

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 24, 2016

TIME: 9:30 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 Crane

GUESTS: Jonathan Parker, Holland & Hart; Matt Reih, self.

Chairman Loertscher called the meeting to order at 9:32 a.m.

RS 24435C1: **Rep. Gestrin** presented **RS 24435C1**, a concurrent resolution to recognize Idaho's unique honor in providing the 2016 "People's Christmas Tree" from the Payette National Forest at the United States Capitol in Washington D.C. and to encourage Idahoans to participate and support the event. He stated Idaho was also selected in 2004 to provide the Christmas tree.

MOTION: **Rep. Bateman** made a motion to introduce **RS 24435C1** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Gestrin** will sponsor the bill on the floor.

RS 24552: **Rep. Vander Woude** presented **RS 24552**, a joint resolution that amends Section 7, Article IX of the Idaho Constitution relating to the State Board of Land Commissioners, that removes the Attorney General and adds the State Treasurer. He stated new sections were also added to address the question to be submitted to the electors at the next general election, authorization for the Legislative Council to prepare the statements required by Section 67-453, Idaho Code, and direction for the Secretary of State to publish the proposed constitutional amendment and arguments as required by law. He stated the Attorney General is currently in a conflict of interest as a Land Board member because he provides legal counsel to the Board and has also sued the Land Board previously.

MOTION: **Rep. Palmer** made a motion to introduce **RS 24552.** **Motion carried by voice vote.**

Rep. McCrostie spoke to the motion and stated he wants to hear from the Attorney General's office regarding the legislation. **Rep. Batt** spoke to the motion and stated the legislation will be voted on by the people of Idaho because it is an amendment to the State Constitution and that legislators, who are policy makers, have put the Attorney General in the conflict of interest and the situation needs to be changed. **Rep. Wintrow** spoke to the motion and stated she would like more information at the bill hearing of what the treasurer's role will be.

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

RS 24577: **Chairman Loertscher** presented **RS 24577**, proposed legislation relating to judicial review of county road or highway district decisions that amends Section 40-208 of the Idaho Code to provide that either party to a proceeding may request appointment of a judge who is not a resident of the county where the road or property is located and to make technical corrections. He stated the legislation would be sent to the Transportation and Defense Committee.

Chairman Loertscher invoked Rule 38 and stated a possible conflict of interest but that he would be voting.

In response to committee questions, **Chairman Loertscher** stated judges can excuse themselves when a conflict of interest comes up but they don't always. He stated the language is broad to allow the courts the discretion when needed.

MOTION: **Rep. Nielsen** made a motion to introduce **RS 24577. Motion carried by voice vote. Rep. McCrostie** requested to be recorded as voting **NAY**.

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

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:56 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary