

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, February 12, 2021

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Guthrie, Senators Winder, Anthon, Harris, Lee, Heider, Stennett, and Burgoyne

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 meeting of the Senate State Affairs Committee (Committee) to order at 8:05 a.m.

PRESENTATION: **Idaho Public Safety Communications Commission (IPSCC) report to the Idaho Legislature.**

Garret Nancolas, Mayor of Caldwell, Idaho, and Chairman of the IPSCC. **Mayor Nancolas** explained that the IPSCC was originally formed from the Emergency Communications Commission and then was expanded to include the State Interoperability Executive Committee, the Consolidated Emergency Communications System Centers (dispatch centers), and the Public Safety Answering Points. By incorporating these entities, the emergency communications system is considered one that functions from call initiation to the end resolution of that call. This has helped improve 9-1-1 telephone systems operated by Idaho counties and cities throughout Idaho. He went on to give an overview of the rest of the report. (see Attachment A)

Craig Logan, 9-1-1 Program Manager for IPSCC, provided technical details. **Mr. Logan** said dispatchers are now referred to as Emergency Communications Officers (ECO) and that Public Safety Answering Points are now referred to as Emergency Communications Centers (ECC). IPSCC implemented new guidelines for ECC's to effectively triage callers due to the COVID-19 pandemic before dispatching first responders. ECO's now ask questions such as if the caller recently traveled out of the country, if they have COVID-19 symptoms, or if they have been exposed to someone who has the virus. During February to March of 2020, ECC's started sharing procedures between each other to develop protocols should an ECO contract COVID-19. **Mr. Logan** explained that not all ECC's use the same software and cannot share information between one another easily, so the IPSCC is working to fix that issue. Idaho's General Fund will fund projects the IPSCC requires. The Federal Communications Commission (FCC) is creating rules that will identify what qualifies as a 9-1-1 task for funding. He said the Commission is working on Next Generation 9-1-1 that creates a universal, digital system for receiving and dispatching calls.

DISCUSSION: **Senator Lee** recognized Mayor Nancolas' work as Mayor and as Commissioner of the IPSCC for his efforts to make Idaho a better place to live. She looks forward to working alongside him on issues involving the Commission.

RS 28454 **Relating to Ballot Initiatives and Referendum to ensure that signatures are gathered from each of the 35 legislative districts.**

Senator Steve Vick, District 2, said **RS 28454** does not change the number of signatures needed to get an initiative or referendum on the ballot; it only changes the locations where they are gathered. The legislation requires signatures to be gathered from each legislative district and 6 percent of the registered voters are required to sign to put the initiative on the ballot.

Senator Stennett asked why there is a need for **RS 28454** when Idaho already has one of the most restrictive policies in the country regarding this issue. **Senator Vick** said this will help protect the views of rural Idahoans as the urban populations continue to grow.

MOTION: **Senator Winder** moved to send **RS 28454** to print. **Senator Harris** seconded the motion. The motion carried by **Voice Vote**.

S 1062 **Relating to Candidates to clarify and revise certain provisions pertaining to signature verifications and required forms.**

Chad Houck, Chief Deputy, Secretary of State's Office, stated he was representing Jason Hancock, Deputy Secretary of State, in his absence. **Mr. Houck** said **S 1062** makes two changes relating to political candidate filings; it addresses presidential and vice presidential, and write-in candidates Declarations of Intent for Write-In Candidates (Declarations). Presidential candidates must provide their qualified electors and the offices they will fill. This same information will have to be provided by write-in candidates. Currently, write-in candidates do not have to provide that information beforehand in many elections. The requirement for write-in candidates to file those Declarations at the time of application will confirm that they are all qualified voters in the state.

MOTION: **Senator Harris** moved to send **S 1062** to the Senate floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

S 1067 **Relating to Elections to make technical corrections including revising an oversight related to school discontinuance elections.**

Chad Houck, Chief Deputy Secretary, stated he was representing Jason Hancock, Deputy Secretary of State, in his absence to present **S 1067**. **Mr. Houck** said **S 1067** is a technical corrections bill. The one significant change entails school discontinuance elections which was a carry-over omission from election consolidation. School discontinuance elections were overlooked because they are very rare. The cost would be the responsibility of the county it takes place in because it is accomplished under the county's election consolidation process.

DISCUSSION: **Senator Stennett** asked Mr. Houck to define school discontinuance election. **Mr. Houck** noted on page 2, line 31, subsection 4 of **S 1067**, the language reads, "The election shall be held within the school district and there shall be submitted to the electors a ballot containing the proposal for discontinuing the school located at..." He explained the language is for shutting down schools.

TESTIMONY: **Phil McGrane**, Ada County Clerk, stated his support of **S 1067**. He referred to the second part of the Statement of Purpose that reads, "It also makes the county clerk the recipient of all but state recall petitions, eliminating the role of the city clerk." It transfers city recall elections to county clerks. **Mr. McGrane** said it is a good suggestion because recall petitions eventually end up in the county clerks' offices by way of city clerks' offices. It gets rid of a conflict of interest because county clerks are elected whereas city clerks are employees.

MOTION: **Senator Heider** moved to send **S 1067** to the Senate floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

- S 1069** **Relating to Absentee Ballots to provide clarity and consistency across the state when resolving issues with absentee ballots .**
- Phil McGrane**, Ada County Clerk, explained **S 1069** addresses Idaho's absentee ballot process and formalizes it in statute. A signed affidavit is required to be signed on the back of the envelope for all absentee ballots. The most common issue involving the collection and counting of absentee ballots is voters are not signing them. **Mr. McGrane** said ballots can still be counted if voters go to a county clerk's office and sign their envelope before the 8 p.m. deadline on election day. He said it is also a fraud prevention measure for making sure signatures on ballots are legitimate.
- MOTION:** **Senator Guthrie** moved to send **S 1069** to the Senate floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.
- S 1070** **Relating to Elections to revise the provisions put in place for the 2020 election.**
- Phil McGrane**, Ada County Clerk, said the main change in this bill is the county clerks' offices would send out domestic absentee ballots 30 days prior to an election instead of 45 days. International absentee ballots would remain at 45 days prior to the election. It also gives additional time to begin opening and counting absentee ballot votes. He expressed how helpful this was during the 2020 election cycle.
- MOTION:** **Senator Lee** moved to send **S 1070** to the Senate floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by **voice vote**.
- S 1047** **Relating to Alcohol to remediate the law relating to waterfront resort liquor licenses.**
- Senator Burtenshaw** introduced Justin Hamilton, Owner of Cafe Sabor, to discuss **S 1047**.
- Mr. Hamilton** said his business applied for a waterfront liquor license when it opened in 2014 because it sits on the banks of the Henrys Fork River. His company partnered with the recently developed SpringHill Suites by Marriott in Island Park and provides the resort's food and beverage needs. On June 15, 2020, he received a notification from an alcohol license officer with the Idaho State Police saying the water flow in the Henrys Fork River does not meet requirements needed for a waterfront liquor license, thus putting his license and business at risk (see Attachment B-1 and B-2). **Mr. Hamilton** asked Brian Donesley to further discuss the issue.
- Brian Donesley**, Legal Council for Cafe Sabor, gave a brief history of waterfront liquor licenses in Idaho and addressed the ambiguity that **S 1047** is trying to clarify. He said a 1986 Idaho statute defines water flow requirements for waterfront resorts at 11,000 cubic feet per second. He informed the Committee about differing opinions on what constitutes enough water flow for a waterfront liquor license to be issued (see Attachment B-3). He explained the United States Geological Survey calculates water flow daily, whereas the statute established a six month average as the standard to measure the required 11,000 cubic feet per second. He said **S 1047** will not affect any other liquor licenses in Idaho because Cafe Sabor is in a unique situation.
- DISCUSSION:** **Chairwoman Lodge** asked if the liquor license in question is for Cafe Sabor or the hotel. **Mr. Donesley** said it is for Cafe Sabor and does not concern the hotel although the Hamilton's have invested in the hotel. The license is for Cafe Sabor and 500 square feet of docks used for recreational purposes plus parking for 15

vehicles. **Mr. Donesley** confirmed that it is only the license for the restaurant that Alcohol Beverage Control is questioning.

MOTION: **Senator Anthon** moved to send **S 1047** to the Senate floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion.

DISCUSSION: **Senator Anthon** said he is not interested in the argument over water flow requirements, rather that Idaho granted a liquor license to a business and is now trying to rescind it.

VOICE VOTE: The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Harris** moved to approve the Minutes of January 20, 2021. **Senator Stennett** seconded the motion. The motion carried by **voice vote**

Senator Anthon moved to approve the Minutes of January 22, 2021. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 9:06 a.m.

Senator Lodge, Chair

Twyla Melton, Secretary

Tucker Craig, Assistant Secretary