

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Tuesday, January 10, 2017

SUBJECT	DESCRIPTION	PRESENTER
RS24943	Amending the Administrative Procedures Act to reflect the language in HJR 5.	Rep. Loertscher

COMMITTEE MEMBERS

Chairman Loertscher Rep Barbieri
Vice Chairman Monks Rep Holtzclaw
Rep Luker Rep Harris
Rep Crane Rep Scott
Rep Palmer Rep Armstrong

Rep Giddings
Rep Manwaring
Rep Zito
Rep Smith(Lacey)
Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, January 10, 2017
TIME: 9:00 A.M.
PLACE: Room EW40
MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Scott, Armstrong, Giddings, Manwaring, Zito, Smith (Lacey), Jordan
**ABSENT/
EXCUSED:** Representative(s) Holtzclaw
GUESTS: None.

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

Chairman Loertscher welcomed the committee members and gave them instructions on committee procedures. He also introduced the returning secretary **Kasey Winder** and the page assigned to the committee **Conner Christensen**.

Chairman Loertscher turned the gavel over to **Vice Chairman Monks**.

RS 24943: **Chairman Loertscher** presented **RS 24943**, proposed legislation amending the Administrative Procedures Act to reflect the language in **HJR 5**, defining the term "in whole or in part." He also requested an emergency clause be added to the legislation.

MOTION: **Rep. Crane** made a motion to introduce **RS 24943** and add an emergency clause. **Motion carried by voice vote.**

Vice Chairman Monks turned the gavel over to **Chairman Loertscher**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:17 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Monday, January 16, 2017

SUBJECT	DESCRIPTION	PRESENTER
	Administrative Rules Subcommittee assignments	Vice Chair Monks
RS24983	Elections, registered elector	Tim Hurst, Secretary of State
RS24984	Elected officials, party change	

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Monks
Rep Luker
Rep Crane
Rep Palmer
Rep Barbieri
Rep Holtzclaw

Rep Harris
Rep Armstrong
Rep Giddings
Rep Manwaring
Rep Zito
Rep Smith(Lacey)
Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

- DATE:** Monday, January 16, 2017
- TIME:** 9:00 A.M.
- PLACE:** Room EW40
- MEMBERS:** Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Smith (Lacey), Jordan
- ABSENT/
EXCUSED:** Representative(s) Smith (Lacey)
- GUESTS:** None.
- MOTION:** **Chairman Loertscher** called the meeting to order at 9:00 a.m.
- Rep. Luker** made a motion to approve the minutes of the January 10, 2017 meeting. **Motion carried by voice vote.**
- Chairman Loertscher** announced the proof readers for the minutes will be **Rep. Armstrong** and **Rep. Jordan**.
- Chairman Loertscher** turned the gavel over to **Vice Chairman Monks**.
- Vice Chairman Monks** explained the legislative overview process of the Administrative Rules. Subcommittees for the rules review will be divided into two groups. The subcommittees are as follows:
- Idaho State Police/Racing Commission Rules, Idaho Public Utilities Commission Rules, and Department of Administration/Division of Purchasing Rules: Chair Harris, Rep. Barbieri, Rep. Armstrong, Rep. Giddings, Rep. Zito and Rep. Jordan.**
- Office of the Governor/Office of Emergency Management Rules and Idaho Public Safety Communications Commission Rules: Chair Holtzclaw, Rep. Luker, Rep. Manwaring and Rep. Smith (Lacey).**
- Vice Chairman Monks** advised the subcommittees to work with the secretary in regards to scheduling meetings and presenters.
- RS 24983:** **Tim Hurst**, Chief Deputy, Secretary of State, presented **RS 24983**, proposed legislation that amends the statute to match the Idaho Constitution relating to the qualifications for someone to run for the legislature. The requirement to be a registered elector is currently not specifically spelled out in Idaho Code section 34-614.
- MOTION:** **Rep. Harris** made a motion to introduce **RS 24983**. **Motion carried by voice vote.**
- Vice Chairman Monks** turned the gavel over to **Chairman Loertscher**.
- RS 24984:** **Tim Hurst**, Chief Deputy, Secretary of State, presented **RS 24984**, proposed legislation that amends the statute removing the waiting period for a change in party affiliation to take effect for a current partisan officeholder. The Federal Court determined that it should be consistent with other electors' change of party affiliation.
- MOTION:** **Rep. Luker** made a motion to introduce **RS 24984**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:15 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Tuesday, January 17, 2017

SUBJECT	DESCRIPTION	PRESENTER
H 0001	Administrative procedure, rules review	Chairman Loertscher

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Monks
Rep Luker
Rep Crane
Rep Palmer
Rep Barbieri
Rep Holtzclaw

Rep Harris
Rep Armstrong
Rep Giddings
Rep Manwaring
Rep Zito
Rep Smith(Lacey)
Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, January 17, 2017
TIME: 9:30 A.M.
PLACE: Room EW40
MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Smith (Lacey), Jordan
**ABSENT/
EXCUSED:** None
GUESTS: Jack Lyman, Idaho Housing Alliance; Colby Cameron, Sullivan & Reberger.
Chairman Loertscher called the meeting to order at 9:33 a.m.
H 1: **Chairman Loertscher** presented **H 1**, a bill that amends the Administrative Procedures Act to reflect the language in **HJR 5** defining the term "in whole or in part." The bill also includes an emergency clause.
MOTION: **Rep. Monks** made a motion to send **H 1** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Chairman Loertscher** will sponsor the bill on the floor.
ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:38 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
HARRIS SUBCOMMITTEE
HARRIS
9:00 A.M.
Room EW40
Wednesday, January 18, 2017

DOCKET NO.	DESCRIPTION	PRESENTER
<u>31-4602-1602</u>	Rules for Telecommunication Relay Services (TRS)	Commissioner Kjellander, Idaho Public Utilities Commission
<u>11-0403-1601</u>	Rules Governing Licensing and Fees	Ardie Noyes, Idaho Racing Commission
<u>38-0501-1601</u>	Rules of the Division of Purchasing	Sarah Hilderbrand, Division of Purchasing

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Harris
Rep.Barbieri
Rep.Jordan
Rep.Giddings
Rep.Zito
Rep.Armstrong

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE
HARRIS SUBCOMMITTEE
HARRIS

DATE: Wednesday, January 18, 2017

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Harris, Representatives Barbieri, Jordan, Giddings, Zito, Armstrong

**ABSENT/
EXCUSED:** None

GUESTS: Ardie Noyes, Idaho Racing Commission; Sarah Hilderbrand, Division of Purchasing; Valerie Bollinger, Division of Purchasing; Dennis Stevenson, Office of Administrative Rules ; Paul Kjellander, Idaho Public Utilities Commission; Jeremy Pisca, Risch Pisca; Russell Westerberg, Coeur d' Alene Racing.

Chairman Harris called the meeting to order at 9:01 a.m.

DOCKET NO. 31-4602-1602: **Paul Kjellander**, Commissioner, Idaho Public Utilities Commission, presented **Docket No. 31-4602-1602**, rules governing Telecommunication Relay Services (TRS). He stated the changes made accomplish four objectives: (1) delete obsolete references; (2) correct misspellings and outdated e-mail addresses; (3) improve the clarity or readability of rules, and (4) simplify the Administrators' process for requesting proposals from TRS providers.

MOTION: **Rep. Giddings** made a motion to recommend that the full committee approve **Docket No. 31-4602-1602. Motion carried by voice vote.**

DOCKET NO. 11-0403-1601: **Ardie Noyes**, Management Assistant, Idaho Racing Commission, presented **Docket No. 11-0403-1601**, rules governing licensing and fees. She stated the fee is being imposed pursuant to Section 54-2508, Idaho Code. Under Section 54-2508, Idaho Code, the Idaho State Racing Commission is responsible for the licensing of any person that participates, directly or indirectly, in any race meet in the State of Idaho. She stated part of the licensing process is to obtain the criminal history of license applicants by submitting fingerprints to the Federal Bureau of Investigation via the Idaho State Police Bureau of Criminal Identification. Since 2012 the Commission has charged applicants \$15.00 per fingerprint card but the fee charged to the Racing Commission by the FBI is currently set at \$25.00 per fingerprint card. Over the past four years the Commission has paid approximately \$22,700 more in fees than they have collected. A change in the rule to allow the Commission to charge the full amount of the fee charged by the Federal Bureau of Investigation, via the Idaho State Police Bureau of Criminal Identification, to each applicant as it is changed by the FBI will eliminate future losses. The fee for the fingerprinting of license applicants that is currently set at \$15.00 per fingerprint card will be raised to the full cost charged to the Racing Commission as it is changed. The fee as of September 2, 2016, is \$25 per fingerprint card.

In response to committee questions, **Ms. Noyes** stated there were approximately 600 licenses issued the last year, and half were fingerprinted. She stated in a strong year there are 1,200-1,800 license applications processed. She stated the Racing Commission uses the FBI background check to examine if the applicant has any criminal activity in other states, currently there is no working agreement with other states regarding that information. She stated the Racing Commission wants to ensure license holders do not have criminal convictions, drug convictions (relating to horses), fraud convictions or charges relating to pari-mutuel wagering. She stated the \$25.00 fee has been coming out of the Racing Commission's operating budget and it is harming the budget that covers live horse racing.

MOTION: **Rep. Jordan** made a motion to recommend that the full committee approve **Docket No. 11-0403-1601. Motion failed by voice vote.**

DOCKET NO. 38-0501-1601: **Sarah Hilderbrand**, Administrator, Division of Purchasing, presented **Docket No. 38-0501-1601**, rules governing the Division of Purchasing. She stated the rulemaking is a result of new legislation effective July 1, 2016, which created the "State Procurement Act." The Act requires the Administrator of the Division of Purchasing to promulgate rules regarding the process and factors influencing the decision to grant, continue and revoke delegated purchasing authority; as well as rules establishing policies and procedures related to the administration, management, monitoring and oversight of contracts entered into by an agency. She also stated the rulemaking also includes additional minor modifications intended to clarify, consolidate and modernize existing language; including (but not limited to) establishing the form for preservation of records within the Division of Purchasing, updates to the definition section, as well as revisions to reflect minor modifications which were adopted in the State Procurement Act.

In response to committee questions, **Ms. Hilderbrand** stated there are guidelines in place in regards to selecting state procurement agents which includes their qualifications, experience and general knowledge of the field. She stated Section 046, Determination of Fair Market Price for Rehabilitation Agency Acquisitions, is used to simply check on the market as a comparison tool and is used in 1/2% of contracts.

MOTION: **Rep. Giddings** made a motion to recommend that the full committee approve **Docket No. 38-0501-1601. Motion carried by voice vote.**

MOTION: **Rep. Barbieri** made a motion to reconsider **Docket No. 11-0403-1601.**

SUBSTITUTE MOTION: **Chairman Harris** made a substitute motion to recommend that the full committee reject **Docket No. 11-0403-1601.**

AMENDED SUBSTITUTE MOTION: **Rep. Barbieri** made an amended substitute motion to recommend that the full committee approve **Docket No. 11-0403-1601 Section 050.03** with the exception of **Section 050, 01 and 02.** He spoke to the motion and stated we should allow the Racing Commission to recoup costs that they pay.

ROLL CALL VOTE: **Chairman Harris** called for a Roll Call vote on the amended substitute motion to recommend that the full committee approve **Docket No. 11-0403-1601 Section 050.03** with the exception of **Section 050, 050.01 and 050.02. Motion failed by a tie vote of 3 AYE, 3 NAY. Voting in favor** of the motion: **Reps. Barbieri, Giddings and Armstrong. Voting in opposition** to the motion: **Chairman Harris, Reps. Zito and Jordan.**

VOTE ON SUBSTITUTE MOTION: **Chairman Harris** called for a vote on the substitute motion to recommend that the full committee reject **Docket No. 11-0403-1601. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:13 a.m.

Representative Harris
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
HOLTZCLAW SUBCOMMITTEE
HOLTZCLAW
9:00 A.M.
Room EW40
Thursday, January 19, 2017

DOCKET NO.	DESCRIPTION	PRESENTER
<u>15-0606-1601</u>	Rules governing Use of Disaster Emergency Account Funds	Brad Richy, Director, Office of Emergency Management
<u>15-0601-1601</u>	Rules governing Idaho Public Safety Communications Commission	Craig Logan, Idaho Emergency Communication Commission
<u>15-0602-1601</u>	Rules governing Idaho Emergency Communications Commission Grants	Craig Logan, Idaho Emergency Communication Commission
<u>15-0602-1602</u>	Rules governing Idaho Emergency Communications Commission Grants	Craig Logan, Idaho Emergency Communication Commission

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Holtzclaw
Rep.Smith(Lacey)
Rep.Luker
Rep.Manwaring

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE
HOLTZCLAW SUBCOMMITTEE
HOLTZCLAW

DATE: Thursday, January 19, 2017

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Holtzclaw, Representatives Smith(Lacey), Luker, Manwaring

**ABSENT/
EXCUSED:** Representative Luker

GUESTS: Craig Logan, Idaho Public Safety Communications Commission; Brad Richy, Idaho Office of Emergency Management; Jason Kreslenbeck, Lobby Idaho; Dan Gokoech, Idaho Public Safety Communications Commission; Dennis Stevenson, Office of Administrative Rules.

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

DOCKET NO. 15-0606-1601: **Brad Richy**, Director, Office of Emergency Management, presented **Docket No. 15-0606-1601**, rules governing the use of Disaster Emergency Account Funds. He stated the Idaho Office of Emergency Management is responsible for managing the disaster emergency account. In the past, there has been some confusion as to what events and circumstances may qualify for funding from this account. In an effort to curb this confusion, the Office of Emergency Management has promulgated the rules to specify what qualifies for fund use.

MOTION: **Rep. Smith (Lacey)** made a motion to recommend that the full committee approve **Docket No. 15-0606-1601. Motion carried by voice vote.**

DOCKET NO. 15-0601-1601: **Craig Logan**, Idaho 9-1-1 Program Manager, Idaho Emergency Communications Commission, presented **Docket No. 15-0601-1601**, rules governing the Idaho Public Safety Communications Commission. He stated the changes were made to reflect the passing of **S 1212** last year which changes the name of the Emergency Communications Commission to the Public Safety Communications Commission and to clarify the scope and intent of the rule.

MOTION: **Rep. Manwaring** made a motion to recommend that the full committee approve **Docket No. 15-0601-1601. Motion carried by voice vote.**

DOCKET NO. 15-0602-1601: **Craig Logan**, Idaho 9-1-1 Program Manager, Idaho Emergency Communications Commission, presented **Docket No. 15-0602-1601**, rules governing the Idaho Public Safety Communications Commission Grants. He stated under the old rules, a grant applicant cannot amend its application after grant awards have been made, even if the amendment to the application results in a more efficient use of grant funds. The rule change allows for such application amendment. The rulemaking also adds criteria on which the priority of grant applications shall be weighed; updates Idaho Code citations; provides the Commission's website address; and clarifies the Commission's office hours.

MOTION: **Rep. Smith (Lacey)** made a motion to recommend that the full committee approve **Docket No. 15-0602-1601. Motion carried by voice vote.**

DOCKET NO. 15-0602-1602: **Craig Logan**, Idaho 9-1-1 Program Manager, Idaho Emergency Communications Commission, presented **Docket No. 15-0602-1602**, rules governing the Idaho Public Safety Communications Commission Grants. He stated New legislation passed in 2016, **S 1212**, has changed the name of the Emergency Communications Commission to the Public Safety Communications Commission. The rulemaking updates the name of the Commission, corrects Idaho Code citations, and clarifies the scope of the rules and office hours.

MOTION: **Rep. Manwaring** made a motion to recommend that the full committee approve **Docket No. 15-0602-1602. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:16 a.m.

Representative Holtzclaw
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room EW40
Friday, January 20, 2017

SUBJECT	DESCRIPTION	PRESENTER
RS24971	State Lottery, electronic display	Jon Krutz, Stop Predatory Gambling Idaho

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Monks
Rep Luker
Rep Crane
Rep Palmer
Rep Barbieri
Rep Holtzclaw

Rep Harris
Rep Armstrong
Rep Giddings
Rep Manwaring
Rep Zito
Rep Smith(Lacey)
Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Friday, January 20, 2017
TIME: 8:00 A.M.
PLACE: Room EW40
MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Smith, Jordan
**ABSENT/
EXCUSED:** Representative(s) Jordan
GUESTS: Jeff Anderson, Idaho State Lottery; Becky Schroeder, Idaho State Lottery.
Chairman Loertscher called the meeting to order at 8:00 a.m.
MOTION: **Rep. Armstrong** made a motion to approve the minutes of the January 16 and 17, 2017 meetings. **Motion carried by voice vote.**
RS 24971: **Jon Krutz**, Stop Predatory Gambling Idaho, presented **RS 24971**, proposed legislation that removes the potential ambiguity within Title 67, Chapter 74, Idaho Code regarding TouchTabs Lottery machines and will require the Idaho State Lottery to cease operating them. He stated there is minimal fiscal impact because the TouchTabs machines are more expensive to acquire and operate than traditional lottery products, and any reduction in lottery expenses could increase total revenue for schools and the Permanent Building Fund.
In response to committee questions. **Mr. Krutz** stated the social cost is high for these types of machines.
MOTION: **Rep. Luker** made a motion to introduce **RS 24971**. **Motion carried by voice vote.**
ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 8:06 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Monday, January 23, 2017

SUBJECT	DESCRIPTION	PRESENTER
RS24981	Dog Racing, applicability exception	Rep. Kauffman
RS24998	Concealed weapons, military exemption	Rep. Cheatham
RS25007	Business entities, filing fees	Chad Houck, Secretary of State
RS25008	Business, electronic records	Chad Houck, Secretary of State

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Monks
Rep Luker
Rep Crane
Rep Palmer
Rep Barbieri
Rep Holtzclaw

Rep Harris
Rep Armstrong
Rep Giddings
Rep Manwaring
Rep Zito
Rep Smith(Lacey)
Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, January 23, 2017

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Smith (Nye), Jordan

**ABSENT/
EXCUSED:** None

GUESTS: Kim Hunter, Secretary of State; Jeff Harvey, Secretary of State; Russell Westerberg, Coeur d' Alene Racing.

Chairman Loertscher called the meeting to order at 9:01 a.m.

RS 24981: **Rep. Kauffman** presented **RS 24981**, proposed legislation that allows for an exemption for exhibition-style live dog racing or the training of dogs to compete in exhibition-style live dog races, conducted at county fairs and upon which no pari-mutuel betting occurs.

MOTION: **Rep. Manwaring** made a motion to introduce **RS 24981**. **Motion carried by voice vote.** **Rep. Jordan** requested to be recorded as voting **NAY**.

RS 24998: **Rep. Cheatham** presented **RS 24998**, proposed legislation that amends Section 18-3302, Idaho Code to allow any person who is a resident of Idaho, or is stationed at any military base in Idaho, as an active member of any branch of the United States military to carry a concealed handgun. He stated the legislation might need to be re-worded and was open to committee feedback.

MOTION: **Rep. Zito** made a motion to introduce **RS 24998** with the following changes: on Page 2, line 21, strike out subsection (ii) "a resident of Idaho" and add the words "is not disqualified from being issued a license under subsection 11 of this section."

SUBSTITUTE MOTION: **Rep. Giddings** made a substitute motion to return **RS 24998** to the sponsor. She spoke to the motion and stated there are problems with the definitions of "military base" and "active member" that need to be addressed.

Rep. Luker spoke in support of the motion and stated the language needs to reflect exactly who the legislation will apply to.

Rep. Crane spoke in support of the motion and stated he agrees with the concept of the legislation, but it needs to be cleaned up first.

VOTE ON SUBSTITUTE MOTION: **Chairman Loertscher** called for a vote on the substitute motion to return **RS 24998** to the sponsor. **Motion carried by voice vote.**

RS 25007: **Chad Houck**, Secretary of State, presented **RS 25007**, proposed legislation that corrects oversights that were included in the 2015 enactment of the Idaho Uniform Business Organizations Code. He stated the corrections include clarifying fee names, including missed fees, and removing fees that the Secretary of State's office is no longer charged.

MOTION: **Rep. Luker** made a motion to introduce **RS 25007** with changes to be made in the fiscal note to include the full impact of the legislation. **Motion carried by voice vote.**

RS 25008: **Chad Houck**, Secretary of State, presented **RS 25008**, proposed legislation that changes the current law to provide for Assumed Business Name (ABN) filings to be renewed every five years with a \$10.00 renewal fee. He stated the current practice has allowed for perpetual filings for ABN's until cancelled by the owner. The five-year renewal requirement would allow for inactive ABN filings to be administratively canceled, which is consistent with similar practices for business entity types like LLCs and Corporations.

In response to committee questions, **Mr. Houck** stated there are over 188,000 ABNs in Idaho currently. He stated the Secretary of State's office does not track email addresses for ABN filings as of yet. He said the Office spends approximately \$250,000 a year in postage to contact ABN owners regarding their filings. He stated e-mail is far more efficient and the notification of an administrative cancellation would still be mailed. He stated there is an appropriations bill to rebuild a corporate system for business users to create accounts and simplify edits to contact information performed by the user. He stated the \$10.00 fee was implied by the counties to cancel ABN filings when they managed them prior to the Secretary of State's office. He said they would consider a reduced fee if the committee requested. He stated they chose the 5-year renewal because most businesses either succeed or fail within that time.

In response to committee questions, **Kim Hunter**, Director of Business, Secretary of State, stated the ABN database needs to be cleaned up. She stated that it is estimated that 85% of the ABN's currently on file are no longer in business or inactive. She stated it is important to have an updated list to go by because many new companies want to know if existing companies have the same name before they actually register their businesses under the name.

MOTION: **Rep. Barbieri** made a motion to return **RS 25008** to the sponsor. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:57 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Tuesday, January 24, 2017

SUBJECT	DESCRIPTION	PRESENTER
H 12	Elections, registered elector	Tim Hurst, Secretary of State
H 13	Elected officials, party change	Tim Hurst, Secretary of State

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Monks
Rep Luker
Rep Crane
Rep Palmer
Rep Barbieri
Rep Holtzclaw

Rep Harris
Rep Armstrong
Rep Giddings
Rep Manwaring
Rep Zito
Rep Smith(Nye)
Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, January 24, 2017

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Smith (Nye), Jordan

**ABSENT/
EXCUSED:** None

GUESTS: None.

Chairman called the meeting to order at 9:31 a.m.

MOTION: **Rep. Manwaring** made a motion to approve the minutes of the January 19, 2017 Holtzclaw Subcommittee meeting. **Motion carried by voice vote.**

MOTION: **Rep. Armstrong** made a motion to approve the minutes of the January 20, 2017 committee meeting. **Motion carried by voice vote.**

H 12: **Tim Hurst**, Chief Deputy, Secretary of State, presented **H 12**, legislation that amends existing law to provide that a candidate for the state Legislature shall have been a registered elector within the legislative district for one year preceding the election. He stated the legislation was the result of a federal court judge ruling that the statute needs to reflect the Idaho Constitution.

In response to committee questions, **Mr. Hurst** stated he was not aware of any set amount of time that a person running for office has to physically live in their elected district.

MOTION: **Rep. Palmer** made a motion to send **H 12** to the floor with a **DO PASS** recommendation.

Rep. Jordan spoke in **opposition** to the motion and stated the bill limits younger generations who run for office who have not yet voted.

**VOTE ON
MOTION:** **Chairman Loertscher** called for a vote on the motion to send **H 12** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Barbieri, Giddings and Jordan** requested to be recorded as voting **NAY**. **Rep. Armstrong** will sponsor the bill on the floor.

H 13: **Tim Hurst**, Chief Deputy, Secretary of State, presented **H 13**, legislation that amends existing law to remove the official date of a political party change by an elected official. He stated a federal court judge ruled the current 5-day waiting period is illegal and against equal protection.

MOTION: **Rep. Harris** made a motion to send **H 13** to the floor with a **DO PASS** recommendation. A division was requested. **By a show of hands, the motion carried. Reps. Crane, Barbieri, Holtzclaw and Giddings** requested to be recorded as voting **NAY**. **Rep. Manwaring** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:50 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:20 A.M.
Room EW40
Wednesday, January 25, 2017

SUBJECT	DESCRIPTION	PRESENTER
RS25034	Wine, retail beer license requirements revised	Roger Batt, Idaho Grape and Wine Producers
RS25029	Lottery commission/prize winner disclosure	Rep. Luker
RS25043	State Police/Rule rejected	Rep. Monks
RS24972	Lottery, definition revised	Chairman Loertscher

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Monks
Rep Luker
Rep Crane
Rep Palmer
Rep Barbieri
Rep Holtzclaw

Rep Harris
Rep Armstrong
Rep Giddings
Rep Manwaring
Rep Zito
Rep Smith(Nye)
Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, January 25, 2017

TIME: 9:20 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Smith (Nye), Jordan

**ABSENT/
EXCUSED:** None

GUESTS: Becky Schroeder, Idaho Lottery; Jeff Anderson, Idaho Lottery; Amber Pence, City of Boise; Tim Horn, Idaho State Police; Scott Hanson, Idaho State Police; Zeke Chemoderon, Intralot; Roger Batt, Idaho Grape and Wine Producers.

Chairman Loertscher called the meeting to order at 9:21 a.m.

RS 25034: **Roger Batt**, Idaho Grape and Wine Producers, presented **RS 25034**, proposed legislation that amends the definition of dessert wine, changes the alcohol content to 24 percent to reflect federal standards, and adds an exemption for wineries to not have to purchase a beer license when they are only selling wine. An emergency clause is also included.

MOTION: **Rep. Crane** made a motion to introduce **RS 25034**. **Motion carried by voice vote.**

RS 25029: **Rep. Luker** presented **RS 25029**, proposed legislation that limits the Lottery Commission from publicly identifying lottery prize winners of \$600 or more unless the winner has provided a specific authorization for release of information.

In response to committee questions, **Rep. Luker** stated the legislation includes language to allow state agencies to share the information without a release.

MOTION: **Rep. Harris** made a motion to introduce **RS 25029**. **Motion carried by voice vote.**

RS 25043: **Rep. Monks** presented **RS 25043**, a proposed resolution that removes the rules governing historical horse racing.

MOTION: **Rep. Crane** made a motion to introduce **RS 25043**. **Motion carried by voice vote.**

Chairman Loertscher turned the gavel over to **Vice Chairman Monks**.

RS 24972: **Chairman Loertscher** presented **RS 24972**, proposed legislation that revises the definition of major procurement as it relates to the Idaho State Lottery. He stated the Idaho State Lottery has never had to do procurements and the legislation requires the Lottery to conform to Idaho Code as all other agencies do.

MOTION: **Rep. Crane** made a motion to introduce **RS 24972**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:51 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Thursday, January 26, 2017

SUBJECT	DESCRIPTION	PRESENTER
RS24987C1	State sovereignty	Rep. Shepherd

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Monks
Rep Luker
Rep Crane
Rep Palmer
Rep Barbieri
Rep Holtzclaw

Rep Harris
Rep Armstrong
Rep Giddings
Rep Manwaring
Rep Zito
Rep Smith(Nye)
Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, January 26, 2017

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Smith (Nye), Jordan

**ABSENT/
EXCUSED:** None

GUESTS: None.

Chairman Loertscher called the meeting to order at 9:31 a.m.

MOTION: **Rep. Armstrong** made a motion to approve the minutes of the Harris subcommittee meeting of January 18, 2017. **Motion carried by voice vote.**

RS 24987C1: **Rep. Shepherd** presented **RS 24987C1**, proposed legislation to provide a legal process to bring checks and balances to all Federal Government action that may be unconstitutional when Article 1, Section 8 is applied to those actions. He stated there are many Federal court decisions, Federal laws and executive orders that have been enacted that are not compliant with the original intent of the United States Constitution. He stated all elected officials and appointed judges are required to take an oath of office to uphold the Constitution and having a legal process in statute is the best way to keep that oath.

In response to committee questions, **Rep. Shepherd** stated the legislature has the right and responsibility to make sure checks and balances are kept. He stated the legislature was created based on the original intent of the United States Constitution.

MOTION: **Rep. Holtzclaw** made a motion to introduce **RS 24987C1**. He spoke to the motion and stated more discussion is needed on the important topic. **Motion carried by voice vote. Rep. Nye** requested to be recorded as voting **NAY**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:40 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Monday, January 30, 2017

SUBJECT	DESCRIPTION	PRESENTER
RS25073	Immigration, local compliance/enforcement	Rep. Chaney
H 54	Business entities, filing fees	Chad Houck, Secretary of State

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Monks
Rep Luker
Rep Crane
Rep Palmer
Rep Barbieri
Rep Holtzclaw

Rep Harris
Rep Armstrong
Rep Giddings
Rep Manwaring
Rep Zito
Rep Smith(Nye)
Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, January 30, 2017

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Smith (Nye), Jordan

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheets will be retained with the minutes in the committee secretary's office until the end of session. Following the end of session, the sign-in sheets will be filed with the minutes in the Legislative Services Library.

Chairman Loertscher called the meeting to order at 9:01 a.m.

MOTION: **Rep. Jordan** made a motion to approve the minutes of the January 23, 2017 meeting. **Motion carried by voice vote.**

MOTION: **Rep. Armstrong** made a motion to approve the minutes of the January 24, 2017 meeting. **Motion carried by voice vote.**

RS 25073: **Rep. Chaney** presented **RS 25073**, proposed legislation that ensures a policy of compliance with federal immigration enforcement efforts in the limited scope of those undocumented or illegal immigrants arrested on probable cause of having committed a misdemeanor or felony violation of Idaho law. He requested an emergency clause be added as well.

MOTION: **Rep. Barbieri** made a motion to introduce **RS 25073** with the addition of an emergency clause. **Motion carried by voice vote.** **Rep. Jordan** requested to be recorded as voting **NAY**.

H 54: **Chad Houck**, Director of Special Projects, Secretary of State, presented **H 54** legislation that corrects oversights that were included in the 2015 enactment of the Idaho Uniform Business Organizations Code. These corrections include clarifying fee names, including missed fees, and removing fees that the Secretary of State's office is no longer charged. He stated based on FY2016 filing counts and revenues received from transactions that would have been affected by this legislation, there is estimated to be a decrease in revenue to the General Fund of \$12,500 for FY2018 and beyond.

MOTION: **Rep. Monks** made a motion to send **H 54** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Zito** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:15 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Tuesday, January 31, 2017

SUBJECT	DESCRIPTION	PRESENTER
	Administrative Rules Review	Vice Chairman Monks
RS24997	Civil rights/ship store firearms	Michael Kane

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Monks
Rep Luker
Rep Crane
Rep Palmer
Rep Barbieri
Rep Holtzclaw

Rep Harris
Rep Armstrong
Rep Giddings
Rep Manwaring
Rep Zito
Rep Smith(Nye)
Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, January 31, 2017
TIME: 9:00 A.M.
PLACE: Room EW40
MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Smith (Nye), Jordan
**ABSENT/
EXCUSED:** None
GUESTS: Mike Kane, Idaho Sheriff's Association; Ardie Noyes, Racing Commission; Dennis Stevenson, Office of Administrative Rules.

Vice Chairman Monks called the meeting to order at 9:04 a.m.

Vice Chairman Monks introduced the Subcommittees to their review of the proposed Pending Administrative Rules.

Rep. Holtzclaw reported the Holtzclaw Subcommittee reviewed the Pending Rules of the Idaho Public Safety Communications Commission, **Docket No. 15-0601-1601**, **Docket No. 15-0602-1601**, and **Docket No. 15-0602-1602** and are recommended to be approved in their entirety. He stated the Pending Rule **Docket No. 15-0606-1601** for the Office of Emergency Management was also reviewed and recommended to be approved in their entirety.

MOTION: **Chairman Loertscher** made a motion to accept the report of the Holtzclaw Subcommittee, approval of **Docket No. 15-0601-1601**, **Docket No. 15-0602-1601**, **Docket No. 15-0602-1602** and **Docket No. 15-0606-1601**. **Motion carried by voice vote.**

Rep. Harris reported the Harris Subcommittee reviewed the Pending Rule of the Idaho Public Utilities Commission **Docket No. 31-4602-1602** and the Pending Rules of the Division of Purchasing **Docket No. 38-0501-1601** and are recommended to be approved in their entirety. He stated the Pending Fee Rule **Docket No. 11-0403-1601** for the Idaho Racing Commission was also reviewed and recommended to be rejected in its entirety.

MOTION: **Rep. Barbieri** made a motion to accept the report of the Harris Subcommittee, approval of **Docket No. 31-4602-1602** and **Docket No. 38-0501-1601** and to reject the recommendation to reject **Docket No. 11-0403-1601**.

**SUBSTITUTE
MOTION:** **Rep. Luker** made a substitute motion to approve **Docket No. 31-4602-1602** and **Docket No. 38-0501-1601**. **Motion carried by voice vote.**

MOTION: **Chairman Loertscher** made a motion to approve **Docket No. 11-0403-1601**. He spoke to the motion and stated if the rules are rejected, the Racing Commission will not be able to have correct authorization to do background checks and they are not asking for a fee increase, only a reimbursement of fees they have to pay out to the FBI for background checks.

In response to committee questions, **Ardie Noyes**, Management Assistant, Idaho Racing Commission, stated the background checks are important because some applicants have shaded pasts and the Commission is mandated to regulate the industry. She stated the Racing Commission worked with the FBI, ISP and Deputy Attorney Generals to obtain the correct language for the rules and they had to be approved by the FBI before presenting them to the Legislature for approval. She stated fingerprinting and background checks are preventative and regulation is very important to the Commission. She stated the only fees that would be passed on would be what the Commission is charged by the FBI for the background checks.

Rep. Zito invoked Rule 38 stating a possible conflict of interest, but that she would be voting on the legislation.

VOTE ON MOTION:

Vice Chairman Monks called for a vote on the motion to approve **Docket No. 11-0403-1601**. **Motion carried by voice vote. Reps. Palmer and Harris** requested to be recorded as voting **NAY**.

RS 24997:

Michael Kane, Idaho Sheriff's Association, presented **RS 24997**, proposed legislation to amend the law relating to felons who may possess firearms. He stated the current law makes it clear that the worst kind of felons (murder, rape, kidnapping, drug dealing, sex crimes) cannot possess firearms, even after they are discharged from their sentences. Missing from the list of criminal offenses in the current law are crimes that have been created since the original passage of the law, or crimes that were not originally considered but are crimes committed by organized criminals, terrorists, and criminal gang members. He stated the legislation adds these serious felonies to the current law.

In response to committee questions, **Mr. Kane** stated that each State has sovereignty to determine who can carry concealed weapons and the federal government follows that determination.

MOTION:

Rep. Manwaring made a motion to introduce **RS 24997**. **Motion carried by voice vote.**

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 9:42 a.m.

Representative Monks
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Wednesday, February 01, 2017

SUBJECT	DESCRIPTION	PRESENTER
<u>RS25079</u>	Wine, retail beer license requirements revised	Roger Batt, Idaho Grape and Wine Producers
<u>RS24998C1</u>	Concealed weapons, provisions revised	Rep. Cheatham
<u>RS24918C1</u>	Foreign laws, application	Rep. Redman
<u>RS25107</u>	Lottery, prize winner disclosure	Rep. Luker

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Monks
Rep Luker
Rep Crane
Rep Palmer
Rep Barbieri
Rep Holtzclaw

Rep Harris
Rep Armstrong
Rep Giddings
Rep Manwaring
Rep Zito
Rep Smith(Nye)
Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 01, 2017

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith (Nye), Jordan

**ABSENT/
EXCUSED:** None

GUESTS: Roger Batt, Idaho Grape and Wine Producers; Julie Blaugher, self; Becky Schroeder, Idaho Lottery; Mary Donato, self; Jeff Anderson, Lottery Commission; Kim Toyagli, self; Kris Crookham, self; Lila Havens, self; Mistie Tolman, Planned Parenthood; Jonathan Budont, self.

Chairman Loertscher called the meeting to order at 9:31 a.m.

RS 25079: **Roger Batt**, Idaho Grape and Wine Producers, presented **RS 25079**, proposed legislation that amends the definition of dessert wine, changes the alcohol content to 24 percent to reflect federal standards, and adds an exemption for wineries from having to purchase a beer license when they are only selling wine. He stated he has discussed the legislation with Alcohol Beverage Control and they have not voiced any concerns with the legislation.

MOTION: **Rep. Monks** made a motion to introduce **RS 25079**. **Motion carried by voice vote.**

RS 24998C1: **Rep. Cheatham** presented **RS 24998C1**, proposed legislation that amends Section 18-3302, Idaho Code to allow any person who is a resident of Idaho, or is a current member of the armed forces of the United States, to carry a concealed handgun.

MOTION: **Rep. Palmer** made a motion to introduce **RS 24998C1**. **Motion carried by voice vote.** **Rep. Nye** requested to be recorded as voting **NAY**.

RS 24918C1: **Rep. Redman** presented **RS 24918C1**, proposed legislation, called "American and Idaho Laws for Idaho Courts" is written to be the public policy of the State of Idaho to protect its citizens 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 of the United States or the Constitution of the State of Idaho including, but not limited to, 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, **Rep. Redman** stated there are other states that have followed this concept and the main reason for the legislation is to avoid the encroachment of Sharia law and the overreach of any foreign law. He also stated the legislation excludes U.S. treaties.

MOTION: **Rep. Crane** made a motion to introduce **RS 24918C1**. **Motion carried by voice vote.** **Reps. Nye and Jordan** requested to be recorded as voting **NAY**.

RS 25107: **Rep. Luker** presented **RS 25107**, proposed legislation that limits the Lottery Commission from publicly identifying lottery prize winners of \$600 or more unless the winner has provided a specific authorization for release of information. It also exempts lottery winner identity information from public records requests for six months, and after that time, allows a release of the name and state of the winner.

MOTION: **Rep. Harris** made a motion to introduce **RS 25107**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:50 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
8:30 A.M.
Room EW40
Thursday, February 02, 2017

SUBJECT	DESCRIPTION	PRESENTER
RS25109	Dog racing, exception	Rep. Kauffman
H 28	State lottery, electronic display	Jon Krutz, Idaho Stop Predatory Gambling

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Monks
Rep Luker
Rep Crane
Rep Palmer
Rep Barbieri
Rep Holtzclaw

Rep Harris
Rep Armstrong
Rep Giddings
Rep Manwaring
Rep Zito
Rep Smith(Nye)
Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, February 02, 2017

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith (Nye), Jordan

**ABSENT/
EXCUSED:** None

GUESTS: Lt. Charles Ketchum, Idaho State Police; Jeff Anderson, Idaho Lottery; Jonathan Krutz, Idaho Stop Predatory Gambling; Joe Champion, self; Stephen McPherson, NW Religions Liberty; Becky Schroeder, Idaho Lottery; Zeke Chemedrone, Intralot; Michael Read, Idaho Stop Predatory Gambling; Jeremy Pisca, Game Co.; Del Ririe, self; Norm Semanko, Moffatt Thomas.

Chairman Loertscher called the meeting to order at 8:30 a.m.

MOTION: **Rep. Armstrong** made a motion to approve the minutes of the January 25, 26, 30 and 31, 2017 meetings. **Motion carried by voice vote.**

RS 25109: **Rep. Kauffman** presented **RS 25109**, proposed legislation that allows for an exemption for exhibition-style live dog races or the training of dogs to compete in exhibition-style dog races, conducted at county fairs and upon which no pari-mutual betting occurs and the track length is limited.

MOTION: **Rep. Holtzclaw** made a motion to introduce **RS 25109**. **Motion carried by voice vote.**

H 28: **Rep. Harris** presented **H 28**, a bill that amends existing law to provide that the state lottery may only employ an electronic display for reporting a winning or losing lottery outcome when the displayed lottery outcome is associated with a printed lottery ticket presented by a player. He stated the electronic TouchTabs games resemble casino gambling devices because they are a form of rapid -betting.

Lt. Charles Ketchum spoke neither **in support** or **in opposition** to **H 28** and stated the Idaho State Police has not received complaints for lottery machines only 8-liner machines that are illegal in the State of Idaho.

Jeff Anderson, Director, Idaho State Lottery, spoke **in opposition** to **H 28**. He stated the Attorney General issued an opinion regarding TouchTabs, that they are different than slot machines. He stated the fiscal impact statement for the bill is incorrect, FY2016 net revenues from TouchTabs and PullTabs were approximately \$3 million and there are no costs associated with the machines because the vendor provides the machines and takes care of the maintenance.

In response to committee questions, **Mr. Anderson** stated approximately 72-79 1/2% of the prize money goes to the prize winner, 5% goes to the retailer, and the remaining 16-23% goes to the Lottery. He stated there are 140 locations throughout the state that have TouchTab machines, a total of 240 total machines. TouchTab machines came to Idaho in 2011 and are one of the Lottery's more popular games. He stated the machines are distributed pretty evenly throughout the state. He stated the average cash in was \$7 per hour, average plays 17 tickets per hour.

Jonathan Krutz, Idaho Stop Predatory Gambling, spoke **in support** of **H 28** and stated the TouchTab machines are illegal because they are rapid-bet and continuous play and are very addictive. He stated rapid-bet electronic gambling devices are banned in Idaho's Constitution. He stated the Lottery Commission has not been transparent with the Legislature when they asked for approval of the machines a few years ago. He stated the legislation prohibits the use of, and the development of, other rapid-bet electronic gambling machines.

Joe Champion, representing himself, spoke **in support** of **H 28** and stated rapid-bet gambling is a big money maker but it harms society. He stated TouchTab machines combined with alcohol is a bad combination. He stated an estimated 1% of gamblers become addicted. **Steven McPherson**, representing himself, spoke **in support** of **H 28** and stated machines like the TouchTab machines are designed to suck people in, there are small payouts which is an incentive to keep playing. He stated the machines attract the elderly and the government should protect the weak and vulnerable. **Michael Read**, representing himself, spoke **in support** of **H 28** and stated rapid-bet machines are significantly like slot machines and encourage the same kind of addictive behavior as slot machines do. **Del Ririe**, representing himself, spoke **in support** of **H 28** and stated he has known many people with gambling addictions and these machines will be desirable for retailers because of the high dividends, but will also cause problems in the long run.

Jeremy Pisca, Risch and Pisca, representing Game Co., spoke **in opposition** to **H 28** and stated in 2003 the Idaho Supreme Court defined what a slot machine is in *MDS v. State of Idaho*. The ruling declared that it was not only the outward appearance of the machines but the guts of the machine that would categorize them as slot machines, or not. He stated before the TouchTab machines were implemented by the Lottery, they asked the Attorney Generals' office for an opinion on using them. He stated in order for retailers to have these machines in their stores, they must pass a fiscal background check and a criminal background check. He stated that without the machines, there will be a significant decrease in revenue and the manufacturers of the machines take care of all the maintenance and upkeep of the machines, the Lottery Commission has no outward expenses.

MOTION: **Rep. Nye** made a motion to **HOLD H 28** in committee.

ROLL CALL VOTE: A roll call vote was requested. **Motion failed by a vote of 6 AYE and 9 NAY.** **Voting in favor** of the motion: **Reps. Barbieri, Holtzclaw, Giddings, Manwaring, Nye and Jordan.** **Voting in opposition** to the motion: **Chairman Loertscher, Reps. Monks, Luker, Crane, Palmer, Harris, Scott, Armstrong and Zito.**

MOTION: **Rep. Scott** made a motion to send **H 28** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. Manwaring** made a substitute motion to send **H 28** to the floor with no recommendation.

MOTION WITHDRAWN: **Rep. Scott** withdrew her motion to send **H 28** to the floor with a **DO PASS** recommendation.

VOTE ON SUBSTITUTE MOTION: **Chairman Loertscher** called for a vote on the substitute motion to send **H 28** to the floor with no recommendation.

ROLL CALL VOTE: A roll call vote was requested. **Motion carried by a vote of 10 AYE and 5 NAY.** **Voting in favor** of the motion: **Chairman Loertscher, Reps. Monks, Luker, Crane, Palmer, Harris, Scott, Armstrong, Manwaring and Zito.** **Voting in opposition** to the motion: **Reps. Barbieri, Holtzclaw, Giddings, Nye and Jordan.** **Rep. Harris** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:19 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Monday, February 06, 2017

SUBJECT	DESCRIPTION	PRESENTER
	Cybersecurity Task Force Overview Presentation- Executive Order	Lt. Governor Brad Little
	Cybersecurity and Critical Infrastructure Capabilities	Zach Tudor, Associate Laboratory Director National & Homeland Security, Idaho National Laboratory
	Cyber Challenges Facing Industry	Dick Garlish, General Manager of Compliance Risk and Security, Idaho Power

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Monks
Rep Luker
Rep Crane
Rep Palmer
Rep Barbieri
Rep Holtzclaw

Rep Harris
Rep Armstrong
Rep Giddings
Rep Manwaring
Rep Zito
Rep Smith(Nye)
Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, February 06, 2017

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** Representative(s) Jordan

GUESTS: Brad Richy, Idaho Office of Emergency Management.

Chairman Loertscher called the meeting to order at 9:01 a.m.

MOTION: **Rep. Armstrong** made a motion to approve the minutes of the February 1, 2017 meeting. **Motion carried by voice vote.**

Lt. Governor Brad Little, presented information about **Executive Order 2015-07**, which established the Idaho Cybersecurity Task Force to detect and identify threats and vulnerabilities in state government networks. The Task Force is directed to make recommendations on best practices to manage and reduce cyber risks. The Task Force have met with national experts, business and industry experts and counterparts in other states to understand best practices in cybersecurity.

Zach Tudor, Associate Laboratory Director, National & Homeland Security, Idaho National Laboratory (INL), presented information regarding cybersecurity and critical infrastructure capabilities. He stated the INL is a global leader in control systems for critical infrastructure protection and national security. He stated the INL's mission is to discover, demonstrate, and secure innovative nuclear energy solutions, other clean energy options, and critical infrastructure.

In response to committee questions, **Mr. Tudor** stated there are many resources for the public and small business owners for cybersecurity. He stated trade associations provide information as well.

Dick Garlish, General Manager, Compliance Risk and Security, Idaho Power, presented information on cyber challenges facing the industry. He stated Idaho Power has many tools to detect breaches in cybersecurity. Since 2011, Idaho Power has invested more than \$13 million in cybersecurity.

In response to committee questions, **Mr. Garlish** stated the FBI and the Department of Homeland Security handles prosecution of cybercrimes. He stated the key to cybersecurity is cyber hygiene, being aware of website links, and unknown email senders from either individual people or different countries. He stated the Department of Homeland Security website has many resources for the public as well.

Lt. Governor Brad Little was recognized to provide closing testimony. He stated the new director of the INL will establish and organize all dealings of the Task Force, including designating a rapid response team if they see fit.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:53 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Tuesday, February 07, 2017

SUBJECT	DESCRIPTION	PRESENTER
	Area Code Presentation	Paul Kjellander, Idaho Public Utilities Commission
	Joint Rule 18 Overview	Chairman Loertscher
H 57	Lottery, definition revised	Chairman Loertscher

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, February 07, 2017

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** None

GUESTS: Gene Fadness, Idaho Public Utilities Commission; Becky Schroeder, Idaho Lottery; Jeff Anderson, Idaho Lottery.

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

Paul Kjellander, Commissioner, Idaho Public Utilities Commission (PUC), spoke about the new area code change coming to Idaho. He stated in 2001, the 208 area code was about to exhaust. The PUC pulled numbers back from 2001-2013 to extend the usage of 208 but recently they are exhausting again. He stated the problem is that almost every person has a cell phone nowadays, plus numbers are used for communication between machines, and alarm systems. He stated the new area code will be 986 and will start being used by August. He said the PUC website has information on the transition which is easy to follow.

Chairman Loertscher turned the gavel over to **Vice Chairman Monks**.

Chairman Loertscher spoke to the committee about the rules change last year to **JR 18**. He stated it is imperative that whomever drafts new legislation is using concise language for the statement of purpose and the fiscal impact needs to include an explanation of why the legislation will or will not have a fiscal impact on the General Fund, as well as, state and local governments.

H 57: **Chairman Loertscher** presented **H 57**, a bill that clarifies that major procurements undertaken by the State Lottery Commission must be done in compliance with Idaho Code and the Idaho State Constitution. He stated the Lottery Commission would not fall under the management of the Department of Administration.

In response to committee questions, **Chairman Loertscher** stated the Lottery Commission has not been subject to the procurement laws passed in 2016.

Jeff Anderson, Director, Idaho Lottery Commission, stated the Lottery Commission follows procurement practices that are in accordance with the statutes and the Idaho Constitution. He stated the additional language in the bill is unnecessary. He stated there are only three vendors in Idaho that bid on these types of games.

MOTION: **Rep. Harris** made a motion to send **H 57** to the floor with a **DO PASS** recommendation.

ROLL CALL VOTE: A roll call vote was requested. **Motion carried by a vote of 11 AYE and 4 NAY.** **Voting in favor** of the motion: **Chairman Loertscher, Reps. Monks, Luker, Crane, Palmer, Holtzclaw, Harris, Scott, Armstrong, Zito and Jordan.** **Voting in opposition** to the motion: **Reps. Barbieri, Giddings, Manwaring and Smith.** **Chairman Loertscher** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:03 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Wednesday, February 08, 2017

SUBJECT	DESCRIPTION	PRESENTER
RS25020C1	Notarial Act, uniform law	Jeff Harvey, Deputy Director, Corporations Division, Secretary of State
RS25137	Appointment of Officers	Rep. Giddings
RS25092	Tribal gaming, slot machines	Rep. Harris
H 92	Wine, retail beer license requirements revised	Roger Batt, Idaho Grape and Wine Producers

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 08, 2017

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** None

GUESTS: Roger Batt, Idaho Grape and Wine Producers; Jeff Harvey, Secretary of State; Pam Eaton, Idaho Retailers Association; Greg Casey, Veritas Advisors.

Chairman Loertscher called the meeting to order at 9:30 a.m.

MOTION: **Rep. Armstrong** made a motion to approve the minutes of the February 6, 2017 meeting. **Motion carried by voice vote.**

RS 25020C1: **Jeff Harvey**, Deputy Director, Corporations Division, Secretary of State, presented **RS 25020C1**, proposed legislation that repeals the current notary statutes and introduces a completely new notary act, "revised Uniform Law on Notarial Acts", utilizing a draft that was originally provided by the Uniform Law Commission. The primary purpose of this new Act is to provide notaries public with the option to use technology to perform notarial acts. Also introduced under this Act is an education and testing requirement for new notaries, with a future effective date of July 1, 2019. He stated the education/training requirement of this bill will have an estimated fiscal impact of \$18,000. However, the cost for development is included in the Secretary of State's appropriation for implementation of a Corporations Software Solution.

In response to committee questions, **Mr. Harvey** stated the Secretary of State's office will create an online education course available to all new notaries that will be free of charge. He stated existing notaries will be grand-fathered in and will not be required to take the test. Traditional notaries would benefit from more education. He stated there will be a \$20.00 fee associated with notaries who would like to become electronic notaries.

MOTION: **Rep. Monks** made a motion to introduce **RS 25020C1**. **Motion carried by voice vote.** **Rep. Scott** requested to be recorded as voting **NAY**.

RS 25137: **Rep. Giddings** presented **RS 25137**, proposed legislation that allows the Board of County Commissioners to make certain appointments to the Cemetery Maintenance Board, the Fire Protection Board and the Recreation District Board. She stated there are 379 Boards, each Board has three commissioners, the Governor appoints 4,800 positions and has to fill the positions within 15 days. She stated there is no fiscal impact since this bill simply passes the appointing function from the Governor to the counties, and it requires no additional staff nor resources in either location.

MOTION: **Rep. Holtzclaw** made a motion to introduce **RS 25137**. **Motion carried by voice vote.**

Chairman Loertscher turned the gavel over to **Vice Chairman Monks**.

RS 25092: **Chairman Loertscher** presented **RS 25092**, proposed legislation addressing a constitutional compliance problem by amending language under Title 67, Chapter 429B, Idaho Code, that contradicts Article 3 of the Idaho Constitution. The amendment removes any ambiguity in the statute over whether or not a Tribal Video Gaming Machine can be a house-banked slot machine. He stated 429B was enacted by an Initiative and can be reviewed by the Legislature or by another initiative. This would make it clear that any gaming in Idaho would have to abide by the Idaho Constitution.

In response to committee questions, **Chairman Loertscher** stated the compact should not override the Constitution. He stated the Courts have not addressed the issue, they are there to interpret the constitutionality of the laws.

Rep. Jordan invoked Rule 38 and stated a possible conflict of interest but that she would be voting.

MOTION: **Rep. Harris** made a motion to introduce **RS 25092**. He spoke to the motion and stated regardless of the past, there should not be statutes that contradict the Idaho Constitution. **Motion carried by voice vote.** **Rep. Smith and Jordan** requested to be recorded as voting **NAY**.

H 92: **Roger Batt**, Idaho Grape and Wine Producers, presented **H 92**, a bill that amends Idaho's definition of dessert wine. The current definition states that dessert wine can only be labeled as such pursuant to federal standards as "port", "sherry" or "madeira." Idaho wineries are not allowed to label their products as "port", "sherry" or "madeira" due to federal certification of labeling origination issues so the Industry is asking for the definition to be revised to state that dessert wine shall have the taste, aroma and characteristics attributed to "port", "sherry" and "madeira." The Industry is requesting an additional change in the definition of dessert wine by changing the alcohol content from 21 percent to 24 percent to reflect the federal standards of 24 percent for this type of wine. Other states such as Oregon, Washington and California have adopted this federal standard. This Legislation also would not require Idaho wineries to purchase a beer license to sell wine on the winery's original licensed premises. Similar Legislation was passed by the Idaho Legislature in 2010 to exempt wineries from having to purchase a beer license when selling wine by the drink or at retail off of the winery's originally licensed premises.

MOTION: **Rep. Holtzclaw** made a motion to send **H 92** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Troy** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:17 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Thursday, February 09, 2017

SUBJECT	DESCRIPTION	PRESENTER
	Small Cell Technology Presentation - Verizon	Christal Canada, Verizon Pacific and North Central Planning
RS25155	Public expenditures, elections	Rep. Monks
H 79	Civil rights, possession of firearms	Mike Kane, Idaho Sheriff's Association
H 104	Dog racing, exception	Rep. Kauffman

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith(Nye)
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, February 09, 2017

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** None

GUESTS: Dustin Hurst, Idaho Freedom; Christal Canada, Verizon; Travis Griffin, Verizon; Mike Kane, Idaho Sheriff's Association; Mark Estes, Verizon; Hannah Sharp, Moms Demand Action; Nick Veldhouse, Idaho Association of Highway Districts.

Chairman Loertscher called the meeting to order at 9:31 a.m.

Mark Estes, representing Verizon, gave a short introduction to the presenters.

Christal Canada, Verizon, gave a presentation regarding small cell technology. She stated 48% of the American household are wireless only and the need for data is rising significantly.

Travis Griffin, Verizon, spoke about the planning and design of small cells and macros. He stated small cells are hot spots to help people connect. He stated there is an enhanced community need for emergency services, high speed connection is very important.

RS 25155: **Rep. Monks** presented **RS 25155**, proposed legislation that prevents public funds, resources and or property from being used to influence the outcome at the ballot box.

MOTION: **Rep. Palmer** made a motion to introduce **RS 25155. Motion carried by voice vote.**

H 79: **Mike Kane**, Idaho Sheriff's Association, presented **H 79**, a bill to amend the law relating to felons who may possess firearms. The current law makes it clear that the worst kind of felons (murder, rape, kidnapping, drug dealing, sex crimes) cannot possess firearms, even after they are discharged from their sentences. Missing from the list of criminal offenses in the current law are crimes that have been created since the original passage of the law, or crimes that were not originally considered but are crimes committed by organized criminals, terrorists, and criminal gang members. This legislation adds these serious felonies to the current law.

In response to committee questions, **Mr. Kane** stated most states handle restoration of rights in the same manner but some states don't allow rights to be restored at all.

Hannah Sharp, Moms Demand Action, spoke **in support of H 79** and stated the legislation should be passed in the interest of public safety.

MOTION: **Rep. Giddings** made a motion to send **H 79** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Scott and Jordan** requested to be recorded as voting **NAY. Rep. Giddings** will sponsor the bill on the floor.

- H 104:** **Rep. Kauffman** presented **H 104**, a bill that provides an exemption for exhibition-style live dog races or the training of dogs to compete in exhibition-style dog races, conducted at county fairs and upon which no pari-mutual betting occurs and the track length is limited.
- MOTION:** **Rep. Holtzclaw** made a motion to send **H 104** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Kauffman** will sponsor the bill on the floor.
- ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:40 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Friday, February 10, 2017

SUBJECT	DESCRIPTION	PRESENTER
RS25156	Elections, identification	Rep. Cheatham
RS25125	Elections, early voting timeline	Rep. Manwaring
RS25189	Sled dog racing, exception	Rep. Scott
RS25016C1	Unclaimed property, exemption	Cozette Haley, Administrator, Idaho Unclaimed Property

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Friday, February 10, 2017

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** None

GUESTS: Will Hart, Idaho Consumer-Owned Utilities Association.

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

MOTION: **Rep. Armstrong** made a motion to approve the minutes of the February 2, 2017 meeting. **Motion carried by voice vote.**

RS 25156: **Rep. Cheatham** presented **RS 25156**, proposed legislation that amends Section 34-113, Idaho Code in order to allow an additional form of identification, concealed carry permits, at the polls before voting or at absent electors polling places.

MOTION: **Rep. Luker** made a motion to introduce **RS 25156**. **Motion carried by voice vote.**

RS 25125: **Rep. Manwaring** presented **RS 25125**, proposed legislation that clarifies the early voting time line for elections by defining when early voting may begin and to provide statewide consistency in the early voting process for those counties that elect to do early voting. He stated the legislation defines early voting as starting no earlier than the fourth Monday before election day and no later than the second Monday before the election and end at 5:00 p.m.

MOTION: **Rep. Crane** made a motion to introduce **RS 25125**. **Motion carried by voice vote.** **Reps. Smith and Jordan** requested to be recorded as voting **NAY**.

RS 25189: **Rep. Scott** presented **RS 25189**, proposed legislation that would allow sled dog racing or the training of dogs for sled races.

MOTION: **Rep. Palmer** made a motion to introduce **RS 25189**. **Motion carried by voice vote.**

RS 25016C1: **Cozette Haley**, Administrator, Idaho Unclaimed Property, presented **RS 25016C1**, proposed legislation that establishes an exemption for non-profit corporations providing telecommunications service and delivery of electric power and to remove certain requirements for such entities.

In response to committee questions, **Ms. Haley** stated there are seven counties who have chosen to be exempt.

MOTION: **Chairman Loertscher** made a motion to introduce **RS 25016C1**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:25 a.m.

Representative Monks
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Monday, February 13, 2017

SUBJECT	DESCRIPTION	PRESENTER
RS25133	Fireworks, out of state residents	Rep. Erpelding
RS25121	Campaign finance, electronic filing	Chad Houck, Secretary of State
RS25188	Secretary of State, electronic record	Chad Houck, Secretary of State
RS25095	Local government, investment pool	Edelene Ohman, Director of Investments, Treasurer's Office
RS25096	Treasurer, investment admin fee	Edelene Ohman, Director of Investments, Treasurer's Office
RS25099	State Treasurer, language modernized	Laura Steffler Chief Deputy Treasurer, Treasurer's Office
RS25100C1	Treasurer, authority/account transfers	Laura Steffler Chief Deputy Treasurer, Treasurer's Office

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, February 13, 2017

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** None

GUESTS: John Palomarez, John's Discount Fireworks; Dennis Doan, Idaho Fire Chiefs; Michael Pearson, Fish and Game.

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

RS 25133: **Rep. Erpelding** presented **RS 25133**, proposed legislation that closes a loophole in the law which allows retailers to sell currently illegal aerial fireworks if the customer signs an affidavit stating he or she will not light the fireworks in Idaho. He stated the new language will require retailers to record and keep record of all wholesale transactions, including showing the buyer's permit for public display issued in accordance with Section 39-2605, Idaho Code. He stated the new section to be added to current law makes it unlawful for any person to sell fireworks at wholesale to any out of state resident who does not possess and present to the seller a valid license or permit issued to the same person of the same name. He stated there was no fiscal impact from the legislation. He stated the Table Rock Fire last summer, which was sparked by illegal fireworks, unnecessarily cost Idaho taxpayers approximately \$350,000. By making it more difficult to buy and sell illegal aerial fireworks, the cities and counties will save money and protect private property by reducing the number of fires requiring firefighter dispatch.

In response to committee questions, **Rep. Erpelding** stated there were multiple fires in the state due to illegal fireworks. He stated the tribes are a sovereign entity and are allowed to sell illegal fireworks and the legislation would have no effect on that. He stated the intent of the bill is to bring the supply of illegal fireworks down since the misuse of aerial fireworks is so high. He stated the cost to taxpayers is high because of this problem.

MOTION: **Rep. Smith** made a motion to introduce **RS 25133**.

Rep. Palmer and **Rep. Armstrong** spoke in **opposition** to the motion.

**ROLL CALL
VOTE:** **Chairman Loertscher** called for a Roll Call vote on the motion to introduce **RS 25133**. **Motion failed by a vote of 6 AYE, 9 NAY. Voting in favor** of the motion: **Chairman Loertscher, Reps. Monks, Luker, Crane, Smith and Jordan. Voting in opposition** to the motion: **Reps. Palmer, Barbieri, Holtzclaw, Harris, Scott, Armstrong, Giddings, Manwaring and Zito**.

RS 25121: **Chad Houck**, Director of Special Projects, Secretary of State, presented **RS 25121**, proposed legislation relating to sunshine filings, that requires the filing of all reports in an electronic format and give the Secretary discretion to grant hardship waivers from the requirement. The bill would also increase allowable level of fines for violations of the Act.

In response to committee questions, **Mr. Houck** stated the new fine amounts came directly from the Sunshine Ballot Initiative. He stated the other fine amounts were not much of a deterrent and the new fines are the maximum, not what is required to be charged. He stated the Secretary of State's office has not fined anyone in at least 12 years.

Due to time constraints, **RS 25121** will be carried over to a meeting in the future.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:53 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AMENDED AGENDA #1
HOUSE STATE AFFAIRS COMMITTEE
8:30 A.M.
Room EW40
Tuesday, February 14, 2017

SUBJECT	DESCRIPTION	PRESENTER
<u>RS25188</u>	Secretary of State, electronic record	Chad Houck, Secretary of State
<u>RS25095</u>	Local government, investment pool	Edelene Ohman, Director of Investments, Treasurer's Office
<u>RS25096</u>	Treasurer, investment admin fee	Edelene Ohman, Director of Investments, Treasurer's Office
<u>RS25099</u>	State Treasurer, language modernized	Laura Steffler Chief Deputy Treasurer, Treasurer's Office
<u>RS25100C1</u>	Treasurer, authority/account transfers	Laura Steffler Chief Deputy Treasurer, Treasurer's Office

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, February 14, 2017

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** None

GUESTS: None.

Chairman Loertscher called the meeting to order at 8:35 a.m.

RS 25188: **Chad Houck**, Director of Special Projects, Secretary of State, presented **RS 25188**, proposed legislation that amends Idaho Code Section 30-21-212 to explicitly allow for delivery of records via electronic transmission. He stated it could provide significant savings to the State in postal expenses.

MOTION: **Rep. Luker** made a motion to introduce **RS 25188** adding on line 3, after "transmission;" the words "pursuant to Uniform Electronic Transactions Act, Idaho Code Section 28-50-107;" **Motion carried by voice vote.**

RS 25095: **Edelene Ohman**, Director of Investments, State Treasurer, presented **RS 25095**, proposed legislation that clarifies that all Idaho public agencies are authorized to participate in the local government investment pool offered by the Treasurer. Public charter schools are formed as non-profit corporations. Due to their complex status, the legislation specifically identifies public charter schools as a public agency for the purpose of the local government investment pool. She stated this affects less than 1% and is a gray area that needs clarification.

MOTION: **Rep. Harris** made a motion to introduce **RS 25095**. **Motion carried by voice vote.**

RS 25096: **Edelene Ohman**, Director of Investments, State Treasurer, presented **RS 25096**, proposed legislation that clarifies that all funds invested by the Treasurer are subject to the investment administrative fee. The statutory authority for a number of funds invested by the Treasurer directs the earnings from the investment to a separate fund. The current language of Idaho Code Section 67-1210 allows the Treasurer to deduct investment administration fees only from a fund that receives income, which could prevent the deduction of administrative fees from funds that do not retain investment income. In addition, the language raises the issue of whether administrative fees can be deducted if there is no investment return as could occur in a down investment market.

In response to committee questions, **Ms. Ohman** stated the fee for FY2016 was 0.057% and the total pool was \$1.9 billion. She stated the administrative fee pays for staff, planning, research and operating costs and the Treasurer's office stays within fair market pricing for their fees. She stated the staff for the Investment Department are not brokers, so they do not charge a fee per transaction.

MOTION: **Rep. Manwaring** made a motion to introduce **RS 25096**. **Motion carried by voice vote.**

RS 25099: **Laura Steffler**, Deputy Treasurer, State Treasurer, presented **RS 25099**, proposed legislation to modernize language and to reflect current practices. The language creates no change to current procedures.

MOTION: Rep. Harris made a motion to introduce **RS 25099**. Motion carried by voice vote.

RS 25100C1: Laura Steffler, Deputy Treasurer, State Treasurer, presented **RS 25100C1**, proposed legislation that amends Section 67-1201, Idaho Code to modernize the language concerning payment of state expenses and to authorize the Treasurer to administer statewide programs related to the receipt of funds and the payment of funds. The legislation also provides for interagency billing for the costs of services provided by the Treasurer. Banking and the processes for paying and receiving funds have changed rapidly in recent years, including a change from the use of paper warrants and checks to electronic transactions. Although we have a specific purpose that prompted this legislation, the language was written to evolve and not just address one purpose. The pressing issue currently is the Payment Card Industry (PCI) compliance program required by VISA/Mastercard to continue Idaho agencies' ability to accept VISA/Mastercard credit and debit cards through the Treasurer's merchant services agreement. Agencies with separate legislative authority to accept credit and debit cards, such as the Department of Transportation, rely on the Treasurer to enter and maintain a statewide payment system with a third party merchant payment processing vendor. Rather than inferring authority from the existing statutory language, this legislation will provide specific authority for the Treasurer to address the current PCI compliance program issue and similar issues related to receipt and payment of funds as they arise in the future. This legislation also contains a new section, modeled on the authority granted to the Department of Administration in Idaho Code Section 67-5704, to allow interagency billing and payments. The treasurer expects agencies participating in the PCI compliance program to request and receive an appropriation for the costs of that program. The new section allows the Treasurer to bill and receive payment for those costs from the appropriated agency. The language is written to allow use in future circumstances where the legislature authorizes an agency to expend funds for services provided by the Treasurer.

In response to committee questions, Ms. Steffler stated the State of Idaho is considered to be one merchant, and has been assigned a merchant level 2 by VISA/Mastercard. At this level there are additional requirements to become compliant with the Payment Card Industry Data Security Standards (PCI DSS). These new requirements are to obtain a Report on Compliance (ROC) and to have quarterly network scans. Through information received from an RFI, the Treasurer anticipates the expense to create and administer a PCI compliance program will be \$40,000.00 per agency, of which there are approximately 20 agencies accepting credit cards. Because of the added expense, they are communicating with these 20 agencies to determine which, if any, will plan to discontinue accepting credit cards. So far there are 4 agencies that would like to administer the new program. Depending on the decisions made, the project is estimated to have a cost of approximately \$200,000.00 for FY2018. All participating agencies are dedicated fund agencies, so there will be no fiscal impact to the General Fund. The process will be to bill the costs to the participating agencies which would pay the Treasurer's Office, and the vendor would be paid directly by the Treasurer. The PCI compliance verification is required to be completed annually and will need to be included in participating agency budgets on an ongoing basis. Also, if through the process of obtaining a ROC or the quarterly network scan an agency needs additional resources to become compliant, the agency may have need for an additional appropriation.

MOTION: Rep. Monks made a motion to introduce **RS 25100C1**. Motion carried by voice vote.

UNANIMOUS CONSENT: Rep. Luker made a unanimous consent request to change the motion to introduce **RS 25188**, with a reference of Idaho Code Section 28-50-105, not 28-50-107. There being no objection, the request was granted.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:26 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AMENDED AGENDA #1
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Wednesday, February 15, 2017

SUBJECT	DESCRIPTION	PRESENTER
RS25121C1	Campaign finance, electronic filing	Chad Houck, Secretary of State
RS25290	Government noninterference in elections	Rep. Monks
H 95	Lottery, prize winner disclosure	Rep. Luker
H 126	Appointment of officers	Rep. Giddings
H 149	Elections id, new addition	Rep. Cheatham

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 15, 2017

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** None

GUESTS: Skip Smyser, Idaho Press Club; Phil McGrane, Ada County Clerk; Jeff Anderson, Idaho Lottery; Becky Schroeder, Idaho Lottery; Michael Law, self.

Chairman Loertscher called the meeting to order at 9:32 a.m.

MOTION: **Rep. Armstrong** made a motion to approve the minutes of the February 7, 8, 9, and 10, 2017 meetings. **Motion carried by voice vote.**

RS 25121C1: **Chad Houck**, Director of Special Projects, Secretary of State, presented **RS 25121C1**, proposed legislation that relates to sunshine filings. Under the duties of the Secretary of State, this bill would require the filing of all reports to county clerks, city clerks, and clerks of special districts to be in an electronic format, reports to the Secretary of State to be filed online, and give the receiving official the discretion to grant hardship waivers from the requirement.

In response to committee questions, **Mr. Houck** stated the county clerk of each district would have the authorization from the Secretary of State's office to review hardship requests. He also stated the software to allow for electronic filings has not been purchased yet so an exact start date is hard to predict but it will come out of the FY2018 budget.

MOTION: **Rep. Barbieri** made a motion to introduce **RS 25121C1**. **Motion carried by voice vote.**

RS 25290: **Rep. Monks** presented **RS 25290**, proposed legislation to prevent public funds, resources and or property from being used to influence the outcome at the ballot box. He stated new language has been added to the legislation that does not prohibit individuals from using public grounds or facilities that are available to the general public for political purposes.

MOTION: **Rep. Harris** made a motion to introduce **RS 25290**. **Motion carried by voice vote.**

H 95: **Rep. Luker** presented **H 95**, legislation that prohibits the State Lottery from disclosing certain identifying information of prize winners, to provide criteria for written authorization by a prize winner to disclose identifying information, to provide an exception to certain state agencies and vendors; and to provide that certain identifying information and records of prize winners shall be exempt from disclosure. He stated the legislation only applies to winners of \$600 or more because those winners are paid by the Lottery not the vendor.

Skip Smyser, Idaho Press Club, spoke **in opposition** to **H 95** and stated transparency is important for the Lottery and the bill does not allow for that. He stated the number of people who win the lottery in Idaho is minimal and the \$600 amount is too low.

Jeff Anderson, Idaho Lottery, spoke **in opposition** to **H 95** and stated there is already a claim form that has an opt out option. He stated the State Lottery is a public game and transparency is important.

MOTION: **Rep. Palmer** made a motion to send **H 95** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Smith and Jordan** requested to be recorded as voting **NAY.** **Rep. Luker** will sponsor the bill on the floor.

H 126: **Rep. Giddings** presented **H 126**, legislation that amends existing law to provide that certain appointments shall be made by the Board of County Commissioners instead of the Governor. She stated there are 379 boards in Idaho and 1,137 positions. She stated last year there were 77 vacancies.

MOTION: **Rep. Luker** made a motion to send **H 126** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Giddings** will sponsor the bill on the floor.

H 149: **Rep. Cheatham** presented **H 149**, legislation that amends existing law to provide an additional form of personal identification, a concealed weapons permit that may be presented at the polls.

Phil McGrane, Chief Deputy Clerk, Ada County Clerk, spoke **in support** of **H 149** and stated the bill allows for additional access to vote.

In response to committee questions, **Mr. McGrane** stated the bill only deals with showing photo identification at the polls to prevent fraud. He stated proof of residency is required for registering to vote, which requires different forms of identification for residency requirements.

MOTION: **Rep. Harris** made a motion to send **H 149** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Cheatham** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:28 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Thursday, February 16, 2017

SUBJECT	DESCRIPTION	PRESENTER
RS25283	Ray Houston, honored	Rep. Bell
SCR 106	Minoru Yasui, honored	Sen. Buckner-Webb
RS25160	Immigrants, contributions recognized	Rep. Kloc
H 150	Elections, early voting	Rep. Manwaring
H 151	Sled dog racing, exception	Rep. Scott

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, February 16, 2017

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** None

GUESTS: Phil McGrane, Ada County Clerk; Tim Hurst, Secretary of State.

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

RS 25283: **Rep. Bell** presented **RS 25283**, a concurrent resolution that honors **Ray Houston**, Principal Budget & Policy Analyst of the Legislative Services Office, for his twenty-eight years of service to the legislature, upon his retirement in July 2017.

MOTION: **Rep. Monks** made a motion to introduce **RS 25283** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Bell** will sponsor the bill on the floor.

SCR 106: **Rep. Rubel** presented **SCR 106**, a concurrent resolution to honor the life and work of **Minoru Yasui** for his commitment to liberty, justice and public service. Mr. Yasui spent the majority of his life fighting for civil and human rights and was posthumously awarded the Presidential Medal of Freedom in 2015.

MOTION: **Rep. Holtzclaw** made a motion to send **SCR 106** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Rubel** will sponsor the bill on the floor.

RS 25160: **Rep. Kloc** presented **RS 25160**, a concurrent resolution to recognize and support the important history and ongoing contributions of immigrants towards the building of the United States and Idaho. He stated the legislation is in reference to the legal immigrants that came in the 1800's and 1900's.

MOTION: **Rep. Smith** made a motion to introduce **RS 25160.** **Motion carried by voice vote.**

H 150: **Rep. Manwaring** presented **H 150**, legislation that clarifies the early voting time for elections by defining when early voting may begin and to provide statewide consistency in the early voting process for those counties that elect to do early voting.

Phil McGrane, Chief Deputy, Ada County Clerk, spoke **in support** of **H 150** and stated early voting is more secure and the bill would increase access to the polls.

Tim Hurst, Chief Deputy, Secretary of State, spoke regarding **H 150** and stated early voting according to federal law allows for voting 45 days prior to elections. He stated the legislation limits the amount of time and discretion should be left to the counties.

MOTION: **Rep. Crane** made a motion to send **H 150** to the floor with a **DO PASS** recommendation.

Rep. Smith and **Rep. Barbieri** spoke **in opposition** to the motion and stated the counties should make the decision on the time lines for early voting.

ROLL CALL VOTE: A Roll Call vote was requested. **Motion carried by a vote of 8 AYE and 7 NAY.** **Voting in favor** of the motion: **Chairman Loertscher, Reps. Monks, Luker, Crane, Palmer, Holtzclaw, Armstrong and Manwaring.** **Voting in opposition** to the motion: **Reps. Barbieri, Harris, Scott, Giddings, Zito, Smith and Jordan.** **Rep. Manwaring** will sponsor the bill on the floor.

H 151: **Rep. Scott** presented **H 151**, legislation that defines sled dog races and clarifies that the prohibition of dog racing in Idaho does not apply to sled dog races or to the training of dogs for a sled dog race. She stated sled dog racing has a long history in Idaho and sled dogs provided transportation in rugged areas in Idaho.

MOTION: **Rep. Barbieri** made a motion to send **H 151** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Scott** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:01 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:30 A.M.
Room EW40
Friday, February 17, 2017

SUBJECT	DESCRIPTION	PRESENTER
RS25266C1	Schools, election dates, instruction	Phil McGrane, Ada County Clerk
RS25302	Elections/vacancy fill positions	Chairman Loertscher

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Friday, February 17, 2017

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** Representative(s) Smith

GUESTS: Matt Compton, Idaho Education Association; Paul Stark, Idaho Education Association.

Chairman Loertscher called the meeting to order at 9:32 a.m.

MOTION: **Rep. Armstrong** made a motion to approve the minutes of the February 13, 2017 meeting. **Motion carried by voice vote.**

RS 25266C1: **Phil McGrane**, Chief Deputy, Ada County Clerk, presented **RS 25266C1**, proposed legislation that ensures student safety and provides for adequate polling locations for the purpose of voting on Election Day. He stated there have been increasing concerns about school safety due to having both students and voters, who would not typically be at a school, using the facility at the same time. Presently, schools are the most common polling location used in Idaho. Schools are needed in order to provide adequate and accessible polling locations within residential communities throughout the state. The legislation addresses both the need for schools to be used as polling locations and addresses the student safety concerns by removing students during voting, but still allowing the facility to be used by the school districts for other purposes. He stated there is a delayed effective date in order to ensure adequate time to adjust school calendars and contracts to facilitate the change.

MOTION: **Rep. Scott** made a motion to introduce **RS 25266C1**.

**SUBSTITUTE
MOTION:** **Rep. Giddings** made a substitute motion to return **RS 25266C1** to the sponsor.

**ROLL CALL
VOTE:** A Roll Call vote was requested on the substitute motion to return **RS 25266C1** to the sponsor. **Motion failed by a vote of 6 AYE, 7 NAY and 2 Absent/Excused. Voting in favor** of the motion: **Reps. Palmer, Barbieri, Holtzclaw, Harris, Armstrong and Giddings. Voting in opposition** to the motion: **Chairman Loertscher, Reps. Monks, Luker, Scott, Manwaring, Zito and Jordan. Absent/Excused: Reps. Crane and Smith.**

**VOTE ON
ORIGINAL
MOTION:** **Chairman Loertscher** called for a vote on the original motion to introduce **RS 25266C1. Motion carried by voice vote.**

Chairman Loertscher turned the gavel over to **Vice Chairman Monks**.

RS 25302: **Chairman Loertscher** presented **RS 25302**, proposed legislation that updates the special election provision in Idaho Code that was first put into law in 1899, with regard to vacancies to be filled in the United States House of Representatives.

MOTION: **Rep. Palmer** made a motion to introduce **RS 25302. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:12 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Monday, February 20, 2017

SUBJECT	DESCRIPTION	PRESENTER
SCR 101	American Legion youth programs day	Rep. Syme
S 1040	Idaho Code Codifier's Corrections	Katharine Gerrity, Legislative Branch
RS25312	Electronic filing system	Chad Houck, Director of Special Projects, Secretary of State
RS25287C1	Immigration, local government enforcement	Rep. Chaney

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

- DATE:** Monday, February 20, 2017
- TIME:** 9:00 A.M.
- PLACE:** Room EW40
- MEMBERS:** Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan
- ABSENT/
EXCUSED:** Representative(s) Crane, Palmer
- GUESTS:** The sign-in sheets will be retained with the minutes in the committee secretary's office until the end of session. Following the end of session, the sign-in sheets will be filed with the minutes in the Legislative Services Library.
- Chairman Loertscher** called the meeting to order at 9:00 a.m.
- SCR 101:** **Rep. Syme** introduced **Thomas Haggerty**, intern, who presented **SCR 101**, a concurrent resolution that recognizes and honors the Idaho Department of the American Legion family as they continue to sponsor and provide many youth programs for the benefit of the youth of Idaho and ultimately the State. It sets forth the second Thursday in January of each year to be designated American Legion Family Youth Programs Day in Idaho.
- MOTION:** **Rep. Smith** made a motion to send **SCR 101** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Syme** will sponsor the bill on the floor.
- S 1040:** **Katharine Gerrity**, Legislative Services, presented **S 1040**, legislation that makes various codifier corrections and technical corrections to the Idaho Code.
- MOTION:** **Rep. Monks** made a motion to send **S 1040** to the floor with a **DO PASS** recommendation. **Rep. Monks** will sponsor the bill on the floor.
- RS 25312:** **Chad Houck**, Director of Special Projects, Secretary of State, presented **RS 25312**, proposed legislation that authorizes the Secretary of State to collect specific, personal information from consumers for the purpose of creating user accounts through which users can assess an online filing system. He stated the information would be used for verification and validation of a user on that account, and for communicating with that consumer should the consumer forget a password, or should that user choose to receive electronic notifications. He stated the legislation amends Idaho Code Section 74-106 and add a Chapter 9, Title 67, a new section designated as 67-906, to specifically authorize the collection for the information and maintain its confidentiality.
- MOTION:** **Rep. Luker** made a motion to introduce **RS 25312** and to make a correction on Page 7, line 5, and add ", pursuant to Section 67-906 (1)(b), Idaho Code," after "state". **Motion carried by voice vote.** **Rep. Scott** requested to be recorded as voting **NAY**.
- RS 25287C1:** **Rep. Chaney** presented **RS 25287C1**, proposed legislation that prohibits cities and counties from obstructing federal immigration enforcement or adopting a policy of refusing to notify federal authorities when a person with an immigration warrant or detainer is in their custody.

