

MINUTES
SENATE STATE AFFAIRS COMMITTEE

- DATE:** Friday, February 23, 2018
- TIME:** 8:00 A.M.
- PLACE:** Room WW55
- MEMBERS PRESENT:** Chairman Siddoway, Vice Chairman Hagedorn, Senators Hill, Winder, Lodge, Vick, Anthon, 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.
- CONVENED:** **Chairman Siddoway** called the Senate State Affairs Committee (Committee) to order at 8:03 a.m. with a quorum present.
- HCR 039** **STATING FINDINGS OF THE LEGISLATURE to extend congratulations for success to the Idahoans representing the United States at the 2018 Winter Olympics.**
- Representative Dustin Manwaring**, District 29, stated **HCR 039** is to recognize and congratulate Idaho's Olympic athletes. He gave an update on how those who have performed so far in Pyeongchang, South Korea. **Representative Manwaring** asserted the Olympians teach about perseverance and sportsmanship.
- MOTION:** **Senator Lodge** moved to send **HCR 039** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.
- RS 25709** **UNANIMOUS CONSENT REQUEST from Senate Commerce and Human Resources Committee relating to the Barber and Cosmetology Services Act.**
- Senator Den Hartog** reported **RS 25709** is compromise legislation regarding licensing issues between the Board of Cosmetology and the Bureau of Occupational Licensing. The proposed legislation would consolidate the barber and cosmetology boards.
- MOTION:** **Senator Hagedorn** moved to send **RS 25709** to print. **Senator Hill** seconded the motion. The motion carried by **voice vote**.
- RS 26182** **RELATING TO THE IDAHO UNCLAIMED PROPERTY ACT to update the Act recognizing new technology and processes.**
- Ingrid Bolen**, Division of Unclaimed Property (DUP), Idaho State Treasurer's Office, advised the Committee that Idaho's unclaimed laws have not been updated since 1983. She stated the purpose of **RS 26182** is to modernize the laws to adjust for technological advances of the last 35 years and to provide a more seamless method of operation for Idahoans and businesses. **Ms. Bolen** explained the following key areas impacted by this legislation: new types of unclaimed property, improvements to definitions, revision of laws dictating how long unclaimed property must be held, definition of categories of sensitive information, and use of email for due diligence letters.
- Senator Hill** asked why this RS is before the Committee so late in the session. **Ms. Bolen** replied the DUP has been reworking and rewriting this RS for nine months in order to render the least amount of impact on Idahoans and businesses.

Senator Winder commented **RS 26182** is an extensive rewrite; he asked if it is essential to get it through the Legislature this year. He noted pushing the legislation through will require a great deal of time. **Ms. Bolen** explained most rewrites in this legislation are clarifications. She indicated the DUP met with the Idaho Association of Commerce and Industry (IACI), who approved of the changes. Other states to which businesses also report are modernizing as well; the DUP is trying to provide laws that correlate with other states. **Senator Winder** expressed concern that, due to the time factor, this legislation may not get through the process in a timely manner. He inquired again if it is essential the legislation is enacted this year. **Ms. Bolen** replied there is current law which has worked since 1983. If the Committee decided to wait, operations would not be interrupted.

Senator Stennett asked if a particular part of the RS was problematic or needed more work. Discussion ensued regarding analyzing the laws, line by line, complying with Idaho's Constitution, limiting the need to revise again any time in the near future, updating definitions, adding new types of properties, and being fair to both businesses and Idahoans.

Senator Winder stated he would support printing the RS, but he did not think it would get through this session. He indicated the legislation was worthy of discussion.

MOTION: **Senator Winder** moved to send **RS 26182** to print. **Senator Hill** seconded the motion.

Senator Hagedorn informed the Committee that Ms. Bolen came early in the session to see if it could be printed. He stated, given the size, it would be appropriate to print it, and put it in the public domain for more comments. Necessary changes could be made next year.

The motion carried by **voice vote**.

H 386 **RELATING TO COUNTY ELECTION RECORDS to revise provisions regarding records retention and to provide that the voter registration database shall constitute the register of electors.**

Chad Houck, Deputy Secretary, Office of the Secretary of State (SOS), informed the Committee that **H 386** proposes to clarify how long election records are kept. It would also designate the Statewide voter registration database, currently maintained by the Secretary of State and accessed by the counties, as the official register of electors.

MOTION: **Senator Lodge** moved to send **H 386** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

H 446 **RELATING TO NOTARIES PUBLIC to clarify requirements for stamping devices, to revise provisions related to the application for a notary public commission, provisions related to renewal, and other technical corrections.**

Chad Houck, Deputy Secretary, SOS, explained **H 446** amends Title 51 of Idaho Code to clarify requirements for stamping devices, reword qualifications for application of a notary, and remove references to the word "renewal," as notaries are not renewed, but recommissioned every six years.

Chairman Siddoway requested an explanation regarding the operation of an electronic notary. **Mr. Houck** explained how documents are currently signed by the parties and notaries on paper. With an electronic notary, the document is signed electronically, a practice now commonly in use, and any alteration will be detected. The document is never a physical piece of paper, only an electronic document with electronic signatures.

MOTION: **Senator Vick** moved to send **H 446** to the floor with a **do pass** recommendation. **Senator Hagedorn** seconded the motion. The motion carried by **voice vote**.

S 1280 RELATING TO SCHOOL DISTRICTS to revise provisions regarding school board trustees.

Senator Mary Souza, District 4, explained this bill has only one change. The change proposes to move school board elections from May of odd years to November of the same year, in conjunction with city elections. The purpose of the change is to increase voter turnout and involve communities in the schools. **Senator Souza** advised research from the National Education Association (NEA) indicated involvement of schools, parents, families, and communities result in students:

- earning higher grades;
- attending school more regularly;
- staying in school longer; and
- enrolling in higher level programs.

Senator Souza discussed the low voter turnout throughout the State, and identified six districts with 6.2 percent turnout being the highest. She stated similar results occur in precincts around the State (see Attachment 1). **Senator Souza** spoke of the importance of school boards, and she referred to unsuccessful efforts to improve voter turnout for school board elections. The Idaho School Boards Association (ISBA) suggested a solution in 2018 ISBA Resolution No. 9 (see Attachment 2). Their resolution, which passed by 71 percent in favor, is the basis of **S 1280**. She related that Senator Rice, who has been involved in the development of this bill, and the Caldwell School District Superintendent who presented the proposal to the ISBA, wanted to attend the Committee meeting but had other commitments.

Senator Souza indicated county clerks are not in favor of the bill. Changing the date in this way causes complications relating to the lack of alignment of school district zones, county voting precincts, and city boundaries. An additional challenge will be the need for multiple ballot faces. **Senator Souza** stated she and Senator Rice have offered to work with the county and city clerks to develop a method to improve compatibility of the boundaries. She pointed out the timing would correlate with the upcoming 2020 United States Census (Census) when such boundaries are often redrawn.

Senator Stennett asked if it would be more appropriate to do this work after the census. **Senator Souza** replied the boundary concern is a separate issue. She felt moving the date of school board elections would have a direct, positive impact on the quality of education; she explained, if this change is put off until the lines are redrawn after the Census, it could be six years before the new election date would be effective.

Senator Hill asked how many of those elections with low turnout had uncontested races. **Senator Souza** responded, if no one is contested, the school districts do not have to hold an election.

TESTIMONY IN SUPPORT of S 1280:

Shalene French, Superintendent, Caldwell School District (District), representing the Caldwell School District Board of Trustees (CBT), clarified that the Chairman of the Board, Chuck Stout, presented the resolution to the ISBA. **Ms. French** discussed low voter turnout in trustee elections, and the importance of effective school trustees. She stated the CBT believed holding the elections during the November general election in odd years would increase voter turnout, create greater community awareness, and stimulate interest in the importance of trustee influence on education.

Senator Stennett asked what level of turnout Ms. French saw in general elections for local races. **Ms. French** reported the CBT concluded issues of education are of interest to the voters; citizens are more likely to vote when school-related elections are held in conjunction with another election.

Karen Echeverria, Executive Director, Idaho School Boards Association, pointed out that legislation on moving the date of trustee election has reappeared over many years. **Ms. Echeverria** explained that ISBA opposed moving the date to November of even numbered years; though ISBA does not want to change from the current date, they support **S 1280** as a compromise. She detailed the following problems related to rezoning: cost, population difference, and school districts crossing county lines.

Ms. Echeverria addressed Senator Hill's question regarding contested elections noting results of an ISBA survey following the last election revealed almost 70 percent had no more than one contestant. In the past 10 years there was only one election that was contested with two candidates, and three elections with no candidates. **Ms. Echeverria** declared, if the Committee felt it important to do so, the ISBA would support moving the elections to the non-partisan ballot.

**PASSED THE
GAVEL:**

Chairman Siddoway passed the gavel to Vice Chairman Hagedorn.

Senator Vick asked if the resolution passed by the ISBA reflected the desire of the ISBA. **Ms. Echeverria** stated ISBA supports movement to odd years, but as a compromise, would support **S 1280**. **Senator Vick** asked if that stand was part of another resolution. **Ms. Echeverria** explained testimony on the floor indicated it was for compromise purposes only.

Senator Buckner-Webb asked if the ISBA preferred to keep the current date. **Ms. Echeverria** replied in the affirmative.

**TESTIMONY IN
OPPOSITION
of S 1280:**

Phil McCrane, Chief Deputy Clerk, Ada County Clerk's Office, Idaho Association of Counties (IAC), and the Idaho Association of Clerks and Recorders, expressed appreciation for Senator Souza's hard work with the interested parties to find a solution to this problem. Although Senator Souza would like to address this issue separately at this time, **Mr. McCrane** stated that he believed the issues are inseparable. He also discussed other considerations, such as:

- consolidated elections;
- balancing elections and determining which ones can be held in concert;
- the multiplicity of entities and boundary lines;
- conflicts involving local taxing districts;
- costs of producing multiple ballots; and
- complications at polls resulting in running an election again; the cost of an election rerun in Eagle was \$150,000.

Mr. McCrane referred to an earlier version of the bill wherein a provision required school districts to align their trustee zones with county precincts. He stated the clerks were willing to work with the school districts to implement the alignment. He felt it was important to delay this legislation until after the redistricting to avoid unintended consequences, due to the complexity of the situation (Attachment 1).

Senator Stennett expressed concern about training clerks and poll watchers given the complication of lines and the distribution of the right ballots. She asked if it is possible to train clerks to handle the complexity of different ballots. **Mr. McCrane** replied there is time. He also noted there are technological tools available to use on a limited basis. The infrastructure is not available to use these tools at the precinct level.

Senator Hagedorn inquired as to who sets the trustee zones. **Mr. McCrane** responded the school districts set those zones. **Senator Hagedorn** queried if, in cases where there is conflict, the school districts could reset their trustee zones to align with the precincts. **Mr. McCrane** stated the IAC has advocated for this; but, whichever way the legislation is settled, the redistricting will still need to be done with consideration of both the school districts and the precincts.

Senator Vick asked how Caldwell School District's levy election was different from the school board election. **Mr. McCrane** explained trustee elections are based on sub-zones; levies are voted on by taxing districts. **Senator Vick** asked if an option would be to use two different ballots rather than a multi-face ballot. **Mr. McCrane** replied that is not feasible. He explained there are 11 counties that require paper ballots; ballots are very expensive. Most counties have many variations, so there would be greater expense, greater risk of error, and a longer turn-around time.

Harold Ott, Director of Idaho Rural Schools Association, representing the Idaho Association of School Administrators (IASA), agreed with the need to address the low voter turnout, but his concern was different.

**PASSED THE
GAVEL:**

Vice Chairman Hagedorn passed the gavel back to Chairman Siddoway.

Mr. Ott, in referring to Page 1, Lines 39 and 40, **S 1280**, explained that new trustees assume office January 1 following the election. He noted one of their primary responsibilities during their first month in office is to evaluate the superintendent. The evaluation is based on the superintendent's leadership, direction, and performance in implementing the continuous improvement plan in the school district. He shared his concern that superintendents would be evaluated by someone who may not know the plan or the goals established with the board, and the board's previous actions. **Senator Winder** asked for the average size of a school board. **Mr. Ott** stated in most districts, the number is five; some have seven.

Senator Winder inquired how many new trustees come on at any given time. **Mr. Ott** indicated there could be up to three new members at one time. He stated that would be rare, but is possible. **Senator Winder** suggested, in most cases, there will be a majority of experienced board members. **Mr. Ott** answered he believed that to be true.

**NEUTRAL
TESTIMONY
for S 1280:**

Chad Houck, Deputy Secretary, SOS, indicated SOS saw this as a policy position; as such, the official position is neutral. **Mr. Houck** noted that this legislation may have implications for the balance of consolidated elections.

Senator Souza stated the superintendent evaluation is not required by the Idaho Department of Education until June, which allows time for the new member to be oriented. She stated her belief that the county clerks are professionals and will find ways to implement this process. After the census, it will be possible to create a better situation for the boundaries. **Senator Souza** reiterated the goal is to improve our quality of education by increasing voter turnout.

MOTION:

Senator Hagedorn moved to send **S 1280** to the floor with a **do pass** recommendation. **Senator Lodge** seconded the motion.

Senator Hill expressed appreciation for the hard-working county clerks. He stated it will be hard for them, but it can be done; he stated he will support the motion because voter turnout is a challenge.

Senator Winder remembered a recall election in West Ada School District that demonstrated small groups in low turnout elections could substantially change the makeup of the school board, thereby adversely affecting school board decisions. He felt a larger turnout would give a broader cross section of voters. He stated he will support the motion.

Senator Stennett expressed appreciation for Senator Souza and the need for increased voter turnout. She is concerned about fiscal responsibility and adequate training. She stated she will not support the motion.

Senator Vick stated the only elections he has missed were two May elections because he forgot the elections were to occur. He stated he will support the motion.

The motion carried by **voice vote**.

RS 25913

STATING FINDINGS OF FACT relating to a time zone change in Northern Idaho.

Senator Vick explained this legislation is before the Committee late because of difficulties with the fiscal note. It is a resolution that will affect Idaho's ten northern counties.

MOTION:

Senator Hill moved to send **RS 25913** to print. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

ADJOURNED:

Chairman Siddoway adjourned the meeting at 9:15 a.m.

Senator Siddoway
Chair

Twyla Melton, Secretary

Carol Cornwall, Assistant Secretary