

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, February 20, 2018

TIME: 8:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith

**ABSENT/
EXCUSED:** None

GUESTS: Roger Batt, Idaho Grape and Wine Commission (IGWC); Moya Dolsby, (IGWC); Michael Williamson, Williamson Orchard & Vineyards; Crystal Potter, Potter Wines; Ashlee Strubie Idaho Wine Commission; Jessica Pauley, Boise State University; Ann Joslin, Idaho Commission for Libraries; Quinn Perry, Idaho School Board Association; Jess Harrison, Association of Idaho Cities; Kathy Griesmyer, ACLU; Fred Birnbaum, Idaho Freedom Foundation; Jeremy Pisca, Idaho Beer and Wine Distributors Association; Skip Smyser, Capitol Cellars; Dodds Hayden, Hayden Beverage; Earl Sullivan, Telaya Wine Co., Pam Eaton, Idaho Lodging & Restaurant Association, Sheila Ford, self; Russ Hendrichs, Matt Scott, PANDA Idaho; Lee Rice, ACLA; Tammy Nichols, PANDA; Larry Stevenson, ISSA.

Chairman Loertscher called the meeting to order at 8:03 a.m.

RS 26164: **Rep. Clow** presented **RS 26164**, legislation to amend Chapter 27, Section 41 of Title 33 Idaho Code. This will update the current requirement for public libraries to filter access to minors of obscene and pornographic material through their internet. Current law did not anticipate the use of personal laptop computers, tablets and smart phones gaining access through publicly provided wireless access to the libraries internet. The legislation adds the language "publicly accessible wireless internet access or" and like terminology to several references of "publicly accessible computers". Idaho's public libraries shall assure their wireless (WiFi) is filtered as is required of computers with internet access. The Library board of trustees shall update their policy to include this amendment. Libraries must comply to state law to be eligible for E-rate.

MOTION: **Rep. Luker** made a motion to introduce **RS 26164**. **Motion carried by voice vote.**

RS 26165: **Rep. Clow** presented **RS 26165**, legislation to raise awareness and declare that pornography has reached the level of a public health hazard leading to a broad spectrum of individual and public health impacts. Pornography has shown to adversely impact healthy relationships and can influence abuse of women and children. The resolution encourages education and policies to address the pornographic epidemic harming people of our state and nation. It encourages Idaho's state agencies, local governments and political subdivisions to establish policies, procedure, and appropriate technology to prevent access to pornography through their internet connections, wired or wireless.

MOTION: **Rep. Crane** made a motion to introduce **RS 26165**.

**SUBSTITUTE
MOTION:** **Rep. Zito** made a substitute motion to introduce **RS 26165** with changes, page 1, line 28, 30, 32, and 34, to read "men, women, and children". Page 2, Line 7, shall read "young men and young women". **Substitute motion carried by voice vote.**

H 545: **Roger Batt**, Idaho Grape Growers and Wine Association, presented **H 545**, legislation to allow wineries and vintners to use customized private labels on wines for hotels and restaurants produced by the winery or vintner, and personalized private labels on wines for consumers. Federal labeling standards shall be followed and the label approved by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury.

Michael Williamson, Crystal Potter, Skip Smyser, Earl Sullivan, Rep. Troy, and **Pam Eaton**, spoke in support of **H 545**, and believe it changes nothing except the wine label.

Jeremy Pisca, and **Dodds Hayden**, spoke in opposition to **H 545** as it blends and erodes the three tier system and stops checks and balances. The three tier system provides an orderly market place, independence, fairness, provides variety, and eliminates undue influence.

MOTION: **Rep. Zito** made a motion to send **H 545** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Troy** will sponsor the bill on the floor. **Rep.(s) Luker, Manwaring** and **Smith** requested to be recorded as voting **NAY**.

