

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, February 20, 2015

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow

**ABSENT/  
EXCUSED:** Representative(s) Barbieri

**GUESTS:** Chris Yamamoto, Canyon County Clerk's Office; Brad Jackson, Canyon County Clerk's Office; Kristyn Kirschenman, Governor's Office; Holly Koole Rebholtz; Jesse Taylor, self; John Reuter, Conservative Voters of Idaho; Gayle Wilde, American Association of University Women.

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

**H 113:** **Rep. Trujillo** was called upon to present closing testimony. She stated the Fourteenth Amendment allows for due process and allows persons the right to life, liberty or property. She stated that also includes substantive due process. In 1923, in the case of Meyer v. Nebraska, the Court ruled that the right of liberty, under the Fourteenth Amendment, included establishing a home and bringing up children. She also stated that in Troxell v. Granville, the Court ruled that the interest of parents in the care, custody and control of their children—is perhaps the oldest of the fundamental liberty interests recognized by the Court. She stated it is clear that parental rights should be codified and protected in Idaho.

**SUBSTITUTE MOTION:** **Rep. McCrostie** made a substitute motion to send **H 113** to the floor with no recommendation. He spoke to the motion and stated the problem in the education system today is the lack of parent involvement. He stated there needs to be more discussion on including the terms "legal guardians" and "education" to the legislation.

**Rep. Jordan** spoke **in support** of the substitute motion and stated there is too much ambiguity with the language in the bill and further discussion is needed.

**Rep. Wintrow** spoke **in support** of the substitute motion and stated she supports the intent of the legislation but there are not enough definitions regarding legal guardians and education.

**Rep. Andrus** spoke **in support** of the original motion and stated the judiciary branch is trying to influence the legislative branch to make laws which is not right.

**Rep. Bateman** spoke **in support** of the original motion and stated the law needs to make a strong stand for parental rights. **Rep. Crane** spoke **in support** of the original motion and stated most people agree that parent involvement is needed to help children so we need to do everything we can to get parents involved. **Rep. Luker** spoke **in support** of the original motion and stated it is imperative that "education" is included as a fundamental right of parents. He stated this is not a situation regarding medical services or neglect of children. He stated there has been an increase in encroachment from the Federal government on parental rights and we need to protect ours on the state level.

**Rep. Smith** spoke in opposition to the original motion and stated she has worked in the school district for many years and agree that parental involvement is necessary. She stated she believes the terms "education" and "legal guardians" in the legislation will cause problems.

**VOTE ON  
SUBSTITUTE  
MOTION:**

A roll call vote was requested on the substitute motion. **Motion failed by a vote of 4 AYE, 12 NAY, 1 Absent/Excused. Voting in favor of the motion: Reps. Smith, Jordan, McCrostie and Wintrow. Voting in opposition to the motion: Chairman Loertscher, Reps. Batt, Andrus, Luker, Crane, Palmer, Sims, Holtzclaw, McMillan, Bateman, Cheatham and Nielsen. Rep. Barbieri was Absent/Excused.**

**VOTE ON  
ORIGINAL  
MOTION:**

A roll call vote was requested on the original motion to send **H 113** to the floor with a **DO PASS** recommendation. **Motion carried by a vote of 13 AYE, 3 NAY, 1 Absent/Excused. Voting in favor of the motion: Chairman Loertscher, Reps. Batt, Andrus, Luker, Crane, Palmer, Sims, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen and McCrostie. Voting in opposition to the motion: Reps. Smith, Jordan and Wintrow. Rep. Barbieri was Absent/Excused. Rep. Trujillo** will sponsor the bill on the floor.

**H 112:**

**Rep. Chaney** presented **H 112**, legislation that amends the Sunshine Act to provide that PACs have the same requirement as political candidates to report, within 48 hours, all contributions received over \$1,000 in the interim between the cutoff for the 7-day Pre-General report and Election Day. Avoids circumstances where the PACs, due to the late nature of their contributions received, are able to spend large amounts of money toward initiatives and/or candidates without disclosing the source of their contributions prior to Election Day.

**John Rueter**, Conservative Voters of Idaho, spoke in support of **H 112** and stated the legislation closes a loophole and real time disclosure protects everyone.

**MOTION:**

**Rep. Batt** made a motion to send **H 112** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Chaney** will sponsor the bill on the floor.

**H 128:**

**Dan Blocksom**, Policy Analyst, Idaho Association of Counties, presented **H 128**, legislation that requires partisan candidates to withdraw 53 days before a primary election. The current deadline is 45 days before the primary election, which coincides with the 45 day federally mandated deadline for each county clerk to mail absentee ballots before any partisan election, including a primary. Moving the withdrawal date to 53 days provides more time for county clerks to finalize and proof ballots, send them to the printer, have them printed, receive them from the printer, prepare them for mailing, and mail them by the 45 day deadline. He stated that more importantly, this legislation will help prevent ballots from being mailed which subsequently have candidate names removed. Anyone who casts a vote for a candidate whose name is subsequently removed has been disenfranchised in that election contest. In close races, it could change the outcome of an election. He states the legislation saves time and costs.

**Chris Yamamoto**, Chief Clerk, Canyon County Clerk's Office, spoke **in support** of **H 128** and stated all 44 County Clerks and the Idaho Association of Counties support the legislation. **Brad Jackson**, Chief Deputy Clerk, Canyon County Clerk's Office, spoke **in support** of **H 128** and stated there are issues that Idaho voters have and those are the withdrawal issues of candidates, when the clerk's office has to redact names from the ballot. He stated if all of the counties waited until 8 days before the election there would be an influx and all of the ballots wouldn't be printed in time. **Phil McGrane**, Chief Deputy Clerk, Ada County Clerk's Office, spoke **in support** of **H 128** and stated redacting ballots is a time-intensive process and it affects rural counties the most because of limitations with man power and printing. **Jim Morris**, Secretary of State's Office, spoke **in support** of **H 128**.

**MOTION:** **Rep. McCrostie** made a motion to send **H 128** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. McCrostie** will sponsor the bill on the floor.

**SCR 101:** **Jesse Taylor**, presented **SCR 101**, a concurrent resolution to honor native Idahoan, Hall of Fame Jockey, Actor and Sports analyst Gary Stevens.

**MOTION:** **Rep. Sims** made a motion to send **SCR 101** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Sims** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:58 a.m.

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Representative Loertscher  
Chair

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Kasey Winder  
Secretary