

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, January 18, 2012

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Crane, Representative(s) Stevenson, Black, Anderson, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Batt, Smith(30), King, Higgins, Buckner-Webb

**ABSENT/
EXCUSED:** Representative(s) Stevenson, Black, Smith(30)

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

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

MOTION: **Rep. Batt** moved to approve the minutes of January 11, 2012 with the correction of the spelling of **Rep. Bilbao's** name on page 1 as well as the minutes of January 17, 2012. **Motion carried on voice vote.**

Jack Lyman of the Idaho Mining Association, presented an analysis of state agency rulemaking for the committee. Mr. Lyman's analysis completed in 2010, found that the number of rules presented to the 2010 Legislature had increased 24%. **HCR51** was introduced and requested state agencies to restrict their rulemaking to eight priorities: rules addressing threats to public health and safety, rules required by specific direction of the legislature, rules required by enactment of a new state or federal statute, rules required to maintain state primacy of a federally delegated program, rules required by a federal agency or required as a specific condition of a federal grant or appropriation, or rules the Governor specifically finds necessary. Several agencies as well as the Governor's office expressed concerns with the resolution and requested that it be held in the other body. The agencies indicated they would be more diligent in the future. Last year agencies proposed 184 rules, a decrease of nearly 30% over 2010. This year, the House is again considering 184 rules. In 2010, this committee considered 27 rules, last year 14, this year 6.

In response to questions, **Mr. Lyman** indicated there has been an increase of proposed rules by agencies most notably Education and Health & Welfare. This is due to statutory enactments from the prior year. Mr. Lyman also responded to the proposal that the committee do away with review of rules that are not contested. Mr. Lyman stated that in those cases the review can be expedited.

RS20975C1: **Rep. Bedke** presented **RS20975C1** to the committee. The legislation provides for the addition of Section 67-1613 because our law was silent on the issue of regulating camping. He stated that camping is not the intended use of state properties or the Capitol. Rep. Bedke explained the legislation is in response to the obligation for public health and safety as well as access for all citizens. This is not a prohibition on free speech but a prohibition on camping.

In response to questions from the committee, **Rep. Bedke** addressed the issue of seizing personal property by persons who are immune from liability. Rep. Bedke explained that the term "persons" referenced on Page 2 refers back to Page 1, Line 40, state agency personnel or contractors. Rep. Bedke clarified the legislation does include emergency enacting. He noted there is no prescribed methodology at this time on how the persons camping on the properties would be removed, whether

Capitol Mall security, Idaho State Police or Department of Administration (DOA). He also explained that while those currently camping on the Capitol grounds may have negotiated with DOA and received approval; it was because our law has been silent on the issue of camping. He again reiterated it was not the intended use of the lawns. Rep. Bedke clarified that the penalty for camping would be an infraction. This can mean tickets, the lightest touch in terms of enforcing our code. The amount of the fine is unknown at this time.

**ORIGINAL
MOTION:**

Rep. Luker made a motion to introduce **RS20975C1** with the following change: on Page 2, Line 3, add the words "such authorized" before the word "persons".

**SUBSTITUTE
MOTION:**

Rep. King made a substitute motion to return **RS20975C1** to the sponsor to define infraction and because it is an infringement on the First Amendment.

Rep. McGeachin voiced her support of the original motion to introduce the bill and give it a full hearing which will support free speech.

**VOTE ON
SUBSTITUTE
MOTION:**

Chairman Loertscher called for a vote on the substitute motion to return **RS20975C1** to the sponsor. **Motion failed by voice vote.**

**VOTE ON
ORIGINAL
MOTION:**

Chairman Loertscher called for a vote on the motion to introduce **RS20975C1** with the change on Page 2, Line 3, adding the words "such authorized" before the word "persons". **Motion carried by voice vote.** **Rep. King** requested that she be recorded as voting **NAY**.

RS20898:

Rep. Sims presented **RS20898** to the committee. This proposed legislation is a collaborative effort that came about because of an outcome in a county election. This legislation will address residency requirements and absentee ballots. The proposed legislation will revise qualifications of electors and every citizen who declares "permanent resident" status in any other country or state. Rep. Sims clarified that separate ballots containing only the federal election will be supplied to those requesting through the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). She also noted that the legislation requires an audit procedure to be in place. If there are any challenges there will be a place to go for review by the Secretary of State.

In response to questions from the committee, **Rep. Sims** clarified that absentee ballots left open and not secured is a validity issue. In the past they had more ballots than envelopes. Rep. Sims explained that even if the ballots are secured after being opened, it still questions the validity of the election.

MOTION:

Rep. Henderson moved to introduce **RS20898**. **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

Lissa Cochran
Secretary