

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 08, 2012

TIME: 8:30 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: The sign-in sheet will be retained in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

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

H 444: **Rep. Lake** presented **H 444**. In 1985, the Legislature set up a retirement system for elected officials with PERSI. **S 1603** allows legislators to forego using a blended method of accumulated service time. A legislator can count their service time as a legislator and then spike their benefits by getting a position with higher pay. The purpose of **H 444** is to treat legislators the same as all other elected officials with respect to accumulated service time for PERSI benefits. Rep. Lake responded to the issue of establishing July 1, 2012, as the date in which a current legislator must leave the Legislature in order to have his retirement allowance calculated under the current rule. Quoting from the Attorney General's opinion dated February 6, 2012, "There is no reasonable expectation of getting a non-legislative job with a PERSI employer that would last long enough and would pay an amount high enough to enable him to benefit and "spike" his retirement benefit." And to summarize, "It does not appear **H 444** would permit a claim to a property right in a retirement calculation that is hedged upon a fulfillment of a series of unpredictable steps in order to qualify."

In response to questions, **Rep. Lake** stated the estimated cost savings to the State with this proposed change is small. Since 1990, only 257 legislators have qualified. As an elected official, legislators are considered part-time and accumulate service time at 20 hours per week. Under existing law, legislators' retirement benefits are based on their last 42 months of service. A legislator accumulating benefits based on his current salary could take a much higher paying position for example, \$80,000, and "spike" their benefit. This proposed legislation would change this to a blended or "aggregate" formula as calculated by PERSI for all other elected officials.

MOTION: **Rep. McGeachin** made a motion to send **H 444** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Vice-Chairman Crane** made a substitute motion to **HOLD H 444** in committee.

Vice-Chairman Crane noted that it is demeaning to state that a legislator's job is a part-time position. No one is getting rich from retirement benefits and this will discourage others from pursuing this field. He stated that we should look at removing health benefits, PERSI, travel reimbursement, and just offer a straight salary.

Rep. Simpson spoke in favor of the substitute motion. The 2009 Legislature voted to remove the pay increase. We can't eliminate all incentive to be here.

Rep. Luker stated it is not a constitutional issue to legislate how a potential future position may impact retirement benefits. The real issue is that while legislators get retirement credit for serving in the Legislature, what impact does another job later have on it? Rep. Luker would like more specific information.

Rep. Anderson stated the reasoning behind **S 1603** in 1990 was regional appointments are limited to those in the Treasure Valley and do not include others throughout the State. He supports the substitute motion since the debate in 1990 is not a part of the discussion today.

**AMENDED
SUBSTITUTE
MOTION:**

Rep. Luker made an amended substitute motion to **HOLD 444** in committee at the discretion of the Chair until more information is received.

Rep. Batt stated that she supports the amended substitute motion because she has additional questions regarding benefits for leaving prior to July 1, 2012, versus after that date.

**ROLL CALL
VOTE:**

Roll call vote was requested on the amended substitute motion for **H 444**. **Motion carried by a vote of 14 AYE, 5 NAY. Voting in favor of the motion: Reps. Loertscher, Crane, Stevenson, Andrus, Bilbao, Luker, Palmer, Guthrie, McGeachin, Sims, Batt, Smith, King, Buckner-Webb. Voting in opposition to the motion: Reps. Anderson, Black, Simpson, Henderson, Higgins.**

Chairman Loertscher turned the gavel over to **Vice-Chairman Crane**.

H 392:

Rep. Loertscher presented **H 392**, legislation that accomplishes the same as **H 391**; removes the presidential preference primary. The bill will also move the date of the primary election to the first Tuesday after the first Monday in August. Filing would begin in May. Rep. Loertscher stated it was difficult to file during the session, this year more than other years, since filing begins on February 27th. Legislators will not be able to raise funds or campaign during the time they are in session, but their opponents will. Rep. Loertscher stated that historically turnouts for primaries in Idaho are low whether in May or August. The current filing date also creates an accountability issue since the majority of the legislation will be decided after the filing date. It will be a chance for the people of Idaho to evaluate how legislators voted.

In response to committee questions, **Rep. Loertscher** stated that the presidential preference primary and moving the date of the primary election both pertain to the same issue and they need to stay together in **H 392**. Rep. Loertscher advised that he has spoken to voters and they are tired of elections and campaigns lasting so long.

Kristina Glascock, Twin Falls County Clerk; **Abbie Mace**, Fremont County Clerk; and **Christine Boulter**, Jefferson County Clerk, testified in **opposition to H 392**. Points of opposition included: voters have their plate full this year with redistricting, the caucus, and voter registration. There are no extra funds to help with staffing an election. There is limited time to clean up after the primary election and then get ready for the general election. August elections present a problem with contacting school officials to hold the elections there as well as the cost. In August, county clerks are also involved in the budget process. For a lot of rural areas, the fair is held in August. This bill would help the legislators but not the voters.

In response to questions, **Christine Boulter** stated that voter turnout in May is in the upper 30%, but it depends on the year and the election.

Veda Mascarenas, Caribou County Clerk; and **Betty Dressen**, Payette County Clerk; testified in opposition to **H 392**. Points of opposition included: moving the

primary to August presents a burden for a small office. It will also be difficult to find poll-workers in August.

In response to committee questions, **Betty Dressen**, stated that for Payette County the percentage of absentee ballots in the May primary is 25%. She would hope for the same turnout in August.

Phil McGrane, Chief Deputy Clerk, Ada County; testified only that redistricting is taking so long and that it presents a challenge to the counties as well as the filing date, March elections, and voter identification.

In response to questions, **Mr. McGrane** stated he will know more in a week if they can meet the deadlines for this year's May primary. Mr. McGrane also stated that since all participants in the caucus must be a registered member; the clerks are participating in registration efforts for both parties.

Brad Jackson, Chief Deputy Clerk, Canyon County; and **Dan Green**, Kootenai County Commissioner; testified **in opposition to H 392**, stating they are not in favor of moving the primary election. Additional points of opposition included: finding polling places in August and adding new precincts is not an easy process if redistricting is to occur.

In response to questions, **Mr. Jackson** stated that moving the primary election a matter of days or weeks could be looked at; just not August.

Susan Peterson, Latah County Clerk; and **Patti Weeks**, Nez Pierce County Clerk; testified **in opposition to H 392**. Points of opposition included: voters are not used to holding the primary election in August. After an election, everything is in lockdown for 20 days in case of a contested election and then the counties must clean up. This is too close to the general election and divides the focus of the support staff and their ability to do a good job.

Ben Ysursa, Secretary of State, testified **in opposition to H 392**. Mr. Ysursa stated redistricting is not complete at this time. There are legal limits on HAVA funds for the larger counties such as Ada and Canyon. Mr. Ysursa stated the first time the primary election was held was in May of 1980, the turnout was 40%. Lately, the turnout has been 25%, but May is better for voter turnout. Also, due to federal laws on absentee ballots, holding the primary in August would hamper the general election.

In response to questions from the committee, **Mr. Ysursa** stated that he is open to looking at moving this year's primary election from a few days to a week. His office has offered funds for the larger counties and he has pledged staff and overtime.

Rod Beck, Region IV Chairman of the Republican Party; testified **in support of H 392**, stating the Idaho Republican Party supports moving the primary to August. He stated the reason for moving the primary from August to May originally was due to the presidential primary. The Democrats have always had a caucus and now the Republicans will. Moving the primary to August will shorten the election process. Currently, campaigning begins in March or April and mailboxes are flooded with campaign flyers. Fund raising occurs in September and October and moving the primary election would not change this.

In response to questions from the committee, **Mr. Beck** stated the military can vote for the commander-in-chief in the general election but there is no provision for the military to vote in the caucus since the caucus is a meeting and you must be in

attendance.

Rep. Loertscher closed out testimony on **H 392** by stating that moving the primary to August was chosen because we have August dates in our consolidated elections. Legislators shouldn't be in the mind-set that just because we have always done something one way, that we can't do it another way.

MOTION: **Rep. Higgins** made a motion to **HOLD H 392** in committee. In support of her motion, **Rep. Higgins** stated that she did not see the benefit of having the primary in August. She voiced concern for the counties and the work they have to do with the budget process. **Motion carried by voice vote. Reps. Palmer and Loertscher** requested to be recorded as voting **NAY**.

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