In response to committee questions, **Rep. Chaney** stated the language from the original bill has been changed and the references to enforcement duties of law enforcement officers, duties related to arrested persons, and detained persons have been taken out. He stated he has met with local dairymen and people from the Hispanic community which resulted in re-drafting the legislation.

MOTION:

Rep. Barbieri made a motion to introduce **RS 25287C1**.

SUBSTITUTE MOTION:

Rep. Jordan made a substitute motion to return **RS 25287C1** to the sponsor.

VOTE ON SUBSTITUTE MOTION:

Chairman Loertscher called for a vote on the substitute motion to return **RS 25287C1** to the sponsor. **Motion failed by voice vote.**

VOTE ON ORIGINAL MOTION:

Chairman Loertscher called for a vote on the original motion to introduce **RS 25287C1**. **Motion carried by voice vote.** **Reps. Smith and Jordan** requested to be recorded as voting **NAY**.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 9:36 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
8:30 A.M.
Room EW42
Tuesday, February 21, 2017

SUBJECT	DESCRIPTION	PRESENTER
H 127	Tribal gaming, slot machines	Chairman Loertscher

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, February 21, 2017

TIME: 8:30 A.M.

PLACE: Room EW42

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheets will be retained with the minutes in the committee secretary's office until the end of session. Following the end of session, the sign-in sheets will be filed with the minutes in the Legislative Library.

Vice Chairman Monks called the meeting to order at 8:31 a.m.

MOTION: **Rep. Armstrong** made a motion to approve the minutes of the February 14 and 15, 2017 meetings. **Motion carried by voice vote.**

H 127: **Chairman Loertscher** presented **H 127**, legislation that addresses a constitutional compliance problem by amending language under Title 67, Chapter 429B, Idaho Code that contradicts Article III, Section 20 of the Idaho Constitution. The amendment removes any ambiguity in the statute over whether or not a Tribal Video Gaming Machine can be a house-banked slot machine.

Doug Okuniewicz, General Manager, Coeur d' Alene Racing, spoke **in support** of **H 127** and stated the bill does not take all machines away from the tribes. He stated there are three allowable forms of gambling in Idaho according to the Idaho Constitution. He stated house banked games are not legal in the state and the bill removes any ambiguity, which has been a source of confusion for years.

In response to committee questions, **Mr. Okuniewicz** stated the Lottery Director, who is in charge of overseeing tribal gaming, has his hands tied due to the current vague language. He stated there are many different games in the market now that are not slot machines that the tribes could use.

Shannon Wheeler, Nez Perce Tribe, spoke **in opposition** to **H 127** and stated the tribe agreed to the terms in **Proposition 1** in 2002 on what types of machines they could use. He stated they have around 600 machines. He stated the tribe has abided by the compact and has provided a lot of financial support to the community. He stated tribal gaming is heavily regulated and the tribes depend on the revenues by gaming sources that the casinos make. He said he questions the bills intent.

Darrell Shay, Shoshone Bannock Tribe, spoke **in opposition** to **H 127** and stated gaming dollars help the community and is linked to the tribes survival. He stated tribal gaming is not self-regulated like the State Lottery.

Scott Crowell, Special Gaming Counsel, Shoshone-Bannock Tribe, spoke **in opposition** to **H 127** and stated the compact to allow tribal gaming has helped the tribe with much needed resources and the legislation causes a negative relationship with the tribes.

In response to committee questions, **Mr. Crowell** stated the Idaho Constitution does not change the compact with the tribes. He stated he is concerned with the way the State is trying to change the compact and negotiations should go through the tribes first. He also stated the legislation will be used as a tool for frivolous lawsuits against the tribes. He stated if the State thinks the tribes are not adhering to the compact, there is a dispute resolution process they should use. He stated there is no ceiling in negotiations of the compact, even if it is against State law.

Marvin Osborne, Shoshone-Bannock Tribe Gaming, spoke **in opposition** to **H 127** and stated Indian gaming is one of the highest regulated in the industry. He stated gaming has helped the community.

In response to committee questions, **Mr. Osborne** stated **Jeff Anderson**, the Lottery Director comes to the casinos annually to check the machines and there is a 10% testing requirement.

Nathan Small, Shoshone-Bannock Tribe, spoke **in opposition** to **H 127** and stated there are many benefits of gaming for the tribes. He stated they are self-sufficient because of the gaming.

Jonathan Krutz, Stop Predatory Gambling Idaho, spoke **in support** of **H 127** and stated gambling has a negative impact on society. He stated slot machines are very addictive and illegal in the State of Idaho.

ADJOURN: Due to time constraints, **H 127** will be carried over to the meeting of February 22, 2017 at 8:30 a.m. The meeting was adjourned at 10:32 a.m.

Representative Monks
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
8:30 A.M.
Room EW40
Wednesday, February 22, 2017

SUBJECT	DESCRIPTION	PRESENTER
RS25314	Personal delivery devices/sidewalks	Teresa Molitor, Starship Technologies, Inc.
H 127	Tribal gaming, slot machines	Chairman Loertscher

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Monks
Rep Luker
Rep Crane
Rep Palmer

Rep Barbieri
Rep Holtzclaw
Rep Harris
Rep Armstrong
Rep Giddings

Rep Manwaring
Rep Zito
Rep Scott
Rep Smith
Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 22, 2017

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** None

GUESTS: Teresa Molitor, Starship Technologies Inc.

Chairman Loertscher called the meeting to order at 8:31 a.m.

RS 25314: **Teresa Molitor**, Starship Technologies Inc., presented **RS 25314**, proposed legislation that defines "personal delivery device" and "personal delivery device operator." It provides an exception for personal delivery device in the definition of motor vehicle, and clarifies that personal delivery devices may operate on sidewalks. The legislation gives cities, counties, and highway districts the authority to adopt regulations for the safe operation of personal delivery devices. Finally, it adds a new section of code that lists requirements for and restrictions on personal delivery devices.

In response to committee questions, **Ms. Molitor** stated the companies, who would provide the delivery service, carry general liability insurance.

MOTION: **Rep. Monks** made a motion to introduce **RS 25314**. **Motion carried by voice vote.**

H 127: Continuation of the meeting of February 21, 2017 at 8:30 a.m.

Chairman Loertscher turned the gavel over to **Vice Chairman Monks**.

David Leroy, Coeur d' Alene Racing, spoke **in support** of **H 127** and stated the compact should only allow what the state law permits. He stated the legislation provides for new language which is more precise.

In response to committee questions, **Mr. Leroy** stated the legislation would help the Lottery Director to enforce the laws of the State and the definition needs to be more concise.

Stephen McPherson spoke **in support** of **H 127** and stated he is opposed to gambling and electronic gambling machines. He stated gambling is addictive and the legislation does not go far enough to stop it.

Steve Griffith, Mayor of Hayden, spoke **in opposition** to **H 127** and stated the legislation would affect the economics in Idaho, the tribes have helped the community, especially the Couer d' Alene Tribe.

In response to committee questions, **Mayor Griffith** stated the legislation is not a clarification, it is changing the law and adds confusion.

Bill Roden, self, spoke **in opposition** to **H 127** and gave a history of how tribal gaming came about in Idaho. He stated that according to Article 21, Section 19 of the Idaho Constitution, Indian lands shall remain under the absolute jurisdiction and control of the congress of the United States and requires the states to negotiate terms with the tribes regarding the compacts. He stated even if the legislation passed, it would not change the compact.

In response to committee questions, **Mr. Roden** stated the State has the right to engage with authority as to the compact, which was a negotiation and the constitutionality of the compact is not a question. He stated the compact allows for the State to question the machines of whether they conform to the terms of the compact.

Tyrel Stevenson, Coeur d' Alene Tribe, spoke **in opposition** to **H 127** and stated the legislation creates more confusion because of the way it is written. He stated the tribes want to negotiate with the state to reach an agreement. He stated the games currently being played are legal and if the State has a concern, there is a dispute resolution process.

In response to committee questions, **Mr. Stevenson** stated the tribes are concerned how the amendment could affect them because it is vague.

Chief Allen, Coeur d' Alene Tribe, spoke **in opposition** to **H 127** and stated **Proposition 1** was supported by the people of Idaho. He stated everyone needs to work together to resolve the issue.

In response to committee questions, **Chief Allen** stated the tribes will work with State officials and make a good faith effort to negotiate. He stated if a private person has a concern, they can take it to the people like the tribes did 20 years ago.

Jeremy Chou, Risch Pisca, Kootenai Tribe, spoke **in opposition** to **H 127** and stated the legislation creates uncertainty and adds to the confusion.

ADJOURN: Due to time constraints, **H 127** will be carried over to the meeting of February 23, 2015 at 8:30 a.m. The meeting was adjourned at 10:43 a.m.

Representative Monks
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
8:30 A.M.
Room EW40
Thursday, February 23, 2017

SUBJECT	DESCRIPTION	PRESENTER
RS25342	Legal immigrants, contributions recognized	Rep. Kloc
RS25317	Uniform law on notarial acts, revised	Jeff Harvey, Deputy Director, Corporations Division, Secretary of State
RS25208C1	Federal power abuse, constitutional amendment	Chairman Loertscher
H 127	Tribal gaming, slot machines	Chairman Loertscher

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, February 23, 2017

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** None

GUESTS: Jeff Harvey, Secretary of State; Alice Tracy, self; Bob Tracy, self; Carol Menges, Convention of States; Eric Lecht, self; RossAnne Gibson, Convention of States.

Chairman Loertscher called the meeting to order at 8:29 a.m.

MOTION: **Rep. Armstrong** made a motion to approve the minutes of the February 16, 2017 meeting. **Motion carried by voice vote.**

RS 25342: **Rep. Kloc** presented **RS 25342**, proposed legislation that recognizes and supports the important history and ongoing contributions of legal immigrants towards the building of the United States and Idaho.

MOTION: **Rep. Smith** made a motion to introduce **RS 25342**. **Motion carried by voice vote.**

RS 25317: **Jeff Harvey**, Deputy Director Corporations Division, Secretary of State, presented **RS 25317**, proposed legislation that repeals the current notary statutes and introduces a completely new notary act, "Revised Uniform Law on Notarial Acts", utilizing a draft that was originally provided by the Uniform Law Commission. He stated the primary purpose of this new Act is to provide notaries public with the option to use technology to perform notarial acts. This Act also requires the Secretary of State to provide a course of education for applicants and notaries who wish to use it.

In response to committee questions, **Mr. Harvey** stated the Uniform Code law is written by a compilation of representatives from all 50 states. He stated the original language in Idaho Code relating to notaries was written in 1986 and the language was taken from the Uniform Code.

MOTION: **Rep. Monks** made a motion to introduce **RS 25317**. **Motion carried by voice vote.** **Reps. Scott and Zito** requested to be recorded as voting **NAY**.

Chairman Loertscher turned the gavel over to **Vice Chairman Monks**.

RS 25208C1: **Chairman Loertscher** presented **RS 25208C1**, proposed concurrent resolution that states findings of the Legislature and applies to Congress to call an amendment convention of the states. Under Article V of the U.S. Constitution, there are two methods of proposing amendments. Congress can do so and two thirds of the states may apply for a convention to propose amendments. This resolution makes Idaho's application and sets forth how the commissioners will be chosen and who is eligible to be a commissioner. It also provides that the legislature, by resolution, sets the rules under which our commissioners would operate.

In response to committee questions, **Chairman Loertscher** stated the convention would most likely be run under the Mason Manual as most states use it for their legislative sessions. He stated the legislation is important because the time is now to stand up and take action to protect the integrity of the U.S. Constitution.

MOTION: **Rep. Giddings** made a motion to introduce **RS 25208C1. Motion carried by voice vote. Reps. Smith, Jordan and Zito** requested to be recorded as voting **NAY**.

H 127: Continuation of the meeting of February 22, 2017 at 8:30 a.m.

Chairman Loertscher was recognized to close testimony on **H 127**. He stated the bill is not about banning tribal gaming or gambling, but to reconcile Idaho Code with the Idaho Constitution. He stated the only way to effectively make the two coincide is through the legislature.

MOTION: **Rep. Barbieri** made a motion to send **H 127** to the floor with a **DO PASS** recommendation. He spoke to the motion and stated the bill does not stop tribal gaming and without this concise language, the Lottery Director cannot do his job. He stated a clear definition of slot machines is needed.

SUBSTITUTE MOTION: **Rep. Luker** made a substitute motion to send **H 127** to General Orders with amendments attached. He spoke to the motion and stated the new language and amendment is needed to clarify and is important for Idaho law.

AMENDED SUBSTITUTE MOTION: **Rep. Manwaring** made an amended substitute motion to **HOLD H 127** in committee. He spoke to the motion and stated there is no policy matter to fix and the legislation threatens the tribes.

Rep. Crane spoke **in support** of the amended substitute motion and stated there needs to be negotiations held between the State and the tribes regarding the Compact and tribal gaming.

Chairman Loertscher spoke **in opposition** to the amended substitute motion and stated something needs to be done with the Idaho Code so the State is in compliance with 429B. He stated all gaming should be in compliance with Idaho law.

Rep. Jordan invoked Rule 38, and spoke **in support** of the amended substitute motion and stated she has a question as to the motive of the bill. She stated the issue needs to be addressed with the tribes and not through the courts.

Rep. Palmer spoke **in support** of the amended substitute motion and stated he believes many of the gaming machines in Idaho are slot machines but the bill will not change that.

ROLL CALL VOTE: A Roll Call vote was requested on the amended substitute motion to **HOLD H 127** in committee. **Motion carried by a vote of 8 AYE, 7 NAY. Voting in favor** of the motion: **Reps. Monks, Crane, Palmer, Holtzclaw, Armstrong, Manwaring, Smith and Jordan. Voting in opposition** to the motion: **Chairman Loertscher, Reps. Luker, Barbieri, Harris, Giddings, Zito and Scott.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:35 a.m.

Representative Monks
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Friday, February 24, 2017

SUBJECT	DESCRIPTION	PRESENTER
<u>H 152</u>	Unclaimed property, exemption	Cozette Haley, Administrator, Idaho Unclaimed Property
<u>H 181</u>	Local government, investment pool	Edelene Ohman, Director of Investments, Treasurer's Office
<u>H 182</u>	Treasurer, investment admin fee	Edelene Ohman, Director of Investments, Treasurer's Office
<u>H 183</u>	State Treasurer, language modernized	Laura Steffler Chief Deputy Treasurer, Treasurer's Office
<u>H 184</u>	Treasurer authority, account transfers	Laura Steffler Chief Deputy Treasurer, Treasurer's Office

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Friday, February 24, 2017

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** Representative(s) Crane, Palmer

GUESTS: Will Hart, Idaho Consumer-Owned Utilities Commission.

Vice Chairman Monks called the meeting to order at 9:02 a.m.

MOTION: **Rep. Jordan** made a motion to approve the minutes of the February 17, 2017 meeting. **Motion carried by voice vote.**

H 152: **Cozette Haley**, Administrator, Idaho Unclaimed Property, presented **H 152**, a bill that amends existing law to establish an exemption for nonprofit corporations providing telecommunications service and delivery of electric power, and to remove certain requirements for such entities.

Will Hart, Executive Director, Consumer Owned Utilities Commission, spoke in support of **H 152**.

Rep. Jordan invoked Rule 38 stating a possible conflict of interest but that she would be voting on the legislation.

MOTION: **Rep. Scott** made a motion to send **H 152** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Scott** will sponsor the bill on the floor.

H 181: **Edelene Ohman**, Director of Investments, Treasurer's Office, presented **H 181** legislation that clarifies that all Idaho public agencies are authorized to participate in the local government investment pool offered by the Treasurer. Public charter schools are formed as non-profit corporations. Due to their complex status, the legislation specifically identifies public charter schools as a public agency for the purpose of the local government investment pool. She stated there is no fiscal impact to the General Fund from this legislation. Idaho public agencies investing in the account may reduce investment fees by using the investment pool and will be subject to the same investment gains or losses experienced by other Idaho public agencies choosing to use the investment pool.

MOTION: **Rep. Harris** made a motion to send **H 181** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Harris** will sponsor the bill on the floor.

H 182: **Edelene Ohman**, Director of Investments, Treasurer's Office, presented **H 182** legislation that amends existing law to provide that each fund invested by the State Treasurer shall be charged an investment administration fee. The statutory authority for a number of funds invested by the Treasurer directs the earnings from the investment to a separate fund. The current language of Idaho Code Section 67-1210 allows the Treasurer to deduct investment administration fees only from a fund that receives income, which could prevent the deduction of administrative fees from funds that do not retain investment income. In addition, the language raises the issue of whether administrative fees can be deducted if there is no investment return as could occur in a down investment market. The proposed language clarifies that all funds invested by the Treasurer are subject to the investment administrative fee.

MOTION: **Rep. Armstrong** made a motion to send **H 182** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Armstrong** will sponsor the bill on the floor.

H 183: **Laura Steffler**, Chief Deputy Treasurer, Treasurer's Office, presented **H 183** legislation that modernizes language to reflect current practices. She stated Section 2 is being changed to reflect modern practices and because a referenced section of Idaho Code has since been repealed. Section 3 is being updated to reflect current practices: Receipts are created by various sources and some are automated through bank files. Furthermore, receipts are numbered uniquely, but not sequentially. Section 8 is being updated to reflect that the Treasurer does not identify purpose of payments and cannot report which payments were specifically for the redemption of bonds. Section 10 is being updated because there is not a date prescribed in Code. Section 11 is being updated to reflect that with modern practices many writings and papers are in an electronic format.

MOTION: **Rep. Smith** made a motion to send **H 183** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Smith** will sponsor the bill on the floor.

H 184: **Laura Steffler**, Chief Deputy Treasurer, Treasurer's Office, presented **H 184**, legislation that amends and adds to existing law to provide authority to administer programs associated with receipt of moneys and to add language regarding the use of payment methods; and to authorize interaccount transfers for services and related costs provided by the State Treasurer to state government departments. This legislation amends the current section to modernize the language concerning payment of state expenses and to authorize the Treasurer to administer statewide programs related to the receipt of funds and the payment of funds. The legislation also provides for interagency billing for the costs of services provided by the Treasurer. Banking and the processes for paying and receiving funds have changed rapidly in recent years, including a change from the use of paper warrants and checks to electronic transactions. Although there is a specific purpose that prompted this legislation, the language was written to evolve and not just address one purpose. The pressing issue currently is the Payment Card Industry (PCI) compliance program required by VISA/Mastercard to continue Idaho agencies' ability to accept VISA/Mastercard credit and debit cards through the Treasurer's merchant services agreement. Agencies with separate legislative authority to accept credit and debit cards, such as the Department of Transportation, rely on the Treasurer to enter and maintain a statewide payment system with a third party merchant payment processing vendor. Rather than inferring authority from the existing statutory language, this legislation will provide specific authority for the Treasurer to address the current PCI compliance program issue and similar issues related to receipt and payment of funds as they arise in the future. This legislation also contains a new section, modeled on the authority granted to the Department of Administration in Idaho Code section 67-5704, to allow interagency billing and payments. The treasurer expects agencies participating in the PCI

compliance program to request and receive an appropriation for the costs of that program. The new section allows the Treasurer to bill and receive payment for those costs from the appropriated agency. The language is written to allow use in future circumstances where the legislature authorizes an agency to expend funds for services provided by the Treasurer.

In response to committee questions, **Ms. Steffler** stated there are four agencies that have decided to go forward with the program. She stated there is a \$5,000 minimum per month fine for not conforming to the PCI standards. The state of Idaho is considered to be one merchant, and has been assigned a merchant level 2 by VISA/Mastercard. At this level there are additional requirements to become compliant with the Payment Card Industry Data Security Standards (PCI DSS). These new requirements are to obtain a Report on Compliance (ROC) and to have quarterly network scans. Through information received from an RFI, the Treasurer anticipates the expense to create and administer a PCI compliance program will be \$40,000.00 per agency, of which there are approximately 20 agencies accepting credit cards. Because of the added expense, there is communication with these 20 agencies to determine which, if any, will plan to discontinue accepting credit cards. Depending on the decisions made, it is estimated the project will have a cost of approximately \$160,000.00 for FY2018. All participating agencies are dedicated fund agencies, so there will be no fiscal impact to the General Fund. It is anticipated the process will be to bill the costs to the participating agencies which would pay the Treasurer's Office, and the vendor would be paid directly by the Treasurer. The PCI compliance verification is required to be completed annually and will need to be included in participating agency budgets on an ongoing basis. Also, if through the process of obtaining a ROC or the quarterly network scan an agency needs additional resources to become compliant, the agency may have need for an additional appropriation.

MOTION: **Rep. Luker** made a motion to **HOLD H 184** in committee. He spoke to the motion and stated he wants to hear from the agencies on how they want to approach the issue.

SUBSTITUTE MOTION: **Chairman Loertscher** made a substitute motion to send **H 184** to the floor with a **DO PASS** recommendation. He spoke to the motion and stated credit card companies are liable for anything that goes wrong, so security is important.

ROLL CALL VOTE **Vice Chairman Monks** called for a Roll Call Vote on the substitute motion to send **H 184** to the floor with a **DO PASS** recommendation. **Motion carried by a vote of 7 AYE, 6 NAY, 2 Absent/Excused. Voting in favor** of the motion: **Chairman Loertscher, Reps. Monks, Barbieri, Holtzclaw, Manwaring, Smith and Jordan. Voting in opposition** to the motion: **Reps. Luker, Harris, Armstrong, Giddings, Zito and Scott. Absent/Excused: Reps. Crane and Palmer. Rep. Monks** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:27 a.m.

Representative Monks
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Monday, February 27, 2017

SUBJECT	DESCRIPTION	PRESENTER
<u>H 121</u>	Driving business, license provisions revised	Mitch Toryanski, Legal Counsel, Idaho Bureau of Occupational Licenses
<u>H 188</u>	Campaign finance, electronic filing	Chad Houck, Director of Special Projects, Secretary of State
<u>H 189</u>	Government noninterference in elections	Rep. Monks

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

- DATE:** Monday, February 27, 2017
- TIME:** 9:00 A.M.
- PLACE:** Room EW40
- MEMBERS:** Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan
- ABSENT/
EXCUSED:** None
- GUESTS:** Fred Birnbaum, Idaho Freedom Foundation; Chris Rich, Ada County Clerk; Michael Law, Hubert Osborne, Rachel Lindsey, Steve Berch, self; Nick Miller, Idaho School Board; Rob Winslow, Idaho Association of School Administration; Karen Echeverria, Idaho School Boards; Kathy Griesmyer, ACLU Idaho; Eric Heringer, Piper Jaffray
- Chairman Loertscher** called the meeting to order at 9:04 am.
- MOTION:** **Rep. Armstrong** made a motion to approve the minutes of Monday, February 20, 2017. **Motion carried by voice vote.**
- H 121:** **Mitch Toryanski**, Idaho Bureau of Occupational Licenses, presented on **H 121**, which removes the occupancy requirement for a driving training business unless it has a physical classroom. Classroom instruction has evolved via the internet and some businesses no longer have a physical classroom.
- MOTION:** **Rep. Luker** made a motion to send **H 121** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Holtzclaw** will sponsor the bill on the floor.
- H 188:** **Chad Houck**, Director of Special Projects, Secretary of State, presented on **H 188**, which would require all filings of all reports to county, city, and special district clerks to be filed in electronic format, reports to the Secretary of State to be filed online, and give the receiving official discretion to grant hardship waivers from this requirement. There may be a small positive fiscal impact, as this bill allows for more efficient filing with appropriate offices.
- In response to questions on hardship exemptions, **Mr. Houck** stated in the event that a smaller jurisdiction, or one with a smaller budget, cannot receive something online, the official can grant a favor to those people with no internet or computer. The person would request a waiver in writing and receive a response in paper form.
- Rep. Luker** asked if any comments were received from people in smaller districts or communities. **Mr. Houck** replied no direct complaints or concerns had been received. The long term desire is to create a pathway for the Office of the Secretary of State as it upgrades its systems, so that services can be provided to smaller jurisdictions.

Rep. Luker is concerned about small cities where people wish to run for office, who might find the digital format to be an impediment. He asked if there is a time frame for filing the hardship waiver. **Mr. Houck** replied the same deadlines apply for all reports under this legislation. Of the 105 legislators, 85 to 86% are typing in their information; the remainder are handwriting in their information, which is then manually entered by staff into the system. Manually entering information slows the process down. Rep. Luker said he thought they were scanned in, rather than entered in. Mr. Houck replied all information is completely reentered. There is also a scanned copy, but it is hand entered so that all the information matches up.

MOTION:

Rep. Manwaring made a motion to send **H 188** to the floor with a **DO PASS** recommendation.

Rep. Luker understands the desire to move to a digital format, but he is concerned about excluding people from candidacy, since those in smaller communities might feel they do not have the ability to enter. He would prefer to have the pathway to make it possible for digital format, but not to mandate the digital format. He will vote no on the motion.

Rep. Harris said the point of one of the sunshine laws was to provide visibility, which has been accomplished, and this mandate appears strong-armed. **Rep. Manwaring** countered this is a 21st Century update to the recording system in the sunshine laws.

Chairman Loertscher said having used both the digital and paper format, he recommends the digital format; it is much simpler and easier.

VOTE ON MOTION:

Chairman Loertscher called for a vote on the motion to send **H 188** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Luker** requested he be recorded as voting **NAY**. **Rep. Manwaring** will sponsor the bill on the floor.

H 189:

Rep. Monks presented **H 189**, which prohibits the use of public funds in elections, outlines violations, and allows for the validity of an election to be challenged based on violations. This is needed because government entities should not be interfering in elections. Taxpayer dollars should not be used to push forward agendas that government entities support, such as for bonds or levies. There is no comparable platform for the opposing party. Rep. Monks gave an example that school children were given information discussing funding and bond election facts, which also included information on what happens if the bond fails; the opposition voice was not given the same opportunity. This is not appropriate. Government entities often work hard not to use taxpayer resources to push agendas; however, it is not always the case. This legislation is needed to ensure fair playing fields. All surrounding states have some form of statute that prohibits use of public funds for campaigning and electioneering; Idaho does not. The legislation is needed to clarify that it is not appropriate to use taxpayer money to push agendas.

Rep. Barbieri addressed the denotations on aspects trying to control behavior. If there is a single complaint from an individual, how is the determiner to weigh the information coming from the complainant. **Rep. Monks** responded the violation is where someone has made a complaint, then the attorney general and prosecuting attorney would determine if there is enough evidence to see if it should be further investigated. If there is, a hearing would occur. Rep. Barbieri asked if the duty to investigate existed, even when the incident is minor. Rep. Monks replied if there is a violation of the law, the determiner should address it, however insignificant it might look.

In response to concerns from the committee on **Section 74-605** of the bill not having a time frame, **Rep. Monks** said the section could be cleaned up. He is hoping **H 189** could be sent to General Orders so that language can be cleaned up and a time frame created.

Chris Rich, Ada county clerk, testified **in opposition to H 189**. He stated his office offers classes on elections and clerical aspects. He wonders if under this bill, he can continue doing this training, since public funds are used to do so. In the 2016 election, Ada County predicted a large turnout, so they promoted early voting. They encouraged this alternative voting, and advertised which parties were voting in proportion to the other party. Under **H 189**, it is questionable whether or not they could continue to do something like this.

After questions from the committee, **Mr. Rich** clarified that his concern with **H 189** is that there is not a specific exemption for educating voters on the voting process.

Fred Birnbaum, Vice President, Idaho Freedom Foundation (IFF), testified **in support of H 189**. Mr. Birnbaum stated IFF supports the bill because it protects taxpayers, ensures integrity of elections, and spurs more civic engagement. This legislation focuses government on their core duties. Taxpayers do not pay their tax dollars to promote political causes that officials find important but citizens may not support. There should not be naked promotion of agendas. In response to a question on whether or not IFF supports the concept of fining for violations, Mr. Birnbaum stated that IFF does not emphasize the fines, but highlights that public officials must follow the law. This bill is an improvement over what other states have.

Nick Miller, lawyer, Hawley Troxell, appearing on behalf of the Idaho School Board Administration, testified **in opposition to H 189**. He challenges the notion of whether or not there are measures already in place that address what **H 189** introduces. The distinction between advocacy and providing information is already in state law. Violations to this law include fines and criminal penalties. The Idaho Supreme Court has given a guideline on what is lawful when it comes to electioneering and spending public funds. Some issues arise on the differences between current law and **H 189**: current law provides a time limit for election challenges (which, among other things, ensures clear bond issuance), whereas this bill does not; current law has several procedural requirements in current statute for contesting an election, including the contester must verify the complaint and post a bond for contesting, whereas the new bill does not have these safeguards; and the election contest statute states that one must prove an election would be changed by use of funds, whereas **H 189** does not have this language. There are several defects from a legal standpoint on the contested elections process in **H 189**. In response to questions, Mr. Miller confirmed that Idaho already has election laws in place that address use of public funds and contested elections. He also stated that **H 189** does more than just add to current law: it also regulates where certain election-related promotions and advertisements can take place; in this aspect, it is more restrictive than current law.

Michael Law, self, and **Hubert Osborne**, self, retired dairyman, both testified **in support of H 189**. Mr. Law stated if taxpayers are opposed to a specific bond or election, yet they are required to pay for this promotion, then it is like paying a burglar to rob you.

MOTION:

Rep. Palmer made a motion to send **H 189** to General Orders.

Rachel Lindsay, self, Fruitland, testified **in support of H 189**. During a bond campaign, she received several flyers educating heavily to one side of the issue, which she opposed. She felt small and helpless. She asked the Fruitland Treasurer where the money was coming from to fund expensive literature; it was from the city budget. The number of mailers were frivolous and taxpayer dollars were being wasted. She is not grateful for her tax dollars being spent this way. It causes unnecessary divide between citizens and officials, and she, as a citizen, would not be afforded the same funds to promote her side of the bond issue.

Chairman Loertscher stated the motion would be continued in the committee's next meeting.

ADJOURN: Due to time constraints, **H 189** will be carried over to the meeting of February 28, 2017 at 9:00 am. There being no further business to come before the committee, the meeting adjourned at 10:23 am.

Representative Loertscher
Chair

Shelby Winkel
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Tuesday, February 28, 2017

SUBJECT	DESCRIPTION	PRESENTER
H 189	Government noninterference in elections	Representative Jason Monks
H 193	Secretary of State, electronic record	Chad Houck, Director of Special Projects, Secretary of State
H 203	Electronic filing system	Chad Houck, Director of Special Projects, Secretary of State

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, February 28, 2017

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** None

GUESTS: Kelli Brassfield, Idaho Association of Cities; Micki Love, Ada County Elections; Karen Echeverria, Idaho School Boards Association; Eric Heringer, Piper Jaffray; Rob Winslow, Idaho Association School Administrators; Kathy Griesmeyer, ACLU Idaho.

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

H 189: Continuation of the meeting of February 27, 2017 at 9:00 a.m.

Rob Winslow, Idaho Association of School Administrators, spoke **in opposition** to **H 189** and stated he was concerned about the restrictions of information which could restrict the forming of school bonds and levies. **Karen Echeverria**, Idaho School Board Association, spoke **in opposition** to **H 189** and stated the bill conflicts with existing law, lacks a time frame to challenge an issue and who can file a challenge. The language is ambiguous. She stated it limits the manner to even speak about elections. She stated the public wants more information on bonds and levies and the bill limits that access. **Kathy Griesmeyer**, ACLU Idaho, spoke **in opposition** to **H 189** and stated the bill raises concerns with freedom of speech. She stated those qualified to speak on important issues could be limited. **Eric Heringer**, Piper Jaffray, spoke **in opposition** to **H 189** and stated there is no limit on the challenge period in the bill and it is ambiguous.

Rep. Monks was recognized to close testimony on **H 189**. He stated there is a problem with influencing the outcome of elections. He stated there is currently only case law that deals with the issue and it is not in statute, so it is left up to interpretation. He stated public resources should not be used to influence elections and public property or resources should only be allowed to be used if they are available to all. He stated every state surrounding Idaho already has similar legislation/laws.

SUBSTITUTE MOTION: **Rep. Giddings** made a substitute motion to **HOLD H 189** in committee for a time certain, until March 7, 2017.

Rep. Smith spoke **in support** of the substitute motion and stated all the affected parties should collaborate to make the language better.

Rep. Luker spoke **in support** of the original motion to send **H 189** to General Orders with a recommendation and stated the bill needs to move along if the committee decides to send it to General Orders.

VOTE ON SUBSTITUTE MOTION: **Chairman Loertscher** called for a vote on the substitute motion to **HOLD H 189** in committee for a time certain, until March 7, 2017. **Motion failed by voice vote.**

VOTE ON ORIGINAL MOTION:

Chairman Loertscher called for a vote on the motion to send **H 189** to General Orders. **Motion carried by voice vote. Rep. Smith** requested to be recorded as voting **NAY. Rep. Monks** will sponsor the bill on the floor.

H 193:

Chad Houck, Director of Special Projects, Secretary of State, presented **H 193**, a bill that amends existing law to provide that the Secretary of State may deliver a record to a person by electronic transmission. The Secretary of State plans to upgrade its filing system to allow state users to do online filings. The Secretary of State also plans on using electronic transmission of delivery of certain records to those who use the online filing system. Thus, the Secretary of State would like to amend Idaho Code Section 30-21-212 to explicitly allow for delivery of records via electronic transmission.

MOTION:

Rep. Manwaring made a motion to send **H 193** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Giddings** will sponsor the bill on the floor.

H 203:

Chad Houck, Director of Special Projects, Secretary of State, presented **H 203**, a bill that amends and adds to existing law to authorize the Secretary of State to create a statewide electronic filing system and to provide that public disclosure of certain personal information of users of the system shall be exempt. The secretary will need to collect specific, personal information from consumers to create a user account through which users can access an online filing system. This information will be used for verification and validation of a user on that account, and for communicating with that consumer should the consumer forget a password, or should that user choose to receive electronic notifications. Current statute does not directly authorize the Secretary of State to collect personal information for this purpose, or exempt this information from public records requests. Thus, the Secretary of State would like to amend Idaho Code Section 74-106 and add to Chapter 9 Title 67 a new section designated as 67-906, to specifically authorize the collection of this information and maintain its confidentiality.

MOTION:

Rep. Zito made a motion to send **H 203** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Zito** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 9:59 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
8:30 A.M.
Room EW40
Wednesday, March 01, 2017

SUBJECT	DESCRIPTION	PRESENTER
RS25406	Invasive species, west states assist	Rep. Gestrin
RS25351	Public Records Act, exemptions	Rep. Barbieri
HCR 17	Legal immigrants, contributions recognized	Rep. Kloc
SCR 107	Gene Harris, honored	Rep. Kloc
H 12aaS	Elections, registered elector	Rep. Armstrong

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, March 01, 2017

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representative(s) Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** Representative(s) Luker

GUESTS: None.

Chairman Loertscher called the meeting to order at 8:30 a.m.

MOTION: **Rep. Armstrong** made a motion to approve the minutes of the February 21 and 22, 2017 meetings. **Motion carried by voice vote.**

RS 25406: **Rep. Gestrin** presented **RS 25406**, proposed legislation that states the findings of the Legislature and encourages western states and the federal government to establish cooperative and coordinated efforts with the State of Idaho to prevent, to whatever extent possible, through efforts including inspections, decontamination policies, enforcement of invasive species laws and rapid response protocols, further spread of the mussels, and containment where established, until such time as viable tools for eradication are discovered.

MOTION: **Rep. Crane** made a motion to introduce **RS 25406** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Gestrin** will sponsor the bill on the floor.

RS 25351: **Rep. Barbieri** presented **RS 25351**, proposed legislation that clarifies which communications would be exempt from disclosure under the Public Records Act. It will also exempt certain personal information from disclosure.

MOTION: **Rep. Palmer** made a motion to introduce **RS 25351.** **Motion carried by voice vote.**

HCR 17: **Rep. Kloc** presented **HCR 17**, a concurrent resolution that recognizes and supports the important history and ongoing contributions of legal immigrants towards the building of the United States and Idaho.

Sally Mwangi, self, spoke about her experience as a refugee/immigrant from Kenya and stated she came to Boise years ago and is grateful of the good people here. **Asmaa Albukaie**, self, spoke about her experience as an refugee/immigrant from Syria, and stated she loves the community in Idaho and all of the support she has received. **Kibrom Milash**, self, spoke about his experience as an immigrant from Egypt and stated he is happy to be in Boise and for his freedom and shelter.

MOTION: **Rep. Smith** made a motion to send **HCR 17** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Kloc** will sponsor the bill on the floor.

SCR 107: **Rep. Kloc** presented **SCR 107**, a concurrent resolution that recognizes and honors Gene Harris for his lifelong achievements as a celebrated jazz musician as well as his cultural and educational contributions to the State of Idaho.

- MOTION:** **Rep. Smith** made a motion to send **SCR 107** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Kloc** will sponsor the bill on the floor.
- H 12aaS:** **Rep. Armstrong** presented **H 12 aaS** with amendments by the Senate. He stated the change includes changing the qualification age from 21 years to 18 years and he does not agree with the change.
- MOTION:** **Rep. Palmer** made a motion to not concur with the amendments made in the Senate to **H 12aaS.** **Motion carried by voice vote.**
- ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:17 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Thursday, March 02, 2017

SUBJECT	DESCRIPTION	PRESENTER
H 93	Concealed weapons, provisions revised	Rep. Cheatham
H 209	Revised Uniform law, notarial acts	Jeff Harvey, Deputy Director Corporations Division, Secretary of State
H 197	Elections, vacancy fill procedure	Chairman Loertscher

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, March 02, 2017

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** None

GUESTS: Rex Blackburn, Idaho Uniform Law Commission; Jeff Harvey, Secretary of State; Zach Brooks, Idaho Second Amendment Alliance; Doug Traubel, self; John Eaton, Realtors.

Chairman Loertscher called the meeting to order at 9:01 a.m.

H 93: **Rep. Cheatham** presented **H 93**, a bill that amends Section 18-3302, Idaho Code to allow any person who is a resident of Idaho, or is a current member of the armed forces of the United States, to carry a concealed handgun.

Zach Brooks, Second Amendment Alliance, spoke **in opposition** to **H 93** and stated the bill should include all U.S. citizens.

In response to committee questions, **Mr. Brooks** stated 11 other states allow for all U.S. citizens to carry concealed weapons with no residency requirements.

Doug Traubel, self, spoke **in support** of **H 93** and stated he would also like the language expanded.

MOTION: **Rep. Crane** made a motion to send **H 93** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. Zito** made a substitute motion to send **H 93** to General Orders with amendments as follows: page 2, line 21, strike out "a resident of Idaho", add "any U.S. citizen or a current member of the armed forces of the United States."

VOTE ON SUBSTITUTE MOTION: A Roll Call Vote was requested on the substitute motion to send **H 93** to General Orders with amendments as follows: page 2, line 21, strike out "a resident of Idaho", add "any U.S. citizen or a current member of the armed forces of the United States." **Motion failed by a vote of 4 AYE and 11 NAY. Voting in favor** of the motion: **Reps. Holtzclaw, Giddings, Zito and Scott. Voting in opposition** to the motion: **Chairman Loertscher, Reps. Monks, Luker, Crane, Palmer, Barbieri, Harris, Armstrong, Manwaring, Smith and Jordan.**

VOTE ON ORIGINAL MOTION: A Roll Call Vote was requested on the original motion to send **H 93** to the floor with a **DO PASS** recommendation. **Motion carried by a vote of 15 AYE and 0 NAY. Voting in favor** of the motion: **Chairman Loertscher, Reps. Monks, Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith and Jordan. Rep. Cheatham** will sponsor the bill on the floor.

H 209: **Jeff Harvey**, Deputy Director, Corporations Division, Secretary of State, presented **H 209**, a bill that repeals the current notary statutes and introduces a completely new notary act, "Revised Uniform Law on Notarial Acts", utilizing a draft that was originally provided by the Uniform Law Commission. The primary purpose of the new Act is to provide notaries public with the option to use technology to perform notarial acts. The Act also requires the Secretary of State to provide a course of education for applicants and notaries who wish to use it.

In response to committee questions, **Mr. Harvey** stated the seal and stamp changes were made to help prevent fraud. He stated the new language allows for Idaho notaries to provide electronic notary services which would speed up the process of real estate transactions.

In response to committee questions, **Adam Ward**, Deputy Attorney General, Secretary of State, stated any transactions that were challenged would be the same as they would be in any civil court. The notary is only attesting to facts of who appeared to sign the documents, not to the information in the document.

John Eaton, Realtors, spoke **in support** of **H 209** and stated electronic notary procedures speed up the process for real estate transactions and eliminates extra steps.

MOTION: **Rep. Luker** made a motion to send **H 209** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. Scott** made a substitute motion to **HOLD H 209** in committee.

VOTE ON SUBSTITUTE MOTION: A Roll Call Vote was requested on the substitute motion to **HOLD H 209**, **Motion failed by a vote of 3 AYE, 10 NAY, 2 Absent/Excused. Voting in favor** of the motion: **Reps. Giddings, Zito and Scott. Voting in opposition** to the motion: **Chairman Loertscher, Reps. Monks, Luker, Crane, Barbieri, Harris, Armstrong, Manwaring, Smith and Jordan. Absent/Excused: Reps. Palmer and Holtzclaw.**

VOTE ON ORIGINAL MOTION: **Chairman Loertscher** called for a vote on the motion to send **H 209** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Luker** will sponsor the bill on the floor.

Chairman Loertscher turned the gavel over to **Vice Chairman Monks**.

H 197: **Chairman Loertscher** presented **H 197**, a bill that updates the special election provisions in Idaho Code first put into law in 1899, with regard to vacancies to be filled in the U.S. House of Representatives.

MOTION: **Rep. Palmer** made a motion to send **H 197** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Chairman Loertscher** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:18 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Friday, March 03, 2017

SUBJECT	DESCRIPTION	PRESENTER
RS25210C1	Wage claims, statute of limitations revised	Rep. Erpelding
RS25441	Abortion	David Ripley, Idaho Chooses Life

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Monks
Rep Luker
Rep Crane
Rep Palmer

Rep Barbieri
Rep Holtzclaw
Rep Harris
Rep Armstrong
Rep Giddings

Rep Manwaring
Rep Zito
Rep Scott
Rep Smith
Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Friday, March 03, 2017

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** None

GUESTS: Tawnya Clark, self; Julie Lynde, Cornerstone Family Council; Kerry Uhlenkott, Right to Life Idaho; Greg Casey, Veritas Advisors.

Chairman Loertscher called the meeting to order at 9:02 a.m.

MOTION: **Rep. Jordan** made a motion to approve the minutes of the February 23, 24 and 28, 2017 meetings. **Motion carried by voice vote.**

RS 25441: **David Ripley**, Right to Life Idaho, presented **RS 25441**, proposed legislation that amends existing law to remove language providing that a physician has examined in person a woman to whom an abortifacient is administered to determine the medical appropriateness of such administration and has determined that the abortifacient is sufficiently safe for use in the gestational age at which it will be administered; and to remove language providing that no drug may be prescribed through telehealth services for the purposes of causing an abortion. He stated the purpose of this legislation is to terminate the lawsuit now pending against the State of Idaho in the United States District Court for the District of Idaho (Planned Parenthood of the Great Northwest and the Hawaiian Islands v. Wasden, et.al., Case No. 1:15-cv-00557-BLW). The legislation would repeal certain provisions of the law regulating the performance of chemical abortions adopted by the Legislature in 2015.

MOTION: **Rep. Luker** made a motion to introduce **RS 25441** with changes as requested by the sponsor, as follows: pg. 1, line 24, insert "2004" before "Mifeprex"; line 40, insert "2004" before "Final Printed Labeling"; pg. 2, line 35-36, remove "Stipulated Protective Order" and add "order continuing stay of enforcement" in it's place; and also adding an emergency clause. **Motion carried by voice vote.** **Rep. Barbieri** requested to be recorded as voting **NAY**.

RS 25210C1: **Rep. Erpelding** presented **RS 25210C1**, proposed legislation that revises provisions regarding limitations on actions for collection of wages, penalties and damages. The revision extends the period of time provided for claims to match federal law, by removing the six (6) month time period that individuals must file a claim within and decreasing the amount of damages to two (2) times the unpaid wages found due and owing.

MOTION: **Rep. Smith** made a motion to introduce **RS 25210C1**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:32 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
8:30 A.M.
Room EW40
Monday, March 06, 2017

SUBJECT	DESCRIPTION	PRESENTER
H 250	Chemical abortions, provisions revised	David Ripley, Idaho Chooses Life

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, March 06, 2017

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** None

GUESTS: Mistie Tolman, Hannah Brass Greer, Dusty Ginner, Planned Parenthood; Juliette Rubin; Rebecca DelliCarpini; Kathy Griesmyer, ACLU; Molly Steckel, Idaho Medical Association

Chairman Loertscher called the meeting to order at 8:31 A.M.

MOTION: **Rep. Armstrong** made a motion to approve the minutes of the March 1, 2017 meeting. **Motion carried by voice vote.**

H 250: **David Ripley**, Idaho Chooses Life, presented **H 250**. The purpose of this legislation is to terminate the lawsuit now pending against the State of Idaho in the United States District Court for the District of Idaho (Planned Parenthood of the Great Northwest and the Hawaiian Islands v. Wasden, et.al., Case No. 1:15-cv-00557-BLW). This legislation would repeal certain provisions of the law regulating to the performance of chemical abortions adopted by the Legislature in 2015. Under the 2015 laws, women are banned from receiving abortifacients through telemedicine, and require that a doctor be present. In January 2016, a federal judge declared that the two laws would not be deemed unconstitutional if the ban on telemedical abortions was reversed.

Mr. Ripley explained that **H 154** was enacted by the Legislature in 2015, the law took effect July 2015, Planned Parenthood filed a lawsuit against the State of Idaho in December 2015, and sometime during the winter of 2016, Planned Parenthood requested a preliminary injunction preventing the further enforcement of the telemed abortion ban. Rather than fight the preliminary injunction, the Idaho Attorney General reached an agreement with Planned Parenthood saying that the ban on telemed abortions would not be enforced for the duration of the lawsuit, effectively becoming legal as of April 2016. The Attorney General's office entered into another agreement with Planned Parenthood in December 2016. On the basis of the stipulated facts document, Idaho Chooses Life believes that it is impossible for the State of Idaho to win the lawsuit at the trial court level. Idaho Chooses Life has come before the committee to request that the lawsuit be moot.

Mr. Ripley requested three documents be submitted into the committee record: the minutes of the House State Affairs committee from February 23, 2015, the minutes of the Senate State Affairs committee from March 16, 2015, and a memo from **Mailie Smith**, Staff Counsel to Americans United for Life. (See Attachments 1, 2, and 3) This memo was submitted as evidence to Mailie Smith during the House State Affairs committee meeting on February 23, 2015 regarding **H 154**, and explains the medical necessity of banning telemed abortion. The testimony provided during the committee meeting was reflected in the stipulated facts before the federal district court.

Mr. Ripley requested support for **H 250** in order for pro-life groups to preserve their options going forward.

In response to committee questions, **Mr. Ripley** stated the purpose of this legislation is to repeal part of **H 154** and to repeal part of the telehealth legislation passed during 2015, especially the two provisions that make it illegal to perform telemed abortions. The purpose of Section 1 is to defend the legislature and pro-life community, because the record in front of the federal court is misleading. There is a belief that the legislature enacted the ban on telemed abortions because of a ID Medical Association lobbyist. None of the documents that are in front of the federal district court are those that were presented and debated, along with hours of testimony, before the House and Senate State Affairs committees.

In response to committee questions, **Mr. Ripley** stated there are nine specific findings listed in Section 1 of the legislation, including the health risks of telemed abortions, the right of the legislature to defend women and girls, and the risk of using drug RU-486. None of these findings are on the court record in the federal district court. In Spring 2016, the FDA changed the protocols for the use of RU-486 that represented a setback for the lawyers defending the state. These changed protocols included how long into a pregnancy the drug could be used, the labeling requirements, and the labeling information available. These changes undermined the state's ability to defend the statute.

In response to committee questions, **Mr. Ripley** stated the Attorney General was representing the State.

In response to committee questions, **Mr. Ripley** stated the pro-life community has viewed the lawsuit with utmost seriousness since it was filed. Idaho Chooses Life hired **Mailee Smith** as a consultant to help them assist the State. The loosening of federal regulations posed a serious problem. The simultaneous passage of the Telehealth Act in the same session undermined the organizations ability to defend **H 154**. The court was misled by the two pieces of legislation moving through the committees, one in State Affairs and one in Health and Welfare, when its been a long-standing precedent for all abortion matters to go through State Affairs. The Attorney General's office found it difficult to find in-state medical testimony that would corroborate Idaho Chooses Life's position that telemed abortions represented a health risk to women.

In response to committee questions, **Mr. Ripley** stated this legislation does not include or involve taxpayer funding for telemed abortions.

In response to committee questions, **Mr. Ripley** stated the legalization of telemed abortions would undoubtedly lead to an increase in health consequences and increased risk for women and girls. As the time allotted to take this drug during pregnancy to induce an abortion is increased, there will be an increase in adverse affects, although there have not been any adverse reaction studies performed on RU-486 since 2011.

In response to committee questions, **Mr. Ripley** stated if this legislation is not passed, the lawsuit in district court will run its course, potentially taking weeks. The lawsuit would determine that the telemed abortion ban in **H 154** is unconstitutional, and the attorney's fees would be paid to the plaintiff, Planned Parenthood. This ruling would affect the other 16 states that have telemed abortions banned if it went to the Supreme Court. Passing this legislation presents a better course of action going forward. There is a zero percent chance that the State can defend the statute as it sits today.

In response to committee questions, **Mr. Ripley** stated the passage of this legislation would not create harm for women and babies.

Misty Tolman, Legislative Director for Planned Parenthood, spoke **in partial support** for **H 250** regarding telemedicine and abortion, or "chemical abortion" as it's referred to in the legislation. Planned Parenthood strives to give quality care and to provide safe, legal abortions along with education, support, and counseling. Planned Parenthood thanks the committee for hearing the bill which changes the unconstitutional restrictions on access to telemedical abortions. Planned Parenthood urges the committee to alter the legislative findings portion of the bill, which asserts that telemedical abortion is substandard care.

In response to committee questions, **Ms. Tolman** stated the Americans Congress of Obstetricians and Gynecologists find that medication abortions are extremely safe, and that earlier access to telemedical abortions during pregnancy is safer than later access.

In response to committee questions, **Ms. Tolman** stated that there are medical professionals present during the procedure, and that professional may be a physician, a physician's assistant, or nurse practitioner, who can gain informed consent.

Molly Steckel, Idaho Medical Association, identified herself as the lobbyist referred to in **Mr. Ripley's** presentation, and spoke to **H 250**. Ms. Steckel provided background to the issue. IDMA does not maintain a position on the legislation.

MOTION: **Rep. Palmer** made a motion to send **H 250** to the floor with a **DO PASS** recommendation.

Rep. Zito spoke **in support** of the motion, stating she was very begrudgingly in support of **H 250** because it will make it easier to stand up for pro-life issues in the future if this case does not go to the Supreme Court.

Rep. Barbieri spoke **in opposition** to the motion, citing the separation of powers despite his own beliefs.

VOTE ON THE MOTION: **Chairman Loertscher** requested a roll call vote. The motion carried by a vote of **12 AYE, 3 NAY**. **Voting in favor** of the motion: **Chairman Loertscher, Vice Chairman Monks, Reps. Luker, Crane, Palmer, Harris, Armstrong, Giddings, Manwaring, Zito, Smith, and Jordan**. **Voting in opposition** to the motion: **Reps. Barbieri, Holtzclaw, and Scott**. **Chairman Loertscher** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:11 A.M.

Representative Loertscher
Chair

Jasmine Platt
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Wednesday, March 08, 2017

SUBJECT	DESCRIPTION	PRESENTER
S 1017	Fire districts, election notice	Senator Johnson
S 1035	Endowment fund investment board, compensation	Larry Johnson, Endowment Fund Investment Board

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, March 08, 2017

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** Representative(s) Jordan

GUESTS: Morgan Howard, Intern, Senator Dan Johnson's Office; Larry Johnson, Endowment Fund Investment Board

Chairman Loertscher called the meeting to order at 9:00 AM.

MOTION: **Rep. Luker** made a motion to approve the minutes of the February 27, 2017 meeting. **Motion carried by voice vote.**

S 1017: **Morgan Howard**, Intern, Senator Dan Johnson's Office, presented **S 1017**. The purpose of this legislation is to clarify and increase the efficiency of election notification processes in rural fire districts, and to bring those processes into compliance with Idaho Code § 34-602. The existing election notification processes in rural fire districts were formerly in compliance with Idaho Code § 31-1427 Subsection 2. The legislation would change the 30-day notice deadline for advertisements for special elections in rural fire districts, as published in one or more local publications, to a 12-day and 5-day notice deadline prior to the election.

In response to committee questions, **Ms. Howard** stated the 30-day notice changing to a 12- and 5-day notice system prior to the election is an effort to streamline Idaho Code, providing an example of the Wheatland Fire District bond election in which the advertisers were unsure whether to comply with Idaho Code § 34-602 or the 30-day notice rule. This District ended up doing both, causing confusion.

In response to committee questions, **Ms. Howard** stated that reducing the notice deadline for bond elections from 30 days to 12 and 5 days should not have a detrimental effect on Idaho voters. The legislation is meant simply to clarify the regulations and bring them into compliance. The only difference is that the fire board, instead of having to pay for running a 30-day election, now has to pay for two notices at 12 and 5 days prior to voting day.

Tim Hurst, Chief Deputy, Idaho Secretary of State's Office, spoke **in opposition** to **S 1017**, stating the reference to Idaho Code § 34-602 in **S 1017** is incorrect, and should be Idaho Code § 34-1406, which deals with special district elections. Idaho Code § 34-602 is for the general and the primary elections.

In response to committee questions, **Mr. Hurst** stated there should not be other sections of code to worry about bringing into compliance or making corrections to. Fire Districts must already comply with Idaho Code § 34-439, which deals with the disclosure of elections, and Idaho Code § 34-439a with levies. This legislation aims only to change how notice is given or requested for a bond or levy, and leaves the responsibility to the counties.

In response to committee questions, **Mr. Hurst** stated changing the legislation to reference and correct the right sections, from Idaho Code § 34-602 to Idaho Code § 34-1406, will not change any time frames. Both are the same times.

In response to committee questions, **Mr. Hurst** stated if the bill is edited, it will reflect the changes in code reference. The Fire Districts are currently operating under Idaho Code § 34-1406.

In response to committee questions, **Mr. Hurst** stated the district currently uses the 30-day system while the county uses a 12- and 5-day system.

In response to committee questions, **Mr. Hurst** stated that on the current 30-day notice deadline, notice needs to be given only once, not each day for 30 days prior to the election.

MOTION: **Vice Chairman Monks** made a motion to send **S 1017** to General Orders. **Motion carried by voice vote. Vice Chairman Monks** will sponsor the bill on the floor.

S 1035: **Larry Johnson**, Endowment Fund Investment Board, presented **S 1035**. The purpose of this legislation is to change the \$50/day compensation from salary to honorarium for Endowment Fund Investment Board members. This change will make it easier to attract and retain board members because they will not be forbidden from making tax deductible IRA contributions. A "salary" makes them a PERSI member, but an honorarium does not.

MOTION: **Rep. Harris** made a motion to send **S 1035** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Armstrong** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:16 A.M.

Representative Loertscher
Chair

Jasmine Platt
Secretary



**Statement of Mailee R. Smith
Staff Counsel, Americans United for Life
On Regulation of Chemical Abortion
January 30, 2015**

I am Mailee Smith, staff counsel with Americans United for Life (AUL), a national public interest law firm with a practice in abortion and bioethics law. I have extensive experience in constitutional law and abortion jurisprudence, including legislative work and litigation related to chemical abortion.

There are two general types of abortion: surgical and chemical (or “medical”). Surgical abortion involves the use of instruments to empty the uterus. Examples include aspiration and dilation and evacuation (D&E). Abortion providers consider surgical abortion in the first trimester “extremely safe.” See, e.g., *Planned Parenthood v. DeWine*, 696 F.3d 490, 494 (6th Cir. 2012); see also *Planned Parenthood, In-Clinic Abortion Procedures* (2014).¹ According to the Guttmacher Institute, the vast majority of first-trimester abortions are surgical abortions. See Guttmacher Institute, *Fact Sheet: Induced Abortion in the United States* (July 2014).²

Chemical abortion, on the other hand, involves the use of abortion-inducing drugs. The recommended method of chemical abortion in the United States is the combined use of mifepristone and misoprostol. In the United States, mifepristone is marketed under the brand name “Mifeprex.” *Mifeprex Final Printed Labeling* (“*Mifeprex FPL*”).³ Together, the administration of Mifeprex and the second drug, misoprostol, is the only method of chemical abortion approved by the Food and Drug Administration (FDA) and is known as the “RU-486 (or Mifeprex) regimen.” The Guttmacher Institute reports that chemical abortion accounts for only 36 percent of abortions before nine weeks gestation. Guttmacher Institute, *supra*.

¹ <http://www.plannedparenthood.org/health-topics/abortion/in-clinic-abortion-procedures-4359.asp>. All websites were last visited on January 29, 2015.

² http://www.guttmacher.org/pubs/fb_induced_abortion.html.

³ http://www.accessdata.fda.gov/drugsatfda_docs/label/2005/020687s0131bl.pdf.

Despite the fact that the FDA approved administration of the RU-486 regimen with clear restrictions, abortion providers admittedly flout those requirements and administer the drugs in a manner that has not been approved by the FDA.

The states have an interest in protecting maternal health through regulations that rein in the abortion industry's misuse of such drugs. The Supreme Court has repeatedly held that states have an interest in protecting maternal health from the outset of pregnancy.⁴ Further, the Court has explicitly held that state and federal legislatures are given "wide discretion to pass legislation in areas where there is medical and scientific uncertainty."⁵ In the context of chemical abortion, these holdings by the Supreme Court provide strong support for regulations requiring abortion providers to abide by the protocol approved by the FDA. Women's lives are endangered by misuse of abortion-inducing drugs. Even if abortion proponents argue that their misuse is "safe," courts are to give deference to states in regulating a potentially deadly abortion practice.

Regulation of chemical abortion, and particularly requirements that a physician examine a woman prior to abortion and dispense the drugs in accordance with the FDA protocol, are supported by the FDA's restrictions on distribution and use of the RU-486 regimen, by the known risks involved in chemical abortion, and by known contraindications for the RU-486 regimen.

The FDA's restrictions on distribution and use of the RU-486 regimen support regulation of chemical abortion

Even before the approval of mifepristone for termination of pregnancy, the FDA treated the drug regimen differently than the vast majority of drug approvals. In its "Approvable Letter" of February 2000, the FDA informed the drug sponsor that restrictions on the distribution and use of mifepristone were needed to assure safe use. FDA, Feb. 2000 Approvable Letter, at 5.⁶

The FDA subsequently approved the RU-486 regimen under the rubric of "Subpart H," a special provision in the Code of Federal Regulations for drugs that "can be safely used *only if* distribution or use is *restricted*." 21 C.F.R. § 314.520 (emphasis added). Under Subpart H, the FDA can "require such postmarketing restrictions as are needed to assure safe use" of the drug approved. *Id.*

⁴ *Gonzales v. Carhart*, 550 U.S. 124, 145 (2007); *Casey*, 505 U.S. 833, 846 (1992) (both citing *Roe v. Wade*).

⁵ *Gonzales*, 550 U.S. at 163.

⁶ http://www.accessdata.fda.gov/drugsatfda_docs/appletter/2000/20687approvable00.pdf

To put this into perspective, out of almost 1,800 New Drug Applications (NDAs) approved between 1992 and 2011, only 69 were approved under Subpart H.⁷ Thus, mifepristone is not comparable to the vast majority of drugs approved by the FDA between 1992 and 2011.

Per the Subpart H approval, the FDA's September 2000 "Approval Letter" restricted the distribution of Mifeprex by requiring that it be provided by or under the supervision of a physician who has the ability to assess the duration of pregnancy accurately, diagnose ectopic pregnancies, provide surgical intervention in cases of incomplete abortion or severe bleeding (or has made plans to provide such surgical intervention through other qualified physicians), and assure patient access to medical facilities equipped to provide blood transfusions and resuscitation. FDA, Sept. 2000 Approval Letter, at 2.⁸

Under the Subpart H restrictions, providers who wish to prescribe the RU-486 regimen must first sign a "Prescriber's Agreement" which reiterates the restrictions and attests that the provider meets the prescribed qualifications. Mifeprex (Mifepristone) Tablets, 200 mg Prescriber's Agreement.⁹

The fact that the FDA has restricted the distribution and use of the RU-486 regimen is confirmed by a Department of Health and Human Services (HHS) memorandum on the approval of Mifeprex. Memorandum of Department of Health and Human Services to "NDA 20-687 MIFEPREX (mifepristone) Population Counsel" (Sept. 28, 2000).¹⁰ HHS determined that "goals of safe and appropriate use" of the RU-486 regimen can be achieved through the requirements that physicians be able to accurately date pregnancies and diagnose ectopic pregnancies:

By coupling professional labeling with other educational interventions such as the Medication Guide, Patient Agreement, and Prescriber's Agreement, along with having physician qualification requirements of abilities to date pregnancies

⁷ See *CDER Drug and Biologic Accelerated Approvals as of September 30, 2011*, <http://www.fda.gov/downloads/Drugs/DevelopmentApprovalProcess/HowDrugsareDevelopedandApproved/DrugandBiologicApprovalReports/UCM278506.pdf>; FDA, *Summary of NDA Approvals & Receipts, 1938 to the present* (updated 2013),

<http://www.fda.gov/AboutFDA/WhatWeDo/History/ProductRegulation/SummaryofNDAApprovalsReceipts1938tothepresent/default.htm>

⁸ http://www.accessdata.fda.gov/drugsatfda_docs/appltr/2000/20687apltr.pdf

⁹

<http://www.fda.gov/downloads/Drugs/DrugSafety/PostmarketDrugSafetyInformationforPatientsandProviders/ucm111364.pdf>

¹⁰

<http://www.fda.gov/downloads/Drugs/DrugSafety/PostmarketDrugSafetyInformationforPatientsandProviders/ucm111366.pdf>

accurately and diagnose ectopic pregnancies (and other requirements), goals of safe and effective use may be achieved.

Id. at 2. That memo demonstrates the FDA’s concern for an ongoing relationship between the patient and the physician administering the drugs, noting that returning to the health clinic for misoprostol “has the *additional advantage of contact between the patient and health care provider* to provide ongoing care.” *Id.* at 3 (emphasis added).

Additionally, the FDA explicitly left room for states to require that physicians *directly* dispense the RU-486 regimen to patients. In its memo, HHS commented that the physician qualifications do “not preclude another type of health care provider, acting under the supervision of a qualified physician, from dispensing the drug to patients, *provided state laws permit this.*” *Id.* at 5 (emphasis added).

The significance of the FDA’s restrictions is also evidenced by the enrollment of Mifeprex on the list of medications which require a Risk Evaluation and Management Strategy (REMS)—the category of drugs identified by the FDA as at high risk of post marketing complications. *See* FDA, *Approved Risk Evaluation and Mitigation Strategies (REMS)*.¹¹

Specifically, one goal of the REMS for Mifeprex is “minimiz[ing] the risk of serious complications by requiring prescribers to certify that they are qualified to prescribe Mifeprex and are able to assure patient access to appropriate medical facilities to manage any complications.” *See Risk Evaluation and Mitigation Strategy (REMS) for NDA 20-687 MIFEPREX (mifepristone) Tablets, 200 mg.*¹² In a section entitled “Elements to Assure Safe Use,” the REMS highlights that healthcare providers who prescribe Mifeprex will be specially certified, agree that they meet the qualifications, and follow the guidelines in the Prescriber’s Agreement. *Id.* at 1. Significantly, Mifeprex is one of only 68 individual drugs for which the FDA is currently requiring a REMS. *See* FDA, *Approved Risk Evaluation and Mitigation Strategies (REMS)*.

Thus, as a Subpart H drug, the RU-486 regimen is distinguishable from the vast majority of drugs. The FDA’s emphasis on physician qualifications supports regulations that require the physician to examine a woman and be physically present when administering the drugs.

¹¹

<http://www.fda.gov/Drugs/DrugSafety/PostmarketDrugSafetyInformationforPatientsandProviders/ucm111350.htm>

¹²

<http://www.fda.gov/downloads/Drugs/DrugSafety/PostmarketDrugSafetyInformationforPatientsandProviders/UCM258412.pdf>

The risks involved with administration of the RU-486 regimen support regulation of chemical abortion

The known risks associated with chemical abortion provide a rational basis for requiring a physician be present and examine a woman before administering abortion-inducing drugs. For example, the Mifeprex FPL states that “[n]early all of the women who receive Mifeprex and misoprostol will report adverse reactions, and many can be expected to report more than one such reaction.” *Mifeprex FPL, supra*, at 11. These risks include, but are not limited to, uterine hemorrhage, viral infections, and pelvic inflammatory disease. *Id.* at 12.

In July 2011, the FDA reported 2,207 adverse events in the U.S. after women used mifepristone for the termination of pregnancy. FDA, *Mifepristone U.S. Postmarketing Adverse Events Summary Through 04/30/11* (July 2011).¹³ Among those were 14 deaths, 612 hospitalizations (excluding deaths), 339 blood transfusions, and 256 infections (including 48 “severe infections”). *Id.* Of the 14 deaths, eight women died following severe bacterial infections, and two died following ruptured ectopic pregnancies.¹⁴

Significantly, peer-reviewed data demonstrates that surgical abortion is safer than chemical abortion. The largest and most accurate study of medical abortions comes from a large 2009 review of the medical records of 22,368 women who underwent chemical abortions compared with 20,251 women who underwent surgical abortions. That study concluded that the overall incidence of adverse events was fourfold higher with chemical abortions than surgical abortions. M. Niinimäki et al., *Immediate Complications after Medical compared with Surgical Termination of Pregnancy*, *OBSTET. GYNECOL.* 114:795 (Oct. 2009). See also J.T. Jenson et al., *Outcomes of suction curettage and mifepristone abortion in the United States: A prospective comparison study*, *CONTRACEPTION* 59:153-59 (1999) (finding that chemical abortion failed in 18.3 percent of patients and that surgical abortion failed in only 4.7 percent of patients).

Finally, many potential complications from use of the RU-486 regimen may be unknown, as there are widespread inadequacies in reporting. See M.M. Gary & D.J. Harrison, *Analysis of Severe Adverse Events Related to the Use of Mifepristone as an Abortifacient*, *ANNALS OF PHARMACOLOGY* 40(2):191 (2006). The inadequacies in reporting mean that the prevalence and character of many complications may be unknown.

¹³

<http://www.fda.gov/downloads/Drugs/DrugSafety/PostmarketDrugSafetyInformationforPatientsandProviders/UCM263353.pdf>

¹⁴ The FDA has not released an adverse event summary since 2011, and the current tally of deaths and complications from mifepristone is not publicly accessible.

In January 2015, Planned Parenthood began touting a study that allegedly supported its misuse of abortion-inducing drugs. However, that study suffers from numerous flaws. For example, one of the most common risks associated with chemical abortion is incomplete abortion. If the drugs do not terminate the pregnancy, a second abortion is necessary—either surgical or an additional chemical abortion. However, the study used a skewed definition of whether the first chemical abortion was “successful”: “A successful abortion was defined as expulsion of the pregnancy without the need for aspiration.” In other words, only those incomplete abortions that resulted in “aspiration” (*i.e.*, a surgical procedure) were counted among the incomplete abortions. If a woman went on to have a second chemical abortion, the first chemical abortion was included in the “successful” category.

In fact, the study admitted that “information on whether a repeat dose of misoprostol was given is not available” for more than 45 percent of the woman studied. This clearly undermines any purported conclusion that the Planned Parenthood-preferred (and FDA-unapproved) protocol is effective at terminating pregnancy without an additional second abortion.

Significantly, the study also admitted that the effectiveness of Planned Parenthood’s protocol was highest at 29 to 35 days and 36 to 42 days gestation (which falls within the FDA’s approved 49-day window), but efficacy was “lowest at 57 to 63 days (95.5 %)” (gestational ages which fall outside the FDA’s restrictions). Taken at face value, this means that 4 or 5 out of every 100 women using the drugs past the FDA’s restrictions will experience (and be subjected to the risks of) two abortions. But as discussed already, that number cannot be taken at face value, because it excludes data on women who had two chemical abortions, meaning that the efficacy is actually lower than 95 percent. It also excludes a large percentage of women who were lost to follow-up. Specifically, 15.5 percent of the patients “studied” did not return for follow-up. This means that no data on subsequent complications or incomplete abortion is available for these women.

In sum, the medical data on the risks inherent in chemical abortion confirms the need for direct physician involvement.

Known contradictions for the RU-486 regimen support regulation

Use of the RU-486 regimen for chemical abortion is contraindicated in a number of situations, all of which bolster requiring physician involvement and presence before administering abortion-inducing drugs.

First, the Mifeprex FPL states explicitly that the regimen is “contradicted if a patient does not have adequate access to medical facilities equipped to provide emergency treatment of incomplete abortion, blood transfusions, and emergency resuscitation during the period from the

first visit until discharged by the administering physician.” *Mifeprex FPL*, at 5. Women are instructed that they should not take Mifeprex if they cannot easily get such emergency help in the two weeks following ingestion. *Id.* at 17. Notably, all of the patients in the U.S. clinical trial reviewed by the FDA prior to approval of RU-486 regimen were within one hour of emergency facilities or the facilities of the “principle investigator.” Memorandum of Department of Health and Human Services, *supra*, at 5.

HHS has stated that the Mifeprex labeling “makes it clear that if there isn’t adequate access to emergency services, the medication is contraindicated.” *Id.*; *see also id.* at 3 (“The labeling has a contraindication if there is no access to medical facilities for emergency services.”). Thus, the very women that abortion providers claim need telemedicine for abortion, because of travel and other potential obstacles, are actually the very women for whom the drugs are contraindicated.

Second, gestational age can be a contraindication for use of abortion-inducing drugs. The drugs become less effective as gestational age increases, and medical evidence demonstrates that complications increase as gestational age advances. *See, e.g.,* M.J. Mentula et al., *Immediate adverse events after second trimester medical termination of pregnancy: results of a nationwide study*, *Human Reprod.* 26:927-32 (2011). Thus, accurately assessing gestational age is of great import.

Third, the drugs are also contraindicated for women with ectopic pregnancies. Clearly, the FDA was concerned with the potential adverse effects of an undiagnosed ectopic pregnancy “treated” with the RU-486 regimen when it restricted administration to only those physicians able to determine whether there is an ectopic pregnancy.

Importantly, because symptoms of ectopic pregnancy mimic the symptoms of completed mifepristone abortions, ectopic pregnancies can go easily undiagnosed. Improper screening (*i.e.*, failure of a physician to examine the patient) places the life of a woman with an unknown ectopic pregnancy at even greater risk of death by ruptured ectopic pregnancy. The FDA has reported 58 adverse events related to ectopic pregnancies in women using the RU-486 regimen, and 2 of the 14 U.S. women reported to have died after using the regimen died from ruptured ectopic pregnancies. FDA, *Mifepristone U.S. Postmarketing Adverse Events Summary Through 04/30/11*.

Finally, the safety of the RU-486 regimen has not been tested on a large population of women, including minors or women who are heavy smokers. *Mifeprex FPL, supra*, at 3, 7.

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, February 23, 2015

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: The sign-in sheets will be retained with the minutes in the committee secretary's office until the end of session. Following the end of session, the sign-in sheets will be filed with the minutes in the Legislative Services Library.

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

RS 23550: **Rep. Wills** presented **RS 23550**, a proposed Concurrent Resolution that rejects Rule 11.11.01.052.02 of the Idaho Peace Officers Standards and Training contained in Docket 11-1101-1403 relating to applicants who are home schooled. He stated Idaho State Police has no objections with the legislation.

MOTION: **Rep. Batt** made a motion to introduce **RS 23550**. **Motion carried by voice vote.**

RS 23649: **Tim Olson**, Pinnacle Business Group, presented **RS 23649**, proposed legislation that excludes consumer operated and oriented health plans (CO-OPs) established under the Affordable Care Act (ACA) from coverage by the Idaho Life and Health Insurance Guaranty Association. CO-OPs are unique entities created under a special provision of the ACA, and are similar to other entities that are already excluded from Idaho's guaranty association. CO-OPs are eligible for funding from the federal government to cover costs associated with start-up and operations. The bill also adds wording found in the NAIC Model Life and Health Insurance Guaranty Association Act that permits the guaranty association to exclude from membership entities that are similar to entities excluded by the law.

In response to committee questions, **Candie Kinch**, Idaho Health Insurance Guaranty Association, stated all members must pay a membership fee unless they are included on the excluded entities list. She stated the legislation determines who is a member and who is not required to pay. She also stated it is not optional in any state or under the NAIC model law.

MOTION: **Rep. Smith** made a motion to introduce **RS 23649**. **Motion carried by voice vote.**

H 154: **David Ripley**, Right to Life of Idaho, presented **H 154**, legislation that requires a physician to conduct an in-person examination and counseling of a pregnant woman prior to prescribing abortion-inducing drugs.

Kerry Uhlenkott, Right to Life of Idaho, spoke in support of **H 154** and stated Planned Parenthood of the Great Northwest plans on using web-cams to conduct abortions in Idaho in the near future. She stated web-cam abortions would replace any face to face exams by a doctor. She stated chemical abortions carry significant physical and emotional risks to women and a doctor should be involved in the process hands-on. She said 17 states have already passed this type of legislation requiring a physical exam to be done in person.

Dr. Randall O'Bannon, spoke in support of H 154 and stated he has researched chemical abortions for over 20 years. He said that in a report released in 2011, the U.S. Food and Drug Administration indicated they had received more than 2,200 reports of adverse effects or complications associated with use of mifepristone, the abortion inducing drug, in the U.S. More than 600 women were hospitalized, with more than half that many losing so much blood as to require blood transfusions. He said 256 women reported infections, with 48 of those being so severe they required hospitalization for at least 2 days, IV antibiotics for at least 24 hours, or other clinical findings or surgery. He stated these cases are more than random, minor aggravations. They represent real, tangible risks clearly associated with this method and a doctor's presence is definitely needed before and after.

He stated it is not enough to simply have the equipment to date or locate a pregnancy in the womb, it is essential to have someone who has the training to read an ultrasound, to do a pelvic exam, a blood test, and to recognize the signs of ectopic pregnancy which these drugs will not treat. He stated that women who chemically abort bleed four times as much as a woman having a simple, first trimester surgical abortion, and sometimes the bleeding goes on for days or weeks. He said that when the bleeding gets out of control what a woman needs is not someone on the phone or a computer screen, but a doctor close by who can examine her, evaluate her condition, and provide emergency surgery if necessary. He said the side effects of the chemical abortion process are the same as an ectopic pregnancy, a hemorrhage, or a serious reproductive tract infection which is why a doctor needs to be personally responsible for monitoring the health and well being of his/her patients.

He stated Planned Parenthood is trying to add web-cam abortions to their innovations and they do not promise to make women's lives any safer. He stated in a study by Grossman in the August 2011 Edition of "Obstetrics and Gynecology", 58 women, or 21% of telemedicine study participants were "lost to follow-up". He stated the report highlights the problem with chemical abortions. He said there are the women who dutifully check in reporting they survived the chemical abortions and then there are the women who don't, those who disappear, who go through the arduous, dangerous, bloody process without ever meeting the doctor in person who is charged with their care. He urged the committee to protect women's health and make sure the doctors are doing their jobs.

In response to committee questions, **Dr. O'Bannon** stated his research includes many different mainstream news reports which spoke about victims and various medical reports as well.

Terry Lennox, Rachel's Vineyard Post Abortion Healing Ministry, spoke in support of H 154 and stated the physical contact with a doctor is critical for women in dealing with these important decisions. She stated that 56% of women are pressured by others or circumstances when deciding to have an abortion. She said women who have chemical abortions are particularly vulnerable. She said many women have told her they felt regret and even horror and the feeling of the baby dying by her own hand after a chemical abortion. She said the follow-up appointment is essential in providing early intervention, support, and appropriate counseling referrals that may help many women to begin the process of healing as they move forward. She urged the committee to protect women and to encourage their attendance in counseling after procedures like these.

Sue Thayer, representing herself, spoke in support of H 154 and stated she was employed at Planned Parenthood for years. She said that in 2007, Planned Parenthood made a plan to make every center a web-cam abortion facility. They said it was a solution to the shortage of doctors willing to travel the state doing surgical abortions. She said transvaginal ultrasounds are done by entry-level and non-medical staff.

In response to committee questions, **Ms. Thayer** stated the web-cam abortion consists of the pills being taken by the woman at the clinic and viewed by a doctor watching online, then the woman takes the second set at home by herself after which the fetus is expelled.

Sue Philly, Transform Idaho, spoke in opposition to H 154 and stated women are only safe when there are not laws that interfere with the relationship between a woman and her doctor. She said that allowing telemedicine will save women money and time by not having to drive to a doctor's office.

In response to committee questions, **Ms. Philly** stated telemedicine is a positive mechanism in place to give patients advice when they can't travel.

Mistie Tolman, representing herself, spoke in opposition to H 154 and stated women should decide what to do with their own health. She stated women should have the right to make decisions with their doctors alone and not be forced to standards set by law. **Muriel Roberts**, League of Women Voters of Idaho, spoke in opposition to H 154 and stated women should make their own decisions with their doctor and legislators should not be involved in making these decisions.

Rev. Barbara Harrison Condon, Evangelical Lutheran Church-Idaho Falls, spoke in opposition to H 154 and stated abortions have been done safely and successfully for years. She stated women should make the decision themselves.

In response to committee questions, **Ms. Harrison-Condon** stated she has ministered to many women on both sides of the abortion issue and she believes it should be the woman's choice. She stated Jesus advocated for women above the unborn child. She said sometimes women end their life because they couldn't get an abortion. She stated web-cam abortions are helpful for women who live in rural areas where it's easier to have online access to a doctor instead of going in to an office.

Marilyn Scott-Francis, former Executive Director, Pregnancy Crisis Center of Idaho, spoke in support of H 154 and stated she worked at the crisis center for 25 years and received many phone calls from women who had chemical abortions, who were told it wasn't a baby but a small mass of tissue. She stated we need to give women the facts on this issue so they can make informed decisions. It is important they get the best medical care possible. She said for a woman to undergo this procedure by web-cam is further victimization because she is not allowed the common expectation of meeting with a doctor face to face.

Dr. Julie Madsen, representing herself, spoke in opposition to H 154 and stated the legislation can cause problems with doctors being sued, especially in emergency care. She said medicine should not be governed by legislation but by doctors and medical research. She stated the legislation negatively affects physician standards. This could cause women to get surgical abortions over chemical abortions, which are both safe options but women should be able to decide that for themselves. She stated she has used telemedicine and supports it because it increases access of services to patients.

In response to committee questions, **Dr. Madsen** stated the statute currently leaves the standard of care up to the physician. She stated there is no procedure in Idaho that codifies a standard of care for one particular procedure. She stated the doctor is not there when the fetus is expelled in a chemical abortion. Telemedicine would not work the same in abortion procedures with the use of internal cameras, etc. She said telemedicine is rapidly expanding in Idaho. She stated gynecology is not her area of expertise, she is an emergency doctor. She said the legislation would add restrictions on doctors and extra costs.

Angela Dwyer, Stanton Healthcare, spoke in support of H 154 and stated the legislation provides baseline care for women who are considering a chemical abortion. She stated that accurate exams of gestation and follow-up care is critical. She said the drugs used are very strong and many factors come into play- the mixing with other medications and blood pressure. She stated self-diagnosis is a problem. Language barriers also exist now with people coming in from other cultures and countries. Explaining their options and the process to these women is already difficult.

Brenda Saltzer, Right to Life of Idaho, spoke in support of H 154 and stated the legislation does not limit or stop chemical abortions from happening in Idaho. She stated that in a telemedicine chemical abortion women do not receive pre or post appointments or exams by a doctor. The current standard for a pregnant woman is a physical exam and transvaginal ultrasound and we need to keep practicing that. She said these steps help to determine an ectopic pregnancy, which are life threatening. She said if a woman receives the chemical abortion pills and starts bleeding heavily and believes the bleeding is normal and its an ectopic pregnancy or there are other problems, she could die because of it. She stated young people could suffer from psychological problems if they do not have proper exams and counseling prior to and after chemical abortions. She said the legislation protects women, it doesn't stop them from getting an abortion.

In response to committee questions, **Ms. Saltzer** stated the Iowa Medical Association stated abortion is not an appropriate use for telemedicine.

Astrig Wilde, representing himself, spoke in opposition to H 154 and stated the legislation is designed to protect women but it limits access to them for abortion services. He urged the committee to leave the decision to the medical professionals. **Dr. Carolyn Abbott**, representing herself, spoke in opposition to H 154 and stated women don't need protection by the legislature. **Avery Roberts**, representing herself, spoke in opposition to H 154 and stated she has the right to make her own reproductive decisions. She stated when she went to Planned Parenthood she was treated with respect. **Cindy Gross**, representing herself, spoke in opposition to H 154 and stated legislation should not decide what doctor's and patients do.

Hanna Brass-Greer, Planned Parenthood, spoke in opposition to H 154 and stated the current chemical abortion procedure is, the office administrative persons will give the woman the first pill in the office, the second pill is administered at home by the patient, and then a follow-up visit is scheduled. She stated that with a telemedicine abortion, the doctor would review the patient's chart and ultrasound and speak to her via web-cam about any issues. She said chemical abortions are safe and this bill does not make women in Idaho any safer. She stated by placing restrictions on doctors is just another way of bullying abortion providers.

In response to committee questions, **Ms. Brass-Greer** stated Planned Parenthood has talked about taking over family planning services in some areas but that web-cam abortions would not be happening. She also said they do not oppose abortions via telemedicine. She stated if the legislation is going to put restrictions on the standard of care for abortions than they should put restrictions on other medical procedures and/or drugs as well. She stated Planned Parenthood does not want to be regulated by the legislature, they already adhere to the current standard of care. She stated she did not have a doctor who performs these procedures with her today because they receive threats and are uncomfortable coming to testify.

Julie Lynde, Cornerstone Council of Idaho, spoke in support of H 154 and stated the legislation is needed because chemical abortions have many risks associated with the health of women. She stated the bill does not infringe on a woman's right to choose to have an abortion or the relationship between a woman and her doctor. It simply makes it such for the doctor to be in the room, which reaffirms the relationship between her and the doctor.

Kathy Griesmyer, ACLU, spoke in opposition to H 154 and stated the legislation restricts chemical abortions with unnecessary restrictions. She stated that less than .05% of women need medical care after having a chemical abortion. This causes unnecessary burdens on women and physicians.

In response to committee questions, **Ms. Griesmyer** stated the legislation restricts chemical abortions by placing extra requirements and obstacles on doctors.

Rev. Marci Glass, Pastor, spoke in opposition to H 154 and stated more funding needs to go to affordable healthcare for women and raising the minimum wage if we want to reduce abortions. She stated having an abortion should be a woman's choice. **Lauren Bramwell**, representing herself, spoke in opposition to H 154 and stated, as a woman living in a rural community, it is difficult to get medical services. She stated there is limited access to abortion services in Idaho. She stated the bill is an intrusion of the patient/doctor relationship and it restricts the rights of women to make their own decisions. **Jaclyn Perez**, spoke in opposition to H 154 and stated medical abortions are safe and women have the right to choose whether to have one or not.

David Ripley was recognized to present closing testimony. He stated that when abortions were made legal, the FDA required that emergency medical services were available to everyone. He stated the legislation is aimed at protecting young girls and women's health.

In response to committee questions, **Mr. Ripley** stated the legislation is designed to change the protocol as to how the chemical abortion drug is administered and to emphasize the doctor/patient relationship.

**ORIGINAL
MOTION:**

Rep. Crane made a motion to send H 154 to the floor with a **DO PASS** recommendation.

Rep. Barbieri spoke in support of the motion and stated telemedicine could have great positivity in the medical field but this is a situation in which the physical presence of a doctor is needed.

**SUBSTITUTE
MOTION:**

Rep. Wintrow made a substitute motion to send H 154 to General Orders with amendments. She spoke to the motion and stated any prescription over 1% should be restricted from telemedicine if we are to start regulating the administration of abortion drugs.

Rep. Smith spoke in support of the substitute motion and stated she believes in women's rights in health care and the legislation is an overreach on women's health.

Rep. Andrus spoke in support of the original motion and stated he believes women have the right to do what they want with their bodies except in the case of unborn babies. He said it is the responsibility of the legislature to legally protect that life.

Rep. Bateman spoke in support of the original motion and stated there is no way for children to challenge the forces that harm them and he believes H 154 will reduce the number of abortions so this is a way to step up and protect children.

**VOTE ON
SUBSTITUTE
MOTION:**

A roll call vote was requested on the substitute motion. **Motion failed by a vote of 4 AYE and 13 NAY. Voting in favor** of the motion: **Reps. Smith, Jordan, McCrostie and Wintrow. Voting in opposition** to the motion: **Chairman Loertscher, Reps. Batt, Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, and Nielsen.**

**VOTE ON
ORIGINAL
MOTION:**

A roll call vote was requested on the original motion. **Motion carried by a vote of 13 AYE and 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.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 11:39 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, March 16, 2015

TIME: 8:00 A.M.

PLACE: Lincoln Auditorium - WW02

MEMBERS PRESENT: Chairman McKenzie, Vice Chairman Lodge, Senators Davis, Hill, Winder, Siddoway, Lakey, Stennett and Buckner-Webb

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: Chairman McKenzie called the Senate State Affairs Committee (Committee) to order at 8:01 a.m.

RS 23854 **Relating to Flags Flown at Half-Staff.**

Senator Cameron explained that the City of Rupert, in conjunction with local military personnel, established a monument to honor fallen service members. After the monument was completed, the military personnel requested that the flag be flown at half-staff. The City of Rupert ordered that the flag be flown at half-staff and then found that they did not have the authority for that order. They requested that the Governor order the flag to be flown at half-staff on an ongoing basis and found the Governor did not have the authority for that order. The purpose of **RS 23854** is to give the Governor the authority to order flags be flown at half-staff for a period of up to one year on monuments honoring fallen service members.

MOTION: **Senator Davis** moved to print **RS 23854**. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

RS 23834 **Relating to Investigational Drugs to Authorize the Department of Health and Welfare to Administer an Expanded Access Program.**

Senator Heider stated this bill allows a marijuana derivative to help with epilepsy seizures. The drug Epidiolex is being used in clinical trials, approved by Federal Drug Administration (FDA), to counter the symptoms associated with epilepsy seizures in children. Dr. Robert Wechsler, neurologist, specializing in epilepsy has agreed to conduct clinical trials using the medication. Twenty-five children will be enrolled and tested in the trial. The trial will be expanded and funded for two to three years. Initial funding is \$223,500. The proposal has the support of the Governor's office, Idaho State Police (ISP) and the Department of Health and Welfare (HW).

Senator Stennett questioned whether Dr. Wechsler was certified for the trial. **Senator Heider** answered that Dr. Wechsler has approval from the FDA to conduct the trial. **Senator Stennett** asked how many children can be included in the trial for the \$223,500. **Senator Heider** replied that approximately 25 children will be included in the trial. **Senator Winder** clarified that this is an expanded access program for a clinical study of Epidiolex. **Senator Heider** added that there will be 25 children enrolled in the study this year. **Senator Lodge** asked if this study is just for children or can adults be enrolled in the trial. **Senator Heider** answered this year's trial will just be for children.

MOTION: **Senator Winder** moved to print **RS 23834**. **Senator Lodge** seconded the motion. The motion carried by **voice vote**.

Relating to Abortion to Provide Requirements for Chemical Abortion and for Administering of Certain Drugs in Abortions, and Conditions of Anonymity.

Senator Nuxoll stated this legislation requires the physical presence of a physician for an in-person examination and counseling of a pregnant woman prior to performing a chemical abortion. This bill will stop webcam abortions in Idaho. A webcam abortion is accomplished by a video conferencing system that replaces the personal face-to-face consultation with a physician.

Senator Nuxoll handed out a statement from the Roman Catholic Dioceses of Boise and read one statement from the document: "Access to yet another method of abortion will only further erode the respect for the value of human life. That is why we support H 154".

Testimony in support of H 154:

David Ripley, Idaho Chooses Life (ICL), said this legislation does not stop abortions from taking place or challenge the Supreme Court's ruling in Roe. What it does do, is create some common sense protections for women and girls considering a chemical abortion.

When the FDA approved the use of RU-486 it put limits on its use to protect the health and lives of women taking the drug. Over the past decade there has been a movement in the abortion industry to push the expanded use of RU-486 despite clear evidence that chemical abortions are more dangerous for women and girls than surgical abortion. As of 2012, 38 percent of all abortions in Idaho are being done with drugs; well above the national average. ICL expects that number to climb in the years ahead.

This legislation requires several specific items of the abortion industry:

- Section 1 of the bill includes the definitions. Section 2 requires a physician's physical presence.
- A physical examine must occur so the woman or girl can determine how far along she is so that it can be determined whether RU-486 is appropriate and safe in her specific case.
- The doctor must confirm that the baby is in the uterus, and not in the fallopian tube.
- The doctor must talk with the girl or woman about her options and the risks associated with undergoing an abortion as required by the informed consent law.
- The physician must make every effort to see the woman after she takes the drugs to ensure the baby has been removed from the uterus.
- There are civil damages for the woman in cases of malpractice.
- It would allow the Attorney General or county prosecutor to stop a physician who disregarded these standards from continuing to perform abortions.
- It protects the anonymity of the woman or girl involved if a lawsuit is filed.

Senator Stennett asked what is the change in the legislation that their organization is seeking. **Mr. Ripley** clarified that the proposed amendment to the legislation would add a phrase at the end of the definition of abortifacient stating that nothing in the definition shall apply when RU-486 is used to treat an ectopic pregnancy.

Kerry Uhlenkott, Right to Life of Idaho, Inc. (RTL), advised that Planned Parenthood (PP) has initiated plans nationwide to install webcam facilities in every state in order to perform what are called webcam abortions. The webcam will make it possible for women in remote areas to obtain abortions without having to meet a doctor. RTL's main concern is that the doctor is never physically present to

examine the woman in a webcam abortion. PP opened their first webcam facility in Iowa in 2008. The Iowa Board of Medicine voted eight to two in August of 2013 to ban the webcam practice by requiring that a physician must be physically present when administering abortion drugs.

The pro-life movement in Idaho along with several Idaho OB/GYNs agree that Idaho should be preemptive and ban this practice before it becomes a reality here. There are 18 states that have already passed similar legislation. Similar legislation is in effect in 16 other states.

Promoters of webcam abortions would have you believe that this procedure is a legitimate form of telemedicine and is safe and effective. The chemical abortions, which combine two very potent drugs, can have significant physical and physiological health risks for the mother.

Ms. Uhlenkott concluded her presentation by referring to an e-mail from Dr. Brian Johnson who practices Family Medicine at St. Luke's in Twin Falls and Jerome. It discusses the difficulty of diagnosing an ectopic pregnancy even with a complete in-person examination and laboratory studies.

Susan Thayer was employed by PP of Greater Iowa from April of 1991 to December of 2008 as a Clinic Manager for the Storm Lake Center. She stated in 2007, upper management mandated that every PP center would become a webcam abortion facility. The idea for webcam came from a crime scene show where telemedicine was used. For PP it was a solution to the shortage of doctors willing to travel the state doing surgical abortions. Without a doctor, nurse or any other medical staff on site, transvaginal ultrasounds are done by entry level and non-medical staff. The image is then scanned to a doctor that determines the length of gestation. **Ms. Thayer** explained in detail how the process works for a webcam telemedicine abortion after gestation is determined.

Lindsey Rees, registered nurse, Stanton health care Magic Valley, stated she has experience in case management, rural health connection and coordinated care with telehealth, and she is trained in obstetric ultrasound. **Ms. Rees** spoke to the danger of certified medical assistants, licensed practical nurses or even registered nurses who would not be fully qualified to perform an assessment required to administer the medication, let alone provide follow-up care to the women taking the RU-486 route for abortion.

Senator Stennett asked if **Ms. Rees** referenced national statistics. **Ms. Rees** answered that they are FDA statistics. **Senator Stennett** commented that it was her understanding that the abortion medications are typically .01 to .03 percent of a risk factor for serious complications. If a woman had an ectopic pregnancy or a diseased baby in utero, what is the rate of complications? **Ms. Rees** stated that the complication rate is one out of four for severe bleeding. **Senator Stennett** asked what is the complication rate for the surgical removal of a pregnancy. **Ms. Rees** stated she did not have statistics for surgical removal. **Senator Stennett** asked for the recovery rate for the surgical removal. **Ms. Rees** answered six hours. **Senator Stennett** asked how many post-surgery checkups are needed. **Ms. Rees** answered one appointment.

Terry Lennox, registered nurse, Rachel's Vineyard Post Abortion Healing Ministry, spoke on the complexity of the decision process when a woman chooses the option of chemical abortion. The woman has little time to grapple with the life-altering decision that she makes under often heart-wrenching circumstances. The physical presence of her doctor is not only ethical; it is critical to ensuring her physical and emotional safety and survival.

Medical and mental health care professionals' assessments are always more accurate and more finely tuned when a trusting, in-person, rapport is established with the patient. They look for subtle but significant clues. The woman deserves informed, compassionate, competent, and proactive health care. **Ms. Lennox** concluded that there are physical and psychological considerations that cannot be addressed by webcam abortions that replace the personal face-to-face consultation with a physician.

Jesse Taylor, representing, Angela Dwyer, Clinic Manager, Stanton health care, advised that this bill will be instrumental in providing a continued baseline level of safety for women that are seeking a chemical abortion in the State of Idaho. It is critical to have a physical evaluation and a complete health history of the patient by the prescribing physician to confirm gestational age, physical condition, to eliminate the potential for drug interactions and rule out the possibility of an ectopic pregnancy prior to any abortifacients being administered. The practice of telemedicine eliminates these very important diagnostic parameters and places the patient at greater risk for complications and potentially life-threatening outcomes. Abortifacients are very powerful agents that are not without complications. A physical examine, consultation and follow-up care are absolutely necessary to keep the complications to a minimum. To dispense this abortifacient remotely is irresponsible and dangerous.

Marilyn Scott Francis, former Director of Pregnancy Crisis, Twin Falls, spoke of a hotline call where a woman had been given the chemical abortion medication to end her pregnancy. She did not believe in abortion but PP told her that it is not an abortion because it was not a baby yet. She was surprised to see such a perfectly formed baby at the end of the abortion.

Julie Lynde, Executive Director, Cornerstone Family Council (CFC), addressed a few arguments of those who are opposed to the legislation:

- The Legislature is coming between a woman and her doctor: the legislation seeks to secure that the doctor will be physically present and speaking to the woman or girl face to face.
- This is a private decision between a woman and her doctor: in a webcam abortion, where is that professional half of those two decision makers; where is that doctor who is joining her in this decision?
- Women in the remote parts of Idaho need this type of access to abortion: the Department of Health and Human Services, along with the FDA have published various guidelines for the use of RU-486. One of the circumstances under which a woman should not be given RU-486 is the inability to have quick access to emergency medical service.

Vickie Wooll, M.D., Stanton health care, spoke about safe and sound medical procedures. She has not found that the chemical abortion medications are safe. They are strong and potentially dangerous. They must be prescribed in a supervised fashion with immediate access to emergency room care and someone knowledgeable to support any complications that can arise. In medical school, doctors are taught to do no harm. Standards for ethical medical practice are thorough evaluations, assessments, and a treatment plan for the patient. The patient is given choices and education which takes time. The FDA has set the rules for how the chemical abortion medication can be used, and these drugs have a black box warning label. The black box label indicates that a drug carries significant risk of serious or life threatening adverse affects. Commonplace incidents that affect patient safety are:

- Patients don't know when they got pregnant.
- There is no prescribed dosage for the pediatric population ages 14 to 17.

- All three of the drugs have black box warnings labels. For RU-486 there is a serious risk of infection from bacteria.
- There is a bleeding risk caused by the medication or an incomplete abortion.
- There is a lack of access to a physician two weeks post treatment to make sure the abortion took place.
- Ectopic pregnancy sometimes can be missed.
- There could be a drug reaction if the patient is on any other medication.

Senator Stennett asked why the chemical abortion drugs with their contraindications are more adversely harmful than any other powerful medications on the market. **Dr. Wooll** explained that the FDA has labeled them with black box warnings. One of the drugs used as an abortive is a cancer killing agent and the other two medications have statistics that show they are problematic. **Senator Stennett** commented that there are many drugs in the marketplace that have the FDA black box warnings.

Senator Hill inquired if FDA black box warnings were typical with most medications. **Dr. Wooll** answered that a black box warning is an exception. Black box labeling denotes special care, it warns that a drug has the potential for infection or suppressing white blood cell count, or other issues.

Ken McClure, attorney, representing the Idaho Medical Association (IMA), advised the Committee to amend **H 154** to add an ectopic pregnancy definition. The definition of abortifacient on line 16 states "any other chemical or drug dispensed with the intent of causing an abortion". Idaho Code § 18-604 defines an abortion as the use of any means to intentionally terminate the clinically diagnosable pregnancy of a woman with the knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child. The IMA's concern is the procedure to deal with an ectopic pregnancy that uses another drug or chemical which, by this definition, is an abortifacient. The language of this provision says that no physician shall give a woman a drug for the purpose of causing an abortion without going through the provisions of Subsection 2. On Line 29 "the physician must first determine if it is clinically feasible that the unborn child is within the uterus and not ectopic". Under the language of this bill it would be illegal for a physician to treat an ectopic pregnancy.

Testimony in opposition to H 154:

Barbara Condon, representing herself, Idaho Falls, stated she believes this legislation is harmful to women and detrimental to women's access to safe and affordable health care. In regards to **H 154**, the debate of members of the House State Affairs Committee commented that if the passage of this bill can prevent even one abortion it will be worth it. The life of the fetus should be protected over the life and welfare of the pregnant woman even under harsh circumstances when becoming pregnant. Stop legislating medical decisions for women in Idaho. She asked the Committee to leave those decisions where they belong, between a woman and her physician.

Hannah Brass Greer, Legislative Director, Planned Parenthood, explained there has been a significant amount of misinformation about the safety of chemical abortion via telemedicine. **Ms. Greer** proceeded to explain the process.

- A woman undergoes an ultrasound by a health care provider for accurate dating of pregnancy and the ultrasound is viewed by the physician.
- The physician reviews medical history and discusses the abortion process plus abortion alternatives with the patient.
- Once the woman confirms she wants to terminate the pregnancy the doctor administers the first medication and subsequent medication.
- One to two weeks after the abortion the patient comes in for a follow-up appointment.
- A telemedicine visit is similar to the face-to-face visit with the physician. At the satellite location, the woman would meet with a health care provider.
- Once the ultrasound and physical review have been completed, the physician comes on the scene using a two-way camera to talk directly to the patient.

Senator Buckner-Webb asked since PP doesn't currently provide telemedicine abortions, why is PP interested in this legislation. **Ms. Greer** replied that anytime the Legislature tries to legislate the practice of medicine and insert itself into the examination room, PP will oppose that legislation. This legislation deals only with abortion and no other health care procedure; it is about restricting access and making it harder for Idaho women to get care.

Senator Winder explained that in Ms. Greer's testimony, about 6,000 Idaho patients are served by PP a year. How many of these individuals are seeking abortions? **Ms. Greer** answered it was approximately 10 percent per year.

Senator Lakey asked for clarification on her testimony about why this legislation is redundant. **Ms. Greer** answered H 189 deals with the Telehealth Access Act, which also restricts medication abortion via telemedicine.

Senator Buckner-Webb asked for the percentage of risk for chemical abortions. **Ms. Greer** replied it is between .01 to .03 percent risk of serious complications.

Melissa Ruth, Program Manager, Idaho Coalition Against Sexual and Domestic Violence (ICASDV), advised that instead of limiting access to safe and legal abortions, the Legislature should focus on reducing violence and unintended pregnancies so all women are safe and can choose when and if to start or expand their families. Medical decisions should be left to a woman in consultation with her family, her faith, and her health care provider, not Legislators.

Senator Hill stated that he sat on the Board of the Family Crisis Center for many years but there was never any advocacy to make abortion more available. Is this the official stance of the ICASDV and how did the organization arrive at that decision. **Ms. Ruth** answered that the ICASDV opposes H 154 she would have to direct the question on their official stance on abortion to their executive director.

Kathy Griesmyer, Public Policy Strategist, American Civil Liberties Union (ACLU), stated the ACLU of Idaho opposes H 154 as it places medically unnecessary requirements on physicians performing medical abortions in an attempt to restrict a woman's right to access abortion care.

Cindy Gross, representing herself, stated that politicians have no business being in the middle of a patient's medical decisions. She told about her personal experience with abortion and how she relied on her doctor for medical advice and her husband for support. She asked the Committee to vote no on H 154.

Lauren Bramwell, representing herself, advised that a rural woman in the State of Idaho should have access to care and spoke to the following points: 1) safety of medical abortions; 2) potential of telemedicine; and 3) overstepping of governmental power in an area which should remain between a woman and her doctor.

Senator Lakey stated that telemedicine is a useful technology for access to a specialist when working with the treating physician. He does not believe it is appropriate to create greater access to a lower standard of medical care for the patient. These are situations that are dangerous for the patient physically, mentally and emotionally along with black box label drugs with contraindications. He does not believe that having access to the safest and most effective method of treatment should be replaced by a lower standard of care.

MOTION: **Senator Buckner-Webb** moved to hold H 154 in Committee. **Senator Stennett** seconded the motion.

SUBSTITUTE MOTION: **Senator Hill** moved that H 154 be referred to the 14th Order for amendment for possible amendment. **Senator Lakey** seconded the motion. The motion carried by **voice vote**. **Senators Buckner-Webb** and **Stennett** requested to be recorded as voting nay.

ADJOURNED: **Chairman McKenzie** adjourned the meeting at 10:20 a.m.

Senator McKenzie
Chair

Twyla Melton, Secretary

Carol Deis, Assistant Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Thursday, March 09, 2017

SUBJECT	DESCRIPTION	PRESENTER
<u>SCR 109</u>	Cathy Holland-Smith, honored	Representative Maxine Bell
<u>S 1031</u>	Veterans, transport fund grant program	Tracy Schaner, Division of Veterans Services
<u>S 1047</u>	Submersible well pumps, ref revised	Senator Bob Nonini

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, March 09, 2017

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** Representatives Crane and Palmer.

GUESTS: Warren Wing, DBS; Tracey Shaner and Debbie Spence, IDVS; John Eaton, Realtors.

Chairman Loertscher called the meeting to order at 9:00 A.M.

SCR 109: **Rep. Maxine Bell** presented **SCR 109**, which honors **Cathy Holland-Smith**, Manager of the Division of Budget and Policy Analysis of the Legislative Services Office, who is retiring after many years of service. Rep. Bell noted the resolution's fiscal note, which represents well Mrs. Holland-Smith's work.

MOTION: **Rep. Monks** said Mrs. Holland-Smith was a wonderful example of education and helped him through the process when he served on the Appropriations Committee. He made a motion to send **SCR 109** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Bell** will sponsor the bill on the floor.

S 1031: **Tracy Schaner**, Deputy Administrator, Division of Veterans Services, presented **S 1031**. This bill is a request to change the current payment voucher system to a payment authorization program. It also allows those wheelchair-confined veterans who have no other available means of transportation to have transportation that meets basic needs and necessities. If the amendment is approved, the division would like to reevaluate the bill's fiscal impact based on the demand for the services.

MOTION: **Rep. Scott** made a motion to send **S 1031** to the floor with a **DO PASS** recommendation.

In response to comments on the bill's fiscal impact, **Ms. Schaner** said the Division would like to piggyback it off of the Department of Transportation's grant program. They would do an analysis to see what funds are needed for future fiscal years. Then they would request appropriations through the Joint Financial Appropriations Committee.

Ms. Schaner clarified that the vehicles used for transportation could be buses or it could be individual vans with wheelchair lifting capabilities. The service would be door-to-door and not like a bus stop. This is not creating an industry, as the Department of Transportation already partners with services.

Rep. Giddings asked why the Division could not assess the demand for this service. **Ms. Schaner** replied they have not been able to locate those statistical numbers for wheelchair-bound veterans. Rep. Giddings said her concern is with the origin of the proposal, as the quantity of the current need is not understood. She asked what neighboring states are doing. Ms. Schaner said the intent of the bill is to use limited funds and it would not exceed the \$30K set aside for the statute. As for other states, the logistics are different based on Veteran Affairs transportation. The data is pretty limited because it is a new program.

In response to questions, **Ms. Schaner** clarified the state is having to absorb the responsibility of this transportation issue because it is the middle man and has administrative responsibilities. It is a circuitous process. Under the current statute, the voucher is passed through many hands and there is a lot of back and forth. **Rep. Giddings** asked what the determining factor was for the state paying versus the federal government paying. Ms. Schaner said the statute is already written; the first priority is federal and when a veteran is not eligible, or needs are not meant, then it goes through the state.

VOTE ON MOTION:

Chairman Loertscher called for a vote on the motion to send **S 1031** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Scott** will sponsor the bill on the floor.

S 1047:

Sen. Nonini presented **S 1047**, to make an amendment by adding 682.10 of the National Electrical Code section to the legislation passed in 2016. Without section .10 added, all of 682 was excluded in code. The issue last year was when pumps were used in bodies of water for irrigation and domestic water, there needed to be time to put wells in and address the issue. There is a sunset date for March of 2018; after this date, compliance with the National Electrical Code will be in effect.

In response to questions from the committee, **Warren Wing**, Electrical Program Manager, Idaho Division of Public Safety, clarified that .01 through .03 of 682 are still in application. Of 682, .01 covers the scope of the article, .02 covers definition of terms, and .03 covers other articles: if boat traffic occurs in waters, then other codes are involved.

In response to whether or not the sunset date was long enough, **Sen. Nonini** said he hopes so, but there is no guarantee. Pump installers and residents who have used it know of the sunset date.

MOTION:

Rep. Barbieri made a motion to send **S 1047** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Barbieri** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 9:31 A.M.

Representative Loertscher
Chair

Shelby Winkel
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Monday, March 13, 2017

SUBJECT	DESCRIPTION	PRESENTER
SCR 103	Kristin Armstrong, 2016 Olympics, honored	Rep. Smith
SCR 111	Cecilia Violetta Lopez, honored	Rep. Toone
H 104aaS	Dog racing, exception	Rep. Kauffman
H 126aaS	Appointment of Officers	Rep. Giddings

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, March 13, 2017

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** Representative(s) Crane, Palmer, Jordan

GUESTS: Clark Kauffman, self.

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

MOTION: **Rep. Armstrong** made a motion to approve the minutes of the March 2, 2017 meeting. **Motion carried by voice vote.**

SCR 103: **Rep. Smith** presented **SCR 103**, a concurrent resolution honoring the work and achievements of Idaho native, **Kristin Armstrong**, professional cyclist and three-time Olympic Gold Medalist. Ms. Armstrong is the most decorated female cyclist in U.S. history.

MOTION: **Rep. Manwaring** made a motion to send **SCR 103** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Smith** will sponsor the bill on the floor.

SCR 111: **Rep. Toone** presented **SCR 111**, a concurrent resolution to honor the life and work of Opera Singer and native Idahoan, **Cecilia Violetta Lopez**. Ms. Lopez should be an inspiration for all Idahoans for her hard work, determination, and dedication to her art.

MOTION: **Rep. Smith** made a motion to send **SCR 111** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Toone** will sponsor the bill on the floor.

H 104aaS: **H 104aaS** was brought before the committee again for consideration of the Senate amendments.

MOTION: **Rep. Smith** made a motion to concur with the amendments made in the Senate to **H 104aaS**. **Motion carried by voice vote.** **Rep. Kauffman** will sponsor the bill on the floor.

H 126aaS: **H 126aaS** was brought before the committee again for consideration of the Senate amendments.

MOTION: **Rep. Luker** made a motion to concur with the amendments made in the Senate to **H 126aaS**. **Motion carried by voice vote.** **Rep. Giddings** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:17 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Tuesday, March 14, 2017

SUBJECT	DESCRIPTION	PRESENTER
S 1074aa	Public procurement, political subdivisions	Keith Watts, Idaho Procurement
H 273	Open meetings law, definitions revised	Chairman Loertscher

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, March 14, 2017

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** Representative Smith

GUESTS: Keith Watts, IPPA/City of Meridian; Bob Perkins, IPPA/Ada County; Justin Ruen, Association of Cities; Larry Maneely, Ada County; Skip Smyser, Idaho Press Club.

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

S 1074aa: **Senator Den-Hartog** presented **S 1074aa**, a bill that modifies and updates the procurement statutes related to political subdivisions. Modifications include changes to dollar threshold amounts for both informal and formal bid processes, a change in the delegation of procurement authority for County Commissioners, and exemption and bonding changes related to some types of public works projects.

Keith Watts, IPPA, City of Meridian, gave a detailed outline of the contents of the bill which focuses on three procurement areas: 1) Delegation of Authority- which allows the County Commissioners to delegate procurement authority should they want to do so; cities and taxing districts have authority to delegate; 2) Modifications to political subdivision service and property procurement statutes- Dollar threshold exclusion \$50,000; informal bid: \$50,000 to \$100,000; formal bid: \$100,000 and above; inclusion of designee to open, award, or reject bids; addition of exclusions 3) Modifications to public works statutes- \$50,000 Bright Line for public works; exemption and bonding: \$50,000; informal bid: \$50,000 to \$200,000; formal bid: \$200,000 and above; inclusion of designee to open, award, or reject bids.

MOTION: **Rep. Crane** made a motion to send **S 1074aa** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Crane** will sponsor the bill on the floor.

Chairman Loertscher turned the gavel over to **Vice Chairman Monks**.

H 273: **Chairman Loertscher** presented **H 273**, a bill that amends existing law to revise the definition of "public agency." He stated the Idaho Open Meetings Law applies to all public agencies of state and local government that are created by statute. However, the Law does not apply to the 28 public agencies established by Executive Order of the Governor. The legislation applies the Law to all public agencies established by Executive Order.

Skip Smyser, representing Idaho Press Club, spoke **in support** of **H 273**.

MOTION: **Rep. Luker** made a motion to send **H 273** to the floor with a **DO PASS** recommendation.

Several committee members agreed the legislation is needed to ensure transparency within government.

**VOTE ON
MOTION:** **Vice Chairman Monks** called for a vote on the motion to send **H 273** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Chairman Loertscher** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:30 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
8:30 A.M.
Room EW40
Friday, March 17, 2017

SUBJECT	DESCRIPTION	PRESENTER
RS25434	Administrative Rules, extended	Dennis Stevenson, Administrative Rules Coordinator
RS25520	House Rule 78, contest of election	Rep. Crane
H 184aaS	Treasurer, authority/account transfers	Rep. Monks
SJR 103	Rights of crime victims	Senator Lakey

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Friday, March 17, 2017

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan

**ABSENT/
EXCUSED:** None

GUESTS: Kathy Griesmyer; ACLU; Ian Thompson, Idaho Association of Criminal Defense Lawyers; Paul Cassell, self; Jayk Reynolds, self; Lauren Busdon, self; Ashlee Berk, self; Sheriff Donahue, Canyon County; Holly Koole-Rebholtz, Ada County Prosecutors; Sandy Jones, Parole Commission; Natalie Marti, self; Sarah Busdon, self; Marissa Lovey, self; Lynda Breen; self; Amanda Watson, self; Dennis Stevenson, Office of Administrative Rules Coordinator; Sara Westbrook, self; Michael Bartlett, Idaho Association of Criminal Defense Lawyers.

Chairman Loertscher called the meeting to order at 8:31 a.m.

MOTION: **Rep. Armstrong** made a motion to approve the minutes of the March 3, 6, 8, 9, 13 and 14, 2017 meetings. **Motion carried by voice vote.**

RS 25434: **Dennis Stevenson**, Administrative Rules Coordinator, presented **RS 25434**, legislation that continues certain administrative rules in full force and effect until July 1, 2018.

MOTION: **Rep. Harris** made a motion to introduce **RS 25434** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Harris** will sponsor the bill on the floor.

RS 25520: **Rep. Crane** presented **RS 25520**, proposed legislation that adds a new Rule 78 to the House Rules, to provide a procedure for contested elections. He stated there will be two other bills coming forward from the Senate and a Joint Rule to cover all bases of the issue.

MOTION: **Rep. Monks** made a motion to introduce **RS 25520**. **Motion carried by voice vote.**

H 184aaS: **H 184aaS** was brought before the committee again for consideration of the Senate amendments.

MOTION: **Rep. Monks** made a motion to concur with the amendments made in the Senate to **H 184aaS**. **Motion carried by voice vote.** **Rep. Monks** will sponsor the bill on the floor.

SJR 103: **Senator Lakey** presented **SJR 103**, a joint resolution that proposes an amendment to Section 22, Article I of the Idaho Constitution, relating to the rights of crime victims. It states the question to the electorate, "Shall Section 22, Article I, of the Constitution of the State of Idaho be amended to provide equal rights to victims of crimes including the right to notification of court proceedings, reasonable protection from the accused, and a voice in the criminal justice process?" It directs Legislative Council to prepare statements required by Section 67-453, Idaho Code, and file the same, and directs the Secretary of State to publish the proposed amendment and arguments as required by law.

In response to committee questions, **Sen. Lakey** stated crime victims have a right to seek restitution but the judge sets that amount, if any. He stated the "reasonableness" standard referenced in the bill would be established by the court. He also stated the harm that victims suffer deserves a constitutional protection, which has more permanency and they deserve to have a voice in the process. He stated the bill does not ask for special programs, local governments already provide services for crime victims. In regards to entities being crime victims, he stated entities are already defined in Idaho Code and the bill does not change that. He also stated the new definition of "crime victim" refers to a victim who was directly and proximately harmed by the commission of certain crimes and both standards must be met in order to meet the terms of the definition.

Lauren Busdon, representing herself, spoke **in support** of **SJR 103** and stated she is a crime victim and during the criminal court proceedings the defendant was given his afforded rights but his victims had little to no rights in the process, including notification of bail hearings, other hearings and a dedicated or available area for victims to wait, so as to keep them separate from the defendant. She stated she felt like she was being further victimized during the process because her rights were not as important to the court as the defendant's. **Jayk Reynolds**, representing himself, spoke **in support** of **SJR 103** and stated he is a crime victim and as he went through the court process following the defendant, he found he did not have a voice, only a story. **Ashlee Berk**, representing herself, spoke **in support** of **SJR 103** and stated she is a crime victim and was not notified of the defendant's hearings and feared for her and her family's safety. She stated that type of information is critical and time-sensitive. She stated there are many rights afforded to defendants and very few for victims. **Sarah Busdon**, representing herself, spoke **in support** of **SJR 103** and stated her daughter is a crime victim and during the court proceedings the victim's family was not notified of the defendant's hearings, which would have given them an opportunity to speak to the judge about lowering the defendant's bail amount, which allowed for the defendant to be released.

Kathy Griesmyer was called on to give testimony but deferred her time to **Richard Eppink**, Legal Director, ACLU, who spoke **in opposition** to **SJR 103**. He stated victims get treated differently but a constitutional amendment is not the correct way to solve the problem because it is difficult for the legislature to make amendments if there are issues with the language further down the road. He stated the bill is missing clarification on victim's rights afforded to everyone regardless of age, creed, sex, religion, race, etc.

In response to committee questions, **Mr. Eppink** stated the changes in the language as proposed by the bill has not been tested in statute yet which could lead to unintended consequences.

Chairman Loertscher called a recess of the committee at 10:21 a.m.

Chairman Loertscher reconvened the meeting at 11:13 a.m. and announced that due to time constraints, **SJR 103** will be carried over to the meeting of March 20, 2017 at 8:30 a.m.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 11:17 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
8:30 A.M.
Room EW40
Monday, March 20, 2017

SUBJECT	DESCRIPTION	PRESENTER
<u>SCR 120</u>	Administrative rules, agency rules rejected	Dennis Stevenson, Administrative Rules Coordinator
<u>SCR 121</u>	Administrative Temporary Rules	Dennis Stevenson, Administrative Rules Coordinator
<u>SJR 103</u>	Rights of crime victims	Senator Lakey

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, March 20, 2017

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan (Ringo)

**ABSENT/
EXCUSED:** None

GUESTS: Paul Riggins, self; Aleshea Boals, Canyon County Sheriff; Shelby Parker, Ada County Prosecution; Susan Ledford, Idaho Victim Witness Association; Paul Cassell, self; Tammara Tarvin, ISA; Elisa Massoth, Idaho Association of Criminal Defense Lawyers; Dennis Stevenson, Office of the Administrative Rules Coordinator; Savannah Slater, Idaho Association of Counties; Sheriff Keeran Donahue, Canyon County; Holly Koole-Rebholtz, Idaho Prosecuting Attorneys Association; John Cross, self; Teresa Baker, Idaho Association of Counties; Skip Smyser, Lobby Idaho.

Chairman Loertscher called the meeting to order at 8:30 a.m.

SCR 120: **Dennis Stevenson**, Rules Coordinator, Office of Administrative Rules, presented **SCR 120**, a concurrent resolution that approves agency rules imposing a fee or charge that were adopted during the prior calendar year and were submitted through the Office of Administrative Rules Coordinator to the Legislature for review during the 2017 legislative session, with two exceptions, which shall be in full force and effect upon the adoption of the concurrent resolution or upon the date specified in the administrative rule.

MOTION: **Rep. Luker** made a motion to send **SCR 120** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Manwaring** will sponsor the bill on the floor.

SCR 121: **Dennis Stevenson**, Rules Coordinator, Office of Administrative Rules, presented **SCR 121**, a concurrent resolution that approves and extends state agency temporary rules beyond the current legislative session with the exceptions.

MOTION: **Rep. Monks** made a motion to send **SCR 121** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Scott** will sponsor the bill on the floor.

SJR 103: Continuation of the meeting of March 17, 2017.

Paul Cassell, self, spoke in support of **SJR 103** and stated he has been working as a crime victim attorney for many years and victims rights are just as important as defendant's rights. He stated time has exposed gaps in the current victims rights that was added to the Idaho Constitution in 1994. He stated the new language expands the right for an extension of rights of reasonable protection and the right to confer with prosecutors which is also important for crime victims. He stated the fiscal impact of the bill will be minimal, the same fears were heard in 1994 when the original language regarding victims rights was added to the constitution over 20 years ago and nothing bad has come about.

In response to committee questions, **Mr. Cassell** stated 35 other states have similar legislation in their statutes to protect the rights of crime victims. He stated the definition of victim can be changed via statute, but their rights cannot. He stated the rights of the accused would not be denied, the bill simply allows for victims to have their voice heard in court proceedings. He stated the bill would not create a right for victims to have court appointed counsel but would allow them to acquire counsel if they want. He stated the bill is necessary because a statute can't assert a constitutional right. He stated permitting crime victims the right to appear in criminal proceedings allows the judge to see there is another party involved; yet does not allow for a victim to determine how a criminal trial should be conducted, that is up to the judge. He stated that a "reasonable protection" would be determined by the judge as well.

Silvia Flores, representing herself, spoke **in support** of **SJR 103** and stated she is a crime victim and believes the bill would benefit crime victims and their families by making notifications more accessible and allowing victims the right to be heard by a judge. **Sheriff Donahue**, Canyon County, spoke **in support** of **SJR 103** and stated law enforcement is concerned with public safety and they are happy to escort crime victims to hearings, etc. He stated there is no cost too high to protect victims.

Ian Thompson, Idaho State Public Defense Commission, spoke **in opposition** to **SJR 103** and stated a constitutional amendment already exists for crime victims and the new language is vague and ambiguous. He stated the increase in rights to crime victims creates a fundamental unfairness to defendants. **Elisa Massoth**, Idaho Association of Criminal Defense Lawyers, spoke **in opposition** to **SJR 103** and stated the costs associated with the bill could include the cost of additional hearings, training for police officers, software and record keeping for notifications, additional public defenders,

Due to time constraints, **SJR 103** will be carried over to the meeting of March 21, 2017 at 8:00 a.m.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:24 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room EW40
Tuesday, March 21, 2017

SUBJECT	DESCRIPTION	PRESENTER
SJR 103	Rights of crime victims	Senator Lakey
S 1151	Warrants, procedures when lost revised	Rep. Crane

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan(Ringo)

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, March 21, 2017

TIME: 8:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan (Ringo)

**ABSENT/
EXCUSED:** None

GUESTS: Jan Bennetts, Ada County Prosecutors; Holly Koole-Rebholtz, Idaho Prosecuting Attorneys Association; Tammara Tarvin; Idaho Victim Witness Association; Paul Jagosh, Fraternal Order of Police; Teresa Baker, Idaho Association of Counties; Patrick Hodges, State Controller; Dan Goicoechea, State Controller; Sara Westbrook, self; Jason Arrington, self; Michael Bartlett, self; Skip Smyser, Marcy's Law LLC.

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

SJR 103: Continuation of the meeting of March 20, 2017.

Holly Koole-Rebholtz, Idaho Prosecuting Attorneys Association, was called upon to give testimony but deferred her time to **Jan Bennetts**, Ada County Prosecutors, who spoke **in support** of **SJR 103**. She stated the resolution expands the rights of victims which is much needed. She stated the larger counties, like Ada County, are already offering services to crime victims but the resolution would make sure all counties throughout the State are doing the same.

In response to committee questions, **Ms. Bennetts** stated some counties have Victim Witness Coordinators who work directly with crime victims to be sure they get the services they need. She stated the prosecutor has to prove restitution and the judge decides on an order, which can include timely-set payment schedules. She also stated investigators work with crime victims in the early stages of criminal cases before charges are filed, while the prosecutor's job is to protect the community and seek justice. Victim Witness Coordinators work with victims during the criminal proceedings and act as a liaison between law enforcement and prosecutors. She stated crime victims should be allowed to attend post-conviction proceedings. She stated currently some crime victims hire legal counsel to represent them and it is never a cost of the State, most are pro-bono attorneys. The new language to expand the definition of crime victim is needed because there is a wide range of victims.

Teresa Baker, Idaho Association of Counties, spoke **in support** of **SJR 103**. **Tammara Tarvin**, Idaho Victim Witness Association, spoke **in support** of **SJR 103** and stated the new language is already current practice in Ada County where they provide services for crime victims. She stated it is important to provide protection for victims during the criminal justice process.

Michael Bartlett, representing himself, spoke **in opposition** to **SJR 103** and stated there are unintended consequences with the new language and if the legislature wants to expand services to crime victims, they should put more funding into current programs. He stated nothing in the resolution makes the victim whole. He stated the bill gives more rights to victims before guilt is established.

In response to committee questions, **Mr. Bartlett** stated the current practice works and there is no need to change it. He stated the rights of the accused has been established for years which means every one is presumed innocent until proven guilty and that should not change. Guilt should be determined by the court before rights to a victim are afforded.

Skip Smyser, Marcy's Law, LLC, spoke **in support** of **SJR 103** and stated he has a long history of working with victims through the criminal justice process. He stated when the original language of crime victim's rights was added to the Idaho Constitution in 1994, the defense attorneys brought the same opposition and the addition did no harm to the State or its citizens. He stated the resolution elevates the victim to the same level of rights and respect as the accused, and it's the legislature's job to protect those who need protecting.

Rep. Malek was called upon to give closing testimony. He stated victims always come last in the criminal justice system and just because one group is afforded rights does not mean it takes away from the rights of others. He stated the resolution protects the rights of people who have little to no voice. Adding the new language into the Constitution does not mean the language can't be changed at a later date. He stated the resolution is a good step in combatting against putting victims last.

MOTION:

Rep. Luker made a motion to **HOLD SJR 103** in committee. He spoke to the motion and stated victim's rights is already addressed in the Idaho Constitution and there could be too many unintended consequences with adding to the language. He stated he is not sure the new language is right and the issues could be addressed in statute.

SUBSTITUTE MOTION:

Rep. Palmer made a substitute motion to send **SJR 103** to the floor with a **DO PASS** recommendation. He spoke to the motion and stated the resolution gives opportunity to make the community better.

Rep. Crane spoke **in support** of the substitute motion and stated there has been testimony on the costs that might be associated with the resolution, but the victims pay a high cost and a price cannot be put on someone's life. He also stated victims should have equal rights in the Idaho Constitution.

Rep. Armstrong spoke **in support** of the substitute motion and stated there are unintended consequences for the accused having rights, as some are let free and not found guilty. He stated the victims are not at fault and there should be equal footing for their rights as well.

Rep. Zito spoke **in opposition** to the substitute motion and stated there are other ways to change victim's rights besides doing so in the State Constitution.

Rep. Smith spoke **in opposition** to the substitute motion and stated she is not comfortable with the new language as it relates to expanding definitions and it should be dealt with in statute.

ROLL CALL VOTE:

A Roll Call Vote was requested on the substitute motion to send **SJR 103** to the floor with a **DO PASS** recommendation. **Motion failed by a vote of 5 AYE, 10 NAY. Voting in favor** of the motion: **Reps. Monks, Crane, Palmer, Holtzclaw and Armstrong. Voting in opposition** to the motion: **Chairman Loertscher, Reps. Luker, Barbieri, Harris, Giddings, Manwaring, Zito, Scott, Smith and Ringo.**

ROLL CALL VOTE:

A Roll Call Vote was requested on the motion to **HOLD SJR 103** in committee. **Motion carried by a vote of 10 AYE, 5 NAY. Voting in favor** of the motion: **Chairman Loertscher, Reps. Luker, Barbieri, Harris, Giddings, Manwaring, Zito, Scott, Smith and Ringo. Voting in opposition** to the motion: **Reps. Monks, Crane, Palmer, Holtzclaw and Armstrong.**

S 1151: **Dan Goicoechea**, State Controller's Office, presented **S 1151** a bill that amends Idaho Code § 67-1022 to streamline the remedy process when warrants are lost. He stated the involved agency will be required to give notice only to the State Controller, rather than the State Controller and the State Treasurer. Proof of a loss of warrant would be given by a certification rather than an affidavit. The legislation also replaces the word "duplicate" with "replacement" warrant.

MOTION: **Rep. Monks** made a motion to send **S 1151** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Crane** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:30 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
8:30 A.M.
Room EW40
Thursday, March 23, 2017

SUBJECT	DESCRIPTION	PRESENTER
S 1196	Unborn infants dignity act	Senator Bayer, Rep. Trujillo
S 1144	Alcohol, prohibited acts	Cynthia Yee-Wallace, Office of the Attorney General

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Loertscher	Rep Barbieri	Rep Manwaring
Vice Chairman Monks	Rep Holtzclaw	Rep Zito
Rep Luker	Rep Harris	Rep Scott
Rep Crane	Rep Armstrong	Rep Smith
Rep Palmer	Rep Giddings	Rep Jordan(Ringo)

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, March 23, 2017

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan (Ringo)

**ABSENT/
EXCUSED:** None

GUESTS: Ralph Powell, Idaho State Police; David Ripley, Idaho Chooses Life; Russ Wheatley, Idaho State Police; Stephen Altig, Idaho State Police/Attorney General; Patrick Dentog, Idaho State Police/Attorney General; Cynthia Yee-Wallace, Office of Attorney General; Joe Stegner, University of Idaho; Stan Olsen, Office of Attorney General; Roger Brown, Boise State University.

Chairman Loertscher called the meeting to order at 8:34 a.m.

MOTION: **Rep. Armstrong** made a motion to approve the minutes of the March 17, 20 and 21, 2017 meetings. **Motion carried by voice vote.**

S 1196: **Senator Bayer** presented **S 1196**, a bill that provides for technical changes and legal clarification regarding exceptions for applicable materials used in research. He stated pro-life advocates agree with the changes.

In response to committee questions, **Sen. Bayer** stated the changes were made after discussions with the universities in Idaho, who came forward regarding medical research they were conducting and how it related to the Unborn Infants Dignity Act that was passed by the Legislature last year. He stated the passing of the Unborn Infants Dignity Act prohibited any new research projects that violate the Act, which is why the language was taken out, as well as, prohibits any new research after July 1, 2016.

David Ripley, Executive Director, Idaho Chooses Life, spoke **in support of S 1196** and stated the new language deals with research projects at universities in Idaho. He stated if the research is unethical according to the Act, it is prohibited. He stated some universities across the country were buying harvested fetal tissue and organs from abortions for research. He stated the Act allows for continued research for babies that were miscarried. He stated the bill establishes intent for future research, allows for the two universities in Idaho to continue their research of two cell lines from 1973, called HEK cells.

In response to committee questions, **Mr. Ripley** stated the pro-life community accepted the new language based on the knowledge of the universities inventory that was provided, which does not include materials harvested from an aborted baby. He stated he personally received letters from Boise State University, University of Idaho and the Department of Education regarding the issue and outlining their current research.

Bruce Newcomb, Boise State University, was called upon to answer questions. He stated the bill provides clarity regarding the cells acquired in 1973 that the universities have been using in research. He stated the university has issued a cease and desist letter to the research departments that no more grants will be given after July 1, 2016. He stated the legislation allows for the HEK cells from 1973 to continue to be researched.

Joe Stegner, University of Idaho, spoke in support of **S 1196** and stated University of Idaho uses HEK cells from 1973 to research viruses and birth defects.

MOTION:

Rep. Crane made a motion to send **S 1196** to the floor with a **DO PASS** recommendation. He spoke to the motion and stated a mistake was made when the Unborn Infants Dignity Act was enacted tying research and grants, not the materials, so the change is needed. He stated they will only be able to continue to do their research on the two cell lines.

Rep. Giddings spoke about the motion and stated the language does not specifically speak about the strains or research being done. She stated there is a lack of transparency and she was not provided with enough information.

Rep. Monks spoke in support of the motion. **Rep. Luker** spoke in support of the motion and stated there is a potential problem by not changing the current language. **Rep. Ringo** spoke in support of the motion and stated research is important. **Rep. Manwaring** spoke in support of the motion and stated some of the changes are difficult to understand without all of the history but he will trust the consensus.

VOTE ON MOTION:

Chairman Loertscher called for a vote on the motion to send **S 1196** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Trujillo** will sponsor the bill on the floor.

S 1144:

Cynthia Yee-Wallace, Deputy Attorney General, Idaho State Police, presented **S 1144**, a bill that repeals and replaces Idaho Code § 23-614. It is the intent of the State of Idaho to enact this statute to ameliorate the secondary effects at or near establishments whose predominate business is selling alcohol and, as part of that business, offering entertainment by or employing individuals who appear in a state of nudity or partial nudity or who engage in actual or simulated sexual activity. She stated the secondary effects from such establishments are detrimental to the public health and safety and welfare of Idaho citizens, and include an increase in criminal activity (including public sexual contact between entertainers and patrons, prostitution, gang activity, sex offenses, drug use, and assaults), the potential depreciation in the value of real property, and disruption of the peace and harm to the economic welfare of the community.

In response to committee questions, **Ms. Yee-Wallace** stated there are two lawsuits that the issue stems from: Meridian Cinemas v. Idaho State Police and Visual Arts Collective v. Idaho State Police. She stated the purpose of the changes is not to appease the plaintiffs but to make the statute more constitutional as that is the question of law in both cases. She stated the current statute is overbroad, the new language carves out an exception for the constitutionality of free speech. She stated in a former case, the Court ruled that the 21st Amendment does not trump 1st Amendment rights, and those rights must be analyzed.

Captain Russ Wheatley, Idaho State Police, Alcohol Beverage Control, spoke in support of **S 1144** and stated it is the duty of law enforcement to enforce the law relating to alcohol statutes. He stated secondary effects occur when alcohol is served at certain establishments that offer adult erotic entertainment.

Russell Westerberg, Idaho License and Beverage Association, spoke in support of **S 1144** and stated the Legislature is liable for the laws issuing and regulating liquor licenses.

MOTION:

Rep. Manwaring made a motion to send **S 1144** to the floor with a **DO PASS** recommendation.

**ROLL CALL
VOTE:**

A Roll Call Vote was requested. **Motion carried by a vote of 8 AYE, 6 NAY, 1 Absent/Excused. Voting in favor of the motion: Chairman Loertscher, Reps. Luker, Armstrong, Manwaring, Zito, Scott, Smith and Ringo. Voting in opposition to the motion: Reps. Monks, Crane, Barbieri, Holtzclaw, Harris, Giddings. Absent/Excused: Rep. Palmer. Rep. Manwaring will sponsor the bill on the floor.**

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 10:32 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary

AMENDED AGENDA #1
HOUSE STATE AFFAIRS COMMITTEE
8:30 A.M.
Room EW40
Friday, March 24, 2017

SUBJECT	DESCRIPTION	PRESENTER
	Approval of minutes	

COMMITTEE MEMBERS

Chairman Loertscher
Vice Chairman Monks
Rep Luker
Rep Crane
Rep Palmer

Rep Barbieri
Rep Holtzclaw
Rep Harris
Rep Armstrong
Rep Giddings

Rep Manwaring
Rep Zito
Rep Scott
Rep Smith
Rep Jordan(Ringo)

COMMITTEE SECRETARY

Kasey Winder
Room: EW46
Phone: 332-1145
email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Friday, March 24, 2017
TIME: 8:30 A.M.
PLACE: Room EW40
MEMBERS: Chairman Loertscher, Vice Chairman Monks, Representatives Luker, Crane, Palmer, Barbieri, Holtzclaw, Harris, Armstrong, Giddings, Manwaring, Zito, Scott, Smith, Jordan (Ringo)
**ABSENT/
EXCUSED:** Representative(s) Crane, Holtzclaw, Giddings, Scott
GUESTS: None.
Chairman Loertscher called the meeting to order at 8:45 a.m.
MOTION: **Rep. Armstrong** made a motion to approve the minutes of the March 23, 2017 meeting. **Motion carried by voice vote.**
Chairman Loertscher thanked Committee Page, **Ginger Ireland**, for her great work this session. He also thanked the Secretary, **Kasey Winder**, for her hard work and diligence this session.
ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 8:50 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary