

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, February 13, 2015

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman McKenzie, , Senators Davis, Hill, Winder, Siddoway, Lakey, Johnson(Lodge) 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. and welcomed Senator Keough to present the first item of business.

RS 23506 **Senator Keough** handed out photos to illustrate the type of area and entity that **RS 23506** addresses. The food court illustrated has six or seven independent mobile vendors. Each vender has a different menu. A small enclosed stand has been built at the back of the property by the owners who are hoping to be able to secure a beer and wine license. The city of Sandpoint, the police chief of Sandpoint, and the Bonner County Prosecutor support the issuance of such a license. The Alcohol Beverage Control Agency was not supportive of the concept.

An addition made to Idaho Code § 23-9742 extends the definition of premises to include "shall include a mobile or temporary food court." The RS defines what a mobile or temporary food court would be. It calls for a partition around the area where alcoholic beverages might be served. The partition design and use must be approved by the Director of Alcohol and Beverage Control.

The RS adds a new section, § 23-1011C - Beer License at a Mobile or Temporary Food Court, on page 5, lines 16-23. Page 6 and 7, lines 44-50 and 1-4, respectively, adds the language and requirements for wine and beer by the drink to be offered at this type of premise.

Senator Siddoway asked if the licensed facility would be locked down to one physical address, or is it mobile. **Senator Keough** answered that the target is to lock it to a particular piece of property. The intent is that the owner could not pick the building up and move it to another location. **Senator Siddoway** asked if food must be sold where the beer and wine sales would occur. **Senator Keough** said that in the proposed definition of mobile or temporary food court, it states that there must be vendors serving food, and the beer and wine facility must be in close proximity to those food vendors.

Senator Werk referred to the word "place." It was his understanding this would be a temporary structure, so it seems odd to call it a place. **Senator Keough** explained that it was an attempt to define the structure in the picture.

MOTION: **Senator Werk** moved to print **RS 23506**. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

RS 23515

Senator Hagedorn explained that a group started working on the concealed weapons statute that alluded to permits with the focus on making the process more user friendly. The following refinements were made to the code:

- it would clarify what concealed weapons are;
- it would describe what a loaded gun is;
- it would determine where a permit is and is not needed; and
- it would remove the exemption for elected officials to have a permit to carry a concealed weapon.

This bill encompassed work by the National Rifle Association, the Idaho Sheriff's Association and members of the Senate and House. The Attorney General was also involved in reviewing the bill.

Senator Davis noted that a group was meeting soon to review the bill. He asked if the printing could be deferred until after this group meets. **Senator Hagedorn** responded that another bill has been printed, and both bills should be viewed by the public.

Senator Hill said that page 2, Subsection (d), line 22, referred to a "case." He noted that there isn't a definition of a case. He asked for an explanation of the intent of that requirement. **Senator Hagedorn** pointed out that a weapon is not necessarily a gun. Defining what a case is for knives and other types of weapons would be tedious. **Senator Hill** stated that this section doesn't deal with other weapons, only with firearms. **Senator Hagedorn** agreed.

Senator Werk asked if the ability to carry a concealed weapon without a permit outside the city limits already exists in law. **Senator Hagedorn** stated that the provision does already exist. The new language clarifies when a weapon is concealed inside a vehicle. **Senator Werk** asked if open carry can be restricted on private property or business. **Senator Hagedorn** responded that open carry language is addressed on page 2, line 13. **Senator Werk** asked if this bill took away the private property right of a business to decide whether or not they wanted open carry inside that business. **Senator Hagedorn** replied that this bill only talks about concealed carry. The open carry laws, as they exist today, would not change.

Senator Johnson (Lodge) inquired if the bill has been vetted by the local county sheriffs and the police departments. **Senator Hagedorn** answered that the language has been vetted through the Idaho Sheriffs' Association, and they added and deleted language during the drafting process.

Senator Werk referred to page 2, Subsection 4, line 17. He wanted assurance that Subsection 4 does not extend open carry to infringe on private interest's ability to restrict. **Senator Hagedorn** explained that the title of Subsection 4, line 17, indicates that this does not have any impact on plain view or open carry.

Senator Hill said that Senator Werk's question did not have anything to do with what a person could or could not do. The concern is about what the property owner can or cannot allow on his private property. It is important that this does not impose on the rights of the property owner to restrict weapons being brought on his private property. **Senator Hagedorn** agreed to review the language to make sure property rights were not at risk.

MOTION:

Senator Lakey moved to print **RS 23515**. **Senator Johnson** seconded the motion. The motion carried by **voice vote**.

- RS 23498** Relating to Challenges to Apportionment Plans. **Senator Davis** stated that **RS 23498** addresses reapportionment and does two things:
1. Provides that the court may set its own rules for any registered voter, city or county to appeal a plan.
 2. Provides the time period in which to file a challenge to a congressional plan. Challenges must be by October 1.

MOTION: **Senator Siddoway** moved to print **RS 23498**. **Senator Winder** seconded the motion.

Senator Werk indicated his anticipation of the Supreme Court process. **Senator Davis** explained that Section 1 is an acknowledgement of the principles outlined in Article V of the Idaho Constitution. The court's choice is how to do it. Section II deals with a time period to ensure finality.

The motion carried by **voice vote**.

HCR 2 A Concurrent Resolution Commemorating Eagle Rock Bridge, presented by Senator Davis. **Senator Davis** stated that this year is the sesquicentennial of Idaho Falls. Representative Bateman initiated **HCR 2** to acknowledge this landmark and it will be part of a citywide celebration on Idaho Day. This resolution allows the Senate to join with the House in commemorating this important sesquicentennial.

MOTION: **Senator Werk** moved to send **HCR 2** to the floor with a **do pass** recommendation. **Senator Hill** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: **Chairman McKenzie** adjourned the meeting at 8:27 a.m.

Senator McKenzie
Chair

Twyla Melton
Secretary