

MINUTES  
**SENATE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, March 04, 2019

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

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, and Stennett,

**ABSENT/ EXCUSED:** Senator Buckner-Webb

**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:** **Chairwoman Lodge** convened the Senate State Affairs Committee (Committee) at 8:07 a.m., with a quorum present.

**RS 27018** **RELATING TO INITIATIVES AND REFERENDUMS** to increase voter involvement in the voter initiative/referendum process.

**Senator Scott Grow**, District 14, introduced **RS 27018** to the Committee stating that the purpose of this legislation is to increase voter involvement in the voter initiative/referendum process and to require additional explanatory information during the process and on the ballot. He indicated under existing law, county clerks already verify initiative/referendum signatures for 18 legislative districts. This bill would require signatures to be verified by county clerks for 14 additional districts and the total signatures to be verified in each district would increase from 6 percent to 10 percent of registered voters.

**MOTION:** **Vice Chairman Harris** moved to send **RS 27018** to print. **Senator Anthon** seconded the motion.

**DISCUSSION:** **Senator Stennett** noted this proposed legislation seems to require a lot more signature gathering and much more reporting in addition to burdening the county clerks. She asked why this will be better. **Senator Grow** indicated that under the current law, four metropolitan counties can get an initiative on the ballot, so the effort here is to allow the rural districts to also be involved in the process.

**VOICE VOTE:** The motion to send **RS 27018** to print carried by **voice vote**.

**RS 27021** **RELATING TO ALCOHOL** to create certain categories of licenses and enhanced training.

**Senator Jim Rice**, District 10, stated this legislation was discussed by the Committee last week and the technical corrections noted at that meeting have been made.

**MOTION:** **Senator Anthon** moved to send **RS 27021** to print. **Senator Vick** seconded the motion. The motion carried by **voice vote**.

**H 134** **RELATING TO ALCOHOLIC BEVERAGES** to define the term "plaza" and to provide that plaza be added to Section 23-944(3), Idaho Code.

**Representative Scott Syme**, District 11, stated this legislation is proposed to reduce bureaucracy when it comes to allowing individuals under the age of 21 to be present in a plaza area where beer and wine are served. It adds the word "plaza" to the list of definitions included under the Idaho Alcohol Beverage Code, and allows the city to accept an application that has been filed with and approved by the Idaho State Police, thus eliminating the current requirement to duplicate that application with the city.

**DISCUSSION:** **Senator Souza** asked for confirmation that this would take place in an area that is already designated to be an area where beer and wine can be served and that the only change is to allow those under 21 to be in that same area. **Representative Syme** indicated that is correct.

**MOTION:** **Senator Souza** moved to send **H 134** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

**AGENDA ORDER CHANGE:** **Chairwoman Lodge** announced **H 173** will be moved up on the agenda to accommodate the needs of Representative Crane.

**H 173** **RELATING TO ELECTIONS** to increase the threshold when a precinct becomes a vote-by-mail precinct.

**Representative Brent Crane**, District 13, stated county clerks have brought forward an issue they are facing in small rural counties where individuals would like to vote by mail. He explained that Idaho currently allows precincts with up to 125 electors to be mail-in precincts. This legislation raises the floor to 140 and sets the ceiling at 151. He stated this is not automatic, but gives the county commissioners an option to make a precinct with 140 or less registered electors a vote-by-mail precinct.

**DISCUSSION:** **Senator Stennett** asked what determined the 140 threshold and 151 cap. **Representative Crane** stated those numbers were negotiated with the Association of Counties. **Senator Vick** asked if a precinct with less than 140 registered electors is automatically a mail-in ballot precinct. **Representative Crane** responded that a precinct which contains no more than 140 registered electors may be designated by the county commissioners as a mail-in-ballot precinct, but it is not automatic.

**Senator Souza** asked why the voters who have difficulty getting to a polling place could not apply for an absentee ballot. She stated this would be an affirmative action by the registered voter. **Representative Crane** responded they could do that. He added that he did not see this as a significant shift and was comfortable in bringing the bill forward.

**TESTIMONY:** **Tim Hurst**, Chief Deputy, Office of the Idaho Secretary of State, stated mail-in ballot precincts make it easier in places like Idaho County where voters must drive over the mountain to get to the courthouse. He also indicated in large rural counties like Cassia, they may establish polling places in barns or houses, and those places may not be accessible to those with disabilities.

**DISCUSSION:** **Senator Vick** asked who draws the precinct lines. **Mr. Hurst** advised the county commissioners do.

**MOTION:** **Vice Chairman Harris** moved to send **H 173** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion carried by **voice vote**. **Senator Vick** and **Senator Souza** requested they be recorded as voting nay.

**H 155** **RELATING TO LIQUOR LICENSES** to revise the definition of "year-round resort" and to provide for certain boundaries.

**Representative Terry Gestrin**, District 8, indicated Tamarac Resort is within his district; that the resort has gone through bad times, but is under new ownership; and that within the next year, new leases are expected for restaurant and bar facilities. He described in detail the features that will make Tamarac a year-round resort. He stated Alcohol and Beverage Control (ABC) can issue 12 licenses for a year-round resort. He stated Tamarac wants to know that they can move forward and lease spaces, with some certainty that these lessees will be able to access those licenses.

**Representative Gestrin** introduced **Scott Turlington**, representing Tamarac Resort, who painted a picture of the long ten-year financial struggle for the resort and indicated it is finally on track to become yet another premier tourism destination in Idaho. He stated that **H 155** does not increase the number of licenses available within the resort, and it does not create an opening for any other golf course that is currently without a license. The two primary definition adjustments deal with the boundaries of the resort and the use of the resort's golf course. **Mr. Turlington** provided a slide showing the boundaries of Tamarac Resort, and a short video showing the resort facilities and golf course at this time. He noted it will take approximately 12 to 18 months to rehabilitate the golf course. Work on interior portions of some buildings will begin next month, and over the course of the summer, leases will be negotiated with operators. **Mr. Turlington** stated that these third-party operators need this regulatory mechanism in the statute in order to go to ABC and make an application.

**DISCUSSION:** **Chairwoman Lodge** asked if there is an estimate of what the economic impact will be on the area when Tamarac is up and running. **Mr. Turlington** advised he does not have current numbers. He indicated there are 160 employees today, and many of them will carry over to the summer season. As construction workers are brought in this spring they will increase the work force for those skilled trades. **Chairwoman Lodge** asked if there are any restaurants operating at this time. **Mr. Turlington** indicated there are two: Fern and Feather, an evening dining experience and Canoe Grill, a cafeteria style restaurant. He also advised there are approximately 365 housing units in Tamarac.

**Senator Vick** asked if there is a restriction on the number of restaurants within the resort that can serve alcohol. **Mr. Turlington** advised there is, and as the resort is built out there will be two to three at the most over the next 15 years. **Mr. Turlington** explained the management operation of Tamarac for Senator Vick. He stated initially the developer is the decision maker, then a majority of the association board makes decisions. The Village will also have an association that oversees its operations. They all funnel up to what is called a master association board which currently is the majority ownership, but it will eventually transition into an association of homeowners and business owners.

**Vice Chairman Harris** asked if there are any other resorts or areas in the State of Idaho that this legislation would affect. **Mr. Turlington** indicated he was not aware of any.

**Representative Gestrin** followed up by indicating this is an important bill for his district, but it is also important to the endowment of the State of Idaho, as the ski area and portion of the golf course are leased from the State of Idaho.

**MOTION:** **Senator Vick** moved to send **H 155** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

**H 171** **RELATING TO ELECTIONS** to clarify election processes currently in Idaho Code.

**Mr. Hurst** stated that **H 171** is basically a language clean up and modernization. It moves various deadlines so they fall on a Friday instead of falling on a weekend, and removes some obsolete language.

- DISCUSSION:** **Senator Souza** referred to recent instances where there were qualification issues, and asked for an assurance that there is an effort to clarify the statute language defining a qualified elector so that everyone understands what the elements of being a qualified elector are. **Mr. Hurst** indicated legislation has been proposed to clarify that a qualified elector is not just a resident, but a registered elector. He advised that there is a commitment from the Secretary of State's office to provide more scrutiny up front to determine whether candidates are qualified electors. **Chairwoman Lodge** noted that an individual moving into an area must register to vote to establish themselves as a registered elector. **Mr. Hurst** agreed.
- MOTION:** **Senator Souza** moved to send **H 171** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.
- SJR 102** **PROPOSING AN AMENDMENT TO SECTION 22, ARTICLE 1, OF THE CONSTITUTION OF THE STATE OF IDAHO** relating to the rights of crime victims.
- Senator Todd Lakey**, District 12, indicated this bill is an updated version of **SJR 101**, which the Committee heard earlier. It is proposed to update crime victim's rights in Idaho, and speaks to four foundational principles: notice; opportunity to be present; opportunity to be heard; and standing.
- TESTIMONY:** **Pamela Lassiter Simlock**, President of the Institute for the Prevention of Relationship Violence, spoke in support of **SJR 102**. **Ms. Simlock** related several incidents where this legislation would have been beneficial to victims of violence. She stated this law will give victims the ability to choose how to exercise and enforce their rights to ensure that as they evolve through the courts the law does not diminish their rights.
- Kathy Griesmeyer**, Policy Director, ACLU of Idaho, spoke in opposition to **SJR 102**. She stated that under the Idaho Constitution and in a number of Idaho codes and statutes, crime victims already have the right to be notified, to be present, and to be heard at various intersections of the criminal justice system. She cautioned that this is a constitutional amendment and if these provisions do not work with our criminal justice system, it will be much more difficult to address and rectify than if it were in statute.
- DISCUSSION:** **Senator Souza** discussed with **Ms. Griesmeyer** the fact that most crime victims do not have the financial ability to go to court and to pay for legal services to take a lawsuit to any level of court, so protection in the Constitution that is equal to the rights of the accused would balance that out. **Ms. Griesmeyer** countered that with this law, we are creating a constitutional right for crime victims to be able to have an attorney independent from a government attorney. If the State is interested in funding this to the extent to which it is being offered to crime victims, it is going to cost a lot more than indicated in the fiscal note.
- TESTIMONY:** **Tom Arkoosh**, attorney, appearing on behalf of the Idaho Association of Criminal Defense Counsel, spoke in opposition to **SJR 102**. He stated that this legislation should be done in statute and is not appropriate for a constitutional amendment.
- DISCUSSION:** In response to questions from the Committee, **Mr. Arkoosh** stated that this law goes beyond clarifying the constitution; it gives standing to a victim, and creates a new third-party advocate in criminal justice proceedings. He compared due process rights of parents in a child protective services action, and stated a victim does not need due process to protect his or her liberties from the State; it is not the victim versus the State, but the victim versus the accused. **Mr. Arkoosh** stated If this does not work, it will be difficult to make any changes, and there is no reason this cannot be done in statute. He indicated what is needed is money for follow up services with victims.

**TESTIMONY:** **Professor Paul Cassell**, University of Utah, spoke in support of **SJR 102**. He referred to a previous memo he provided to the Committee, and stated this will clarify, update, and improve Idaho's Constitution. Responding to a question from the Committee, **Professor Cassell** indicated that Idaho nonprofit organizations should be able to get grants from the federal government to enforce victim's rights if they can show that there is standing.

**Jennifer Martinez**, Social Change Associate, Idaho Coalition Against Sexual and Domestic Violence, spoke in opposition to **SJR 102**. She stated that this is an irresponsible use of public funds and resources; that it is not aimed at addressing any identified collective need of crime victims; and it has unknown consequences, making it inappropriate as a constitutional amendment.

**DISCUSSION:** **Senator Lakey** stated that this resolution provides an enforceable mechanism that allows the victim to have rights balanced at the same level as the accused. It enhances the right of a victim to be heard beyond what is currently provided in the Constitution.

**MOTION:** **Senator Souza** moved to send **SJR 102** to the floor with a **do pass** recommendation. **Chairwoman Lodge** called for a roll call vote. **Vice Chairman Harris, Senators Hill, Winder, Anthon, Souza, and Stennett** voted aye. **Chairman Lodge** and **Senator Vick** voted nay. The motion carried.

**ADJOURNED:** There being no further business, **Chairwoman Lodge** adjourned the meeting at 10:05 a.m.

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Senator Lodge  
Chair

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Twyla Melton  
Secretary

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Assisted by Lois Bencken