

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, April 15, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

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

**ABSENT/
EXCUSED:** Representative Young, Representative Gannon

GUESTS: Jason Hancock, Deputy Secretary of State

Chairman Crane called the meeting to order at 9:00 a.m.

H 107aaS: **Rep. Andrus** presented **H 107aaS**. In 2017, the Office of the Secretary of State proposed legislation that was subsequently passed by the legislature as the Revised Uniform Law of Notarial Acts (RULONA). RULONA contained a savings clause for minor deficiencies contained in a notarial act. However, RULONA did not apply retroactively so notarial acts conducted prior 2017 are subject to disparate treatment. The purpose of this bill is to mitigate the effects of a federal bankruptcy case on property rights in Idaho. This bill would create a savings clause, similar to that contained in the RULONA legislation in I.C. 51-126, for documents acknowledged and recorded prior to the enactment of RULONA. This is done by adding a subsection to I.C. 55-805 which provides that any document recorded prior to July 1, 2017, is conclusive evidence of the validity of that document's acknowledgement. This would prevent an attack on the validity of a document's acknowledgement similar to what occurred in the Federal Bankruptcy Case. This legislation contains an emergency clause.

Rep. Andrus said the Senate believes the language in the bill is too broad and changed language to mirror the language in the RULONA Act. He supports the amendments made to the bill.

MOTION: **Rep. Armstrong** made a motion to Concur with the Senate amendments to **H 107aaS**. **Motion carried by voice vote.** **Rep. Andrus** will sponsor the bill on the floor.

SJR 102: **Rep. Monks** presented **SJR 102**. The Joint Resolution amends the Idaho Constitution to allow the Legislature to convene itself into an extraordinary session within 15 days of a written request of 60% each of the House and Senate membership. It also describes the convening of the organizational session at the beginning of each legislative term, including specific restrictions in the process for calling a special session.

Rep. Monks made a unanimous consent request to discuss other legislation. There being no objection, the consent was granted.

**UNANIMOUS
CONSENT
REQUEST:** **Rep. Monks** stated **SJR 102** is basically the same as **HJR 1** which passed the floor and went to the Senate. **SJR 102** contains additional clarifying language.

SJR 102 allows the legislature to reconvene itself with a 2/3 vote. It still requires 60% approval. **Rep. Monks** stated the most important thing is that **SJR 102** still allows the legislature to call itself back into session. **SJR 102** states the joint written request will contain the subjects to be considered during the special session. The final change starts on Line 28, and states, "... the legislature shall have no power to consider or pass any bills or resolutions on any subjects other than those specified in the petition and those necessary to provide for the expenses of the session." If additional topics are to be discussed, another request with 60% agreement would need to be submitted to the Speaker of the House and the Senate Pro Tempore. **Rep. Monks** said these are friendly changes and will not hamper the legislature's ability to accomplish what needs to be done.

In response to questions, **Rep. Monks** specified a special session would be called to address specific subjects. He clarified when the legislature calls itself back into session, it is called a special session. **Chairman Crane** stated the terms special and extraordinary are interchangeable terms. **Rep. Scott** indicated she will determine how the two terms are defined in Idaho Code, before the bill goes to the floor for debate.

Rep. Mathias stated this legislation is substantially improved and brings expectations in line with all state employees in regard to compensation and per diem.

MOTION: **Rep. Mathias** made a motion to send **SJR 2** to the floor with a **DO PASS** recommendation.

During discussion, **Rep. Barbieri** and **Rep. Scott** clarified legislators are not state employees, they are representatives of political subdivisions.

VOTE ON MOTION: **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:14 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary