

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, March 05, 2018

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Siddoway, Senators Hill, Winder, Lodge, Vick, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: Vice Chairman Hagedorn and Senator Anthon

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 Siddoway** called the Senate State Affairs Committee (Committee) to order at 8:00 a.m. with a quorum present.

H 565 RELATING TO FIREARMS to provide that retired law enforcement officers may carry a concealed weapon in certain places.

Representative Heather Scott, District 1, explained that **H 565** would provide an exemption for retired law enforcement officers who obtain the concealed carry card. Because mass shootings seem to be increasing, it may be necessary to increase the number of security enforcement officers. **H 565** would create a group of trained, professional law enforcement officers who could potentially be used as the need arises.

The Law Enforcement Officers Safety Act (LEOSA), a United States (U.S.) federal law enacted in 2004 after the September 4, 2004 terror attacks, allows qualified retired law enforcement officers to obtain a retired law enforcement concealed weapons license. LEOSA allows them to carry a concealed weapon in any jurisdiction in the U.S., regardless of state or local laws, with certain exceptions (Attachment 1).

Representative Scott stated Idaho has an Idaho 218 card for retired law enforcement officers. This card requires annual renewal and an annual background check (Attachment 2). She explained what the current Idaho 218 card does, and the requirements to obtain and renew that card. Page 3 of Attachment 1 outlines the changes contained in **H 565** that would apply to the Idaho 218 card.

Representative Scott commented that this bill included input from the Fraternal Order of Police and has been endorsed by the Idaho Chiefs of Police Association (Attachment 3), Idaho Sheriffs' Association (Attachment 4), and the Idaho Fraternal Order of Police (Attachment 5).

Senator Lodge asked if the ten year requirement was cumulative of all time employed in law enforcement, even if that time was spent with more than one agency. **Representative Scott** said it was an aggregate of ten years.

MOTION: **Senator Lodge** moved to send **H 565** to the floor with a **do pass** recommendation. **Senator Vick** seconded the motion.

Mark Estess, Executive Director, Idaho Chiefs of Police Association, stated they conducted due diligence and determined **H 565** is important for clarification. A significant number of retired law enforcement agents believed the license provided by this bill was already permissible under Idaho law. **Mr. Estess** introduced retired Chief Michael Johnson to provide an operational perspective.

Chief Michael Johnson, a retired chief of police, stated he was one of the retired officers who thought they had a legal right, under Idaho 218, to carry a firearm in different areas. **Chief Johnson** said he asked the resource officers at a school where he volunteers, if he had an Idaho 218 card, could he carry a concealed weapon. The answers he received varied greatly. Thus, it is vital to have the clarification this bill provides.

Senator Winder extended his thanks for Chief Johnson's years of service to the community and the State.

Representative Scott thanked Chief Johnson for his remarks. She stated **H 565** is timely, and there is support from the law enforcement community. She asked for a yes vote.

VOTE:

The motion carried by **voice vote**.

H 611

RELATING TO TRANSPARENT AND ETHICAL GOVERNMENT to revise open meeting notices and agendas.

Representative Gayann DeMordaunt, District 14, stated **H 611** will allow Idahoans to be adequately informed about the government's business; public business should be easily accessible and transparent to the public. Furthering transparency and accountability for every board and commission ought to be of primary importance.

Representative DeMordaunt explained how **H 611** affects agendas subject to the open meeting law: 1.) it requires the agenda to be posted and, if there is an electronic presence, it must be posted electronically; 2.) an item requiring a vote must be clearly identified as an action item; and 3.) the amendment requirement remains the same. A new section does not allow for final action to be taken on an agenda item that has been added after the start of a meeting unless there is a justified emergency. There are two critical reasons for increased transparency for open meeting laws: 1.) information citizens need to participate is available to them; and 2.) accountability of public officials.

Representative DeMordaunt stated there was no fiscal impact and stood for questions.

Senator Stennett asked if any non-governmental entities open to the public would fall within the purview of this legislation. **Representative DeMordaunt** answered those defined in the open meeting laws would be affected. **Representative DeMordaunt** read the full definition of public agency in Idaho Code § 74-202. **Senator Stennett** responded that she was inquiring as to the potential exemptions.

Senator Buckner-Webb asked what the result would be for failure to comply with the requirements. **Representative DeMordaunt** said Idaho Code § 74-208 remains in effect. The procedures to contest a vote outlined in this section were applicable.

MOTION:

Senator Vick moved to send **H 611** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion.

Nick Veldhouse, Executive Director, Idaho Association of Highway Districts (IAHD), stated IAHD had some concerns with the fiscal impact. Government could possibly see an increase in expenses due to information technology costs, maintenance, cloud services, and archiving. There could also be an increase in legal costs due to challenges regarding adequacy of notice.

Senator Hill noted that **H 611** is limited to a notice of meetings. Online notice is only required if the entity maintains an online presence through a website or social media platform. This type of posting only applies to public meetings; it is not for public notices. **Mr. Veldhouse** responded most rural districts may have a social media presence but do not have adequate knowledge to archive postings; as such, they would incur extra costs.

Representative DeMordaunt reiterated this legislation clearly states if the entity has an online presence, including a social media page, they could post an agenda within the meaning of the law. It does not expand the requirement to post an agenda to an entity that does not have an existing online presence. The most compelling aspect of this proposed legislation is that it empowers people to be more engaged in the process; she asserted the public's business ought to be as public as possible.

Chairman Siddoway asked if there would be any costs incurred in archiving these notices. **Representative DeMordaunt** responded the archiving requirements will remain the same because they did not change any requirement to maintain current postings. The hard copy will remain in the same location and no additional burden will be added.

VOTE: The motion carried by **voice vote**.

Chairman Siddoway welcomed a group of students attending the Committee meeting and asked Mathew Hampshire to identify the group. **Mr. Hampshire** stated they were the government class from Eagle High School. The course is taught by Mark Boatman.

ADJOURNED: There being no further business, **Chairman Siddoway** adjourned the meeting at 8:35 a.m.

Senator Siddoway
Chair

Twyla Melton
Secretary