H 473: **Rep. Zollinger** presented **H 473**, legislation to the Restoring Constitutional Governance Act, which restores the constitutional protections usurped by certain provisions in the 2012 National Defense Authorization Act ("NDAA"). Sections 1021 and 1022 of the 2012 NDAA, Public Law 50 U.S.C. 1541, authorize the violation of 14 provisions of the Constitution including over half of the Bill of Rights. The sovereign government of the Great State of Idaho has a duty to protect the rights of citizens and other persons within Idaho's jurisdiction against such violations and from Federal overreach. By enacting this bill, the Idaho Legislature holds that indefinite detention without due process or transfer to jurisdictions outside the United States of persons within Idaho in particular and citizens of Idaho in general are unlawful and violate the Constitution of the State of Idaho and the Constitution of the United States of America. **Rep. Zollinger** represents People Against the National Defense ACT (PANDA).

Sheila Ford, Matt Scott, local and national director of People Against the National Defense ACT (PANDA), and **Lee Rice** spoke in support of **H 473**.

MOTION: **Rep. Barbieri** made a motion to send **H 473** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Zollinger** will sponsor the bill on the floor. **Rep.(s) Manwaring** and **Smith** requested to be recorded as voting **NAY**.

H 600: **Rep. Monks** presented **H 600**, legislation to create the Public Integrity in Elections Act. This identifies the proper role of governmental entities with regards to elections, codifies and clarifies existing case law established by the Idaho Supreme Court in Ameritel Inns, Inc vs Greater Boise Auditorium District (2005). The Idaho Supreme Court indicated a public entity may "educate" but may not "advocate" regarding a bond measure. This protects elected officials and public employees freedom of speech First Amendment rights and ensures public funds, resources and property are not used to influence the outcome at the ballot box.

MOTION: **Rep. Palmer** made a motion to **HOLD H 600** in the committee. **Motion carried by voice vote.**

RS 26200: **Rep. Monks** presented **RS 26200** legislation to create the Public Integrity in Elections Act. **RS 26200** clarifies changes to be made in **H 600**. Page 3, line 10, subsection 7, adds a balanced classroom discussion of current or pending elections: Line 4 subsection 5: Identifies the proper role of governmental entities with regards to elections, and codifies and clarifies existing case law established by the Idaho Supreme Court in Ameritel Inns, Inc vs Greater Boise Auditorium District (2005). The Idaho Supreme Court indicated that a public entity may "educate" but may not "advocate" regarding a bond measure. This protects elected officials and public employees freedom of speech First Amendment rights and ensures public funds, resources and property are not used to influence the outcome at the ballot box.

Kathy Griesmyer, ACLU, spoke in opposition to **RS 26200**.

Fred Brinbaum, **Russell Westerberg**, **Jess Harrison**, Association of Idaho Cities, and **Quinn Perry**, of the school board, spoke in support of **RS 26200**.

MOTION: **Rep. Palmer** made a motion to introduce **RS 26200** and recommend it be sent directly to the second reading calendar. **Motion carried by voice vote.** **Rep. Monks** will sponsor the bill on the floor.

MOTION: **Rep. Crane** made a motion to reintroduce **H 496**.

ROLL CALL VOTE: Roll call vote was requested. **Motion carried by a vote of 9 AYE, 5 NAY.** **Voting in favor** of the motion: **Chairman Loertscher**, **Rep.(s) Monks**, **Crane**, **Palmer**, **Holtzclaw**, **Harris**, **Armstrong**, **Manwaring**, and **Zito**. **Voting in opposition** to the motion: **Rep.(s) Luker**, **Barbieri**, **Giddings**, **Scott**, and **Smith**.

MOTION: **Rep. Luker** made a motion to **HOLD H 496** in the committee for time certain, February 21, 2018.

ROLL CALL VOTE: Roll call vote was requested. **Motion failed** by a vote of **6 AYE** and **8 NAY.** **Voting in favor** of the motion: **Chairman Loertscher**, **Rep.(s) Luker**, **Barbieri**, **Giddings**, **Zito**, and **Smith**. **Voting in opposition** to the motion, **Rep.(s) Monks**, **Crane**, **Palmer**, **Holtzclaw**, **Harris**, **Armstrong**, **Manwaring**, and **Scott**.

MOTION: **Rep. Crane** made a motion to send **H 496** to General Orders. **Motion carried by voice vote.** **Rep.(s) Barbieri**, **Smith**, and **Zito** requested to be recorded as voting **NAY.** **Rep. Palmer** will carry the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 10:33 a.m.

Representative Loertscher
Chair

Jayne Feik Spinato
Secretary