

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, March 13, 2017

TIME: 8:00 A.M.

PLACE: WW 55

MEMBERS PRESENT: Chairman Siddoway, Vice Chairman Hagedorn, Senators Hill, Winder, Lodge, Lakey, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: Senator Davis

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 Siddoway** called the Senate State Affairs Committee (Committee) to order at 8:05 a.m. He welcomed committee members and guests and thanked them for attending.

VOTE ON GUBERNATORIAL APPOINTMENT: **The Gubernatorial appointment of Jerry F. Aldape to the Idaho Endowment Fund Investment Board.**

Senator Winder suggested holding the vote on the Gubernatorial appointment until Senator Davis had returned from his illness. **Chairman Siddoway** concurred. The vote was held until Wednesday, March 15.

H 197 **Relating to Elections to update special election provisions in statute with regard to vacancies in the U. S. House of Representatives.**

Representative Tom Loertscher, District 32, stated **H 197** was a simple bill. It changes a law enacted in 1899 and has remained mostly unchanged since then. It concerns election of U.S. House of Representatives members and what happens when there is a vacancy. A Congressional vacancy must go to an election, and **Representative Loertscher** stated this updates the law to the way elections are currently held in Idaho. The Governor would call a special election for the next two consolidated election dates, for first a primary election, then a general election. The Secretary of State approved of this legislation.

MOTION: **Vice Chairman Hagedorn** moved to the send **H 197** to the floor with a **do pass** recommendation. **Senator Lodge** seconded the motion. The motion carried by **voice vote**.

HJM 3 **Representative Jeff Thompson**, District 30, stated **HJM 3** shows the Legislature's support for the Department of Energy, the Presidential Administration, and Congress on the 25th anniversary of the signing of the Federal Facility Agreement and Consent Order. This agreement also predates the Idaho Settlement Agreement (1995). **Representative Thompson** noted the Department of Energy and its contractors have met 98.5 percent of its milestones on or ahead of schedule. **Representative Thompson** also noted the Memorial recognizes the Shoshone-Bannock Tribe and its ancestral lands, with whom the Department of Energy has a memorandum of agreement to involve the Tribe when any large portions of land are involved to ensure the protection of any potential ancient artifacts or remains.

MOTION: **Senator Hill** moved to send **HJM 3** to the floor with a **do pass** recommendation. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

H 209

Jeff Harvey, Deputy Director of the Commercial Division in the Secretary of State's Office, stated **H 209** repeals and replaces Idaho's current notary statute. **Mr. Harvey** noted his office is responsible for the commission of notaries public, and stated many of the notaries public who bring issues to him are concerned about electronic notarization. Members of the Idaho Banker's Association, the Idaho County Clerks, Idaho Land Title Association, and **Mr. Harvey's** office formed a committee to address these concerns, and they came to a conclusion to use the Uniform Law Commission's Revised Uniform Law on Notarial Acts as the basis for this legislation. **Mr. Harvey** noted this bill will allow for electronic notarization but not remote notarization, so the client will still have to be present in front of the notary. **Mr. Harvey** said the bill would also recognize foreign notarial acts, and stated the United States has been member to the Hague Convention since the 1980's, so this is nothing new to Idaho. This legislation would also provide for stricter identification requirements for notaries (attachment 1).

Senator Winder asked if this bill would allow him to go into an office in New York and get an Idaho notarization. **Mr. Harvey** stated you would have to go through an Idaho notary to receive an Idaho notarization, but notarial acts from other states and other countries would now be recognized. **Senator Winder** asked what the purpose of an electronic notarization would be. **Mr. Harvey** said it simplifies the process, for example realtors having a digital copy instead of the paper copy of a hundred page document notarized would save time and money.

Chairman Siddoway asked **Mr. Harvey** to go over the filing fees contained in the legislation. **Mr. Harvey** stated none of the current fees are being increased. Applicants would have to pay \$30 to become a notary public. Those wishing to become electronic notaries would have to apply with the Secretary of State's office and provide information on their software. **Chairman Siddoway** asked if those wishing to become electronic notaries would have to first file to become regular notaries, then pay the additional \$20 to become an electronic notary. **Mr. Harvey** replied in the affirmative.

Mr. Harvey stated many fees have been waived for maintaining notary status, but noted a \$5 fee remains for changing the name or address of a notary. Cancellations also cost \$5, and a new fee has been added for database processing to retrieve information on notaries. There is also a fee for making a certified copy of a record.

