

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Friday, February 26, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** None

GUESTS: None

Rep. Barbieri called the meeting to order at 9:02 a.m.

RS 28586: **Rep. Adams** presented **RS 28586** to amend Section 39-4109 in order to provide technical corrections and to remove provisions regarding certain excluded codes, such as electrical codes, mechanical codes, and plumbing codes. This proposed legislation would also amend Section 39-4116 in order to ensure local governments adopt certain codes to make technical corrections. **Rep. Adams** stated that it is important to ensure affordable housing in Idaho. This proposed legislation will ensure that a city does not set stricter requirements than the State.

MOTION: **Rep. Palmer** made a motion to introduce **RS 28586**. **Motion carried by voice vote.**

RS 28687: **Rep. Mitchell** presented **RS 28687** which would improve voting integrity consistently across counties and legislative districts, increase confidence in Idaho's election results, and provide an auditing process, led by the Secretary of State, to examine the validity of affidavits signed by those who vote without a photo ID. Revisions include requiring a driver's license or state-issued photo ID for new voter registrations. For those Idahoans who do not have a driver's license, a state-issued photo ID would be provided for free to those wanting to register to vote.

The fiscal impact would be unlikely to exceed \$2,000,000, which would cover the cost of issuing a free state photo ID to individuals who do not have a driver's license and would need to acquire a state-issued photo ID to register to vote. This legislation establishes the Election Integrity Fund, from which funds would be transferred to cover these possible issuance costs, at \$10 per ID issued. The Legislature would determine how much money to transfer to the Election Integrity Fund each year, through its ordinary JFAC budgeting processes. In 2020, there were approximately 200,000 registered voters without a state-issued photo ID number on file. It is likely, however, that many of these individuals do, in fact, have a current driver's license. In addition, this legislation would not require most of these 200,000 registrants to re-register with a state-issued photo ID. Therefore, the need to issue free state photo ID's will be gradual, as new or relocating voters without driver's licenses register to vote.

MOTION: **Rep. Gannon** made a motion to introduce **RS 28687**. **Motion carried by voice vote.**

RS 28664: **Rep. Scott** presented **RS 28664**. This proposed legislation guarantees consumers making purchases subject to Idaho's sales and use tax will have the option to pay in cash if that is their choice.

MOTION: **Rep. Hanks** made a motion to introduce **RS 28664**.

During discussion, **Rep. Scott** reiterated that this proposed legislation would not force buyers to use cash but leaves the option open. There was a concern about people using cash for large purchases, such as cars. It was recommended that the free-market system should be allowed to work and businesses be able to establish the methods of payment they will accept. It was stated the legislature should only create laws like this when there is pure market failure. Many committee members were interested in a full hearing.

SUBSTITUTE MOTION:

Rep. Furniss made a substitute motion to return **RS 28664** to the sponsor. **Motion failed by voice vote.**

VOTE ON ORIGINAL MOTION:

Motion carried by voice vote.

RS 28673:

Rep. Young presented **RS 28673**, to provide definitions for Title 46 Chapter 10. This RS has already been heard and introduced for printing in committee. **RS 28673** has one change on Page 1 Line 36, strike the word "during" and added "arising out of." The Senate requested this change.

MOTION:

Rep. Scott made a motion to introduce **RS 28673** and recommend it be sent directly to the second reading calendar.

During discussion, concern was expressed that the act of terrorism has been excluded in this proposed legislation, as there was objection with the definitions of disaster and epidemic. **Rep. Young** stated that terrorism is addressed in different parts of the code. In relation to the definition of epidemic, numbers of individuals contracting a disease do not have to reach severe or moderate levels for a disaster to be declared. The standard definition of an epidemic came from 2019 Office of Emergency Management state plan, pre-COVID-19, and it is the scientific context for understanding the definition of epidemic. The terms epidemic and pandemic were added to this chapter to allow the ability of Idaho State government to respond as needed. Concern about sending to second reading was expressed.

VOTE ON MOTION:

Motion carried by voice vote. Reps. Gannon and Mathias requested to be recorded as voting **NAY**. Rep. Young will sponsor the bill on the floor.

RS 28597:

Rob Kantor from Hailey, Idaho presented **RS 28597**. The proposed legislation clarifies the definition of statute of limitations, regarding the collection action for a mortgage secured debt. Traditionally it is five years after the full mortgage is due. Legislation was amended in 1999 and created ambiguity in relation to the term, maturity date. An action must be commenced within five years from the time the mortgage is due. Non-payment of the debt gives the holder of the note the right to initiate a legal foreclosure action to take the property as payment of the financial obligation of the debt.

In response to committee questions, **Mr. Kantor** stated this proposed legislation would not be retroactive. Due to the ambiguity of the current laws, there have been several cases relating to the use of the term maturity date. He said the rules should be clear that if there is an opportunity to accelerate the stated maturity date, the lender has five years from that point to collect the defaulted mortgage. Lending institutions are more in favor of this proposed legislation than banks. Banks want the ability for the statute of limitations to last for 20-30 years, to match the length of mortgage loan. Currently, once a judicial action for foreclosure commences, the statute of limitation stops because the default has been replaced with new terms.

MOTION:

Rep. Monks made a motion to introduce **RS 28597**. **Motion carried by voice vote.**

RS 28351: **Rep. Addis** presented **RS 28351**, on behalf of constituents from District 2 and District 4. There is existing code that pertains to a narrow group of businesses and impacts a specific set of liquor license holders who have waterfront establishments. Existing license holders are being denied licenses upon their pending renewals and upon change of ownership. This proposed legislation ensures a liquor license is not denied solely because a public right-of-way runs between the real property upon which the restaurant is located and the property containing the required waterfrontage.

During committee discussion, it was noted that one of the reasons liquor licenses are being denied to specific groups is because there is an increased demand in the marketplace for liquor licenses and business owners are looking for ways to secure one

MOTION: **Rep. Furniss** made a motion to introduce **RS 28351**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the Committee, the meeting was adjourned at 9:48 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary