

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, March 17, 2016

TIME: 8:00 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: Rich Chaney, Idaho Second Amendment Alliance; Hannah Sharp, Mom's Demand Action; Fred Birnbaum, Idaho Freedom Foundation; Dakota Moore, NRA-ILA; Rev. William Thomas Howie, self; Warren Grover, self; Mary Grover, self; Lisa Wolfe, self; Bryan Carter, self; Bradley Kindell, self; Jon Oppenheimer, ICC; Mike Kane, ISA; James Reynolds, self; Jerry Todd, self; Rev. Sara LaWall, self; Diana David, self; Lori Thomas, self; Scott Solders, self.

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

MOTION: **Rep. Holtzclaw** made a motion to approve the minutes of the March 15, 2016 meeting. **Motion carried by voice vote.**

S 1377: **Phil McGrane**, Chief Clerk, Ada County Clerk's Office, presented **S 1377**, a bill that modifies the requirement for election judges to post a correct copy of elections results at a polling place. He stated modern polling place counters, which tabulate ballots electronically, deliver more efficient and timely results, making official results available the same calendar day as the election and eliminate the need for an official copy of election results to be posted at a later date.

MOTION: **Rep. Wintrow** made a motion to send **S 1377** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wintrow** will sponsor the bill on the floor.

RS 24761: **Rep. Boyle** presented **RS 24761**, proposed joint resolution that encourages the U.S. Congress to pass **H.R. 2316** and companion legislation for a pilot program on federally managed lands.

MOTION: **Rep. Bateman** made a motion to introduce **RS 24761**.

**SUBSTITUTE
MOTION:** **Rep. Batt** made a substitute motion to introduce **RS 24761** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote.** **Reps. Smith, Jordan and Wintrow** requested to be recorded as voting **NAY**. **Rep. Boyle** will sponsor the bill on the floor.

S 1389: **Sen. McKenzie** presented **S 1389**, a bill that makes state law consistent regarding concealed weapons carry between counties and cities which makes it lawful for a person who is over 21 years of age, a resident of Idaho and not disqualified from being issued a license under subsection (11), Section 18-3302 to carry a concealed firearm.

In response to committee questions, **Sen. McKenzie** stated the sheriff may require the applicant, person carrying without a license, to demonstrate familiarity with a firearm. He stated the original law in 1909 was set in motion because most people did not drive through cities, times have changed and the population has grown tremendously.

Rick Chaney, Idaho Second Amendment Alliance, spoke **in support** of **S 1389** and stated the legislation allows citizens of the state to open carry with a coat on. He stated without a coat, lawful citizens are allowed to carry without a concealed weapons license. He stated other states have passed similar legislation and have not had issues including an increase in crime. **Fred Birnbaun**, Idaho Freedom Foundation, spoke **in support** of **S 1389** and stated no license is required outside of city limits currently and the legislation cleans up the statute and does not put citizens in harms way. **Lisa Wolfe**, self, spoke **in support** of **S 1389** and stated it should be allowable for a law-abiding citizen to carry a concealed weapon as it is for a criminal and it will allow people to be more subtle when they are carrying. She also stated it adds a layer of protection for those who want to protect themselves at all times. **Brian Carter**, self, spoke **in support** of **S 1389** and stated law-abiding citizens should have the right to carry weapons lawfully if they choose to do so.

Dakota Moore, National Rifle Association, spoke **In support** of **S 1389** and stated a lot of effort went into the legislation and stakeholders were involved in negotiations on the language. He stated anytime someone buys a gun from a dealer federal law requires a background check. He stated in order for a person to legally carry a concealed weapon under this legislation, they will need to meet the exceptions listed in the language as well as under current statute and he does not see any public safety concerns with the changes. He stated 25 states allow persons to carry loaded handguns in their vehicles without a permit. He also stated research shows the mandated training to receive a concealed weapons permit has no effect on misuse or firearm accidents and many states do not require training when applying for concealed permit licenses. He stated the legislation does not eliminate the concealed carry license process and has no effect on current statutes in regards to carrying at public schools and other exceptions of open carry.

Hannah Sharp, Moms Demand Action, spoke **in opposition** to **S 1389** and stated the legislation dismantles the concealed carry permit system and not requiring firearms training is dangerous. **Rev. Sarah LaWall**, self, spoke **in opposition** to **S 1389** and stated she is concerned with the safety of the community and children if the legislation passes. She stated less regulation means higher risk. **Diana David** spoke **in opposition** to **S 1389** and stated she believes mandating concealed weapons licenses lessens the risk of accidents and crime.

Michael Kane, Idaho Sheriff's Association, spoke **in support** of **S 1389** and stated the bill is important to law enforcement and the majority of Sheriff's across the state are in favor of the legislation.

In response to committee questions, **Mr. Kane** stated law enforcement does not rely on whether someone has a concealed weapons permit when they deal with the public, they treat everyone as if they could be armed. They have the ability to check in national databases whether the person is lawful to carry a firearm or not.

MOTION:

Rep. Palmer made a motion to send **S 1389** to the floor with a **DO PASS** recommendation.

Rep. Wintrow spoke **in opposition** to the motion and stated she is concerned with public safety and she would feel better knowing who has a gun and who does not. **Rep. Smith** spoke **in opposition** to the motion and stated firearm education and training is important.

Rep. Nielsen spoke in support of the motion and stated the Second Amendment of the U.S. Constitution protects our right to bear arms. **Rep. Luker** spoke in support of the motion and stated the opinion of law enforcement matters the most because they are on the front lines. **Rep. Bateman** spoke in support of the motion and stated he has heard no proof that permitless carry will have an increase in accidents and/or crime. **Rep. Barbieri** spoke in support of the motion and stated it is the gun owners personal responsibility to be educated and trained on proper use. **Rep. Crane** spoke in support of the motion and stated the 10 top causes of death in the U.S. are not from guns. He stated those that impose on others rights to bear arms are infringing on their rights and as a legislator it is his job to uphold the Constitution of Idaho and the U.S.

**ROLL CALL
VOTE:**

A Roll Call vote was requested on the motion to send **S 1389** to the floor with a **DO PASS** recommendation. **Motion carried by a vote of 13 AYE, 4 NAY.** **Voting in favor** of the motion: **Chairman Loertscher, Reps. Batt, Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham and Nielsen.** **Voting in opposition** to the motion: **Reps. Smith, Jordan, McCrostie and Wintrow.** **Chairman Loertscher** will sponsor the bill on the floor.

H 568:

Rep. Redman was recognized to provide closing statements regarding **H 568** and stated the bill would not affect foreign adoptions and case law supports that.

In response to committee questions, **Richard Eppick**, ACLU, Legal Director, stated his organization is concerned with religious arbitrations in regards to wills, trusts, etc. He stated the unintended consequence are unknown but the legislation will force litigation in some cases. He stated contracts with international companies could be called into question which could make recruitment difficult.

MOTION:

Rep. Andrus made a motion to send **H 568** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE
MOTION:**

Rep. Luker made a substitute motion to send **H 568** to General Orders with amendments and stated changes need to be made to the language in regards to contracts and language regarding the "same laws" versus "similar laws".

**VOTE ON
MOTION:**

Chairman Loertscher called for a vote on the substitute motion to send **H 568** to General Orders with amendments. **Motion carried by voice vote.** **Reps. Barbieri and Sims** requested to be recorded as voting **NAY.** **Rep. Redman** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 10:29 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary