

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, March 22, 2019

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Mathias (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: **Chairwoman Lodge** called the Senate State Affairs Committee to order at 8:02 a.m.
RS 27152 UNANIMOUS CONSENT REQUEST from the Senate Transportation Committee regarding an Office of Performance Evaluation (OPE) for highway district consolidation.

Senator Bert Brackett, District 23, reported this concurrent resolution directs the OPE to develop, using a qualified out-of-state consultant, an independent evaluation regarding the implementation of a county-wide highway district system in Idaho. It will also include an analysis of the Local Highway Technical Assistance Council. OPE's evaluation will address specific and unique characteristics of our state, such as weather, terrain, size, and many remote rural regions.

Senator Brackett remarked the OPE estimates this study will cost \$450,000. Their findings and report will be submitted to the Legislature no later than the 2021 Legislative Session.

DISCUSSION: **Senator Hill** queried if it was preferable to have OPE conduct a study as opposed to having an interim committee conduct a study. **Senator Brackett** responded this was a similar process used for the 2009 evaluation of the Idaho Transportation Department (ITD). Most recommendations were followed and resulted in savings and reorganization within the department.

Vice Chairman Harris remarked the study is not ordinary. The Joint Legislative Oversight Committee (JLOC) has met and chosen the projects for next year.

TESTIMONY: **Rakesh Mohan**, Director, OPE, reported a similar study was conducted in 2008 and this request appeared to be a similar process. JLOC has to approve this project. The request for the study will come from the Legislature and JLOC will inquire about the work load. In the past, an outside consultant would be hired if OPE did not have the capacity to conduct this kind of project. This would still be the case.

DISCUSSION: **Senator Winder** stated that, by having this project approved by JLOC, a lot of power was given to a committee that comes from the Legislature. **Mr. Mohan** reported this is in statute.

Senator Stennett queried if the fiscal amount was enough for this kind of study. **Mr. Mohan** indicated the last study that was done amounted to \$585,000 and the Legislature allotted \$550,000. However, 20 percent of the money was returned. He mentioned the estimated cost of the consolidation study today would be \$300,000.

Mr. Mohan indicated the study will involve the consolidation of 300 highway districts. He mentioned the study is large and extensive and five or six consultants will have to be hired.

Senator Souza queried if the 2008 study was effective in creating enough change worth the time, effort, and money. She stated JLOC has already chosen projects for next year and wondered if the OPE would be able to conduct this study and still do justice to the remainder of its projects. **Mr. Mohan** reported on the accomplishments of the 2009 study. Most of the recommendations were implemented and the Governor's office established a task force to find ways to continue to provide additional funds to the ITD. He mentioned he would be involved in all levels of the study in an oversight position, and explained how and what that involvement would be. **Mr. Mohan** stated if JLOC agrees to do the study, he will request some rearrangement of his other duties.

MOTION: **Senator Winder** moved to send **RS 27152** to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

RELATING TO PROCEEDINGS TO ESTABLISH PATERNITY to change definitions in Idaho Code to determine paternity at an earlier date than birth.

H 205 **Representative John Green**, District 2, reported this legislation changes the definitions in Idaho Code § 7-1103 regarding "child," "mothers" and "fathers," to include a preborn child, conceived but not yet born; enabling the State or a private party to determine paternity at a much earlier date than birth. Due to technological advances, paternity, by non-invasive means, can be established with legal certainty while the child is in utero. This will allow the State or a private party to attach an earlier date to an action for paternity and to recover payments for financial responsibility owed by a father. These cases oftentimes involve State funds for indigent health care. This is a way financial responsibility can be attached to a responsible party at an earlier date.

DISCUSSION: **Senator Stennett** inquired if the father would be held responsible for any kind of cost during pregnancy. **Representative Green** stated costs could be pursued in the courts. A discussion ensued with **Senator Hill** and **Representative Green** regarding custody and the courts.

MOTION: **Senator Souza** moved to send **H 205** to the floor with a **do pass** recommendation. **Vice Chairman Harris** seconded the motion. The motion carried by **voice vote**. **Senators Stennett** and **Mathias** asked to be recorded as voting nay.

H 199 **RELATING TO CONCEALED WEAPONS** to revise provisions regarding the carrying of concealed weapons.

Representative Bryan Zollinger, District 33, pointed out a major change in subsection 4 and a small language change to clarify the intention of the bill. He explained the exceptions on page 2, paragraph 3. He noted the bill provides for qualifications when a person cannot carry a concealed weapon. Some of the exceptions are in a person's place of abode or fixed place, a business, and on the property in which a person has ownership or leasehold interests. He cited the example of a person's vehicle. A firearm has to be unloaded every time a person enters their car. This bill changes any knife that is considered a deadly weapon from a four to a six-inch blade. A deadly weapon has its own definition and a four-inch blade would be considered a deadly weapon if it was used to assault someone with the intent to do harm or with the intent to murder.

DISCUSSION: **Senator Stennett** referred to page 2, line 15 and remarked a firearm that is not loaded and is in a motor vehicle was changed to any deadly weapon concealed in a motor vehicle; but we have taught our children for years about carrying and unloading firearms in vehicles.

Senator Vick commented he liked the clarifying language about the age of 18 years or older not being disqualified from being issued a license.

Senator Mathias referred to page 2, line 9 and remarked the language shift did not apply to 21 year-olds in another section of the bill. **Representative Zollinger** stated that probably should have been changed and should be changed in the future.

MOTION: **Senator Vick** moved to send **H 199** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

H 270 **RELATING TO ELECTIONS** to provide that public schools be made available as precinct polling places.

Representatives Gayann DeMordaunt, District 14, and **Representative Randy Armstrong**, District 28, presented this bill. **Representative Armstrong** noted the purpose of this legislation is to ensure that public schools are available as polling locations on Election Day. Public schools currently make up over 28 percent of the polling places used throughout the state. As public facilities are located in proximity to residential communities, schools are essential to insuring polling place-based voting. Additionally, schools meet similar requirements for the American Disabilities Act (ADA) accessibility as is required by federal law for voting.

Representative Armstrong noted there is a delayed effective date of July 2020 in order to allow adequate time for county clerks and school districts to make any adjustments needed as a result of this legislation. There should be a minimal impact to school districts and counties to accommodate this legislation.

Representative Armstrong pointed out several school buildings used for polling places have been closed in Bannock County. This has made it very difficult for county clerks and county commissioners to find appropriate polling places as they have to be ADA approved. The language in the bill poses a potential safety issue. When a school is asked to be a polling place, it wouldn't necessarily have to be during the school day.

DISCUSSION: **Senator Souza** inquired if the school had a separate entrance that could be securely cordoned off from the rest of the school, and is part of the building. **Representative Armstrong** responded in the affirmative.

Representative DeMordaunt stated schools make up a large percent of polling places, and in larger areas almost half. Finding adequate space is increasingly difficult. Schools always meet ADA requirements. Bonneville, Bannock, and Canyon Counties have recently faced increasing challenges using schools for voting. The concern is that without the use of our schools, county clerks will be forced to look at other methods of voting. There is a challenge in consolidating polling locations for multiple precincts and locating them farther away from actual residents of the precinct. Voters could be disenfranchised. The Idaho School Boards Association and the Idaho School Superintendents Association do not oppose this bill.

TESTIMONY: **Tim Hurst**, Chief Deputy, Idaho Secretary of State, testified in support of this bill. He stated the biggest concern is if the number of polling places is reduced, the size of the precincts will have to be increased.

Chris Yamamoto, Canyon County Clerk, stated Canyon County has 13 school districts with some overlap. There are 64 precincts containing 21 schools; 23 precincts have polling places within those 21 schools. The farther someone has to drive, the less likely they are to vote. Every time polling places are changed, that creates an issue. In 2020 there will be a census and redistricting. He mentioned they only wanted to move people's polling locations once instead of twice. He has spoken with the clerks involved and they will use this law to negotiate in good faith, rather than using it as a hammer. He stated he hoped this begins the conversation for school security and funding election facilitation at schools. **Senator Vick** inquired why Nampa and Middleton did not want schools in their districts being used as polling places anymore. **Mr. Yamamoto** cited security reasons.

Steve Brown, Chairman, Bannock County Commission, testified in support of this bill. He commented taking school polling locations and the neighborhood polling locations out suppresses the vote. When polling places are consolidated, a psychological barrier is created. He cited a 2016 study conducted by the Massachusetts Institute of Technology that found that a standard deviation of a 2.45 mile increase in distance to a polling location reduced the number of ballots cast by 2 to 5 percent. Schools are owned by the taxpayers and not the school districts. Schools are the preferred venue for elections because schools are located relatively evenly across the jurisdiction. Schools maintain sufficiently large spaces for operating efficient polling locations and election officials are generally not required to pay for use of these public facilities.

Mr. Brown noted that California has already been able to address this situation. There is a state law that says when a request comes in from a county, that request has to be honored. The Superintendent of Public Instruction sent a letter to the schools in 2018 where he stated there are three options: 1.) leave the school open and in session while a specific area is designated and secured; 2.) designate the day as a staff training or development day; or 3.) simply close the school to students and non-classified employees. California also aggressively encourages their high school students to be part of the process. They encourage students to be poll workers, so they can see firsthand the election process and the voter experience.

DISCUSSION: **Senator Souza** commented the three points about California's accommodations to make schools usable for voting and safe for students seems to show common sense, and are practical and doable. She remarked there is nothing in the bill for the safety of students. **Mr. Brown** stated he could not give a definitive answer as to why since, when the solutions were brought up to the House, they were immediately turned down. He is not sure everything has to be defined. He noted if there is an open door, discussions can occur and relationships can be built with the different agencies. It is the responsibility of the elected officials to be able to have an ongoing public conversation.

Senator Souza noted there are no considerations in this bill for the safety of the students. A great deal of money is dedicated to student safety in schools. If schools can be cordoned off safely with locked doors and only outside entrances to that part of the school, that is very appropriate for use in voting. If that is not available, then a school teacher workday or some other method of making sure the students are not going to be exposed to people coming in from the outside, would be feasible. **Mr. Brown** responded that part of the attempt is to be able to have a discussion and work out the issues on an individual basis.

Senator Souza queried why there is a different standard for a polling location than there is for the daily activities of the school. **Mr. Brown** stated they are looking for flexibility so that each local area can decide what is the best way to achieve the goals without coming down with a hammer.

TESTIMONY: **Phil McGrane**, Ada County Clerk, added this issue is major and continues to grow in urban areas because of the population density. This legislation is a policy statement to maintain the status quo to continue the use of schools as polling places, since it is becoming increasingly difficult. Churches are exempt from the ADA requirements. The Department of Justice had mandated polling locations be moved. After the polling places were moved, people were upset, even when schools were being used.

MOTION: **Senator Winder** moved to send **H 270** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

H 251 **RELATING TO THE STATE TREASURER** to revise provisions regarding certain moneys.

Representative Jason Monks, District 22, reported this legislation removes the current requirement that moneys in the custody of the State Treasurer be kept in a vault and would allow moneys not otherwise deposited or invested to be kept in the office of the State Treasurer. Also, some obsolete language in the law has been removed.

DISCUSSION: **Senator Stennett** inquired about emergencies, including a fire situation. **Representative Monks** stated the current code requires that moneys be deposited in the Treasurer's office in a secure location.

Senator Vick inquired as to the amount of money being stored. **Representative Monks** noted the money could be a nightly deposit that comes in, but would be moved to the bank soon.

MOTION: **Senator Hill** moved to send **H 251** to the floor with a **do pass** recommendation. **Vice Chairman Harris** seconded the motion. The motion carried by **voice vote**.

Chairwoman Lodge commended two boys in the audience and thanked them for listening. She also thanked Senator Mathias for spending his time with the Committee. She wished him the best of luck. She thanked him for his service to our country.

ADJOURNED: There being no further business, **Chairwoman Lodge** adjourned the meeting at 9:28 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Assisted by Linda Kambeitz