

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, March 17, 2015

TIME: 8:30 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) Cheatham

GUESTS: John Carver, Westerberg and Associates; Becky Schroeder, Idaho Lottery; Jeff Anderson, Idaho Lottery; Colby Cameron, Sullivan and Reberger.

Vice Chairman Batt called the meeting to order at 8:30 a.m.

RS 23860: **Chairman Loertscher** presented **RS 23860**, proposed legislation that places the expertise regarding gaming/gambling in Idaho under one roof by creating a "Gaming Commission," with oversight of all forms of gambling in Idaho. He stated the Gaming Commission would be made up of 7 members which would be appointed by the Governor and approved by the Senate.

Rep. Jordan invoked Rule 38 for a possible conflict of interest but stated she would be voting on the legislation.

MOTION: **Rep. Bateman** made a motion to introduce **RS 23860**. **Motion carried by voice vote.** **Rep. Jordan** requested to be recorded as voting **NAY**.

Rep. Wintrow spoke **in support** of the motion but also stated she will not be comfortable with it until the committee has voted on the historical horse racing issue. **Rep. Barbieri** spoke **in support** of the motion and stated the State needs a commission for oversight on gaming. **Rep. Crane** spoke **in support** of the motion and stated oversight is definitely needed in regards to gaming but he still has questions.

Vice Chairman Batt turned the gavel over to **Chairman Loertscher**.

RS 23835C2: **Rep. Miller** presented **RS 23835C2**, proposed legislation that creates a new specialty license for conference centers in designated resort cities. He explained that to qualify, a conference center must have at least 4,000 feet of meeting or event space and a commercial kitchen with specified commercial cooking equipment. He stated the bill would allow no more than one license in any designated resort city, and the license is not transferable. He stated the bill does not impact existing code on conference centers.

MOTION: **Rep. Wintrow** made a motion to introduce **RS 23835C2**.

**SUBSTITUTE
MOTION:** **Rep. Nielsen** made a substitute motion to return **RS 23835C2** to the sponsor.

Rep. Andrus spoke **in support** of the substitute motion and stated the people seeking the licenses can go purchase them like everyone else before them, they shouldn't be allowed a special license. **Rep. Batt** spoke **in support** of the substitute motion and stated the State has a broken system when it comes to liquor licenses. She said we need to revamp the system and stop creating specialty licenses.

ROLL CALL VOTE: A roll call vote was requested on the substitute motion to return **RS 23835C2** to the sponsor. **Motion failed by a vote of 5 AYE, 11 NAY, 1 Absent/Excused. Voting in favor** of the motion: **Rep. Batt, Andrus, Crane, Palmer and Nielsen. Voting in opposition** to the motion: **Chairman Loertscher. Reps. Luker, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Smith, Jordan, McCrostie and Wintrow. Rep. Cheatham** was Absent/Excused.

VOTE ON ORIGINAL MOTION: **Chairman Loertscher** called for a vote on the original motion to introduce **RS 23835C2. Motion carried by voice vote. Reps. Batt, Andrus, Crane, Palmer, and Nielsen** requested to be recorded as voting **NAY**.

HJM 4: **Rep. Shepherd** presented **HJM 4**, a joint memorial that calls upon the State Legislature and our U.S. Congressmen to bring clarity to the U.S. Congress as a whole. To include that the power of the United States Judiciary's purpose is to interpret as close to the original intent as possible and rule in compliance of Executive and Legislative branches to the Constitution and its original intent and to keep their oath of office which is to uphold the law, not to make or change it or face the possibility of impeachment proceedings.

MOTION: **Rep. Nielsen** made a motion to send **HJM 4** to the floor with a **DO PASS** recommendation. He spoke to the motion and stated the Supreme Court is not consistent.

Rep. Bateman spoke **in support** of the motion and stated he shares in the frustrations with how the Federal Judiciaries are interpreting the laws. He stated the Supreme Court is taking power away from the people which destroys the system of federalism of checks and balances.

SUBSTITUTE MOTION: **Rep. McCrostie** made a substitute motion to **HOLD HJM 4** in committee. He spoke to the motion and stated it is the courts job to interpret the law and the Legislature's job to create the law.

Rep. Jordan spoke **in support** of the substitute motion and stated it is not our job to judge others.

Rep. Bateman spoke **in opposition** to the motion and stated the States have always decided the definition of marriage but the Judiciary branch is trying to take over. He stated it is dangerous to let the federal government control so much.

ROLL CALL VOTE: A roll call vote was requested. **Substitute 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, Luker, Andrus, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, and Nielsen. Rep. Cheatham** was absent/excused.

ROLL CALL VOTE: A roll call vote was requested. **Original motion carried by a vote of 12 AYE, 4NAY, 1 Absent/Excused. Voting in favor** of the motion: **Chairman Loertscher, Reps. Batt, Luker, Andrus, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, and Nielsen. Voting in opposition** to the motion: **Reps. Smith, Jordan, McCrostie and Wintrow. Rep. Cheatham** was absent/excused. **Rep. Shepherd** will sponsor the bill on the floor.

H 219: **Rep. Mendive** presented **H 219**, a bill that amends Section 34-439, Idaho Code to insure that all relevant information relating to a bond election is placed on the ballot prior to the location on the ballot where a person casts a vote. He stated he has discussed the legislation with the Secretary of State's office and they approved.

MOTION: **Rep. McCrostie** made a motion to send **H 219** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Mendive** will sponsor the bill on the floor.

- SCR 112:** **Rep. Dixon** presented **SCR 112**, a concurrent resolution that commemorates and congratulates the citizens of Boundary County on the occasion of the Centennial Anniversary of the formation of the county by the Thirteenth Idaho Legislature in 1915.
- MOTION:** **Rep. Jordan** made a motion to send **SCR 112** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Dixon** will sponsor the bill on the floor.
- ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:40 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary