

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Friday, March 17, 2023

TIME: 8:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane(13), Vice Chairman Young, Representatives Palmer, Barbieri, Holtzclaw, Scott, Andrus, Skaug, Alfieri, Allgood, Crane(12), Gannon, Green

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Crane (13) called the meeting to order at 8:02 A.M.

MOTION: **Rep. Allgood** made a motion to approve the minutes from March 15, 2023. **Motion carried by voice vote.**

RS 30709: **Rep. Mickelson** presented **RS 30709**, proposed legislation stating the Attorney General must issue statutorily required opinions within three business days during the legislative session and within five business days when the Legislature is not in session. Responding to committee questions, Rep. Mickelson stated she had not spoken to the Attorney General's office regarding this proposed legislation, however, adding a time line to when opinions should be issued is reasonable and because the prior Attorney General regularly issued opinions, there should not be additional costs to the Attorney General's office.

MOTION: **Rep. Allgood** made a motion to introduce **RS 30709**.

SUBSTITUTE MOTION: **Rep. Skaug** made a motion to introduce **RS 30709** with the following changes: on Page 1, Line 39, change "three" to "ten" and change "(3)" to "(10)".

AMENDED SUBSTITUTE MOTION: **Rep. Palmer** made a motion to return **RS 30709** to sponsor.

In opposition to both the Substitute Motion and the Amended Substitute Motion, **Rep. Green** stated ten days is too late and three days is too tight but would like to see opinions in a timely manner. Rep. Green remarked it appears the opinions being issued are selective and everyone should be equal in receiving opinions. **Rep. Young** stated she is disturbed by the narrative being discussed regarding the Attorney General and, if she is supportive to the motion to print **RS 30709**, it is to allow the Attorney General to defend himself.

In support of the Amended Substitute Motion, **Rep. Barbieri** clarified statute does not say the Attorney General gives opinions on pending legislation, rather, he gives opinions on the Legislature's processes and offices. Rep. Barbieri remarked the separation of powers is paramount and the Legislature should have their own attorney, so when they receive an opinion, it is from the Legislative Branch. When the Attorney General issues an opinion on pending legislation he disagrees with, it becomes very difficult for the Attorney General to defend the legislation in court.

Responding to committee questions, **Rep. Barbieri** gave examples of when it is proper for the Legislature to ask for an opinion from the Attorney General and stated the Legislature is abdicating their responsibility to the Executive Branch when they rely on them to advise on pending legislation.

**ROLL CALL
VOTE ON
AMENDED
SUBSTITUTE
MOTION:**

Rep. Scott requested a roll call vote. **Amended Substitute Motion carried by a vote of 7 AYE and 6 NAY. Voting in favor of the motion: Reps. Palmer, Barbieri, Scott, Andrus, Skaug, Alfieri and Crane (12). Voting in opposition to the motion: Reps. Crane (13), Young, Holtzclaw, Allgood, Gannon and Green.**

RS 30696:

Rep. Boyle presented **RS 30696**, proposed legislation prohibiting local governments from enacting any ordinance or policy limiting or prohibiting law enforcement from complying with federal immigration law.

MOTION:

Rep. Andrus made a motion to introduce **RS 30696. Motion carried by voice vote.**

H 125:

Rep. Mitchell presented **H 125**, legislation to give county clerks additional time between the withdrawal of candidates and the time to send out absentee ballots.

MOTION:

Rep. Crane (12) made a motion to send **H 125** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Mitchell** will sponsor the bill on the floor.

H 126:

Rep. Mitchell and Phil McGrane, Secretary of State, presented **H 126**, legislation clarifying and creating uniformity in voter registration requirements. Rep. Mitchell provided examples when there is confusion regarding residency and identification at the polls. This legislation also provides a free identification card because **H 126** removes the use of student identification. **Phil McGrane** stated, currently there are two different standards of photo identification, one to register to vote and one for identification to vote and those differences present problems to poll workers. Mr. McGrane remarked the free identification component is very important to this legislation.

