and stated the legislation dismantles the concealed carry permit system and not requiring firearms training is dangerous. **Rev. Sarah LaWall**, self, spoke **in opposition** to **S 1389** and stated she is concerned with the safety of the community and children if the legislation passes. She stated less regulation means higher risk. **Diana David** spoke **in opposition** to **S 1389** and stated she believes mandating concealed weapons licenses lessens the risk of accidents and crime.

Michael Kane, Idaho Sheriff's Association, spoke **in support** of **S 1389** and stated the bill is important to law enforcement and the majority of Sheriff's across the state are in favor of the legislation.

In response to committee questions, **Mr. Kane** stated law enforcement does not rely on whether someone has a concealed weapons permit when they deal with the public, they treat everyone as if they could be armed. They have the ability to check in national databases whether the person is lawful to carry a firearm or not.

MOTION: **Rep. Palmer** made a motion to send **S 1389** to the floor with a **DO PASS** recommendation.

Rep. Wintrow spoke **in opposition** to the motion and stated she is concerned with public safety and she would feel better knowing who has a gun and who does not. **Rep. Smith** spoke **in opposition** to the motion and stated firearm education and training is important.

Rep. Nielsen spoke **in support** of the motion and stated the Second Amendment of the U.S. Constitution protects our right to bear arms. **Rep. Luker** spoke **in support** of the motion and stated the opinion of law enforcement matters the most because they are on the front lines. **Rep. Bateman** spoke **in support** of the motion and stated he has heard no proof that permitless carry will have an increase in accidents and/or crime. **Rep. Barbieri** spoke **in support** of the motion and stated it is the gun owners personal responsibility to be educated and trained on proper use. **Rep. Crane** spoke **in support** of the motion and stated the 10 top causes of death in the U.S. are not from guns. He stated those that impose on others rights to bear arms are infringing on their rights and as a legislator it is his job to uphold the Constitution of Idaho and the U.S.

ROLL CALL VOTE: A Roll Call vote was requested on the motion to send **S 1389** to the floor with a **DO PASS** recommendation. **Motion carried by a vote of 13 AYE, 4 NAY. Voting in favor** of the motion: **Chairman Loertscher, Reps. Batt, Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham and Nielsen. Voting in opposition** to the motion: **Reps. Smith, Jordan, McCrostie and Wintrow. Chairman Loertscher** will sponsor the bill on the floor.

H 568: **Rep. Redman** was recognized to provide closing statements regarding **H 568** and stated the bill would not affect foreign adoptions and case law supports that.

In response to committee questions, **Richard Eppick**, ACLU, Legal Director, stated his organization is concerned with religious arbitrations in regards to wills, trusts, etc. He stated the unintended consequence are unknown but the legislation will force litigation in some cases. He stated contracts with international companies could be called into question which could make recruitment difficult.

MOTION: **Rep. Andrus** made a motion to send **H 568** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. Luker** made a substitute motion to send **H 568** to General Orders with amendments and stated changes need to be made to the language in regards to contracts and language regarding the "same laws" versus "similar laws".

VOTE ON MOTION: **Chairman Loertscher** called for a vote on the substitute motion to send **H 568** to General Orders with amendments. **Motion carried by voice vote. Reps. Barbieri and Sims** requested to be recorded as voting **NAY. Rep. Redman** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:29 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AMENDED AGENDA #1
HOUSE STATE AFFAIRS COMMITTEE
8:30 A.M.
Room EW40
Friday, March 18, 2016

SUBJECT	DESCRIPTION	PRESENTER
H 585	Negotiated rulemaking/ additional requirement	Rep. Miller
H 604	Elections, identification, weapons license	Rep. Cheatham

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

Kasey Winder
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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: Friday, March 18, 2016

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow

ABSENT/ EXCUSED: Representative(s) Bateman

GUESTS: Dennis Tanikuni, Idaho Farm Bureau Federation; Dennis Stevenson, OAS; Brad Hunt, AOS; Brent Olmstead, MPI; Greg Casey, Veritas.

Chairman Loertscher called the meeting to order at 8:32 a.m.

H 585: **Rep. Miller** presented **H 585**, a bill that adds additional requirements for negotiated rulemaking when a rule is submitted to the legislature and to make technical corrections. The additions include that a written summary in regards to negotiated rulemaking meetings must specify how many responded and attended, how many provided testimony and how many were in favor or opposed to the rules and their reasons for agreeing with or opposing the rules. The legislation also mandates minutes for each meeting be kept and available to the legislature if requested. He stated much of these additional requirements should be occurring already in regards to negotiated rulemaking but many agencies are not following this protocol.

In response to committee questions, **Rep. Miller** stated there would be no precise method of notifying the stakeholders and public of the meeting, each agency handles it differently but in a lot of cases not enough people are notified and that needs to change. He said he would like to know who was notified to be sure the stakeholders had an opportunity to give feedback on any proposed rules.

In response to committee questions, **Dennis Stevenson**, Administrative Rules Coordinator, stated the information on each agency's negotiated rulemaking meetings on proposed rules should be on their websites. He stated he was not sure how to solve the problem of setting up a system for each agency on how to appropriately notify all the stakeholders regarding proposed rules meetings without spending a lot of money. He stated it is the agencies responsibility to publish the notices for negotiated rulemaking meetings, the Office of the Administrative Rules only publishes the rules themselves. He stated the agency makes the final decision in regards to whether a proposed rule goes through even if a stakeholder or the public disagree.

Rep. Miller was recognized to provide a closing statement and said the public and stakeholders need a better opportunity to respond in the negotiated rulemaking process and being notified of the meetings. He stated it would be beneficial to the legislature to be informed on what happened at the meetings so they can make an educated decision on the proposed rules. He stated the additions that are included in the bill should already be in practice by the agencies.

MOTION: **Rep. Palmer** made a motion to **HOLD H 585** in committee and stated there are too many holes in the legislation and it is the legislature's job to research the rules and to meet with the agencies or stakeholders if needed.

ROLL CALL VOTE: A Roll Call vote was requested on the motion to **HOLD H 585**. **Motion carried by a vote of 10 AYE, 6 NAY, 1 Absent/Excused**. **Voting in favor** of the motion: **Chairman Loertscher, Reps. Andrus, Luker, Palmer, Barbieri, Cheatham, Smith, Jordan, McCrostie and Wintrow. Voting in opposition** to the motion: **Reps. Batt, Crane, Sims, Holtzclaw, McMillan and Nielsen. Absent/Excused: Rep. Bateman.**

H 604: **Rep. Cheatham** presented **H 604**, a bill that amends Section 34-1113, Idaho Code which allows voters at the polls to present an additional form of personal identification before voting, which includes a concealed weapons license.

MOTION: **Rep. McCrostie** made a motion to send **H 604** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Cheatham** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:48 a.m.

Representative Loertscher	Kasey Winder
Chair	Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:00 A.M.
Room EW40
Monday, March 21, 2016

SUBJECT	DESCRIPTION	PRESENTER
H 613	Elections, school district trustees	Rep. McCrostie

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE:	Monday, March 21, 2016
TIME:	9:00 A.M.
PLACE:	Room EW40
MEMBERS:	Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow
ABSENT/ EXCUSED:	Representative(s) Luker, Wintrow
GUESTS:	Jess Harrison, ISBA.
	Chairman Loertscher called the meeting to order at 9:04 a.m.
H 613:	**Rep. McCrostie** presented **H 613**, a bill that increases transparency in school district measure elections, including bonds, levies and recalls. The bill takes existing code language regarding school district trustee elections and applies it to all school district elections including school district measure elections. He stated county clerks will have increased work during election cycles which may require additional staffing and the cost will vary based on the number of school district ballot measures. He said he has conferred with the Secretary of State's office, the Idaho Education Association, the Idaho School Administrator's Association and Idaho Association of Counties and they have no issues with the legislation.
MOTION:	**Rep. Batt** made a motion to send **H 613** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Nielsen, Barbieri and McMillan** requested to be recorded as voting **NAY. Rep. McCrostie** will sponsor the bill on the floor.
ADJOURN:	There being no further business to come before the committee, the meeting was adjourned at 9:18 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:30 A.M.
Room EW40
Tuesday, March 22, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24690	Congressional prayer, Foundation Inc.	Rep. Thompson
SCR 152	Capitol Mall Parking Rules, rejection	Sen. McKenzie
S 1383	Firearm restoration, crimes	Michael Kane, Idaho Sheriff's Association

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, March 22, 2016

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow

ABSENT/ EXCUSED: None

GUESTS: Mike Kane, ISA; Jeff Thompson, House; Brad Hunt, OARC; Bob Geddes, Department of Administration.

Chairman Loertscher called the meeting to order at 9:37 a.m.

RS 24690: **Rep. Thompson** presented **RS 24690**, proposed concurrent resolution that shows support for the Congressional Prayer Caucus.

MOTION: **Rep. Crane** made a motion to introduce **RS 24690** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote. Rep. Thompson** will sponsor the bill on the floor.

S 1383: **Michael Kane**, Idaho Sheriff's Association, presented **S 1383**, a bill that amends the law relating to felons who may possess firearms. The current law makes it clear that the worst kind of felons (murder, rape, kidnapping, drug dealing, sex crimes) cannot possess firearms, even after they are discharged from their sentences. Missing from the list of criminal offenses in the current law are crimes that have been created since the original passage of the law, or crimes that were not originally considered but are crimes committed by organized criminals, terrorists, and criminal gang members. This bill adds these serious felonies to the current law.

Chairman Loertscher turned the gavel over to **Vice Chairman Batt**

In response to committee questions, **Mr. Kane** stated the main theme of terrorism type crimes is violence and simply protesting does not fall under that category. He stated the legislation includes convictions only and not non-convictions such as a withheld judgment.

Vice Chairman Batt turned the gavel back over to **Chairman Loertscher**.

MOTION: **Rep. Wintrow** made a motion to send **S 1383** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Nielsen** will sponsor the bill on the floor.

SCR 152: **Sen. McKenzie** presented **SCR 152**, a concurrent resolution that rejects certain Department of Administration agency rules governing Capitol Mall Parking under the provisions of Idaho Code § 67-5291. IDAPA 38.04.04, Section 022., Subsections 02.b. and 08.d., and Section 040., Subsections 02.g. and 02.h., only, adopted as pending rules under **Docket Number 38-0404-1501**.

Rep. Holtzclaw spoke to **SCR 152** and stated the subcommittee who reviewed the Pending Rules regarding Capitol Mall Parking approved the pending rules and the full committee consented and he does not agree with the rejection.

Bob Geddes, Director, Department of Administration, spoke in regards to **SCR 152** and stated the basis of the Pending Rules falls under the category of fairness and parking accessibility to everyone. He stated his office tries to accommodate everyone whenever an issue arises.

MOTION: **Rep. Wintrow** made a motion to **HOLD SCR 152** in committee and stated the Department of Administration has always been accommodating when handling any parking issues.

SUBSTITUTE MOTION: **Rep. Nielsen** made a substitute motion to send **SCR 152** to the floor with a **DO PASS** recommendation.

VOTE ON SUBSTITUTE MOTION: **Chairman Loertscher** called for a vote on the substitute motion to send **SCR 152** to the floor with a **DO PASS** recommendation. **Motion failed by voice vote.**

VOTE ON ORIGINAL MOTION: **Chairman Loertscher** called for a vote on the original motion to **HOLD SCR 152** in committee. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:25 a.m.

_____

Representative Loertscher
Chair

_____

Kasey Winder
Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

9:00 A.M.
Room EW40
Wednesday, March 23, 2016

SUBJECT	DESCRIPTION	PRESENTER
H 615	Submersible well pumps	Sen. Nonini
RS24786	Submersible well pumps	Sen. Nonini

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

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MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE:	Wednesday, March 23, 2016
TIME:	9:00 A.M.
PLACE:	Room EW40
MEMBERS:	Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow
ABSENT/ EXCUSED:	Representative(s) Bateman, Crane, Luker
GUESTS:	Lynn Tominaga, IGWR; Jeremy Pisca, Hagadone & IBCA; John Eaton, Realtors.

Chairman Loertscher called the meeting to order at 9:01 a.m.

RS 24786: **Sen. Nonini** presented **RS 24786**, proposed legislation regarding submersible well pumps which have historically been permitted to be used in Idaho's lakes, rivers, ponds and streams. Recently it was discovered that the use of such pumps is not adequately covered by the National Electric Code, which is adopted as Idaho's electrical code by the Division of Building Safety. Only as they apply to submersible well pumps, this legislation removes three sections of the electrical code from Idaho's adoption of the code and directs the Division of Building Safety to create rules governing the use, inspection and safety of the pumps. This legislation has a sunset date of two years to allow industry and regulators a chance to work collaboratively on a solution.

MOTION: **Rep. Barbieri** made a motion to introduce **RS 24786** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote. Rep. Barbieri** will sponsor the bill on the floor.

H 615: **Sen. Nonini** was recognized to present a closing statement on **H 615** and said **RS 24786** replaced **H 615**.

MOTION: **Rep. Batt** made a motion to **HOLD H 615** in committee. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:12 a.m.

Representative Loertscher	Kasey Winder
Chair	Secretary

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

8:30 A.M.
Room EW40
Thursday, March 24, 2016

SUBJECT	DESCRIPTION	PRESENTER
SCR 153	Administrative fee rules	Dennis Stevenson, Office of Administrative Rules
SCR 154	Administrative temporary rules	Dennis Stevenson, Office of Administrative Rules
S 1404aa	Unborn Infants Dignity Act	Sen. Bayer

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
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Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, March 24, 2016

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow

ABSENT/ EXCUSED: Representative(s) Smith, Jordan, McCrostie, Wintrow

GUESTS: Lenette Jackson, David's Hope; Dennis Stevenson, O.A.R.C.; Cate Tedeski, self; Kerry Uhlenkott, Right to Life Idaho; Julie Lynde, Cornerstone Family Council.

Chairman Loertscher called the meeting to order at 8:43 a.m.

MOTION: **Rep. Holtzclaw** made a motion to approve the minutes of the March 22 and 23, 2016 meetings. **Motion carried by voice vote.**

SCR 153: **Dennis Stevenson**, Rules Coordinator, Office of Administrative Rules, presented **SCR 153**, a resolution that approves the agency rules imposing a fee or charge that were adopted during the prior calendar year and were approved by the legislature.

MOTION: **Rep. Batt** made a motion to send **SCR 153** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Holtzclaw** will sponsor the bill on the floor.

SCR 154: **Dennis Stevenson**, Rules Coordinator, Office of Administrative Rules, presented **SCR 154**, a resolution that approves and extends state agency temporary rules beyond the current legislative session.

MOTION: **Rep. Batt** made a motion to send **SCR 154** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Slms** will sponsor the bill on the floor.

S1404aa: **David Ripley**, Executive Director, Idaho Chooses Life, presented **S 1404aa**, a bill that establishes the "Idaho Unborn Infants Dignity Act" which seeks to protect the dignity of preborn children to abortion by making it illegal to harvest their organs and tissue for any purpose, including experimentation. Organs and tissue of preborn children may be donated in cases other than abortion with proper informed consent. The bill strengthens ethical standards for proper medical research. The legislation also makes it clear that mothers have a right for respectful disposition of her baby's remains. He stated the bill has five basic parts: 1) it makes it clear that medical professionals need to inform parents who lose a baby to miscarriage or still birth that they have a right to direct the final disposition of their baby's remains; 2) it provides for a Certificate of Miscarriage if a mother chooses to make application; 3) it prohibits the harvesting of tissue and organs from aborted babies; 4) it prohibits public universities in Idaho from engaging in research projects using organs and tissue from aborted babies; and 5) it provides for the donation of tissue and organs in cases of stillbirth or miscarriage, but only with informed consent.

Senator Bayer provided additional testimony on **S 1404aa** and stated the legislation sends a powerful message to the community. He spoke in regards to written testimony (See attachment 1) provided by **Dr. Kathleen Schmainda**, Professor of Radiology and Biophysics, Vice-Chair of Research, Department of Radiology Medical College of Wisconsin, and stated research using human fetal or embryonic tissue is both unethical and unnecessary. **Dr. Schmainda** noted in her testimony that no current medical treatments exist that have required using fetal tissues for their discovery or development and there is no viable medical use for embryonic stem cells. He stated her testimony also concludes that there are not currently proper ethical guidelines in place to avoid the connection between abortion and subsequent research of fetal tissue.

In response to committee questions, **Mr. Ripley** stated the legislation allows for the mother of the unborn infant, or her representative, to direct the receipt and disposition of her deceased unborn infant's bodily remains, it does not say she can necessarily take the remains, it says she can direct where the remains go, such as to a funeral home.

Lenette Jackson, David's Hope, spoke **in support** of **S 1404aa** and stated her organization helps women who deal with pregnancy loss and one out of four pregnancy ends in loss. She stated how we dispose of our family's remains is important in our culture. She stated women are traumatized after the loss of a child and having the right to make decisions on the child's remains is a good way to help the mother cope with the loss. **Cate Tedeski**, self, spoke **in support** of **S 1404aa** and stated she has experienced a miscarriage halfway through a pregnancy and was not offered the opportunity to make decisions on her deceased child's remains. She stated the medical provider told her they treated the remains as medical waste. She stated parents should have the ability to decide what happens to their child's remains.

