

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Friday, January 20, 2012

TIME:

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:** None.

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 8:41 a.m.

Chairman Loertscher provided an explanation about the delay in the process. The delay was due to a technical error on **H 380**. The words "such authorized" were inserted on the wrong line. A discussion followed on the possible options for the new **RS 21017**.

RS 21017: **Rep. Bedke** presented **RS 21017** to the committee. He stated the proposed legislation is simple and straightforward. The legislation prohibits camping on the lawns and grounds of the State's facilities. This includes the Capitol. During the 120 years Idaho has been a state; the issue has not come up. Our law is silent but the lawns around the Capitol are not a place to camp. It is the intent of this legislation to define camping and it is found in Section 2 of **RS 21017**. It is in the interest of the government to maintain high esthetic standards and provide everyone access to the facilities. Rep. Bedke clarified that camping on state facilities and the Capitol Mall properties will be an infraction. The definition of infractions as well as possible penalties are found in Title 18, Chapter 1 of the Idaho Code. If the law is passed, it will make the State's law on camping consistent with the City of Boise's Ordinance. The language is also very similar to the language that the Department of Interior uses to define their properties. Rep. Bedke referenced a Supreme Court case with similar facts. The Court issued a 7-2 decision that a rule by the National Park Service against camping on the Capitol Mall in Washington D.C. does not violate the First Amendment. Rep. Bedke also clarified the proposed law would be applied neutrally; Girl Scouts and Boy Scouts would not be able to camp there as well.

ORIGINAL MOTION: **Rep. Anderson** made a motion to introduce **RS 21017**.

SUBSTITUTE MOTION: **Rep. King** made a substitute motion to return **RS 21017** to the sponsor.

Rep. King stated that we should allow Occupy Boise to play out. This proposed legislation infringes on the right to assemble and free speech. Taking items from the camping area and throwing them away will be a bad image for Idaho.

VOTE ON SUBSTITUTE MOTION: **Chairman Loertscher** called for a vote on the substitute motion to return **RS 21017** to the sponsor. **Motion failed by voice vote. Rep(s) King, Buckner-Webb, Smith(30) and Higgins** requested to be recorded as voting **AYE**.

VOTE ON ORIGINAL MOTION: **Chairman Loertscher** called for a vote on the original motion to introduce **RS 21017**. **Motion carried by voice vote. Rep(s) King, Buckner-Webb, Smith(30) and Higgins** requested to be recorded as voting **NAY**.

RECESSED: The committee recessed at 9:02 a.m. in order for members to attend the House floor session.

RECOVERED: **Chairman Loertscher** recovered the meeting at 9:44 a.m.

Chairman Loertscher explained the process for testifying before the committee and advised there would be a three minute time limit for testimony.

H 380: **Dana Jablonski**, Occupy Boise; **Scott Knight**, Occupy Boise; **Mike Despot**, Occupy Boise; **John McMahon**, Occupy Boise and Idaho Peace Coalition; **Mary Bolognino**, Occupy Boise; **Katie Fite**, Occupy Boise; **K.C. Hunt**, 99%; **Shavone Hasse**, 99%; **Cay Marquat**, Occupy Boise; **Steven Walker**, representing self; **Barbara Kemp**, representing self; **Jeana Harris**, representing self; **Fran Lawrence**, representing self; **Harold Stiles**, representing self; and **Greg Olson**, Blue Lightning, LLC.; testified **in opposition to H 380** . Points of opposition included: 99% group feel the voices that are heard are the ones with money, tents on the lawn are representing their voices, a symbol of a vigil that all is not okay. Occupy Boise is not a camp site but a site of free speech by those concerned with corruption in the federal government, collapse of the middle class, jobs, education and fair pay. The protest site gives hope to under-represented Idahoans that their voice will be heard and a common ground for Idaho's least privileged persons. Occupy Boise is not a camp but a place of political purpose. The vigil site is not only a forum for their collective consultation for the common good but a profound political message. The use of publicly owned land for the purposes of engaging in peaceable and constitutionally protected political activity; that is the highest and best use of the land. Occupy Boise worked with the Department of Administration to accommodate their needs as well as their own. Further testimony stated that members of Occupy Boise are not asking for special consideration; only to be left to engage in their civic duty. The occupy vigil is the only remaining form of free speech and assembly left.

Monica Hopkins, Executive Director, ACLU; also testified **in opposition to H 380**. She is opposed because the legislation is modeled after the City of Boise's camping ordinance which has been litigated since 2009. It is problematic to pattern legislation after an ordinance that leaves the state open to litigation at the expense of Idaho's taxpayers.

MOTION: **Rep. Luker** made a motion to Hold **H 380** in committee. **Motion carried by voice vote.**

ADJOURN: There being no further business before the committee; the meeting was adjourned at 10:56 a.m.

Representative Loertscher
Chair

Lissa Cochrane
Secretary