

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, January 24, 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:** None
GUESTS: Erik Makrush, Idaho Freedom Foundation; Mary Bolognino, Occupy Boise; Bob Blurton, Occupy Boise; Katie Fite, Occupy Boise; David Goins, Idaho News Service; Max Greenlee, Risch Pisca; Teresa Luna, Director, Department of Administration; Brian Kane, Deputy Attorney General; Janet Gallimore, Executive Director, Idaho State Historical Society; Rod House, State Archivist, Idaho State Historical Society; Jan Sylvester, Holly Kody, Tony Smith, Benton Ellis.

Chairman Loertscher called the meeting to order at 9:00 a.m.

Chairman Loertscher announced there would be a change in the order listed on the Agenda. Teresa Luna, Director, Department of Administration will testify first on **H 404**.

H 404: **Teresa Luna**, Director of the Department of Administration, testified **in favor of H 404**. She explained the Department of Administration (DOA) is tasked with maintaining and managing the State's properties. When Occupy Boise approached the DOA; they researched the statutes and found specific guidelines on how to use the buildings, parking lots, the Capitol building and grounds, but the law is silent on use of the Capitol Mall grounds. There is nothing to stop this activity. Ms. Luna also stated the DOA has received inquiries from other groups for possible encampments. She clarified that Occupy Boise did not ask permission nor is there any agreement between the Department of Administration and Occupy Boise. As a result of Occupy Boise there has been a fiscal impact of \$9,000.00 in costs for the State. She advised that it cost \$800.00 to have graffiti removed from the LBJ building.

Chairman Loertscher turned the gavel over to **Vice-Chairman Crane**.

In response to questions from the committee, **Teresa Luna** again verified that the Department of Administration did not grant permission to Occupy Boise to begin their encampment. There was no communication with Occupy Boise; only a letter received on October 31, 2011 from the members advising they would begin occupying the Capitol Annex on November 5th. Their letter was a courtesy only, they did not request permission. There was no discussion between DOA and the members of Occupy Boise on when the movement would end. Even though the DOA had notice of the Occupy movement; there was no discussion of a possible Executive Order. DOA has discussed with the Governor and law enforcement the course of action if the bill is successful and people are forced out due to the emergency clause. The plan in place for removal of those camping at the Occupy Boise site would be to post notice when the bill would go into effect. The bill would sit on the Governor's desk for three (3) days not seven (7) as proposed by the Attorney General, to give notice that the law is going to be signed.

Rep. Bedke was asked to close out testimony on **H 404**. Rep. Bedke stated that Occupy Boise set up their encampment with rules and we are proud of that. This

legislation sets up rules for the building that the State is charged with taking care of and we want to maintain esthetic standards and public health and safety. It is proper and fitting that the State sets up rules as Occupy Boise has set up rules for their area. They unilaterally came in and set up an encampment for an infinite vigil. There are no rules on camping and this creates chaos. There needs to be rules. Rep. Bedke advised they learned from other states about the problems with their occupy movements and worked with law enforcement and the Attorney General's office when drafting this legislation. The legislation mirrors the City of Boise's ordinance on camping as well as the National Park Service. Rep. Bedke clarified that in regards to disposal of any property left on the grounds, it is the Governor's prerogative to exercise the three (3) day notice but the law can go into effect without his signature. It will go into effect ten (10) days after the Senate passes it. Rep. Bedke concluded this legislation is closing a loophole on regulating camping on Capitol grounds. Lawmakers are charged with applying democratic principles. Citizens don't want camping on the Capitol grounds but they do want to protect free speech. There are still venues to express their ideas, but it is the State's prerogative to regulate camping that occurs on its properties.

Vice-Chairman Crane turned the gavel over to **Chairman Loertscher**.

**ORIGINAL
MOTION:**

Rep. Stevenson made a motion to send **H 404** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE
MOTION:**

Rep. Smith(30) made a substitute motion to send **H 404** to General Orders.

Rep. McGeachin spoke in support of the substitute motion. She agrees with the issue but believes changes and removal of the emergency clause would make it a better bill. The issue with Occupy Boise is an American issue. Crony capitalism is the problem. Corporate executives involved with the top investment banks on Wall Street have been appointed to jobs in our Treasury and other positions by both political parties including the current administration.

Rep. Buckner-Webb spoke in support of the substitute motion. She has enjoyed the camaraderie and wants to move forward in a respectful manner.

**AMENDED
SUBSTITUTE
MOTION:**

Rep. King made an amended substitute motion to **HOLD H 404** for time certain in committee so that a subcommittee can review for possible amendments to the bill. Rep. King presented a list of possible amendments (copy is attached to the minutes).

Rep. Anderson spoke in opposition to the amended substitute motion and proposed amendments. He stated that if you give them 7 day notice to leave then you are giving them 7 days to camp. The amendments are directed to Occupy Boise and not for possible groups in the future.

Rep. Simpson expressed concern with the precedent this sets. He stated that without the emergency clause this gives Occupy Boise and others the right to camp there until July 1st.

Rep. Bilbao stated it comes down to honesty in their testimony to the committee. Members of Occupy Boise stated they had an agreement with the Department of Administration.

**VOTE ON
AMENDED
SUBSTITUTE
MOTION:**

Chairman Loertscher called for a vote on the amended substitute motion to **HOLD H 404** for time certain in committee. **Motion failed by voice vote.**

**VOTE ON
SUBSTITUTE
MOTION:**

Chairman Loertscher called for a vote on the substitute motion to send **H 404** to General Orders. **Motion failed by voice vote.**

**VOTE ON
ORIGINAL
MOTION:**

Chairman Loertscher called for a vote on the motion to send **H 404** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep(s). McGeachin, Smith(30), King, Higgins and Buckner-Webb** requested they be recorded as voting **NAY**. **Rep. Bedke** will sponsor the bill on the floor.

Janet Gallimore, Executive Director, Idaho State Historical Society, made a presentation to the committee on the proposal to combine state records and local government records under single agency management. The Idaho State Historical Society (ISHS) in collaboration with the Department of Administration recommend a merger of the records functions of the State Records Center (SRC) and the Idaho State Archives (ISA) under the direction of ISHS. The purpose is to streamline current records management and reduce any redundancies. The projected outcome is enhanced access for constituents and to preserve essential records of fiscal, administrative, legal, vital and long-term value. The key challenges are: complex state records management program, no unified or secure online catalog access, no public online catalog access, no unified electronic imaging and digital-born records program with archiving, a substantial volume of records held and management services provided for cities and counties, and resources do not correlate with demand for service. Ms. Gallimore explained the function of the Idaho State Archives and Research Center is to house permanent state, county and city government records and other public records and fulfills 17,000 information requests annually. The Idaho State Records Center provides access and storage services to state agencies for active and permanent records and fulfills 4,650 records requests annually from state agencies. Expenditures for the Archives and Records Center have decreased from \$1,166,182.00 in FY 2009 to \$881,918.00 in FY 2011. The largest operating expenditure in FY 2011 was security, utilities and space rental. There is also not enough funding for technological advances. She stated the rationale for ISA/SRC consolidation is to streamline records management and to provide efficient and high quality service to constituents with a longer term vision of records management for the State, cities, and counties. Phase I Goal is to merge "As-Is", Phase II is to complete a consultant study with recommendations, and Phase III will be to evaluate the merger.

In response to questions, **Janet Gallimore** explained that with the merger JFAC will need to move funds over from DOA to ISA. It is projected to cost \$65,000 for consultant fees but she stated that we need to look long-term at issues for records retention such as storage, electronic access, and digital materials.

ADJOURN: There being no further business before the committee; the meeting adjourned at 10:12 a.m.

Representative Loertscher
Chair

Lissa Cochrane
Secretary