Kerry Uhlenkott, Right to Life Idaho, spoke **in support** of **S 1404aa** and stated the legislation seeks to recover respect and dignity to unborn babies who have been aborted. She stated it is inhumane to treat the remains of innocent victims of abortion with disrespect by trafficking their organs, by experimenting on them, and by not giving them a proper burial. She stated treating the bodily remains as medical waste to be discarded is deplorable and needs to be stopped. She stated the entire pro-life community supports the legislation as well.

Julie Lynde, Executive Director, Cornerstone Family Counsel, spoke **in support** of **S 1404aa** and stated the legislation allows for organ and tissue donation in cases other than abortion with proper consent of the mother, thus allowing her dignity and respect and clarifies that mothers have a right to respectful disposition of their baby's remains. She stated there is a loophole in federal law regarding the issue of selling or transferring aborted babies or their body parts for research and experimentation which was outlined in the National Institutes of Health Revitalization Act of 1993. The Act imposes criminal penalties for "acquiring, receiving, or otherwise transferring human fetal tissue for valuable consideration." However, a valuable consideration was defined as not including "reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue. " She stated the exception created allows the transfer and trafficking of human fetal tissue, including aborted fetal tissue, as long as payments are categorized under the exception. She stated aborted babies should never be harvested and sold as commodities.

In opposition to **S 1404aa**, the written testimony of **Hannah Brass Greer**, Planned Parenthood Idaho and **Kathy Griesmyer**, ACLU of Idaho was given to the committee. (See attachment 1).

MOTION: **Rep. Barbieri** made a motion to send **S 1404** to the floor with a **DO PASS** recommendation and stated the legislature needs to send a clear message that no human life is greater than another.

ROLL CALL VOTE: Roll Call Vote was requested on the motion. **Motion carried by a vote of 13 AYE, 0 NAY, 4 Absent/Excused. Voting in favor** of the motion: **Chairman Loertscher, Reps. Batt, Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham and Nielsen. Voting in opposition** to the motion: **None. Absent/Excused: Reps. Smith, Jordan, McCrostie and Wintrow. Rep. Crane** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:40 a.m.

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Representative Loertscher
Chair

_____

Kasey Winder
Secretary

Testimony of Kathleen M. Schmainda, PhD.
Professor of Radiology & Biophysics
Vice-Chair of Research, Department of Radiology
Medical College of Wisconsin*

Committee on Energy and Commerce
Select Investigative Panel on Infant Lives
"Bioethics and Fetal Tissue"
2 March 2016

Distinguished Chair and Honored Members of the Panel,

Thank you for the opportunity to offer my testimony in defense of infant lives and specifically in opposition to research using fetal tissue derived from induced abortions.

As background, I was trained in the disciplines of engineering and medicine receiving a PhD degree in medical engineering jointly awarded by Harvard University and Massachusetts Institute of Technology. I am currently a Professor of Radiology and Biophysics, serving as Vice Chair of Radiology Research at the Medical College of Wisconsin. I have participated in medical research for nearly 25 years. I have served on grant review panels for the National Institutes of Health (NIH) for over 15 years, including a four-year term on the Developmental Therapeutics study section. I serve on national advisory committees for clinical trials, and have founded two start-up companies. Most importantly, I am a wife and a mother.

**The views expressed are my own and do not represent the official views of the Medical College of Wisconsin.*

I am firmly opposed to research using human fetal or embryonic tissue from induced abortions or procedures such as in vitro fertilization (IVF). I am compelled to create awareness amongst the community and my colleagues as to why <u>the use of such tissue is both unethical and unnecessary.</u>

Let me begin by defining terms. The terms embryo, fetus, baby or infant each refer to different stages in the continuum of the developing child. When cells are extracted during the earliest stages these are typically human embryonic stem cells (HESC), which are obtained by destruction of the human embryo. When I speak of fetal tissue research I am referring to cells, tissues or organs that are harvested from an aborted fetus. While this is the focus of my testimony my arguments apply to the continuum of the developing child.

Proponents of research using fetal tissue make several claims. The first claim is that without fetal tissue many of the life-saving treatments we have today would not have been possible. Second, it is argued that without continued access to fetal tissue, we are preventing the discovery of new therapies. And third, it is alleged that 'proper *ethical* guidelines are already in place' to avoid the connection between abortion and fetal tissue research. I will speak to each of these claims.

First, it needs to be made clear that no current medical treatments exist that have *required* using fetal tissues for their discovery or development. While the often-cited polio vaccine was developed using fetal tissue cells, the developers later testified that initial studies were also successful using cells that were not of fetal origin. Though most vaccines today offer ethical alternatives, not all are available in the U.S., and some, such as chicken pox and Hepatitis A, currently do not have ethical alternatives [1]. *Yet there has never been a scientific reason requiring fetal cell lines for vaccine development.*

Testimony given to the FDA (US Food and Drug Administration (FDA), Center for Biologics Evaluation and Research) dated May 16, 2001, underscores this point. The developer of two common fetal cell lines (HEK 293 (human embryonic kidney) and Per C6 (isolated retina from a fetus)) stated that his motivation for developing these cell lines from aborted fetuses was simply to see 'if it could be done' in comparison to what had already been done with animal cells. Since

then, use of these cell lines has become widespread, and the manufacturers have no motivation to invest the time or money necessary to produce ethical replacements.

Due to lack of transparency, scientists can unknowingly become entrenched in using these cell lines. For example, the HEK 293 cell line is often offered as part of a standard kit available from biotechnology companies and branded under various names. Only upon specific request are alternatives provided. This lack of transparency is devastating for scientists who have ethical objections to use of this tissue and amounts to moral coercion.

Second, I refute the claim that that without continued access to fetal tissue, the discovery of new therapies will be prevented. The evidence is overwhelming to the contrary. For example, insulin for diabetes is produced in bacteria [2]. Chinese hamster ovary (CHO) cells have been used for the development of Herceptin for breast cancer [3] and TPA for heart attack and stroke. There are more than 70 successful treatments developed using adult stem cell sources [4]. Over over 1 million bone marrow transplants, which are essentially adult stem cell transplants, have been performed to date [5].

Still some continue to claim that fetal cells unequivocally provide the best option, because they divide rapidly and adapt to new environments easily. But alternative tissue and cell sources are available for research without ethical concerns and are demonstrating more versatility than originally thought [6]. Examples include stem cells from bone marrow, circulating blood [7], umbilical cord [8], and amniotic fluid [9] as well as induced pluripotent stem cells (iPSCs) and even neural stem cells from cadavers [10]. Adult stem cells have already been used for the development of new treatments, have been proven in clinical trials and resulted in the formation of new companies [11] that have successfully brought to market treatments that are routinely benefitting patients today. There is still no viable medical use for embryonic stem cells.

Yet the argument continues that keeping this avenue of research open may some day offer the *only hope* for a child, with a devastating disease or a person with spinal cord injury. In 1997, *The New York Times* reported the nation's first transplant of fetal tissue into a person with spinal cord injury [12]. The study required five to eight fetal spinal cords for each adult recipient but showed no significant therapeutic benefit [13, 14]. Many more studies followed with none showing significant therapeutic benefit yet with each continuing to claim *great promise*. This *promise without benefit* continues today at the cost of many human lives.

So let me address this claim from another perspective. Consider the possibility that a treatment *is* discovered using fetal tissue transplants, and it is the *only option* for a certain disease. Consider just one disease like Parkinson's, which affects up to 1 million people in the US alone. Based on a clinical trial in Sweden, cells from at least 3-4 fetuses are needed to treat each Parkinson's patient [15, 16]. So, 4 million babies would *need* to be aborted to treat this one disease, not to mention the number needed to treat patients worldwide. Imagine the magnitude of the demand for fetuses to cure yet another disease like Alzheimer's, which affects 44 million persons worldwide? Do we really want a world where the most vulnerable, those with no voice, are subject to the whims, desires and perceived needs of others? Clearly we will have created industrialized harvesting of preborn babies, a crime against the human race.

Third, the repeated assurances that 'proper *ethical* guidelines are in place' to avoid the connection between abortion and subsequent research are entirely inadequate. By purchasing fetal tissue products the researcher is not far removed from the act of abortion. As recently described in the journal *Nature* [17] one researcher continues to pay $830 for each fetal liver sample, a purchase he must repeatedly make. A few years ago, before the recent media coverage, it was quite easy to go to the website of a biotechnology company and put almost any fetal body part in ones "shopping cart" and submit for a purchase. So independent of whether a

researcher is at the bedside of the one choosing an abortion, or using a fetal cell line created decades prior, by purchasing these fetal tissue products scientists are helping to create a market that drives the abortion–biotechnology industry complex [18].

Moreover, the demands of research do directly influence the procurement of fetal tissue. The timing of fetal tissue collection, as well as the procedures used to terminate the pregnancy *are* critical to obtaining research-quality tissue and at the right stage of fetal development according to the scientific need. This raises important concerns about whether the health of the mother is appropriately prioritized.

In summary I suggest consideration of the following:

1. **Prohibit research using fetal tissue from induced abortions** but provide the support and resources necessary to aid scientists or biopharmaceutical companies to make transitions to ethical tissue sources.
2. **Support the creation and continued success of institutions or efforts that undertake research using only ethical sources of tissue.** Institutions such as the Midwest Stem Cell Therapy Center come to mind. During my years as a grant reviewer for the NIH, I have been continually inspired by the brilliance and innovation of my scientific colleagues. Applying this brilliance in the context of ethical avenues of research should be encouraged and is sure to result in amazing discoveries that prove best for society.
3. **Mandate transparency in labeling of all scientific materials, drugs and cosmetic products regarding the source of material used for development or manufacture.** This will raise awareness and protect the rights of conscience for scientists, patients, and consumers who do not want to be corrupted by such practices.

Finally, I conclude with what is first and foremost. Each and every human life is sacred, with a fundamental dignity that does not depend on his or her developmental stage or abilities. This

value belongs to all without distinction from the first moment of existence. Each and every human life is unique and unrepeatable, created by our loving God in His image and likeness. Nothing, no person, no argument and not even a scientific discovery or cure, can diminish the fact that using human embryos or fetuses as objects or means of experimentation constitutes an assault against their dignity as human beings, who have a right to the same respect owed to every person [19].

Respectfully,

Kathleen M. Schmainda PhD

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Testimony in Opposition to SB 1404
Hannah Brass Greer, J.D. – Legislative Director
House State Affairs Committee
March 24, 2016

Mr. Chairman, members of the committee, my name is Hannah Brass Greer, I'm the Legislative Director for Planned Parenthood in Idaho. I stand in opposition to SB 1404 as amended.

I appreciate all of the work by a number of legislators, including some in this committee, over the last month to make changes to this legislation. Unfortunately, even after a month of work on this bill, significant problems remain. The language continues to be vague and internally inconsistent – which is what often happens when the legislature attempts to direct the way that licensed health providers practice medicine.

Like all healthcare providers, we handle tissue in a sensitive and professional manner in accordance with medical standards and regulations. This bill, however, would actually force providers caring for a woman who has miscarried to deviate from safe tissue handling practices and would force them to violate current guidelines and regulations.

Proposed § 39-9304 requires that, in the case of miscarriage, at the request of the woman, providers must release the remains to the woman "for final disposition *in accordance with applicable law*" (emphasis added). Under current state and federal regulations, providers are not permitted to release fetal tissue to the woman upon her request, yet the language of this section directs providers to do just that while also complying with all applicable laws. These internal inconsistencies render this section unworkable. Doctors must be able to determine what actually constitutes a violation of the law, particularly when they are subject to criminal penalties. Because this section provides conflicting direction to doctors, under which they may comply with one legal requirement only at the expense of another, it is impossible for them to know what is expected

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of them under the proposed language and impossible to comply with all applicable laws.

I would like to make it very clear that Planned Parenthood does not facilitate fetal tissue donation in the state of Idaho, despite the fact that it is life-saving. Although opponents of safe and legal abortion have attempted to use heavily manipulated and doctored videos to show Planned Parenthood engaging in illegal activity, those efforts have failed. Planned Parenthood has been cleared of all wrongdoing in every investigation launched in 13 states in response to these videos. As you know, Governor Otter declined to investigate even after continued pressure, because there was nothing to investigate. In fact, the only people indicted for criminal activity are the individuals who created the fraudulent videos.

Even in light of these facts, the legislature insists on pushing this legislation where no problem has been shown to exist. The legislative findings in this bill state, "It is contrary to the public policy of the state of Idaho for an individual to become pregnant for the purpose of aborting an unborn infant and thereafter selling, transferring, distributing or donating the unborn infant's bodily remains". This does not happen here in Idaho or anywhere else in the country. Women who make the decision to terminate a pregnancy do so after careful consideration in consultation with their doctor, their family and their faith. Women do not terminate pregnancies for any profit or gain and to suggest it is insulting to women across the state who face their own pregnancy decisions.

This bill leaves many unanswered questions for providers who want to care for their patients and comply with the law. It forces doctors to decide between two conflicting laws while risking felony charges for following existing regulations. Furthermore, this bill insults the women of Idaho who may be faced with the constitutionally protected decision to terminate a pregnancy. Instead of quickly pushing this deeply flawed legislation through in the last days of the session while ignoring the health problems that actually exist in this state, like a lack of birth control access and a lack of healthcare coverage for the 78,000 Idahoans in the healthcare gap, we urge you to hold this bill in committee.

Thank you.

Contact Hannah Brass Greer | 206.427.3208 | hannah.brassgreer@ppvnh.org

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Testimony of Kathy Griesmyer
SB 1404 – Fetal Rights Bill
Before House State Affairs Committee
Thursday, March 23, 2016

The ACLU of Idaho stands before you today in opposition to SB 1404.

Simply put, this bill is a solution in search for a problem. No one is buying or selling fetal tissue in the state of Idaho. SB 1404 is part of a nationwide attack on Planned Parenthood and other abortion providers despite the fact that no state that has investigated this issue has found any wrongdoing. Idaho's own Governor Otter refused to investigate Planned Parenthood because there is, and remains, no evidence of any criminal wrong doing. And there is no medical need to impose additional, onerous burdens specifically on those who provide abortion care.

There is already existing federal law governing this issue. 42 U.S.C. 289g-2 states "It shall be unlawful for any person to knowingly acquire, receive or otherwise transfer fetal tissue for valuable consideration." Valuable consideration "does not include reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue."

Medical clinics currently handle embryonic or fetal tissue in accordance with Idaho state law, to ensure that it is safe and appropriate – just as there are laws that regulate disposal by other health care providers.

This legislation also contains vague language definitions that could jeopardize medical clinics or facilities in the final disposition of fetal tissue and the manner in which they legally dispose of medical waste. Section 39-9306 prohibits the transfer of embryonic or fetal tissue, which is directly contradicted in section in 39-9304 which requires institutions to "make arrangements for the release of bodily remains to the mother or her authorized representative for final disposition in accordance with applicable law." Also, the word "institution" is not defined, potentially implicating non-medical facilities to comply with the provisions of this law.

Every woman makes the decision to have an abortion for her own reasons and we cannot know her own personal experiences. Instead of passing laws that further complicates a woman's experience and forcing her to consider burial services or death certificates as outlined in sections in 39-9304 and 39-9305 respectively, we should focus on making sure that she is supported and respected in her decision.

For questions or comments, contact Kathy Griesmyer, Public Policy Strategist, at 208-344-9750 x1204.

Finally, donated fetal tissue has produced incredibly valuable strides in medical research. According to the Guttmacher Institute, fetal tissue "has been used to develop vaccines that have saved and improved the lives of billions of people worldwide."1 Research on degenerative eye disease, human development disorders such as Down Syndrome and early brain development permitting an understanding of the causes of autism and schizophrenia all are highly dependent on fetal tissue research, according to the U.S. Department of Health.

Instead of focusing on these intrusive mandates that threaten women's health care, lawmakers need to focus on supporting women and their families. SB 1404 is unnecessary and based on a mistaken assumption about the practices in place in Idaho medical facilities. For these reasons, we urge you to vote no and hold SB 1404 in committee.

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[1] Boonstra, Heather. "Fetal Tissue Research: A Weapon and a Casualty in the War Against Abortion," Guttmacher Policy Review, Volume 19, 2016. Available online: https://www.guttmacher.org/pubs/gpr/19/1/gpr1900916.pdf

March 17, 2016

To whom it may concern:

Consistent with U.S. Supreme Court precedent and good public policy, the *Idaho Unborn Infants Dignity Act*, Senate Bill 1404, provides guidance as to what happens to the bodily remains of an unborn infant after death; protects the personal right of a mother to receive and dispose of her unborn child's bodily remains; and prevents the undignified treatment or commodification of the child's bodily remains.

The bodies of deceased infants, like other deceased human bodies, are not egg, sperm, or mere tissue, and they are not part of another person's body. In *Gonzales v. Carhart*, the U.S. Supreme Court held that "by common understanding and scientific terminology, a fetus is a living organism while within the womb, whether or not it is viable outside the womb."[1]

A state's decision to treat the body of a miscarried, stillborn, or aborted infant with the same respect due any deceased person is consistent with Supreme Court precedent. Specifically, the Court "has recognized the legitimate interest of states and municipalities in regulating the disposal of fetal remains from abortions and miscarriages."[2] In *City of Akron v. Akron Ctr. for Reprod. Health, Inc.*, while striking down a particular fetal disposition law as unconstitutionally vague the Court held that a city or state "remains free, of course, to enact more carefully drawn regulations that further its legitimate interest in proper disposal of fetal remains."[3]

Prohibiting the use of aborted infants' bodily remains for experimentation or transplantation is good public policy and far from a novel concept.

The State has a recognized interest in protecting the integrity of the medical profession and scientific research. In *Gonzales v. Carhart,* the Court reaffirmed the principle that "the State has a significant role to play in regulating the medical profession,"[4] and held that "[t]here can be no doubt the government 'has an interest 'in protecting the integrity and ethics of the medical profession.'"[5]

The official notes of the *Uniform Anatomical Gift Act* (UAGA), adopted in some form in every state, acknowledge that states may choose to treat aborted fetuses differently, given the

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[1] 550 U.S. 124, 147 (2007).
[2] *Planned Parenthood v. Minnesota*, 910 F.2d 479, 481 (8th Cir. 1990) (*citing City of Akron v. Akron Ctr. for Reprod. Health Inc.*, 462 U.S. 416, 451-52 nn. 44, 45 (1983); *Planned Parenthood Ass'n v. Fitzpatrick,* 401 F. Supp. 554, 573 (E.D. Penn. 1975), *aff'd, without opin. sub nom., Franklin v. Fitzpatrick*, 428 U.S. 901 (1976)).
[3] 462 U.S. 416, 452 n. 45 (1983).
[4] 550 U.S. 124, 156-157.
[5] *Id.* (*citing Washington v. Glucksberg*, 521 U.S. 702, 731 (1997)).

"complicated legal, scientific, moral, and ethical issues which may arise."[6] Five states—Indiana,[7] North Dakota,[8] Ohio,[9] Oklahoma[10] and South Dakota[11]–have laws reflecting a policy determination that aborted infants should not be exploited for scientific and/or pecuniary gain.

In contrast to some state laws prohibiting research on the bodily remains of aborted infants that have been found unconstitutionally vague,[12] the *Idaho Unborn Infants Dignity Act* defines important terms, providing "constructive notice" and giving "police, prosecutors, juries and judges [] standards to focus the statute's reach."[13]

The *Idaho Unborn Infants Dignity Act* does not place an "undue burden" on a woman seeking an abortion; it neither proscribes any abortion nor prevents or hinders a woman from obtaining an abortion. Rather, in furtherance of recognized legitimate state interests, Senate Bill 1404 recognizes the humanity of the aborted infant by requiring that his or her bodily remains receive dignified treatment after an abortion is completed.

The *Idaho Unborn Infants Dignity Act* promotes both a respect for the lives of unborn infants and the State's interest in promoting ethical medical and scientific research. These interests are long-recognized and exist within and outside the context of abortion.

Sincerely,

Anna Paprocki
Staff Counsel
Americans United for Life

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[6] *Revised Uniform Anatomical Gift Act*, p. 14 (2006) (Last Revised or Amended in 2009), drafted by the National Conference of Commissioners on Uniform State Laws, *available at* http://www.uniformlaws.org/shared/docs/anatomical_gift/uaga_final_aug09.pdf (last visited Mar. 17, 2016).
[7] Ind. Code § 16-34-2-6 (prohibiting experimentation on an aborted fetus).
[8] N.D. Cent. Code § 14-02.2-01 and N.D. Cent. Code § 14-02.2-02 (prohibiting use of aborted fetus for research or experimentation).
[9] Ohio Rev. Code § 2919.14 (prohibiting sale or experimentation on aborted fetus).
[10] Okla. Stat. tit. 63, §1-735 (prohibiting sale or experimentation on aborted fetus).
[11] S.D. Codified Laws § 34023A-17 (prohibiting use of aborted fetuses in research or transplantation).
[12] *See Forbes v. Napolitano*, 236 F.3d 1009, 1013 (9th Cir. 2000) (holding "The dearth of notice and standards for enforcement arising from the ambiguity of the words "experimentation," "investigation," and "routine" thus renders the statute unconstitutionally vague."); and *Margaret S. v. Edwards*, 794 F.2d 994, 999 (5th Cir. 1986) ("Our holding is based solely on our conclusion that the use of the terms "experiment" and "experimentation" makes the statute impersmissibly vague.").
[13] *Forbes v. Napolitano*, 236 F.3d at 1013.

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Josh McDowell Ministry

Haddon Robinson, PhD
Professor
Gordon-Conwell Theological Seminary

Joni Eareckson Tada
Founder and CEO
JAF Ministries

Ravi Zacharias
Founder and President
Ravi Zacharias International Ministries

DATE: January 20, 2016

TO: Idaho State Legislators

FROM: David Stevens, MD, M.A. (Ethics)
CEO, Christian Medical & Dental Associations

REF: Support for the Idaho Unborn Infants Dignity Act

I'm writing on behalf of the 15,000 members of the Christian Medical & Dental Associations to express their support of the Idaho Unborn Infants Dignity Act for the following reasons.

- It is wrong to incentivize abortions. Whatever ones personal beliefs on the morality of elective abortions, most agree it would better if they were safe and seldom.
  - Using them as a means to harvest fetal tissue can cause the abortionists to alter and modify the procedure to a less safe surgical alternatives to insure valuable intact organ harvesting.
  - Obtaining consent to use fetal tissues can in itself influence women to choose abortion when they are told "some good" can come from their heart rending decision to end the life of their child.
- Harvesting fetal tissues or cells through abortions in unnecessary.
  - There are plenty of fetal tissues available for research from spontaneous miscarriages. One in four pregnancies end in a miscarriage each year. That is over 500,000 spontaneous miscarriages a year.
- Financially incentivizing abortion providers likely increases the number of abortions.
  - Despite a nearly 20 percent decline in the number of abortions in the country between 2000 and 2011, the number of abortions Planned Parenthood performed during that time increased from 197,070 to 333,964 through marketing and expansion. They are the largest single abortion provider in the USA.
  - They had total revenues of $1.145 million dollars in 2013-14 and $528 million of this came from government sources and could not be used to perform abortions though it could be used to counsel a woman to have an abortion.
  - Of the remaining $603 million dollars of non-government revenue, $263 million (43%) to $491 million (81%) came from abortion. That wide range is based on the unrevealed percentage of income that came from chemical abortions costing up to $800 and surgical abortions costing up to $1,500 (Planned Parenthood's figures) each multiplied against the 333,964

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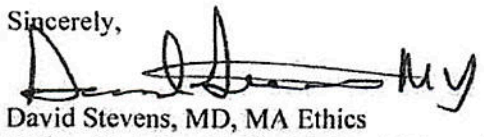
abortions done in 2011.

- Adding $50 to over $1,000 (for a intact brain) **per organ** harvested markedly increases income when you consider that multiple organs and tissues can be harvested for "handling fees" from one fetus. This provides a perverse incentive to encourage women to have an abortion and to ask them to let their baby's organs and tissues is harvested.

As a bioethicist, physician and on behalf or our members, I ask you as a legislator to pass the sensible legislation of the **Idaho Unborn Infants Dignity Act**.

Sincerely,



David Stevens, MD, MA Ethics
CEO – Christian Medical & Dental Associations.

March 11, 2016

Mr. David Ripley
Idaho Chooses Life
P.O. Box 8172
Boise, Idaho 83707

RE: IDAHO UNBORN INFANT DIGNITY ACT

Dear Mr. Ripley:

We write to offer our support for the Idaho Unborn Infant Dignity Act (SB 1349). This is a comprehensive approach to upholding the dignity of human life in our state.

As with most Idahoans, we were greatly disturbed to see the videos released last summer and fall regarding the horrific trafficking in baby parts and tissue collected from vulnerable babies lost to abortion. It is just shocking to realize that this is going on in America.

Those videos highlight the corrosive effect legalized abortion is having upon our society.

It is imperative that our Legislature take a stand to prohibit the scandalous use of aborted babies as some sort of commodity. In our view, it is simply immoral to treat these victims as mere means to an end – however noble that justification might appear. We are confident that important medical research can continue using tissue donated from morally licit sources. It is not necessary for Idaho to lose its moral compass in the quest to treat disease.

We are also gratified to see that the proposed legislation would help provide comfort to families who lose babies to miscarriage. The provision of Fetal Death Certificates would, in many cases, be a great blessing to grieving parents. In our view, such a recognition by the State of Idaho would be a simple act of kindness, while simultaneously affirming the dignity of each human being as a gift from God.

Thank you for your work on this important legislation, and please communicate our sincere support to members of the Idaho Legislature. If we can be of further assistance, please do not hesitate to call.

Sincerely,

PASTOR TIM REMINGTON
Altar Church/ Coeur d'Alene

PASTOR DAVE MCGARRAH
Deer Flat Church / Caldwell

PASTOR PAUL D. VAN NOY
Candlelight Church / Coeur d'Alene

PASTOR MATT DEMPSTER
Riverside Community Church / CdA

PASTOR DAVE SNYDER
268 Church / Meridian

PASTOR PAUL PEABODY
Grace Bible Church / Coeur d'Alene

PASTOR RALPH LOWE
Legacy Church / Boise

PASTOR ROD ENOS
Southside Christian Center

PASTOR CLINT HENRY
Central Valley Baptist

REV. DR. BRYCE SMINK
Adventurer Foursquare Church

PASTOR DARYL ZACHMAN
Calvary Chapel

PASTOR GORDON SLYTER
Treasure Valley Worship Center

PASTOR JIM HALBERT
Crossroads Community Church/Nampa

REV. BILL ROSCOE
Boise Rescue Mission

PASTOR JOHN HOUSER
The Crossing Ministries

PASTOR RICK DEMICHELE
Treasure Valley Baptist

PASTOR RICK KAHLBAU
Calvary Chapel/ Coeur d'Alene

PASTOR TREVOR ESTES
Vineyard Church / Boise

PASTOR MARK COFFIN
Riverside Community Church / Meridian

PASTOR MARK POST
Eagle Christian Church

PASTOR STUART BRYAN
Trinity Church

PASTOR GREG WOOD
Collister Community Church

PASTOR CRAIG MILES
Real Life Ministries

PASTOR BARRY MCGARRAH
Intersect Community Church/Moscow

PASTOR GREG HARDY
Troy Church of the Nazarene

PASTOR JIM WILLIAMS
Emmanuel Baptist Church

PASTORS TIM & JENNIFER WANGLER
Crossroads Genesis

AGENDA

HOUSE STATE AFFAIRS COMMITTEE

Room EW40

Thursday, March 24, 2016

SUBJECT	DESCRIPTION	PRESENTER
	Subject to call of the Chair	

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Batt
Rep Andrus
Rep Luker
Rep Crane
Rep Palmer
Rep Sims
Rep Barbieri
Rep Holtzclaw
Rep McMillan
Rep Bateman
Rep Cheatham
Rep Nielsen
Rep Smith
Rep Jordan
Rep McCrostie
Rep Wintrow

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES

HOUSE STATE AFFAIRS COMMITTEE

DATE:	Thursday, March 24, 2016
TIME:	Upon adjournment
PLACE:	Room EW40
MEMBERS:	Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow
ABSENT/ EXCUSED:	Representative(s) Luker, Barbieri, Bateman, Holtzclaw, Jordan
GUESTS:	None.

Chairman Loertscher called the meeting to order at 3:23 p.m.

MOTION: **Rep. Batt** made a motion to approve the minutes of the March 24, 2016 8:30 a.m. meeting. **Motion carried by voice vote.**

Chairman Loertscher gave special recognition to the Legislative Page, **Abigail Dixon**, for the excellent service she provided to the committee the second half of the session. She was presented with a special gift thanking her for her dedication and hard work and bidding her a fond farewell. He also gave special recognition to House Secretary, **Kasey Winder**, for her extraordinary service and thanking her for her hard work, patience and diligence the past four sessions.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:30 p.m.

Representative Loertscher
Chair

Kasey Winder
Secretary