

MINUTES  
**SENATE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, January 20, 2020

**TIME:** 8:00 A.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, and Buckner-Webb

**ABSENT/ EXCUSED:** Senator Stennett

**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:** **Chairwoman Lodge** convened the Senate State Affairs Committee (Committee) at 8:05 a.m.

**VOTE ON GUBERNATORIAL APPOINTMENT:** **Senator Vick** moved to send the Gubernatorial appointment of Rayelle Anderson to the Idaho Bingo-Raffle Advisory Committee to the floor with a recommendation that she be confirmed by the Senate. **Senator Bucker-Webb** seconded that motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Chairwoman Lodge passed the gavel to Vice Chairman Harris to conduct the rules review.

**DOCKET NO. 34-0000-1900** **Omnibus Pending Rules IDAPA 34 - Rules of the Office of the Secretary of State.**

**Vice Chairman Harris** introduced Chad Houck, Chief Deputy, Secretary of State, Administrative Division to present **Docket No. 34-0000-1900**. **Mr. Houck** presented the first of three non-fee omnibus rules and said there were technical changes made following the recommendations of the Red Tape Reduction Act. They consolidated some rules into single sections and removed outdated and obsolete definitions.

**Mr. Houck** went through each individual rule as he explained in detail the changes. He said that due to the expiration of a corporate entity name, one fee rule was vacated and combined with these non-fee rules.

**MOTION:** **Senator Souza** moved to approve **Docket No. 34-0000-1900**. **Chairwoman Lodge** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 34-0000-1900F** **Omnibus Pending Fee Rules IDAPA 34 - Rules of the Office of the Secretary of State.**

**Mr. Houck** next presented **Docket No. 34-0000-1900F**, which he explained were the omnibus fee rules that had been previously adopted and codified. He said there were no fee increases or changes other than consolidation and technical updates. **Mr. Houck** went through each individual rule as he explained in detail those changes. He said they planned to simplify the rules dealing with liens and those changes will be addressed later this year. He remarked that the rules had been heard in the House and passed unanimously.

**MOTION:** **Senator Buckner-Webb** moved to approve **Docket No. 34-0000-1900F**. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
34-0701-2001**

**TEMPORARY RULES IDAPA 34 - Rules of the Office of the Secretary of State for Notarial Acts Performed for Remotely Located Individuals to govern performance using communication technology.**

**Chad Houck** next presented **Docket No. 34-0701-2001** and said this was a new chapter and temporary rule for the governance of notarial acts for remotely located individuals. It provides the methods and processes for electronic notarization. He explained that this rule was adapted from the rules Texas uses, however, they significantly trimmed it from 18 pages to 5.

**MOTION:**

**Senator Hill** moved to approve **Docket No. 34-0701-2001**. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
38-0000-1900**

**Omnibus Pending Rules IDAPA 38 - Rules of the Department of Administration.**

**Vice Chairman Harris** introduced Keith Reynolds, Deputy Director of the Department of Administration, to present **Docket No. 38-0000-1900**. **Mr. Reynolds** said of the six rules reviewed, three chapters and one fee rule were eliminated. **Mr. Reynolds** explained that the rules cover two broad subjects: the use of state property managed by the Department of Administration and the Division of Purchasing. No changes were made to the rules for the facilities and no substantive changes were made to the rules governing purchasing.

**Mr. Reynolds** stated that the rules which included the phrase "items subject to search", were rejected by the House State Affairs Committee (House).

**DISCUSSION:**

**Senator Vick** ask **Mr. Reynolds** to explain the concerns the House had with the prohibited items listed in section 312. He responded the concern raised was the possibility of an unconstitutional search due to the broad discretion in that phrase. They discussed how it would affect their ability to provide safety.

Responding to additional questions, **Mr. Reynolds** further explained that all these rules were extensively negotiated, with appearances made before both the Senate and House committees, the American Civil Liberties Union, and they were litigated before the federal court, and were not found unconstitutional. He said that allowing guns in the Capitol and Capitol Mall were part of this process as well.

**Julie Weaver**, Deputy Attorney General assigned as General Counsel to the Department of Administration, was introduced and explained the difference between Rule 311 and 312 . **Ms. Weaver** discussed the issues around these rules.

**MOTION:**

**Senator Vick** moved to hold **Docket No. 38-0000-1900** in Committee. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
38-0000-1900F**

**Omnibus Pending Fee Rules IDAPA 38 - Rules of the Department of Administration.**

**Mr. Reynolds** next presented **Docket No. 38-0000-1900F** and said it is part of the facilities rules that govern parking in the Capitol Mall. He said the fee portion is made up of regular and reserved parking, and fines for infractions.

In response to Committee questions, he explained the details regarding fees, fines, and the location of the garages and parking lots governed by this rule. They discussed the issues regarding enforcement.

**MOTION:**

**Senator Anthon** moved to approve **Docket No. 38-0000-1900F**. **Chairwoman Lodge** seconded the motion. The motion carried by **voice vote**.

**PASSED THE  
GAVEL:**

Vice Chairman Harris passed the gavel to Chairwoman Lodge.

**ADJOURNED:**

There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:45 a.m.

---

Senator Lodge  
Chair

---

Twyla Melton  
Secretary

---

Denise B. McNeil  
Assistant to the Assistant Majority  
Leader