

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, March 18, 2014

TIME: 8:00 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:** Reps. Anderson(1), Crane, Holtzclaw.

GUESTS: Dennis Stevenson, Rules Coordinator; Russell Westerberg, Raeleen Welton.

Chairman Loertscher called the meeting to order at 8:02 am.

MOTION: **Rep. Packer** made a motion to approve the minutes of February 28, 2014 and March 6, 2014. **Motion carried by voice vote.**

SJR 103: **Sen. Rice** presented **SJR 103** related to military duty. Article 14 of the Idaho Constitution requires enrollment of every able bodied male in the state militia. Sen. Rice stated this does not reflect current practice, which is voluntary service at both the state and national level. The active organized militia is the National Guard. The result is the current practice is not in compliance with the state constitution. This change in language would remove military service from the state constitution and permit it by statute. It would also tie the definition to Article 1, Second Amendment of the U.S. Constitution. Sen. Rice stated courts have held the terminology 'militia' refers to the entire body of citizens bearing arms.

In response to questions by the committee, **Sen. Rice** stated historically, enrolling has always meant names were automatically listed and the militia was organized from that list. Since a draft is no longer practiced, reference to that language is being eliminated. The language in the Idaho Constitution mirrors language in the U.S. Constitution from the late 1890's.

MOTION: **Rep. Monks** made a motion to send **SJR 103** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Barbieri and Gannon** requested to be recorded as voting **NAY**. **Rep. Moyle** will sponsor the resolution on the floor.

SCR 146: **Sen. Stennett** presented **SCR 146** which is intended to honor **Hilary Knight** who won a silver medal in Women's Hockey, at the 2014 Winter Olympics in Sochi, Russia. Sen. Stennett provided the committee with some of Ms. Knight's past accomplishments, including serving as Captain of the Badgers Women's Hockey team at the University of Wisconsin.

MOTION: **Rep. Smith** made a motion to send **SCR 146** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Pence and Miller** will sponsor the bill on the floor.

S 1370aa, aa, aa: **Sen. Nonini** presented **S 1370aa, aa, aa** which would add a new section to Idaho Code. The intent of this legislation is to clarify that a named substitute for a legislator, is a qualified person residing in the appropriate district. The need for clarification came to light in the current session when confirmation of the qualification of a named substitute, to fill in for an absent legislator, was not verified.

In response to a question **Sen. Nonini** stated in the event of a foreign or domestic attack, the Governor has the ability to name substitute legislators under Idaho Code 67-415. Sen. Nonini clarified the purpose of this legislation is to ensure the named substitute is qualified. It is up to the legislator naming the substitute to determine they are qualified.

Responding to further questions, **Sen. Nonini** stated a qualified elector is one who has lived in the district the preceding 12 months. The intent is to clarify the responsibility of the legislator naming the substitute to determine qualification, which can be done by contacting the appropriate county elections office. Sen. Nonini stated legislators are required to submit no less than three or more than seven names to the Secretary of State, every election. These names and addresses are verified as potential qualified replacements, in the event the elected legislator is unable to complete their term. However, in some cases, a named substitute may not be on this list and their qualifications are not verified.

MOTION: **Rep. Palmer** made a motion to send **S 1370aa, aa, aa** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Mendive** will sponsor the bill on the floor.

SCR 147: **Dennis Stevenson**, Administrative Rules Coordinator, presented **SCR 147** which is required to effectively approve all Administrative Rules that impose a fee or charge. Mr. Stevenson stated language has been added to clarify the effective date as upon adoption of this resolution. If an agency requests a different effective date, it must be specified in the Administrative Rule.

In response to a question, **Mr. Stevenson** stated there were no fee or charge rules rejected. **SCR 147** is an omnibus resolution covering all rules having an associated fee or charge.

MOTION: **Rep. Woodings** made a motion to send **SCR 147** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Woodings** will sponsor the bill on the floor.

SCR 148: **Dennis Stevenson**, Administrative Rules Coordinator, presented **SCR 148** which is a requirement to allow Temporary Rules to remain effective beyond the legislative session.

MOTION: **Rep. Gannon** made a motion to send **SCR 148** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gannon** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 8:37 am.

Representative Loertscher
Chair

Kathleen A. Simko
Secretary