

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, February 17, 2014

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman McKenzie, Senators Davis, Johnson (Fulcher), Hill, Winder, Lodge, Siddoway, Stennett and Werk

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman McKenzie** called the Senate State Affairs Committee (Committee) to order at 8:00 a.m. with a quorum present. **Chairman McKenzie** introduced Victoria Richardson, the Committee Page for the second half of the session, and asked her to tell the Committee about the past pages she is acquainted with, where she goes to school and why she wanted to be a page. **Miss Richardson** said she attends the Liberty Montessori School in Rigby, Idaho. She has known several students who have served as pages in the past and is aware of the changes that it made in their lives; that encouraged her to become a page. Her father is the current Mayor of Rigby and that inspired her to find out more about politics.

RS 22766 Relating to the Uniform Electronic Legal Material Act to provide for the authentication and preservation of electronic legal material presented by Dale Higer, Chairman, Uniform Law Commission.

Mr. Higer explained that **RS 22766** is related to the Legal Materials Act. States around the country are adopting statutes, rules or regulations that are in electronic format. The Idaho Department of Administration is currently retaining this type of information in an electronic format. The act will provide a method of authentication whereby a user can verify accuracy for electronic documents. It also requires that electronic documents will be preserved on a permanent basis and will be available to the public.

MOTION: **Senator Davis** moved, seconded by **Senator Werk**, to send **RS 22766** to print. The motion carried by **voice vote**.

Chairman McKenzie introduced and welcomed Senator Dan Johnson who will be sitting in for Senator Fulcher.

RS 22881 Proposes an Amendment to the Constitution of the state of Idaho to allow the Legislature to reconvene in a special session to consider bills vetoed by the Governor following the adjournment of the regular session presented by Senator Vick.

Senator Vick stated that **RS 22881** would make it possible for the Legislature to reconvene to consider bills when they have been vetoed by the Governor after the session is over. Idaho's Legislature does not have that ability. The amendment would help to maintain the balance of power between the executive branch and the legislative branch.

Senator Hill asked if this would be a unique situation; what are other states doing? **Senator Vick** responded that all but seven states either have the ability to call special sessions or have a full time Legislature. They have some method in place to override a Governor's veto.

Senator Werk stated his concern about the separation of power when a Legislature can mandate that the Governor must call a special session. Have you asked for an Attorney General's opinion regarding this issue? **Senator Vick** answered that there have been numerous discussions with the Attorney General's office regarding this legislation but that issue did not "come up". The reason for this approach was that currently, the Governor is the only one allowed by the Idaho Constitution to call a special session. To allow the Legislature the ability to call itself to a special session, it would take two constitutional amendments: One that would give the Legislature the authority to call a special session, and the second to restrict the action to overriding vetoes. By using the method in **RS 22881**, it removes the possibility of only one of the two amendments passing.

MOTION: **Senator Hill** moved, seconded by **Senator Winder**, to send **RS 22881** to print. The motion carried by **voice vote**.

SJR 103 Action on **SJR 103** was deferred to a future meeting.

ADJOURNED: There being no further business, **Chairman McKenzie** adjourned the meeting at 8:13 a.m.

Senator McKenzie
Chair

Twyla Melton
Secretary