

MINUTES  
**SENATE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, February 25, 2015

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

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman McKenzie, Vice Chairman Lodge, Senators Davis, Hill, Winder, Siddoway, Lakey, Stennett and Buckner-Webb

**ABSENT/ EXCUSED:** None

**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.

**RS 23688** **A Unanimous Consent Request from the Transportation Committee Relating to the Testing of Autonomous Driven Vehicles on Idaho Highways.**

**RS 23618** **A Unanimous Consent Request from the Local Government and Taxation Committee Relating to Consolidation of Forms.**

**MOTION:** **Senator Hill** moved to print **RS 23688** and **RS 23618**. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT HEARING**

**The Reappointment of Dennis Johnson to the Treasurer's Investment Advisory Board (Board).**

**Chairman McKenzie** welcomed Dennis Johnson and asked him to provide some information about his background and how he views his role on the Board.

**Mr. Johnson**, President, United Heritage Fund Financial Group, a holding company headquartered in Idaho, said he was born and raised in Idaho and has a law degree from the University of Idaho. He summarized his business career as working in the financial services arena, and he served for ten years as an appointee on the Public Employees Retirement System of Idaho Board (PERSI). **Mr. Johnson** indicated he was licensed in multiple securities and has been involved in many securities transactions. He also has served on 11 boards; the most current was on the boards of the Bank of the Cascades and the Idaho Power Company.

**GUBERNATORIAL APPOINTMENT HEARING**

**The Reappointment of Wendy Lively to the Bingo Raffle Advisory Board (Board)** (phone interview).

**Chairman McKenzie** welcomed Wendy Lively, thanked her for her past service and asked her to provide some information about her experience on the Board.

**Ms. Lively** stated she has been on the Board since 2004. She indicated that recently a new program had been initiated to help guide organizations who wish to set up bingo and raffle establishments in the State.

**Chairman McKenzie** thanked Ms. Lively for her service.

**Chairman McKenzie** reorganized the agenda.

**S 1066**

**Relating to Primary Elections to Provide that Presidential Primaries Shall be Held on the Second Tuesday in March in Presidential Election Years.**

**Senator Winder** explained that **S 1066** creates the opportunity for political parties to have a presidential primary under their rules. This is not a requirement, only an opportunity if they chose to do so. The objective is to increase voter participation. The primary allows anyone that has difficulty getting to a caucus to get out and vote. **Senator Winder** recounted the history of primary elections and how they increased public participation to select candidates. The second Tuesday in March would be the date; that is an existing date when counties conduct elections for other reasons such as school bonds. He indicated that costs involved would be equalized with other concurrent elections. **Senator Winder** emphasized that **S 1066** does not mandate a presidential primary but allows it as an option for the political parties.

**Senator Stennett** stated her concern with the fiscal amount of \$2 million. She asked if costs associated with the election would be paid by the State even if only one party chooses to take advantage of the option for a presidential primary.

**Senator Winder** replied that if there were no other elections on that day, costs could be incurred for one party.

**Representative Ron Nate**, District 34, spoke on his own behalf in opposition to **S 1066**. He indicated that, although the intentions of **S 1066** are good, the impact to Idaho's presidential nomination process and the taxpayers is negative.

**Representative Nate** stated that presidential nominations are the responsibility of the individual party and that Idaho taxpayers should not be forced to pay for any party's nominations. **Representative Nate** indicated that recent changes to the Idaho Republican Party caucus rules have allowed for absentee voting. **Representative Nate** reviewed a recent resolution by the Republican Party concerning a presidential primary replacing the current caucus system.

**Senator Davis** questioned Representative Nate about whether or not he was speaking on behalf of the Republican Party. **Representative Nate** indicated that he is a member of the state central committee but was speaking on his own and not for the party or the central committee. **Senator Davis** asked if Representative Nate was advocating for the inclusion of the public in the election process. **Representative Nate** said he advocates for as many Republicans as want to be included. One complaint about the caucus was the lack of absentee voting. He commented that the absentee voting problem was addressed at a rules meeting in January.

**Senator Davis** asked for clarification on how absentee voting could occur for a caucus if there was more than one ballot and if a participant's first choice was excluded. How would the participant be allowed to make a second choice, or how could a participant presuppose the results of each round of balloting?

**Representative Nate** gave two solutions:

1. The participant voting will have their first choice cast in every round of the balloting.
2. The use of an instant runoff ballot where the voter can indicate and rank all the candidates. The calculation of the votes is done in rounds.

**Senator Davis** asked if a primary was held as proposed in **S 1066**, would Representative Nate acknowledge that **S 1066** does not modify the statute as to whether it is an open primary or a closed primary. **Representative Nate** concurred. **Senator Davis** asked why **S 1066** violates Representative Nate's concern that only Republicans be allowed to vote in a Republican primary in the event that the Republican Party chooses to close its primary. **Representative Nate** said the Republican closed primary was not his concern with **S 1066**.

