

MINUTES
HOUSE WAYS & MEANS COMMITTEE

DATE: Tuesday, March 20, 2012

TIME: 1:15 P.M.

PLACE: Room E403

MEMBERS: Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin

**ABSENT/
EXCUSED:** Representative Higgins

GUESTS: Director Teresa Luna, Idaho Department of Administration, Julie Weaver, Office of the Attorney General

Chairman Wood (35) called the meeting to order at 1:23 p.m.

MOTION: **Rep. Rusche** made a motion to approve the minutes of the March 8, 2012 meeting. **Motion carried by a voice vote.**

RS 21551C1: **Director Teresa Luna**, Idaho Department of Administration, stated the proposed legislation clarifies the authority of the Department of Administration to promulgate rules governing conduct on the Capitol Mall.

In response to questions raised by the committee members, **Director Luna** stated the State has the right and responsibility to manage and maintain its properties. Currently the Department of Administration manages properties and pays the bills, however, they have discovered after consultation with the Idaho Office of the Attorney General, it does not have the statutory authority to establish rules.

Further questions were raised by the committee regarding the current litigation against the State of Idaho regarding **H 404 (2012)**. **Director Luna** deferred to **Julie Weaver**, Office of the Attorney General. Ms. Weaver stated she is not involved in the litigation, however, it is her understanding this proposed legislation will not impact the lawsuit.

In response to questions raised by the committee, **Director Luna** stated that if the proposed legislation were not to pass, the envelope would be continuously pushed on the Capitol Mall. The proposed legislation would keep the judges order in place, allowing for free speech, but would also allow for rules to protect First Amendment Rights. Director Luna went on to state that the proposed legislation would allow for other State entities to opt-in to the rules once they are created, as they would be within the bounds established by the court's decision.

In response to questions regarding input with area law enforcement stakeholders, **Director Luna** stated Idaho State Police has jurisdiction for State properties, however, they do grant some authority to the Boise Police Department and Ada County Sheriff's office through a Memorandum of Understanding.

MOTION: **Rep. Moyle** made a motion to introduce **RS 21551C1**. **Motion carried by a voice vote. Rep. Rusche** and **Rep. Cronin** asked to be recorded as voting **NAY**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:40 p.m.

Representative Wood(35)
Chair

Brenda Walters
Secretary