

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, March 09, 2016

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:** None

GUESTS: Will Hart, ICUA; Carlie Foster, Lobby Idaho; Rialin Flores, CVI; Kelli Brassfield, IAC; Phil McGrane, IAC; Russell Westerberg, ILBA; Russ Wheatley, ISP; Ken Robies, AG/ISP; Kathy Griesmyer, ACLU Idaho; Brian Brooks, IWF; Jon Oppenhiemer, ICL.

H 362aaS: **Rep. Wintrow** presented **H 362aaS**, which was amended by the Senate to include changes on page 2 to include adding "business corporation, nonprofit corporation, benefit corporation as defined in Section 30-2002(1), Idaho Code, partnership, limited partnership, limited liability company, general cooperative association, limited cooperative association, estate, unincorporated nonprofit association, statutory trust, business trust, common-law business trust, estate trust, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality, any entity defined in Section 30-21-102, Idaho Code, or any other commercial entity,"

MOTION: **Rep. Wintrow** made a motion to concur with the amendments made in the Senate to **H 362aaS**. **Motion carried by voice vote.** **Rep. Wintrow** will sponsor the bill on the floor.

H 447aaS: **Rep. Cheatham** presented **H 447aaS**, which was amended by the Senate to include changes on page 2, which deletes lines 6 through 9, and inserts: "(b) Records of buildings, facilities, infrastructures and systems, other than public expenditure records, related to proposed or existing critical infrastructure held by or in the custody of any public agency only when the disclosure of such information would be reasonably likely to jeopardize the safety of persons,".

MOTION: **Rep. Cheatham** made a motion to concur with the amendments made in the Senate to **H 447aaS**. **Motion carried by voice vote.** **Rep. Cheatham** will sponsor the bill on the floor.

RS 24436: **Rep. Miller** presented **RS 24436**, proposed legislation that adds additional requirements for negotiated rulemaking when a rule is submitted to the legislature and to make technical corrections.

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

In response to committee questions, **Rep. Miller** stated it costs \$50.00 per sheet to print a summary page to be attached to the Pending Rule Docket books presented to the Legislature. He stated it would be approximately \$2,000.00 a year increase to add the summaries from each agency.

MOTION: **Rep. Crane** made a motion to introduce **RS 24436**.

Rep. Andrus spoke in support of the motion and stated there has been trouble in the past with state agencies not practicing negotiated rulemaking. **Rep. Barbieri** spoke in support of the motion and stated it is important for the Legislature to have all the information available in regards to the rules and the stakeholders, in order to make a well-informed decision. **Rep. Luker** spoke in support of the motion and stated more information on the rulemaking meetings is very helpful but that meeting minutes could also be used to show negotiations during rulemaking meetings.

Rep. Palmer spoke in opposition to the motion and stated although the intent of the legislation is good, he feels the agencies will use this to create more positions which will lead to more funds to be allocated to them.

VOTE ON MOTION:

Vice Chairman Batt called for a vote on the motion to introduce **RS 24436**. **Motion carried by voice vote.**

RS 24666:

Rep. Boyle presented **RS 24666**, proposed legislation that withdraws any past consent granted by the Idaho Legislature for the federal government to acquire any additional lands within the State of Idaho in the future. Pursuant to Article I, Section 8, paragraph 17 of the U.S. Constitution, no additional land may be acquired within the borders of Idaho by any federal agency unless consented to by a future act of the Legislature of the State of Idaho. She stated currently 67% of Idaho is owned by the federal government.

MOTION:

Rep. Barbieri made a motion to introduce **RS 24666** and stated the matter is an important issue with State sovereignty. **Motion carried by voice vote.** **Reps. Smith, McCrostie, Jordan and Wintrow** requested to be recorded as voting **NAY**.

H 530:

Lawrence Denney, Secretary of State, presented **H 530**, legislation that protects the cell phone number and email address of voters, political candidates, campaign treasurers and lobbyists from public record request disclosure.

In response to committee questions, **Secretary Denney** stated he was not sure if the Newspaper Association supported the legislation. He stated the Secretary of State's office would redesign a new form that would list a separate space for someone to add their cell phone number and the current form only has a space for one telephone number. He stated phone numbers are not mandatory information on the form, only optional.

MOTION:

Rep. Cheatham made a motion to send **H 530** to the floor with a **DO PASS** recommendation.

Phil McGrane, Chief Deputy, Ada County Clerk's Office, spoke in opposition to **H 530** and stated the legislation creates an administrative burden and extra costs to the counties who are the official custodian of the records. He stated Ada County currently has 250,000 records that would have to be gone through to determine what numbers are home phone numbers versus cell phone numbers. He stated his office is willing to work with the Secretary of State's office to prepare better legislation and other county clerks should be involved as well.

Secretary Denney was recognized for a closing statement and said his office disagrees with the Ada County Clerk's office and that the legislation is a forward looking bill.

SUBSTITUTE MOTION:

Rep. Luker made a substitute motion to **HOLD H 530** in committee and stated he has a concern with the county clerks' offices having to differentiate what information should be private and it could be difficult.

VOTE ON SUBSTITUTE MOTION:

Vice Chairman Batt called for a vote on the substitute motion. **Motion carried by voice vote.** **Reps. Barbieri, Sims, Cheatham, Batt, McMillan, Andrus and Palmer** requested to be recorded as voting **NAY**.

S 1297aa: **Lawrence Denney**, Secretary of State, presented **S 1297aa**, legislation that authorizes the Secretary of State to develop and implement an online voter registration application. He stated in order to register online, a person would be required to have an Idaho Drivers License or identification card. A digital copy of the signature from the State identification card would be provided by the Department of Transportation and become part of the voter registration database.

In response to committee questions, **Betsie Kimbrough**, Secretary of State's Office, stated there are two versions of the voter poll books- the electronic version and a hard copy version. She stated each county is responsible for doing due diligence on updating their lists with current information, including deleting persons who have moved or are deceased. She stated if a voter casts the vote and then passes away before the vote tallies, the vote still counts. She stated it would be difficult to use a deceased person's information to vote because photo identification is required when voting.

MOTION: **Rep. McCrostie** made a motion to send **S 1297aa** to General Orders with amendments and stated changes need to be made on page 4, lines 28-29 and line 32-33 regarding identification cards.

Kathy Griesmyer, ACLU of Idaho, spoke **in support** of **S 1297aa** and stated voting is a fundamental right and the legislation could potentially make voting more accessible. **Phil McGrane**, Chief Clerk, Ada County Clerk's Office, spoke **in support** of **S 1297aa** and stated the counties handle hundreds of voter registration forms and online voter registration would help streamline the process and reduce errors such as voters not signing the forms.

Rep. Luker and **Rep. Crane** spoke **in support** of the motion.

SUBSTITUTE MOTION: **Rep. Nielsen** made a motion to send **S 1297aa** to the floor with a **DO PASS** recommendation.

MOTION WITHDRAWN: **Rep. Nielsen** withdrew his substitute motion to send **S 1297aa** to the floor with a **DO PASS** recommendation.

VOTE ON ORIGINAL MOTION: **Vice Chairman Batt** called for a vote on the original motion to send **S 1297aa** to General Orders with amendments. **Motion carried by voice vote.** **Rep. McCrostie** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:37 a.m.

Representative Batt
Chair

Kasey Winder
Secretary