

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, February 22, 2018

TIME: 8:00 A.M.

PLACE: Room EW40

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

**ABSENT/
EXCUSED:** Representative Palmer

GUESTS: Dax Chizu, Idaho State Historical Society (ISHS), Tricia Canady, ISHS, Jonathan Oppenheimer, Idaho Conservation League.

Chairman Loertscher called the meeting to order at 8:09 a.m.

Chairman Loertscher presented paperless committee work. Agendas, RS's, bills and minutes will be available in the box to look at ahead of time for committee members. This comes with the understanding that RS's are confidential until introduced and should not be public. Members are asked to bring computers.

H 486: **Janet Gallimore** presented **H 486**, the powers and duties of the Idaho State Historical Society. Specific agency facilities, programs, and functions, and ones that drive the agency's strategic plan, services, and budget, need to be clarified in enabling legislation, including the Idaho State Museum, Idaho State Archives, State Historic Preservation Office, and Historic Sites functions. (Amend code 67-4112) Ms. Gallimore requested consideration of **H 486**, as approved changes were made.

MOTION: **Rep. Manwaring** made a motion to send **H 486** to the floor with a **DO PASS** recommendation. **Motion carried with a voice vote.** **Rep. Manwaring** will sponsor the bill on the floor.

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

H 610: **Rep. Loertscher** presented **H 610**, proposed legislation to remove the imperative language from the reapportionment statute. Title 72 gives the way redistricting should be operated and how to draw the districts. This change is from legislature redistricting to a commission doing this process. All other things go through a district court process. The court looks at the constitution as compared to the law. The court said they will look at the constitution first before what is in Title 72. It is determined the statute is not followed. **H 610** straightens the language in statute.

In answer to committee questions regarding if there were several case that specifically say these are not in accordance with the Constitution, **Rep. Loertscher** said the courts have ignored what was in the statute and during the last redistricting before the court, was a complete deadlock and court appointed a new commission to do the work. **Rep. Loertscher** said in further answer to committee questions regarding this policy being put in place for a reason, but the language in this bill is not speaking to this, and more information being needed on this particular provision, the language is confusing, and the commission needs to know how to proceed when there is a deadlock.

MOTION: **Rep. Luker** made a motion to **HOLD H 610** for time certain, Tuesday, February 27, 2018. **Motion carried by voice vote.**

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

H 608:

Rep. Miller presented **H 608**, legislation to add a new section to Idaho Code 58 – 157 providing that should additional public lands be granted from the federal government to the state of Idaho, the lands shall be declared public lands and provide the lands shall be acquired and managed for public access, multiple use and sustained yield. If Idaho receives federal lands, state officers would be in discussion with federal representatives and lands would be held in perpetuity. This would take effect July 1, 2018.

In answer to committee questions regarding if this new section would bare an ability to mine, **Rep. Miller** said no, this would be managed for public access, multiple use, this would include mining and other impacts. Limited sales for purpose of consolidation, and possibly an exchange of land.

Committee members concern about the growth of the state, and if this would tie the state's hands and with the language, perpetual being permanent, and the best financial benefit for the state. Committee questions also were raised if **H 608** was necessary, the federal government would have many conditions, and the process would take care of itself.

Jonathan Oppenheimer, Idaho Conservation League (ICL), supports the intent of the proposal to protect public lands if transferred to the state and agree with holding lands in perpetuity. Idahoans care about public lands in the state, and is concerned about the sale of these lands and public lands take over. The ICL requests the committee hold **H 608**.

Fred Birnbaum, Freedom Foundation, feels conflicted with this bill, as there is support to maintain public access to public lands, there is a disparity for maintenance. An example would be fire fighting costs and other unknowns. The bill is good but needs more information. **Rep. Crane** stated he could not see the federal government transferring lands to the state. Utah has clear, comprehensive legislation to address this. He asked what should be fixed in this bill. Mr. Birnbaum responded saying he would like examples of cases for transfer of lands, and have more time to look at this issue.

Rep. Miller concluded by stating the costs by fed government managing lands are negative, and the costs of the state managing lands are positive.

Rep. Monks made a statement saying he hears concerns from constituents about not being ready for this, and Idaho would sell off lands. He feels this bill addresses those concerns, and could see this as starting point.

MOTION:

Rep. Monks made a motion to send **H 608** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION:

Rep. Smith made a substitution motion to **HOLD H 608** in committee. Speaking to the motion she said she likes the idea of intent to retain for perpetuity, but has concerns about the definitions.

Speaking to the substitute motion, **Rep. Barbieri** said the intent is clear to make it easier for the federal government to give management to the state, but is unlikely. There will be time to determine how it will happen. He supports the substitute motion.

Speaking to the substitute motion, **Rep. Harris** said he is a fan of receiving federal lands, but doesn't support the opinion being outlined. It is meant to appease those concerned about receiving federal lands, and the purpose is to tie the state's hands. He would want these to go to the endowment. He supports the substitute motion.

VOTE ON SUBSTITUTE MOTION:

Chairman Loertscher called for a vote on the substitute motion to **HOLD H 608** in committee. **Substitute motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 9:27 a.m.

Representative Loertscher
Chair

Susan Werlinger
Secretary