

MINUTES  
**SENATE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, March 08, 2013

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

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman McKenzie, Senators Davis, Fulcher, Hill, Winder, Lodge, Siddoway, Stennett and Werk

**ABSENT/  
EXCUSED:**

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

**MOTION:** **Senator Winder** moved to approve the minutes of February 8, 2013. **Senator Lodge** seconded the motion. The motion carried by **voice vote**.

**MOTION:** **Senator Lodge** moved to approve the minutes of February 3, 2013. **Senator Hill** seconded the motion. The motion carried by **voice vote**.

**Chairman McKenzie** welcomed Norm Semanko, Executive Director, Idaho Water Users Association, to present three RSs from the Resources and Environment Committee.

**RS 22152** Authorizes water districts to utilize available water district funds to increase salaries of water district employees.

**RS 22154** Creates a process and procedures to allow limited types of irrigation districts to be partitioned into more than one district.

**RS 22156** Provides clarification regarding persons and business entities who are allowed to vote in irrigation district elections.

**Mr. Semanko** referred the Committee to a letter of request from Senator Monte Pearce, Chairman of the Senate Resources and Environment Committee, to send the three RSs to print.

**MOTION:** **Senator Hill** moved to send **RS 22152**, **RS 22154** and **RS 22156** to print. **Senator Werk** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT:** The reappointment of Sheila Olsen to the Idaho Commission of Human Rights (Commission).  
At the request of Chairman McKenzie, **Ms. Olsen** reviewed her role with the Commission and the overall manner in which cases are processed. She said the Commission works closely with the Attorney General's office and that office makes the decision as to which cases go forward in a nonpartisan way. **Ms. Olsen** said her association with the Commission has been a wonderful and satisfying experience.

**Senator Lodge** commended Ms. Olsen for her caring and understanding approach. **Senator Hill** said he will support Ms. Olsen's reappointment when her reappointment comes before the Committee for a vote and asked her to share her thoughts on what she feels the Commission has achieved thus far. **Ms. Olsen** said the Commission performs an essential function by working with the Attorney General's office to neutralize difficult situations in a fair and sensitive manner. **Senator Davis** commended Ms. Olsen as an exemplary and prominent public servant of Idaho.

**Chairman McKenzie** thanked Ms. Olsen for appearing before the Committee and sharing her thoughts.

**H 107**

Relating to absentee voting to provide alternative procedures for absentee and early voting.

**Tim Hurst** from the Idaho Secretary of State's office, explained that **H 107** amends chapter 10, title 34, Idaho Code by adding Idaho Code §§ 34-1012 and 34-1013. He said the legislation essentially provides another way of voting in person at the elections office prior to election day. The law currently requires each county to have at least one site for in-person absentee voting. Although 75 percent of Idaho voters go to the polls on election day to vote, over 80,000 voted early last year at the courthouse or elections office. This legislation would allow early voting sites to follow the same procedures that polling places use on election day. He said the ballots will be kept in locked and sealed ballot boxes which will not be opened until election day when the ballots are counted. No results will be released until all of the polls are closed throughout the state.

**Mr. Hurst** said the legislation makes these early voting procedures optional but not mandatory. The county clerk can still continue to use the absentee ballot envelopes and many smaller counties would probably continue to use the envelopes. Basically, he said the legislation will make it easier for the voters, will speed up the process of voting at the early voting site, and counting ballots will be faster and will not compromise security.

**TESTIMONY:**

**Phil McGrane**, Chief Deputy, Ada County Clerk's Office, testified in support of **H 107**, citing long lines at early voting places, easier tabulation with flat ballots, cost savings and greater security. He said from the administrative side, the difference is enormous; the County Clerk's Office has hired as many as 90 extra people working eight hours just to open the envelopes.

**MOTION:**

**Senator Lodge** moved to send **H 107** to the floor with a **do pass** recommendation. **Senator Werk** seconded the motion. The motion carried by **voice vote**. **Senator Winder** will carry **H 107** on the Senate floor.

**H 161**

Relating to election consolidation to revise, amend, clarify and make technical corrections.

**Mr. Hurst** reviewed **H 161** in detail, stating that the legislation addresses issues that came up during the past year as counties conducted elections for the various taxing districts. He said the legislation: (1) Brings tax supported city library districts into line with other library districts; (2) Sets a deadline by which taxing districts must submit language for a ballot question to the county clerk so ballots can be printed in a timely fashion; (3) Clarifies some of the requirements and procedures in recall elections; and, (4) Changes the waiting period for a failed local option tax election conducted for a resort city from one year to 11 months. He said the legislation also conforms the time frame for requesting and issuing an absentee ballot in an emergency situation which renders the voter unable to go to the polls to vote and makes other clarifying changes.

**MOTION:** **Senator Siddoway** moved to send **H 161** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by **voice vote**. **Senator Winder** will carry **H 161** on the Senate floor.

**S 1105** Relating to the Legislative Department to allow the Legislative Council to engage the services of a certified public accountant to conduct audits.

**Mr. Jeff Youtz**, Director, Legislative Services Office, presented **S 1105** on behalf of the Legislative Council. He said the legislation basically changes the audit cycle of the legislative branch from an annual audit to a two-year audit. It also puts the oversight of the audit with the Legislative Council rather than the Board of Examiners, an executive branch institution. **Mr. Youtz** explained that moving the audit to a biennial budget would save time and money and reduce overall costs by about one-third. He said it would also address the separation of powers issue.

**Senator Hill** declared a conflict of interest under Rule 39 (h), stating that many of these audit transactions are initiated for or approved by him.

**MOTION:** **Senator Werk** moved to send **S 1105** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**. **Senator Lodge** will carry **S 1105** on the Senate floor.

**H 181** Relating to the Capitol building and grounds to create a dedicated fund from existing Capitol Commission endowment funds for major repairs and maintenance.

**Mr. Youtz** explained the rationale for **H 181**. He said the Capitol Commission currently has two funds; a permanent endowment fund and a small income fund. But, a special savings fund is needed by which money can be used for the repair and upkeep of the Capitol building and grounds. He said this legislation creates a savings account for this purpose. There would be no impact to the General Fund.

**Senator Winder** asked the record to show he is a co-chair of the Capitol Services Commission and makes decisions and recommendations; he is also a member of the Endowment Fund Investment Board.

**MOTION:** **Senator Siddoway** made a motion to send **H 181** to the floor with a **do pass** recommendation. **Senator Fulcher** seconded the motion. The motion carried by **voice vote**. **Senator Winder** will sponsor **H 181** on the Senate floor.

**RS 22132** A Senate Concurrent Resolution honoring five Idaho servicemen who have given the ultimate sacrifice during the past year.

**Senator Davis** explained that five servicemen will be recognized on the floor of the Senate on Friday, March 15, 2013 for sacrificing their lives at the wars in Iraq and Afghanistan this past year. These servicemen are: U. S. Army Staff Sergeant Daniel J. Brown; U. S. Army Private First-Class Cody O. Moosman; U. S. Army Private First Class Chris J. Workman; U. S. Army Specialist Ethan J. Martin; and U. S. Army Private First Class Shane G. Wilson. This Senate Concurrent Resolution honors those servicemen and their families. **Senator Davis** asked if the Committee would be comfortable removing the word "Iraq" in the Statement of Purpose because these servicemen were all killed in service in Afghanistan.

**Senator Hill** noted the resolution itself also refers to Iraq. **Senator Davis** said he would be comfortable removing "Iraq" just from the Statement of Purpose.

**MOTION:** **Senator Hill** moved to send **RS 22132** to print. **Senator Lodge** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** **Chairman McKenzie** passed the gavel to the unofficial Vice Chairman, Senator Lodge, so he could present the next item of business.

**S 1112** Relating to the Public Utilities Commission to clarify and combine Idaho Code §§ 61-622 and 61-613 related to rate cases.

**Chairman McKenzie** explained that the two Code sections are 100 years old and the first sentence in § 61-623 is 228 words long. More important, the language in the two sections is contradictory. He quoted the findings of the Idaho Supreme Court which noted the two sections are "inconsistent and contradictory." He explained how the new language was developed by the co-chairmen of the Interim Energy Committee, and the process by which the amended language was reviewed and approved by the Public Utilities Commission, investor utilities and rate payers organizations.

**TESTIMONY:** The Committee heard testimony from: **Elizabeth Criner** and **Benjamin Kelly**, Northwest Food Processors Association; **Robert Geddes**, Energy Manager, Monsanto Company; **Don Howell**, Director, Legal Division of the Public Utilities Commission, and **Paul Kjellander**, Public Utilities Commission, all testifying in support of **S 1112**. The rationale for supporting this legislation included the benefits that would be derived by removing contradictory language and providing a means by which the law can be logically interpreted. **Mr. Geddes**, speaking on behalf of Monsanto, commended the authors of the legislation for producing a single code section that clearly and accurately describes the timing and procedure for the utility rate process. **Senator Werk** asked Mr. Kjellander if the legislation would change how different classes of ratepayers are treated at the commission. **Mr. Kjellander** replied that it would not.

**MOTION:** **Senator Hill** moved to send **S 1112** to the floor with a **do pass** recommendation. **Senator Werk** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** **Senator Lodge** returned the gavel to Chairman McKenzie

**ADJOURNED:** **Chairman McKenzie** expressed his appreciation for the Committee's hard work in getting through some of the long agendas that had come before them this year. There being no further business to come before the Committee, the meeting was adjourned at 8:55 a.m.

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Senator McKenzie  
Chairman

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Twyla Melton, Secretary  
Assisted by Jeanne' Clayton