

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

- DATE:** Tuesday, February 07, 2012
- TIME:** 9:30 A.M.
- PLACE:** Room EW40
- MEMBERS:** Chairman Loertscher, Vice Chairman Crane, Representative(s) Stevenson, Black, Anderson, Andrus, Bilbao, Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Batt, Smith(30), King, Higgins, Buckner-Webb
- ABSENT/
EXCUSED:** None
- GUESTS:** Bert Marley, Idaho Education Association; Cindy Hedge, Idaho AFL-CIO; Teresa Baker, Ada County; Tamara Mackenthun, Division of Veterans Services
- Chairman Loertscher** called the meeting to order at 9:31 a.m.
- Rep. Batt** made a motion to approve the minutes of January 31 and February 2, 2012. **Motion carried by voice vote.**
- Rep. Batt** made a motion to approve the minutes of February 1, 2012, correcting the spelling of Bart Marley and Zach Haug. **Motion carried by voice vote.**
- RS 21150:** **Teresa Baker**, Ada County Prosecuting Attorney, presented **RS 21150**, legislation to transfer the authority of voting machine and tally systems certification from the federal Election Assistance Commission to the Idaho Secretary of State. The main purpose of the bill has three points: introduce competition to lower the price of elections and election equipment; allow technology of election equipment to advance; and transfer authority from the Election Assistance Commission (EAC) to Idaho. The Help America Vote Act of 2002 (HAVA) established the EAC, but the commission has never certified any new election equipment and has not had a quorum of members to hold a meeting for the past year. Idaho has one of the most restrictive standards for certifying equipment as our statute requires federal certification. **RS 21150** will allow the Secretary of State to adopt other state's certification standards, work in cooperation with other states, or develop their own standards. **RS 21150** will not impact HAVA funding, but most importantly, it will bring competition to the election equipment market. Idaho has only one vendor and there was no standard pricing in the state until after the purchase of optical scan machines.
- MOTION:** **Rep. Luker** made a motion to introduce **RS 21150**. **Motion carried by voice vote.**
- RS 21100:** **Rep. Ellsworth** presented **RS 21100**, legislation to expand disclosure requirements under the State Sunshine Law to include recall efforts at the county and city level. **RS 21100** also defines "measure" to include recall elections for statewide or legislative district offices. Rep. Ellsworth stated that previously there was no law on campaign contribution limits for recall elections. This proposed legislation will treat recall elections the same as general elections for contribution limits.
- MOTION:** **Rep. Batt** made a motion to introduce **RS 21100**. **Motion carried by voice vote.**
- RS 21111C1:** **Rep. Ellsworth** presented **RS 21111C1**, a Resolution to create a new House Rule 78. If a member of House leadership is convicted of a DUI, they cannot serve in their leadership role for the remainder of the legislative term.
- MOTION:** **Rep. Higgins** made a motion to introduce **RS 21111C1**.

In response to questions and concerns from the committee, **Rep. Ellsworth** explained the legislation focuses on DUIs rather than other offenses such as reckless driving, assault and battery, or misdemeanors because DUIs and drug offenses are defined specifically in Code. She further explained that this legislation is being proposed now because a lack of standards requires you to evaluate based on personalities. The legislation will apply only to a Legislator's current term.

SUBSTITUTE MOTION:

Rep. Simpson made a substitute motion to return **RS 21111C1** to the sponsor.

Rep. Luker spoke in support of the substitute motion. He stated this legislation is too narrow and not addressing key issues.

Rep. McGeachin spoke in support of the original motion stating it would move the issue down the road and the bill would get a hearing.

Rep. Henderson spoke in favor of the substitute motion stating this legislation is too narrow.

VOTE ON SUBSTITUTE MOTION:

Chairman Loertscher called for a vote on the substitute motion. **Chairman Loertscher** stated he was in doubt regarding the voice vote and asked for a show of hands. **By a show of hands, the substitute motion failed.**

VOTE ON ORIGINAL MOTION:

Chairman Loertscher called for a vote on the original motion. **Chairman Loertscher** asked for a show of hands. **By a show of hands, the original motion passed.**

H 425:

Laura Steffler, Chief Deputy, State Treasurer's Office, presented **H 425**, legislation to allow the Treasurer to determine if maintaining and protecting federal trademarks for the Idaho commemorative silver medallions would be beneficial. In 2004, the Treasurer was given the duty to create commemorative silver medallions with the proceeds to go to the Veterans Cemetery Maintenance Fund. The silver medallions were issued as a first and second series and there are 40 left to sell. The Treasurer is not issuing more at this time due to the price of silver. Ms. Steffler advised that it costs \$1,000 to \$3,000 to renew the trademarks and copyrights. This legislation will change the Treasurer's responsibility from "directed" to maintain the trademarks to "authorized".

In response to questions, **Laura Steffler** advised the committee the current value of the medallion is \$50 each. The image on the first series of medallions was five military service members from each branch of service and the second image is a bugler in a cemetery. Each of the medallions has a phrase on them that is copyrighted. There are two trademarks and 2 copyrights that originally cost \$5,000 to \$6,000 in filing fees, and they are up for renewal in 2013. The estimated cost is based on renewal fees as well as attorney fees since the Attorney General's office does not have counsel to renew them. The renewal will last for 10 years, but if they are allowed to expire and no longer protected, then someone else could use the trademark and the copyright.

MOTION:

Rep. King made a motion to send **H 425** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION:

Rep. McGeachin made a substitute motion to **HOLD H 425** in committee.

Rep. McGeachin stated that if the trademark and copyright are allowed to expire and others use them, it will have a possible effect on selling more at a later date. It also brings into question the value of the ones already issued.

Rep. Luker stated he supports the substitute motion. The renewal lasts for 10 years. It costs \$300.00 each year to protect the product in the market. The Treasurer might want to reissue them and we would want them to hold their value.

**VOTE ON
SUBSTITUTE
MOTION:**

Chairman Loertscher called for a vote on the substitute motion to **HOLD H 425** in committee. **Motion carried by voice vote.**

H 443:

Rep. Hagedorn presented **H 443**, legislation to clarify actions taken last year when a bill was passed that allowed state agencies to fly the POW/MIA flag. The bill limited the flying of the flag to the following: the state capitol building; the building that serves as the location of a district court; the building that serves as the city or town of each incorporated city or town; and the building that serves as the main administrative building of each county. This did not allow the flag to be flown at the Veterans Memorial, the Veterans Cemetery or at the Statue of Lincoln across from the Capitol. This legislation would authorize the Division of Veterans Services to determine the proper protocol for the location and display of flags and will be consistent with other areas of the United States.

In response to questions, **Rep. Hagedorn** stated there would not be a competing agency problem with giving the authorization to the Division of Veterans Services. The national standard for the proper protocol on where flags are to be flown is developed by protocol officers at the Pentagon. At the national level they work with all groups that want to have a say. The Division of Veterans Services is able to use this resource and apply it to flags flown on state properties. This legislation is only for state properties and the purpose is to put some rules in place with the Division of Veterans Services directing the proper protocol.

MOTION:

Rep. Simpson made a motion to send **H 443** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Hagedorn** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee; the meeting was adjourned at 10:21 a.m.

Representative Loertscher
Chair

Lissa Cochrane
Secretary