

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, January 29, 2014

**TIME:** 9:30 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Batt, Representatives Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/  
EXCUSED:** None

**GUESTS:** Jessica Harrison, ISBA; Raeleen Welton, CDA Racing; Jeremy Chou, Givens Pursley; Julie Hart, Westerberg and Associates.

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

**H 368:** **Rep. Luker** presented **H 368**, legislation that prevents legislators from serving in other public elected positions which exercise taxing or public spending authority. He stated there can be conflicts when an individual fills a position of dual-capacity. He said the issue is to effectively fill the responsibilities of both positions. He stated 25 of 47 states currently prohibit legislators from holding a second elected office. He gave an overview of all the states who restrict dual-office holding.

In response to committee questions, **Rep. Luker** stated there was an opinion entered by the Attorney General in 1991 stating the legislature may express its own opinion. He stated that as a citizen legislature the members are different depending on their occupation and can invoke Rule 38 when there is a possible conflict of interest. He explained that if a legislator is also a City Council member and a piece of legislation is proposed by the City Council, the legislator then has two groups of constituents, which creates a conflict. He stated that Rule 38 does not work in that aspect. The question of whether the legislator is representing a body of a Council or Board would conflict with the constituents needs or views. He also said there is no need for a constitutional amendment, a statutory change would work the same. He stated the legislature has the authority to make changes regarding inherent conflicts in which this is. He said that allowing other people the ability to fill the dual-positions brings more opportunity to others.

**Jessica Harrison**, representing the Idaho School Board Association (ISBA), stated she **is opposed** to **H 368** and has serious concerns that voters should be able to choose who represents them in the legislature. She stated in rural areas it is often difficult to find individuals who are qualified, readily available and willing to serve.

**MOTION:** **Rep. Andrus** made a motion to send **H 368** to the floor with a **DO PASS** recommendation.

**In support** of the motion, **Rep. Andrus** stated he has been a member of a school Board and feels it would have made him biased towards them if he served as both a Board member and a legislator. He stated there are always qualified people to fill the open positions.

**Rep. Palmer** stated he would **support** the motion because he feels the voters would also support it. He said there is definitely a conflict regarding dual-office holding. **Rep. Monks** stated he was **in support** of the motion because by opening up more positions to serve, more people can become involved. **Rep. Batt** stated she is **in support** of the motion because there has not been any opposition from any groups.

**SUBSTITUTE MOTION:**

**Rep. Anderson(1)** made a substitute motion to **HOLD H 368** in committee.

**In support** of the substitute motion, **Rep. Anderson(1)** stated he sees issues in rural areas where it is difficult to find people to run for different positions. He stated the voters elect the legislators knowing they hold dual-offices in some instances. He said that allowing legislators to serve as other elected officials makes for well-rounded individuals. **Rep. Gannon** stated he was **in support** of the substitute motion because he believes it is an unnecessary restriction on the voters who decide the merits of who they elect to represent them.

**AMENDED SUBSTITUTE MOTION:**

**Rep. Crane** made an amended substitute motion to send **H 368** to General Orders.

**Rep. Anderson(1)** stated he was **in support** of the amended substitute motion.

**Rep. Luker** expressed concern that there was no specific amendment language to debate or indication of how the bill would be changed, so why send it to General Orders.

**VOTE ON AMENDED SUBSTITUTE MOTION:**

**Chairman Loertscher** called for a vote on the amended substitute motion to send **H 368** to General Orders. **Motion failed by voice vote.**

**VOTE ON SUBSTITUTE MOTION:**

**Chairman Loertscher** called for a vote on the substitute motion to **HOLD H 368** in committee. **Motion failed by voice vote.**

**VOTE ON ORIGINAL MOTION:**

**Chairman Loertscher** called for a vote on the original motion to send **H 368** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Anderson(1), Barbieri, Gannon, McMillan, Packer, Smith and Woodings** requested to be recorded as voting **NAY**. **Rep. Luker** will sponsor the bill on the floor.

**H 380:**

**Rep. Luker** presented **H 380**, legislation that formalizes current practice established under Administrative Rule to limit wagering on historic horse racing terminals to cash or cash vouchers, and to prohibit the use of debit or credit cards.

**MOTION:**

**Rep. Packer** made a motion to send **H 380** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Luker** 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.

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Representative Loertscher  
Chair

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Kasey Perkins  
Secretary