

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, February 14, 2012

TIME: 9:00 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: McKinsey Miller, Gallatin Public Affairs; Teresa Baker, Ada County; Phil McGrane, Ada County; Holly Koole, Idaho Prosecuting Attorneys Association (IPAA); Barbara Jorden, Idaho Trial Lawyers Association (ITLA); Benjamin Davenport, Risch Pisca; Marilyn Whitney, SBOE; Tim Hurst, Chief Deputy, Secretary of State; Tony Poinelli, Idaho Association of Counties, Lyn Darrington, Gallatin Public Affairs.

Vice-Chairman Crane called the meeting to order at 8:59 a.m.

RS 21218C1: **Rep. Hartgen** presented **RS 21218C1**, proposed legislation to address judicial confirmation. A local bonding entity can petition a judge that a bonding issue is necessary and does not require a vote by the people. The proposed projects involved in the bond issue often do not get a lot of exposure in the press. Once before the Court, there is no voting and very little testimony. If approved by the Court, the entity then issues the bonds. This is happening more and more. **RS 21218C1** proposes that at least one public vote be taken before any judicial confirmation and allows for any number of subsequent elections. Rep. Hartgen stated that this legislation provides an exemption for economic development projects that will provide jobs and growth with an anticipated start date of less than six (6) months. It will also require a cost/benefit analysis that includes the current levels of assessment and tax rate for any petition for judicial examination. Finally, **RS 21218C1** requires the Court to keep statistical records of cases filed under this statute for judicial examination.

In response to questions, **Rep. Hartgen** stated **RS 21218C1** addresses the increased number of petitions filed for judicial confirmation. The statute will apply to bond elections requiring a majority vote. Emergency repairs for the health and safety of the public are covered in other areas of the Idaho Code. This legislation will apply to long-term projects and not annual expenses such as equipment or vehicles. While the legislation will provides an exemption for economic development projects, it will require a vote if the project will not be started for more than six (6) months.

MOTION: **Rep. Henderson** made a motion to introduce **RS 21218C1**. **Motion carried by voice vote.**

RS 21249: **Rep. Simpson** presented **RS 21249**, proposed legislation to protect Idaho's youth. **RS 21249** allows for the removal of a student athlete from a game due to a concussion within the standards of the Center for Disease Control (CDC) as well as through a link on the internet website of the State Board of Education and the Idaho High School Activities Association. **RS 21249** provides for the following: access to concussion guidelines; signed confirmation by the youth athlete and parents or guardians that they have reviewed the guidelines; removal of the youth athlete from play; required written clearance to return to play; removal from practice due to signs or symptoms of a concussion; definition of a qualified health care professional; protection from claims of negligence in a civil action; and application of the statute to youth sport organizations or associations.

In response to questions, **Rep. Simpson** clarified this legislation excludes a family member from providing clearance for the youth to return to the game or practice and requires an independent person to provide authorization. All youth participating in the sports as well as all those associated with the game will be given the same guidelines on concussions from the CDC. **Rep. Simpson** stated **RS 21249** will provide protection for a coach from a claim of negligence in a civil action. **Rep. Simpson** explained there will be more than one person looking at the health and safety of the athletes as referees are also required to remove players from the game when necessary.

MOTION: **Rep. Anderson** made a motion to introduce **RS 21249**. **Motion carried by voice vote.**

H 490: **Rep. Ellsworth** presented **H 490**. The bill would expand the disclosure requirements under the State Sunshine Law to include recall elections. The definition of "measure" is expanded to include recall election for statewide or legislative district offices. **H 490** also establishes campaign contribution limits for recall elections.

MOTION: **Rep. Bilbao** made a motion to send **H 490** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Ellsworth** will sponsor the bill on the floor.

H 491: **Teresa Baker**, Ada County, presented **H 491**. The proposed bill has three main purposes: introduce competition to lower the price of elections and election equipment to the counties since there is only one vendor in Idaho and larger counties have been charged more; allow technology of election equipment to advance and take advantage of faster accounting results and technology that is working in other states; and allow Idaho to take back authority from the federal government through the Election Assistance Commission (EAC). Ms. Baker does not envision the Secretary of State developing their own testing system, but instead they will go through an independent testing lab to meet federal standards. Ms. Baker indicated that the Secretary of State wants an amendment to **H 491** which is acceptable to Ada County and the Idaho Association of Counties. The amendment to be added to Section 34-2409, reads as follows: "Except for functions or capabilities unique to this state, voting machines and vote tally systems shall be tested and the results certified by an independent testing authority designated by the Secretary of State prior to certification."

Tim Hurst, Chief Deputy, Secretary of State, testified in support of **H 491**. Mr. Hurst stated that in the past the cost for election equipment was based on the ability to pay. The Secretary of State's office worked with the vendor and requested one price for everyone, not a price based on the size of the county. Mr. Hurst reiterated that the Election Assistance Commission has not certified any equipment to date and has not met for the past year. There are certified testing labs located outside of Idaho that test the software, security, and reliability of the election equipment.

The Secretary of State's office is not capable of doing this. They want to rely on an independent testing source and partner with Washington and Oregon to use their expertise.

In response to questions, **Mr. Hurst** stated there is no fiscal impact with this legislation since the vendors pick up the cost.

Phil McGrane, Ada County, testified **in support of H 491**, stating it is frustrating to deal with only one vendor in Idaho and **H 491** will remove that barrier.

MOTION: **Rep. Smith(30)** made a motion to send **H 491** to General Orders. **Rep. Simpson** seconded the motion. **Motion carried by voice vote.** **Rep. Smith(30)** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee; the meeting was adjourned at 9:55 a.m.

Representative Crane
Vice-Chair

Lissa Cochrane
Secretary