Sam Sandmire, testified in opposition to **H 126**, stating volunteers would need to verify residency and this legislation will make their duties extremely difficult.

Chairman Crane (13) put the committee at ease at 8:56 A.M.

Chairman Crane (13) reconvened the meeting at 9:09 A.M.

MOTION:

Rep. Young made a motion to send **H 126** to General Orders. **Motion carried by voice vote. Rep. Mitchell** will sponsor the bill on the floor.

**UNANIMOUS
CONSENT
REQUEST:**

Chairman Crane (13) made an unanimous consent request to adjust the agenda by moving **H 137** on the agenda. There being no objection, the request was granted.

H 137:

Rep. Alfieri presented **H 137**, legislation removing the ability to complete an affidavit in lieu of showing personal identification at the polls.

David Dalby testified in support of **H 137**, stating he has worked as a poll worker and became aware of loop holes in the voter identification laws.

Sam Sandmire testified in opposition of **H 137**, stating citizens forget their identification and the ability to complete an affidavit makes it possible for them to vote. The penalties for completing an affidavit are severe enough to prevent fraud.

Rep. Alfieri presented closing testimony, stating the Secretary of State is fully supporting this legislation.

MOTION:

Rep. Palmer made a motion to send **H 137** to the floor with a **DO PASS** recommendation.

In opposition of the motion, **Rep. Gannon** reviewed the penalties of falsely signing an affidavit and stated those penalties and the current processes are working well.

In support of the motion, **Rep. Young** stated the free identification card was not available when the affidavit process was initiated.

VOTE ON MOTION:

Chairman Crane (13) called for a vote on the motion to send **H 137** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Alfieri** will sponsor the bill on the floor.

H 294:

Rep. Hill presented **H 294**, legislation preventing an Idaho public entity from entering into certain contracts with companies owned or operated by the People's Republic of China. **Rep. Hill** stated the Chinese government is a threat to our nation's security and they are placing surveillance technology in their products. **Rep. Hill** remarked there is not a penalty clause in **H 294**.

MOTION:

Rep. Holtzclaw made a motion to send **H 294** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Hill** will sponsor the bill on the floor.

H 295:

Rep. Hill presented **H 295**, legislation prohibiting credit card companies from assigning a unique credit card code to firearm and ammunition sales in Idaho. **Rep. Hill** stated companies are tracking firearm sales and it is a Second Amendment violation.

MOTION:

Rep. Young made a motion to send **H 295** to the floor with a **DO PASS** recommendation.

Aoibheann Cline, testified **in support** of **H 295**, stating the anti-gun groups are loudly pushing on the private sector to track the sales of guns, in the hope of preventing mass shootings and this legislation supports our Second Amendment right.

Nathan Guy, testified **in support** of **H 295**, stating he is an owner of a gun store and his transaction rates are higher than other retailers using credit card purchases. **Mr. Guy** remarked his customers are expressing their concerns regarding using brick and mortar stores to purchase firearms because of the tracking of their purchases.

Hal Scoggins, GoWest Credit Union Association, testified **in opposition** of **H 295**, stating his association is supportive of Second Amendment rights, however, this legislation would create difficulties for Credit Unions to maintain that data and encourages amendments on the bill to remove penalties for doing what they are required to do by federal regulations.

Trent Wright, Idaho Bankers Association, testified **in opposition** of **H 295**, stating his association would support a recommendation to send **H 295** to General Orders. **Mr. Wright** remarked his association supports the Second Amendment and doesn't like codes directed at gun owners and sales.

Rep. Hill presented closing testimony, stating he is not concerned about the banks and will side with the National Rifle Association. **Rep. Hill** remarked he is not interested in sending this legislation to General Orders.

Responding to committee questions, **Ms. Cline** reviewed the tiered penalties contained in **H 295** and explained why they are necessary.

VOTE ON MOTION:

Chairman Crane (13) called for a vote on the motion to send **H 295** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Hill** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 10:06 A.M.

Representative Crane (13)
Chair

Lisa Hendricks
Secretary