Vice Chairman Hagedorn asked if a database was kept of documents that had been notarized. **Mr. Harvey** replied they do not because the database would be huge. **Vice Chairman Hagedorn** asked if notaries kept their own databases of documents. **Mr. Harvey** said notaries keep their own journals that contain a log of everything that took place on a given day, and noted it was not statutorily required but is highly recommended.

MOTION:

Senator Hill moved to send **H 209** to the floor with a **do pass** recommendation. **Vice Chairman Hagedorn** seconded the motion. The motion carried by **voice vote**.

H 250

David Ripley, Executive Director of Idaho Chooses Life, gave a timeline of events leading up to the creation of **H 250**, which repeals H 154 (2015), which banned telemedicine abortions. The original bill was overturned by a federal court, but would not officially be ruled upon should the Idaho Legislature

repeal the law. **Mr. Ripley** presented minutes from past Senate State Affairs Committee meetings (attachment 2), as well as a memo from Mailee Smith, Staff Council for Americans United for Life (attachment 3). **Mr. Ripley** asked the Committee to pass **H 250** so that a precedent would not be set for future legislation in other states. **Mr. Ripley** noted Senator Martin had offered to be the floor sponsor.

Senator Stennett asked about Section 1, Subsection 3, wherein 2,207 adverse reactions from abortions are reported, and asked for a total number of participants in the study. **Mr. Ripley** replied that portion is a summary from a report produced by the Food and Drug Administration.

Senator Hill thanked Mr. Ripley for bringing this legislation before them as well as his colleagues for working on this issue. **Senator Lakey** echoed the remarks of Senator Hill and noted this legislation makes sense at this point.

TESTIMONY:

Mistie Tolman, Legislative Director for Planned Parenthood, to testify in partial support of **H 250**. **Ms. Tolman** gave an overview of Planned Parenthood's goals regarding safe, legal abortion in a supportive environment. **Ms. Tolman** noted that Planned Parenthood supported the repeal of H 154 (2015) but strongly objected to the legislative findings section, stating that the restrictions on telemedicine abortions are medically unfounded and unnecessary. **Ms. Tolman** also explained the telemedicine abortion process and stated this care was not substandard, but actually provided more timely access to abortion medication.

Senator Stennett asked about the study cited in Section 1, Subsection 3. **Ms. Tolman** noted that she had the study with her, and the study included 1.52 million women, noting that the 2,207 adverse reactions means only 0.0014 percent of women had an adverse reaction to medication abortion.

Senator Winder commented his belief that the March 16, 2015 Minutes (attachment 4) accurately reflect the FDA statistics regarding risk factors in 0.001 to 0.003 percent of women, which he noted was not a significant level. **Senator Winder** also noted the stipulations from the court system were given without the consultation of the Legislature, and stated his belief that the Legislature was not given the opportunity to take place in any consultation. **Senator Winder** noted this bill seeks to show their reasoning for why the passage of H 154 (2015) was justified, and that their points of view were not represented in the court case or the court record.

Senator Stennett noted that not all people were in agreement in regards to what happened during that period.

MOTION:

Senator Buckner-Webb moved to send **H 250** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

S 1151

Senator Winder, District 20, introduced Dan Goichoechea, State Controller's Office, as well as Patrick Hodges, Head of Statewide Accounting, State Controller's Office. **Mr. Goichoechea** said the purpose of this legislation is to amend Idaho Code (I.C.) § 67-1022 to conform Idaho's statutory requirements for replacing lost or destroyed warrants. **Mr. Goichoechea** compared warrants to checks for the state, noting that each one is given a unique number. **Mr. Goichoechea** stated passage of **S 1151** would remove the requirements

for an affidavit for a lost warrant, reducing the chances for fraud and lowering costs to citizens and agencies.

Senator Hill noted the bill mentions satisfactory certification and asked what that means in this context. **Mr. Goichoechea** stated there is a new form that would not require a notary public to intervene, but still requires proof of identification to replace a warrant. **Mr. Goichoechea** noted 2,496 warrants were lost last year of about 800,000 total put out, and stated this bill would reduce fraud.

MOTION:

Vice Chairman Hagedorn moved to send **S 1151** to the floor with a **do pass** recommendation. **Senator Lodge** seconded the motion. The motion carried by **voice vote**.

**MINUTES
APPROVAL:**

Senator Stennett noted the minutes were impeccable as always and moved to approve the Minutes from the meeting of February 17, 2017. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

ADJOURNMENT:

There being no further business, **Chairman Siddoway** adjourned the meeting at 8:45 a.m.

Senator Siddoway
Chair

Twyla Melton, Secretary

David Bujarski, Assistant Secretary