**Senator Davis** asked if **S 1066** would ensure a process whereby more Republicans would be able to participate in a known and understood election process. **Representative Nate** disagreed. He indicated an increase in attendance

is expected at the 2016 event. **Senator Davis** asked if Representative Nate was asking him to ignore the request of the Republican Central Committee to pass legislation similar to this. **Representative Nate** answered yes and restated his concerns that **S 1066** would move the primary election to a week later than the anticipated caucus date and the costs associated with a primary election would be placed upon the taxpayer.

**Senator Winder** asked Representative Nate how an absentee voter can be identified and how ballots would be delivered overseas. **Representative Nate** referred to the absentee voting rules where the method is described in detail.

**Tyler Hurst** a citizen from Ada County District 14 and the Chairman of the Idaho Young Republicans spoke in favor of **S 1066**. **Mr. Hurst** listed populations for whom this bill would benefit as being young, old, those serving in the armed services and first responders who are unable to attend a caucus. He recounted that 29 out of 44 counties held bond elections on this date in the past year, and, as a result, costs associated with the primary election held concurrently would have been reduced. **Mr. Hurst** added that the number of voters participating in a primary election would exceed those who participated in the last caucus if **S 1066** were to pass.

**Senator Winder** summarized by stating that the indication he has been given from the Republican Party is that **S 1066** is supported unanimously by their resolutions committee. He further stated that absentee ballots are an option for the caucus. **Senator Winder** indicated that **S 1066** is for all political parties and that 40 states currently hold presidential primaries with most occurring sometime between the first week through the third week in March. He stated **S 1066** would increase voter participation and interest from the public.

**MOTION:**

**Senator Davis** moved to send **S 1066** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion.

**Senator Stennett** stated that she understood the purpose of the sponsor and hoped that all parties would see increased participation from the public. She pointed out that only one party was identified during the previous discussion. She said that \$2 million from the General Fund for one party is not appropriate and indicated her opposition to **S 1066**.

**Senator Siddoway** stated his opposition to the legislation. He recalled Idaho history about the Republican Party primary elections, caucus and closed primaries. **Senator Siddoway** expressed the desire to amend the legislation so the political party requesting that election would fund the costs of the election. He stated his concern about the fiscal impact.

**Senator Lakey** stated that this is not a single party issue and expressed his support.

**Senator Davis** concurred with his support and reiterated political involvement by the public is best achieved by a process that is open and inviting. **Senator Davis** stated that this bill ties a presidential candidate selection process to a currently statutorily established date with optional party participation and has a known process for absentee ballots.

**Senator Winder** expressed his understanding that both parties are struggling with the caucus process and explained the fiscal impact of an election.

The motion carried by **voice vote**.

**S 1091**

**Relating to Challenges to Apportionment Plans and to Grant Authority to Establish Time Periods to Challenge an Appeal.**

**Senator Davis** explained that this legislation provides the statutory basis for the Idaho Supreme Court to establish rules pursuant to redistricting plan appeals.

**MOTION:** **Senator Hill** moved to send **S 1091** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by a **voice vote**.

**RS 23647** **Relating to Telecommunications to Prohibit the Regulation of Internet Protocol (IP) Enabled Services.**

**Jason Kreizenbeck**, Lobby Idaho, LLC, representing AT&T, presented **RS 23647**. He stated consumers are interested in internet protocol (IP) networks because voice, data and video are offered in one network. He explained that voice over internet protocol (VOIP) is a method of communicating using IP and the consumer's broadband connections to send or receive calls. **Mr. Kreizenbeck** indicated **RS 23647** provides the Idaho Legislature with the ability to codify Idaho's current practice of not regulating IP enabled services and creates an additional level of regulatory certainty for investors and innovators in the State in the area of IP services for now and in the future. **RS 23647** also recognizes that the internet is regulated by the Federal Communications Commission (FCC) and should not be subject to a patchwork of differing state regulations. **Mr. Kreizenbeck** stated that 29 other states have implemented similar legislation.

**MOTION:** **Senator Davis** moved to print **RS 23647**. **Senator Siddoway** seconded the motion.

**Senator Stennett** agreed to printing the legislation but wanted to know the national trend in telecommunications.

The motion carried by **voice vote**.

**PASSED THE GAVEL:** Chairman McKenzie passed the gavel to Vice Chairman Lodge.

**RS 23643C3** **Relating to Controlled Substances to Revise and Define Definitions Related to "Cannabidiol Oil" (CBD).**

**MOTION:** **Senator Davis** moved to print **RS 23643C3**. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Vice Chairman Lodge passed the gavel to Chairman McKenzie

**MINUTES APPROVAL:** **Senator Stennett** moved to approve the Minutes of February 06, 2015. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

**MINUTES APPROVAL:** **Senator Siddoway** moved to approve the Minutes of February 04, 2015. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT:** **Senator Lakey** moved to send the gubernatorial appointment of Shane Gehring to the Bingo Raffle Advisory Board to the floor with recommendation that he be confirmed by the Senate. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** **Chairman McKenzie** adjourned the meeting at 8:59 a.m.

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Senator McKenzie  
Chair

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Twyla Melton, Secretary

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Marian Smith, Assistant Secretary