

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, March 16, 2016

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow

**ABSENT/
EXCUSED:** None

GUESTS: A.J. Ellis, self; Matt Reiber, intern; Thomas Rogers, for Rabbi Fink-Congregation Ahavath Beth Israel; Dan Blocksom, Idaho Association of Counties; Dan Anderson, self; Seth Grigg, self; Bob Nonini, Senate; Janelle Wise, self; Monica Church, self/Boise High School; Russell Westerberg, ILBA; Lynn Tominaga, IGWA; Chris Hurt, self; Kathy Griesmyer, ACLU Idaho; Mojan Farid, self; Leilani Maher, self; Anna Ehrlich, self; Jeff Fitcloff, UL LLC.

Chairman Loertscher called the meeting to order at 8:32 a.m.

MOTION: **Rep. Holtzclaw** made a motion to approve the minutes of the March 9, 10 and 14, 2016 meetings. **Motion carried by voice vote.**

RS 24647C2: **Senator Nonini** presented **RS 24647C2**, proposed legislation that removes three sections of the Electrical Code from Idaho's adoption of the code and directs the Division of Building Safety to create rules governing the use, inspection and safety of submersible well pumps. He stated submersible well pumps have historically been permitted to be used in Idaho's lakes, rivers, ponds and streams. Recently, it was discovered that the use of such pumps is not adequately covered by the National Electric Code, which is adopted as Idaho's Electrical Code.

MOTION: **Rep. Barbieri** made a motion to introduce **RS 24647C2** and stated the current rules contradict the reality of the issue. **Motion carried by voice vote.**

RS 24711: **Rep. Jordan** presented **RS 24711**, proposed legislation that adds a new section to Chapter 48, Title 31, Idaho Code and requires a wireless telecommunications carrier to provide call location information of a user's telecommunications device when requested by Idaho State Police (ISP) in emergency situations. She stated she has worked with local police and telecommunication providers.

In response to committee questions, **Rep. Jordan** stated ISP would still have to get a warrant.

MOTION: **Rep. Cheatham** made a motion to introduce **RS 24711**. **Motion carried by voice vote.**

SJM 105: **Dan Blocksom**, Idaho Association of Counties, presented **SJM 105**, a joint memorial that asks the U.S. Congress to restructure the U.S. Postal Service in a way that would reopen shuttered mail processing plants throughout the nation and provide acceptable delivery times.

MOTION: **Rep. Smith** made a motion to send **SJM 105** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Palmer** requested to be recorded as voting **NAY**. **Rep. Smith** will sponsor the bill on the floor.

S 1354: **Seth Grigg**, Executive Director, Idaho Association of Cities, presented **S 1354**, a bill that authorizes issuing catering permits for musical and cultural festivals, provides a definition of festival and extends the period that catering permits are effective; from three to five days with an option to request one five-day extension. The legislation also provides that the Chief of Police and Fire Chief may attach conditions to catering permits to ensure public safety. The legislation also clarifies that no catering permit shall be used on a licensed premise and a catering permit shall only be exercised by the licensee on record.

In response to committee questions, **Mr. Grigg** stated the original draft of the legislation only included "festivals" but the license holders wanted to add "parties". He stated most permit applications for parties are single day events. He stated each county has their own ordinances on permits. He stated giving the Chief of Police and Chief of Fire authorization to endorse applications gives them a chance to be aware of any public safety issues.

In response to committee questions, **Steve Rutherford**, Boise City Attorney's office, stated the Chief of Police or Fire Chief may give advice on an application because some applications are incomplete.

MOTION: **Rep. Wintrow** made a motion to send **S 1354** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. Palmer** made a substitute motion to send **S 1354** to General Orders with amendments and stated he is concerned with the Chief of Police and Fire Chief having to endorse all applications and would like to make it an option and not mandatory.

VOTE ON SUBSTITUTE MOTION: **Chairman Loertscher** called for a vote on the substitute motion to send **S 1354** to General Orders with amendments. **Motion carried by voice vote. Reps. Barbieri, Sims and McCrostie** requested to be recorded as voting **NAY**. **Rep. Wintrow** will sponsor the bill on the floor.

Chairman Loertscher put the committee at ease at 9:12 a.m.

Chairman Loertscher resumed the meeting at 9:22 a.m.

H 568: **Rep. Redman** presented **H 568**, a bill that protects the citizens of Idaho from the application of foreign laws when the application of foreign law will result in the violation of a fundamental right guaranteed by the Constitution including due process, freedom of religion, speech or press and any right of privacy or marriage embodied in the Constitution of the State of Idaho.

In response to committee questions, **Paul Deckert**, legal advisor, stated Great Britain has had issues with Shariah law overreaching their laws. He stated his concern is with American judges in the U.S. siding with foreign law. He stated the legislation is to clarify the intent of the people of the State of Idaho to abide by the laws of the Idaho Constitution and the U.S. Constitution.

A.J. Ellis, self, spoke **in opposition** to **H 568** and stated there might be unintended consequences from the legislation in regards to private arbitrations. **Thomas Rogers**, for Rabbi Fink-Congregation Ahavath Beth Israel, spoke **in opposition** to **H 568** and stated the legislation would detrimentally impact Idaho's Jewish and Israeli communities, as well as other religious groups. **Dan Anderson**, self, spoke **in opposition** to **H 568** and stated he believes the legislation would affect foreign adoptions. **Janelle Wise** spoke **in opposition** to **H 568** and stated the legislation may discourage international commerce and foreign adoptions.

Kathy Griesmyer, ACLU of Idaho, spoke **in opposition** to **H 568** and stated the First Amendment of the U.S. Constitution already protects us from foreign law. She stated the courts mainly look to foreign law in matters of family law. She stated if foreign law is not recognized, foreign adoptions would become null and void. She stated the legislation is also bad for business and the economy because international business would be affected.

MOTION: **Rep. Andrus** made a motion to send **H 568** to the floor with a **DO PASS** recommendation and stated people come to the U.S. for freedom and because of the laws we have in place, and other countries laws should not mandate people in our country.

MOTION: **Rep. Crane** made a motion to adjourn. **Motion carried by voice vote.**

ADJOURN: Due to time constraints, **H 568** will be carried over to the meeting of March 18, 2016 at 8:30 a.m. The meeting was adjourned at 10:18 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary