

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**10:00 A.M.**  
**Room EW40**  
**Tuesday, January 12, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Organizational Meeting	
<a href="#"><u>RS28185</u></a>	Sessions of the Legislature	Rep. Harris, Rep. DeMordaunt
<a href="#"><u>RS28188</u></a>	State Disaster Preparedness Act	Rep. Monks
<a href="#"><u>RS28192</u></a>	State of Disaster Emergency in Idaho	Rep. Scott

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: hstaf@house.idaho.gov

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, January 12, 2021  
**TIME:** 10:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** None  
**GUESTS:** None

Chairman Crane called the meeting to order at 10:00 a.m.

**Chairman Crane** introduced staff members. He spoke to the committee regarding his expectations for this session. He explained that members of the general public and subject experts will be allowed to testify remotely but agency representatives and legislative advisors must be present to provide testimony. All agency bills must be sponsored by a member of the House State Affairs Committee and RS's may be modified or returned to the sponsor during the introductory hearing. **Chairman Crane** stated he will have a rotating chairmanship, inviting committee members to serve as Chairman for specified meetings and a notice will be provided. He said all meetings will be scheduled for 9:00 a.m. unless otherwise posted and he asked all members of the committee to show respect for all, to respect people's choice to wear or not wear a mask and to be prepared to ask questions.

**RS 28185:** **Rep. Steve Harris** presented **RS 28185** which would allow the legislature to call themselves into an extraordinary session with a joint written request of at least 60% of the House and Senate. The Fiscal Note indicated that special sessions would cost approximately \$21,300 per day.

**Chairman Crane** put the committee at ease at 10:09. The committee reconvened at 10:16 a.m.

In response to questions, **Rep. Harris** explained why the word shall vs must is used throughout the document. The work "must" is moving into the legal vocabulary and is the stronger of the two words. He also indicated there are no statutory provisions nor hard coded language in the proposed legislation, making it less prescriptive. There is no intention of requiring the legislature to state the purpose of the session to the public.

**MOTION:** **Rep. Palmer** made a motion to introduce **RS 28185. Motion carried by voice vote.**

**RS 28188:** **Rep. Monks** presented **RS 28188** to attempt to restore balance between the legislative and executive branch in times of emergency, addressing some flaws in the existing legislation. The legislation would deem all employees as essential and would prevent businesses from being shut down. Emergency declarations would terminate when danger has passed or after 30 days. The legislature could extend and/or modify the emergency declaration through concurrent resolution, if needed. The proposed legislation would prohibit the Governor from limiting constitutional rights and he would not be able to change or suspend Idaho laws.

In response to questions, **Rep. Monks** indicated that if this legislation passes and received a Governor veto, the legislature could override the decision and it would go into effect immediately. A concurrent resolution would need to be passed to continue, limit or modify a declaration, as needed, especially when federal funds are involved. There are no provisions in this legislation for the Governor to have authority to be able to make emergency decisions but there are other laws that do. The Governor is the enforcer of laws.

**MOTION:** **Rep. Furniss** made a motion to introduce **RS 28188** with a correction to page 3, line 26, president should be replaced with President. **Motion carried by voice vote.**

**RS 28192:** **Rep. Scott** presented **RS 28192**, a resolution that would end Idaho's existing emergency declaration. Rep. Scott stated that Idahoan's lives have been greatly disrupted and cited statistics from the CDC that show Idaho has a 99% recovery rate and the death rate is 1/10 of 1%.

**MOTION:** **Rep. Armstrong** made a motion to introduce **RS 28192**. **Motion carried by voice vote.**

**ADJOURN** There being no further business to come before the committee, the meeting adjourned at 10:57 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Wednesday, January 13, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28173</a>	Bond and Levy Disclosure	Rep. Ron Nate
<a href="#">RS28175</a>	Reasonable Childhood Independence Act	Rep. Ron Nate

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, January 13, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** Rep. Palmer  
**GUESTS:** None

**Chairman Crane** called the meeting to order at 9:00 a.m.

**RS 28173:** **Rep. Nate** presented **RS 28173** which would ensure transparency in bond and levy elections by ensuring full disclosure of anticipated tax increases to voters. It would also preclude additional distracting information about other bond and levy obligations which are not included in the ballot question.

**Rep. Nate** explained this proposed legislation would ensure voters have a clear understanding of how their tax dollars will be used and how they will be effected with passage of the bond or levy. It will require county clerks to include a brief official statement in simple, understandable language, and information about the proposed bond or levy. It also limits language to each bond or levy on the ballot. Reference to a bond or levy not on the ballot will be prohibited. Failure to comply would result in a fine.

In response to questions, **Rep. Nate** said he will research precedence that has been set for issuing fines for non-compliance. He also clarified the intent is to fine the County Clerk's Office, not the individual. Some language will need to be changed to reflect this intent.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 28173** with the following changes: Page 2 Line 12 - add the word question after ballot; Page 2 Line 16 - replace clerk with clerk's office; Page 2 Line 47 - add question after ballot; Page 3 Line 2 - replace clerk with clerk's office. **Motion carried by voice vote.**

**RS 28175:** **Rep. Nate** presented **RS 28175** which clarifies that kids can grow up with reasonable independence in childhood. Currently, Idaho's open-ended definition of neglect leaves parents exposed to frivolous allegations of neglect and authorities responding to these incidences.

The proposed law clarifies that child neglect be defined as actually putting children in obvious danger or denying them truly necessary care and does not include normal actions by parents for encouraging reasonable childhood independence activities. It would protect families across the economic spectrum by affirming parents' rights to allow their children to do things such as walk to and from school, play outside, etc.

**Rep. Nate** stated the Idaho Department of Health and Welfare received approximately 23,000 reports of child abuse last year. Close to 12,000 of those reports were not valid and 12% of child abuse reports were made between parents. This proposed law has also been designed to help Child Protective Services.

In response to questions, **Rep Nate** stated that current neglect laws do not state specific ages. He also clarified that this legislation does not include withholding medical care for children..

**MOTION:** Rep. Hanks made a motion to introduce **RS 28175. Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:53 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Thursday, January 14, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28199</a>	Parental Rights	Rep. Dixon
<a href="#">RS28229</a>	Governor's Emergency Declaration	Rep. Crane

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, January 14, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** None  
**GUESTS:** None

**Vice-Chairman Armstrong** called the meeting to order at 9:00 a.m.

**RS 28199:** **Rep. Dixon** presented **RS 28199** to further define Idaho's Parental Rights statutes to state that an emergency order, disaster declaration, etc. cannot be deemed a compelling reason for the State to take away parental rights and remove children from the home during a State of Emergency, such as a natural disaster. Last year, there was concern that children could be removed from their home.

**Rep. Dixon** responded to questions, saying if parents are separated from their children in times of disaster or emergency and cannot be immediately reunited, the children would be kept together. They would ideally be placed with family or friends, not placed in foster care.

**MOTION:** **Rep. Monks** made a motion to introduce **RS 28199**. During discussions, Committee concerns were raised whether or not the legislation included both a declaration and an order. **Rep. Dixon** pointed out that Line 18 includes both a declaration and an order. **Motion carried by voice vote.**

**RS 28229:** **Chairman Crane** presented **RS 28229** lifting the restriction on gatherings of 10 or more individuals under the Governor's Emergency Declaration. This legislation would allow families and classmates to attend sporting events and championship games. It would ensure students may attend milestone events such as prom, plays and other school events. This legislation would also allow attendance at concerts and other public and private events.

**Chairman Crane** stated this concurrent resolution conveys what the Governor has done is not legal. In the case of sporting events, under the current declaration each athlete from the home team may invite two guests to attend each event. As a consequence, this poses a challenge for families with multiple children. Parents have to choose to attend one child's event and leave other children at home or they miss one child's event to stay home with those who cannot take care of themselves. Grandparents and other extended family members may be excluded, in addition to friends and schoolmates

**Chairman Crane** said the State Board of Education, Superintendents, schools and parents should be able to give input for their own schools and districts and work together to set gathering policies that make sense for them. As Americans, we take daily risks. People should be able to choose if they want to attend gatherings with more than 10 people, or not.

While State leadership wants "teeth" in enforcement. No arrests have been heard of relating to noncompliance, despite the limited gathering mandate or city/town mask mandates.



**MOTION:** **Rep. Hanks** made a motion to introduce **RS 28299**. During discussion, several committee members indicated this restriction has been one of the top complaints by constituents. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:37 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Monday, January 18, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>HJR 1</u></a>	Sessions of the Legislature	Rep. Harris, Rep. DeMordaunt
<a href="#"><u>HCR 2</u></a>	Governor's Emergency Declaration	Rep. Ehardt, Chairman Crane

**Public Testimony Will Be Taken by Registering Through the Following Link:**  
[Registry to Testify](#)

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, January 18, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** Matthew Jensen, District 17 Republicans; Demik Hatch and Kyler Stevens, Hillcrest High School in Idaho Falls; Rosa Martinez, Dana Clemeaugh, Monica McKinley, Jessica Marcu, Rebecca DelliCapini and Jim Store, representing themselves

**Rep. Barbieri** called the meeting to order at 9:00 a.m.

**HJR 1:** **Rep. Harris** presented **HJR 1**, giving the legislature the ability to call itself back into session. If 60% of the House and Senate request to call the legislature back into session, it could convene within 15 days. He stated this proposed legislation only has a few changes but the changes are important.

All but 14 states have legislatures that can call themselves back into session, as needed. Idaho is in the group of 14 states that do not have the authority to call themselves back into session during an interim period.

**Rep. Harris** answered questions, sharing that several states require a 2/3 vote, a few require 1/2 +1, and a small number require a 3/5 vote to reconvene. One state requires a 3/4 vote to come together for a special session. He stated that this should be constitutional language, not in code.

**Rep. DeMordaunt** reiterated the importance of representative governance. She said Idaho hasn't had this in close to a year and it is time to restore the ability to have a representative government in Idaho. She stated that this is the highest priority and ought to be protected in the constitution.

There were concerns about the mechanics. The legislation says that a written request would be submitted to leadership. There is a desire to keep the constitution straight forward. The process could be clarified in statute later, if necessary. Legislative rule-making would only be needed if issues arise with the process.

**Matthew Jensen**, District 17 Republicans, spoke **in support** of **HJR 1**. He is in favor of the 60% vote level and the paper trail with a written request. He does not want to see a full-time legislature in Idaho. He suggested a possible joint resolution at set intervals if the session drags on.

**Rosa Martinez** spoke **in support** of **HJR 1**. She stated that what happened over the summer was wrong. In June, when the legislature tried to convene, they were told it was not legal.

**Dana Clemeaugh** spoke **in support** of **HJR 1**.

In closing remarks, **Rep. Harris** stated that many legislators wanted to come back into session last summer. With this legislation, the legislature would have the ability to convene itself.

**MOTION:** **Rep. Palmer** made a motion to send **HJR 1** to the floor with a **DO PASS** recommendation.

There was discussion on the motion. Rules currently provide that working committees can convene during the interim. Maybe that would have been a way to address some of the contentious issues. **Rep. Harris** was chairman of a working group and this bill was presented to that group last summer but was not picked up. It was noted the legislature can already call itself back into session. Simplicity was suggested. There was a concern that this proposed legislation is too complicated. Simply state that the legislature can meet when deemed necessary. If it is going to be called a special session, it should have a special purpose

**ROLL CALL  
VOTE ON  
MOTION:**

Roll call vote was requested. **Motion carried by a vote of 13 AYE and 1 NAY.** **Voting in Favor** of the motion: **Chairman Crane, Reps. Armstrong, Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Mathias.** **Voting in opposition** to the motion: **Rep. Gannon.** **Rep. Harris** will sponsor the bill on the floor.

**HCR 2:**

**Chairman Crane** presented **HCR 2** which would lift the restriction on groups of 10 or more under the Governor's Emergency Declaration. He said the Governor's Emergency Order has had significant impact on many Idahoans, including the order for certain entities to be opened or closed and limiting gatherings to fewer than 10 people. Chairman Crane stated that the Idaho High School Athletic Association and school boards have met to try to enable school athletics to be continued. He said that families are disenfranchised and people should have the ability to gather.

There was committee concern shared that this legislation would not actually change the gathering size limitation. There was also a question asking if local jurisdictions can override the decision to lift the gathering size restriction in their area, which is unknown at this time. Concerns regarding the role of the State Board of Education and Idaho High School Athletic Association, were expressed. **Chairman Crane** said there are inconsistencies in rules from the districts. He said, this legislation would not present a conflict with the State Board of Education because there is an opt-out clause.

Committee members discussed the difference between the First Amendment vs. Health and Safety. The fire department limits the number of individuals allowed in a room or building for people's safety, in case of emergency. It was suggested that families are facing discrimination when they are not allowed to attend a child's sporting event. Grocery stores have no restrictions; airplanes are packed with people wearing masks but not social distancing; churches are full with people singing and shaking hands. These things are acceptable but not assembling to watch sports, attend an auction or go to a concert.

**Matthew Jensen** spoke **in support** of **HCR 2**. There is a mismatch between what was mandated and what people wanted. He looks forward to the passage of this legislation.

**Monica McKinley** spoke **in support** of **HCR 2**. She would like to see strong language that the Governor or any non-elected agency or official can limit the number of people who can gather.

**Demik Hatch** spoke **in support** of **HCR 2**, Demik is Student Body President and an athlete from Hillcrest High School in Idaho Falls. He said he is in charge of unifying students at his school and is trying to figure out how to get back school spirit. He is sad to see everyone's reaction to not being able to gather. Athletes make kids feel like they are welcome and because of the limitations, kids are missing out on making new friends. Right now, students feel disconnected and have low morale.

**Kyler Stevens** spoke **in support** of **HCR 2**. He is Student Body Vice President at Hillcrest High School in Idaho Falls and said that he participates in football, track and field and lacrosse. He worries that incoming freshmen will miss out on social interactions if attendance at sporting events is limited.

**Rosa Martinez** is in support of this legislation. Her child worked hard to make the band and he bought his own drum. Now, he is not allowed to participate because he has a sensory issue and cannot wear a mask. Her younger child is medically fragile. Her children feel excluded and are sad and lonely. This situation is disruptive and she feels that her civil rights are being violated. People should be able to exercise their constitutional rights and make choices for their own actions.

**Jim Store** spoke in support of **HCR 2**. He said Section 33 of the current law does not say the State Board of Education has authority over extracurricular activities.

**Dana Clemeaugh** spoke in support of **HCR 2**. She said she was emotional listening to testimony. Never has she thought that peaceful assembly would not be allowed.

**Monique McKinley** spoke in support of **HCR 2**. She requested strong language stating the governor or other non elected agency officials cannot limit the size of gathering.

**Jessica Marcu** spoke in support of **HCR 2**. Her parents were raised under Communist control in Romania. She said that churches were censored and the government took people's property and moved them into high-rise buildings. She wants to limit the Governor's power and said that oppressing people is not going to help anyone.

**MOTION:** **Rep. Monks** made a motion to send **HCR 2** to the floor with a **DO PASS** recommendation.

During discussion, it was stated that in an effort to slow the progression of COVID-19, many actions have been taken and many more people would have died without measures for safety put into place. Because 40% of people who are infected are asymptomatic and COVID is easily transmitted, reasonable considerations are made to protect people. All fans are willing to wear masks and social distance.

**VOTE ON MOTION:** **Motion carried with a voice vote. Rep. Mathias** requested to be recorded as voting **NAY. Rep. Crane** will sponsor the bill on the floor.

**ADJOURN:** There being no further business before the committee, the meeting was adjourned at 10:41 a.m.

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Representative Barbieri  
Committee Member

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Kelly Staskey  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Tuesday, January 19, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28268</a>	Disaster Preparedness Act	Rep. Monks
<a href="#">RS28209</a>	Sound Money Reserves	Rep. Nate
<a href="#">RS28252</a>	Bond and Levy Elections	Rep. Nate

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, January 19, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** None  
**GUESTS:** Brody Aston, Westerburg Associates  
**Chairman Crane** called the meeting to order at 9:00 a.m.

**RS 28209:** **Rep. Nate** presented **RS 28209** which would allow the State Treasurer's office to hold gold and silver as part of its investment portfolio. Other states are holding these precious metals as part of their portfolios because it carries a lower risk. This bill does not mandate the purchase of gold or silver but would allow the option to purchase them. Currently, there is a negative real rate of return on cash investments. The gold and silver would be held in Idaho or in a joining state in a secure depository, possibly Utah. It would be separated from other holdings in the depository and like any investment, there would be small holding fees.

In response to questions, **Rep. Nate** explained the Underwriters Laboratory is a global safety certification company that sets standards for secure and safe depositories. The State Treasurer's team of investors would determine the percentage of gold and/or silver to hold, if desired. It serves as a hedge against inflation. Typically, as inflation increases, the value of gold and silver also increases. He said gold and silver can be good long-term investments because they are more stable.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 28209**. **Motion carried by voice Vote.** **Rep. Furniss** requested to be recorded as voting **NAY**.

**RS 28252:** **Rep. Nate** presented **RS 28252** to mandate transparency in bond and levy elections by requiring full disclosure of anticipated tax increases to voters. The proposed legislation would preclude additional distracting information about other bond and levy obligations, not impacted by the outcome of the ballot question.

**MOTION:** **Rep. Hanks** made a motion to introduce **RS 28252**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:24 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Wednesday, January 20, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 1</a>	Disaster Preparedness Act	Rep. Monks
<a href="#">RS28268</a>	Disaster Preparedness Act	Rep. Monks
<a href="#">RS28288</a>	Emergency Declarations	Rep. Monks
<a href="#">RS28247</a>	No Public Funds for Abortion	Rep. Skaug

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, January 20, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** Matthew Jensen, Casey Baker, Margie Baker

**Chairman Crane** called the meeting to order at 9:00 a.m.

**H 1:** **Rep. Monks** presented **H 1** in conjunction with **RS 28268**. Both pieces of proposed legislation restore the separation and balance of powers between the executive and legislative branches of government. Specifically, it ensures that all Idahoans have the right to work, provide for their families and contribute to the economy during any emergency disaster declaration. The legislation also limits the length of emergency disaster declarations to a maximum of 30 days unless extended by a legislative concurrent resolution. It also clarifies that the governor may not alter, adjust or suspend Idaho Code during a disaster declaration. It terminates all currently existing emergency disaster declarations that have existed longer than 30 days. Rep. Monks stated that in the past year he has learned about relationships and the balance of power and what role the legislature plays during emergencies. There needs to be checks and balances. Citizen's constitutional rights cannot be suspended during a disaster. He said it also limits spending during an emergency to 1% of revenues made available. As clarification, regulations are defined as laws and rules. The Idaho State Legislature defines regulations as laws.

**RS 28268:** Using **H 1** as the base of reference, **Rep. Monks** outlined changes that were made to **RS 28268**. These changes were made as a result of a meeting with the House State Affairs Committee and members of the Senate. They came from lessons learned by legislators during the past 10 months.

**Rep. Monks** answered questions, saying regional health districts fall under the category of political entity. When questioned about not suspending or limiting the sale of alcohol or explosives, he said he did not research the original language and did not make any changes. Passage of this proposed legislation would immediately terminate the Governor's Emergency declaration. He said **RS 28268** would apply to any disaster after 30 days. Currently there are eight extended emergencies in Idaho. All would expire immediately. There is one emergency that would not expire because it falls under a different section.

Committee members expressed concern that the bill making process will be circumvented, leaving the governor out of the process. The concurrent resolution process looks similar to the executive branch. When asked how would modifying the Emergency Declaration work, **Rep. Monks** said rules have gone through a process to become law. The Governor and legislature agree upon a set of rules. In emergencies, the Governor can do away with those rules. The legislature should have a say in the process. Answering questions, Rep. Monks said he is getting a variety of answers when researching if FEMA dollars would be adversely affected in communities where these funds are being used. He said concurrent resolutions can extend the emergencies.

**Matthew Jensen, David Keizer and Maggie Gough**, all from Boise and **Margie Baker**, from Nampa, spoke in support of **H 1**. It was stated that only 15 legislators came to the Capitol in June and nothing got done.

**Casey Baker** of Nampa spoke in support of **H 1**. He recommended the following changes: limiting the number of days that an emergency can be extended to 60 or less; strike page 3 lines 17-18; and on page 3 line 50, add the words, according to the dictates of conscience and end line 50 with including but not limited to the right to assemble for worship according to the dictates of conscience.

**MOTION:** **Rep. Palmer** made a motion to **HOLD H 1** in committee and introduce **RS 28268** and recommend it be sent directly to the second reading calendar.

During discussion on **RS 28268**, it was noted these discussions typically take place during non-emergency times. There was also a concern the federal government could withhold federal funds.

**VOTE ON MOTION:** **Motion carried by voice vote. Reps. Gannon and Mathias** requested they be recorded as voting **NAY**. **Rep. Monks** will sponsor the bill on the floor.

**RS 28288:** **Rep. Monks** presented **RS 28288** that addresses six disasters that are still active. The proposed legislation keeps these disaster declarations open until the legislature votes to end them. All the declarations will expire if the legislature chooses to do nothing. It is appropriate, however, to ensure that they do not expire immediately.

In answering questions, **Rep. Monks** explained these declarations would not need to be extended every 30 days. They would remain open until the legislature decides to terminate them. It is appropriate to leave them open. This makes the legislature a part of the process and the solution. It was clarified that this legislation is specific to the immediate emergencies that are open. **Rep. Monks** said the intent of this proposed legislation is to ensure the involvement of the legislature, with the Governor, in determining when these disaster declarations should end.

**MOTION:** **Rep. Barbieri** made a motion to introduce **RS 28288**. **Motion carried by voice vote.**

**RS 28247:** **Rep. Skaug** presented **RS 28247**. The proposed legislation ensures taxpayer dollars do not support the abortion industry by prohibiting the expenditure of taxpayer dollars to abortion providers. It prohibits public contracting or participating in any commercial transaction with an abortion provider. The legislation also prohibits the use of any public asset or employee to procure, counsel in favor, refer to, or perform an abortion. These prohibitions apply to all units of government in Idaho including state, county, municipal, public health districts, and public school districts. **Rep. Skaug** clarified **RS 28247** makes corrections to **H 585** which did not pass during the 2020 legislative session.

**MOTION:** **Rep. Armstrong** made a motion to introduce **RS 28247**.

During the discussion the question was asked about how this proposed legislation would affect Medicaid funding. The intent of the legislation is that it would have an effect. There were concerns expressed about women's constitutional rights to make their own decisions. It was stated that it is difficult to find information about state funds being spent on abortions. A request was made to bring more specific information to the bill hearing.

**VOTE ON MOTION:** **Motion carried by voice vote. Reps. Gannon and Mathias** requested they be recorded as voting **NAY**.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:16 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Monday, January 25, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">RS28305</a>	Nonprofit Reporting	Rep. Andrus
<a href="#">H 8</a>	Levy and Bond Elections	Rep. Nate
<a href="#">HCR 4</a>	Disaster Emergency Declarations	Rep. Monks

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, January 25, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** None  
**GUESTS:** None

**Chairman Crane** called the meeting to order at 9:00 a.m.

**UNANIMOUS  
CONSENT  
REQUEST:** **Chairman Crane** made a unanimous consent request to reorder the agenda. Hearing no objections the request was granted.

**H 8:** **Rep. Nate** presented **H 8** to ensure transparency in bond and levy elections by ensuring full disclosure of anticipated tax increases to voters and eliminating information about other bonds and levies which are not impacted by the outcome of the ballot questions. The legislation also provides for nullification and penalty if provisions are violated.

A handout was provided to show instances of non-compliance. A statement on bond and levy ballots would be required to state the actual cost per \$100,000 to taxpayers. He stated the public needs to understand the true impact of the bond or levy and there cannot be any advertising on the ballot, for or against.

**Rep. Nate** said if disclosure is not provided there would be consequences. If a complaint is lodged within so many days of an election and a judge rules in favor of the plaintiff, the election would be invalidated and the voting district would need to pay for the cost of the election. **Rep. Nate** requested **H 8** be sent to the amending order. He received input from the Secretary of State and wants to incorporate that information into the bill.

In response to questions, **Rep. Nate** said he does not anticipate the court system being overwhelmed. Instances of complaints are rare but significant. The court is reluctant to overturn elections because a remedy has not been provided. It is more appropriate to launch a media campaign to share the pros and cons of a bond or levy rather than stating it on the ballot. If a complaint is filed, the court guarantees a swift and speedy trial. It should not significantly delay work in the taxing district.

**Chief Deputy Chad Houck**, Secretary of State's office and **Brian Stetsman**, a private citizen from Idaho Falls, ID spoke **in support** of **H 8**. It is important to protect ballot integrity and there is time and opportunity to advertise the pros and cons of a bond or levy, prior to the vote. Mr. Houck said the language included in this legislation gives enough standing for a person to lodge a complaint and voters currently have 40 days to contest a ballot. **H 8** needs to reflect this number.

**Karen Echeverria**, Executive Director of the Idaho School Board Association and **Andy Grover**, Executive Director of the Idaho Association of School Administrators spoke **in opposition** to **H 8**. The bill, as written, would make school districts misrepresent information on the ballot. Include clarifying language to make citizens understand the impact of the bond or levy. The bond council reviews and refinances bonds, which can result in tax decreases. Transparency will be lost if this bill is passed.

**Rep. Nate** closed by stating voters deserve clear information about each bond or levy on the ballot. The bond question provides clarity. The current law is not working and there are no consequences if the rules are not followed. He asked the committee to send **H 8** to the amending order. During discussion, it was stated the ballot initiative and ballot question should both be content neutral and the only information on the ballot should be the bond or levy, its length and fiscal impact.

**MOTION:** **Rep. Hanks** made a motion to send **H 8** to the **General Orders**. **Motion carried by voice vote**. **Rep. Nate** will sponsor the bill on the floor.

**RS 28305:** **Rep. Andrus** presented **RS 28305**, preventing state agencies and officials from forcing certain non-profit groups to disclose more information than is required in Idaho Code. It prohibits public officials from using the power of the state to compel private foundations and charitable trusts to release additional, private information or to complete extra filings not already required by law. It does not apply to other nonprofits, like charter schools or hospitals, that are regulated under different sections of code.

**MOTION:** **Rep. Monks** made a motion to introduce **RS 28305**. **Motion carried by voice vote**.

**UNANIMOUS CONSENT REQUEST:** **Chairman Crane** made a unanimous consent request to hold **HCR 4** in committee while **Rep. Monks** gathers information requested for the bill hearing. There being no objection, the request was granted.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:03 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Wednesday, January 27, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">RS28317</a>	Public Notices	Rep. Weber

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, January 27, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** None  
**GUESTS:** None  
**Chairman Crane** called the meeting to order at 9:00 a.m.  
**MOTION:** **Rep. Young** made a motion to approve the meeting minutes from January 12, 2021, January 13, 2021 and January 14, 2021. **Motion carried by voice vote.**  
**RS 28317:** **Rep. Weber** presented **RS 28317** relating to public notices by governmental entities. This legislation would give the option to publish public notices or publications electronically, using the government entity's official website.  
In response to questions, **Rep. Weber** said this proposed legislation does not replace publication of public notices in the newspaper. It simply provides options. For areas without internet access, notices could be published in the newspaper or sent as an insert in a utility bill. Agencies could choose one or more of these distribution methods.  
**MOTION:** **Rep. Scott** made a motion to introduce **RS 28317**. **Motion carried by voice vote.**  
**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 9:17 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary



AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Thursday, January 28, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
Presentation	Building Idaho's Future Initiative	Dir. Keith Reynolds, Idaho Department of Administration
<a href="#">RS28323</a>	Adoption Records	Rep. Young

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, January 28, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** None  
**GUESTS:** None

**Chairman Crane** called the meeting to order at 9:08 a.m.

**Keith Reynolds**, Director of the Department of Administration gave a presentation about Building Idaho's Future and the Permanent Building Fund. He was joined by Division of Financial Management's administrator, **Alex Adams** and Principal Financial Management Analyst, **David Hahn**. **Monty Prow**, Director of Idaho Department of Juvenile Corrections also participated in the presentation.

**Dir. Reynolds** explained that the Department of Administration oversees plans and projects for state funded building projects. The agency acts as project managers. He stated that it is not unusual for the Governor to recommend additional money for projects to bolster the permanent building fund budget. Occasionally, the Legislature also includes additional funding. This year, over \$100 million was requested by state agencies.

**Mr. Hahn** said that the Governor has recommended \$96 million in funding to include \$43.5 million for seven capital projects; \$30 million for Critical improvement and economic stimulus; and \$22.7 million was added for alteration and repair projects to fund 63 projects at 23 agencies.

Supplemental funds are added to the budget and once approved by the legislature, immediately available. Each year, there is re-appropriation within the Permanent Building Fund. It covers costs of multi-year projects. The \$96 million will not all be spent by March 1, 2021 but approval will allow for immediate action to be taken on upcoming projects. Idaho does not approve projects unless the money is available. This is a reinvestment of all spending cuts from the past fiscal year, including the 5% across-the-board budget reduction; the hiring and salary compensation freeze; and limited year-end spending. Approximately \$400 million has been saved. \$320 million has been recommended for reinvestment and the remainder will be used for tax relief.

**Monty Prow**, Director of the Idaho Department of Juvenile Corrections, spoke regarding why his agency is requesting money from Idaho's Permanent Building Fund. They are seeking to replace a 1950's-era dormitory with a facility that has one-person rooms, to house youth in their care. The new building will provide a safer and healthier environment for both residents and staff as well as reduce maintenance costs.

Following the presentation, the presenters answered questions posed by committee members.

**RS 28323:** **Rep. Young** presented **RS 28323** to allow adoptees, who are adopted on or after July 1, 2021, to access their birth records, once they are 18 years of age. This proposed legislation will allow the Department of Vital Statistics to create an indicator on the face of the certificate, accurately identifying the relationship of the legal parents named on the certificate of the child. There will be designations for children born in Idaho and those born in foreign countries.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 28323**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:45 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Friday, January 29, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28345</a>	Transparency in Bond and Levy Elections	Rep. Nate
<a href="#">RS28357</a>	Protection of Certain Historic Monuments and Memorials	Rep. Okuniewicz

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, January 29, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** Representative Palmer  
**GUESTS:** None

**Rep. Andrus** called the meeting to order at 9:01 a.m.

**RS 28345:** **Rep. Nate** presented **RS 28345**, relating to bond and levy ballot disclosure. This proposed legislation has been brought before the committee twice before as **RS 28252**. **RS 28345** includes all of the recommended edits from the Secretary of State's office. Language has been moved to different sections but materially, this is the same proposed legislation which has been discussed and debated in prior committee meetings.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 28345** and recommended it be sent directly to the second reading calendar.

During discussion, a committee member raised concerns about limiting free speech.

**VOTE ON  
MOTION:** Motion carried by voice vote. **Rep. Gannon** requested to be recorded as voting **NAY**. **Rep. Nate** will sponsor the bill on the floor.

**RS 28357:** **Rep. Okuniewicz** presented **RS 28357** to preserve historical monuments on public property. Statues could not be removed, disturbed or altered without approval of the legislature by way of concurrent resolution. He noted that erasing history is not right. **Rep. Okuniewicz** studied laws from several states and used South Carolina's law as a basis for this proposed legislation. South Carolina's law has been in effect for over 20 years and is stable. He added changes would need to be approved through concurrent resolution by the legislature. It was noted a correction that needs to be made in the Statement of Purpose. The word perseveres needs to be replaced with preserves.

**MOTION:** **Rep. Skaug** made a motion to introduce **RS 28357**.

In response to questions, **Rep. Okuniewicz** said he is open to amending language, making the list of monument subjects more inclusive. For example, using Indigenous people rather than Native American. He stated that penalties for defacing the monuments or statues are included in vandalism laws. It was noted that all races and cultures have a certain bias and racism attached. To have a monument or statue removed from public property, a concurrent resolution would need to be presented to the legislature. It would receive a public hearing and go through the legislative process. The concurrent resolution does not have to be signed by the Governor to be enacted.

**VOTE ON  
MOTION:**

**Motion carried by voice vote.**

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 9:34 a.m.

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Representative Andrus  
Committee Member

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Monday, February 01, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28084</a>	Alcohol Permit Fees	Jeff Anderson, Agency Director - Idaho Lottery, Idaho State Liquor Division
<a href="#">RS28086</a>	Liquor Donations	Jeff Anderson
<a href="#">RS28103</a>	Participation in Multi-Jurisdictional Lottery Games	Jeff Anderson

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, February 01, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** None  
**GUESTS:**

**Chairman Crane** called the meeting to order at 9:00 a.m.

**RS 28084:** **Jeff Anderson**, Director of the Idaho Lottery and Idaho State Liquor Division, presented **RS 28084** to provide alcohol permittees / licensees a full year before renewing their permits/licenses for the first time. Currently, if a liquor permit/license is sold later in the year, a new permit/license would have to be purchased at year end for the following year. This proposed legislation will save businesses money and allow the Idaho State Liquor Division to spread out the process of renewing licenses throughout the year. Further, State Code would also be consistent with the Administrative Rule.

**MOTION:** **Rep. Skaug** made a motion to introduce **RS 28084**. **Motion carried by voice vote.**

**RS 28086:** **Dir. Anderson**, presented **RS 28086** allowing Idaho non-profit organizations to sell distilled spirits in any fashion, including raffles or silent auctions. Currently, these spirits may be donated to an organization but cannot be served or used in any fund raising efforts. Distributors want to support Idaho's non-profits and this will allow them to participate.

In response to questions, **Mr. Anderson** explained there is already a statute for the donation and use of beer and wine being used in this manner and **RS 28086** was drafted to match the existing statute. **Captain Brad Doty** of Alcohol Beverage Control, said no arrests have been made in the past three years for illegal use of distilled spirits at fund raising events but there have been several bottles of spirits confiscated. Non-profit organizations would pay the permit fee of \$50 if they intend to use any donated spirits. The permit application requires the applicant to list the nature of the event, a list of donated products, donors and the outcome of the fund raising event.

**MOTION:** **Rep. Barbieri** made a motion to introduce **RS 28086**.

During discussion, Mr. Anderson stated no limits exist on the amount of spirits that may be donated, as long as there is full disclosure. Rather than quantity, charities typically prefer to auction a rare bottle of alcohol. The spirits must be donated to the charity, not purchased by the charity..

**VOTE ON  
MOTION:** **Motion carried by voice vote.**



**RS 28103:** **Mr. Anderson** presented **RS 28103** which amends 67-7408 in Idaho Code. The amendment will preserve an average of \$14 million per year in Lottery dividends. It would not expand gaming in Idaho. Currently, the Idaho Lottery is a member of the Multi-State Lottery Association (MSLA) and has an agreement to participate in a variety of multi-state games with other states, territories and districts. The MSLA Powerball Game group approved licensing the game in Australia and the United Kingdom. At this time, Idaho Code allows only for participation in multi-jurisdictional games offered in the United States and Canada, Passage of this proposed legislation will allow Idaho to continue participating in Powerball game and benefitting Idaho Schools.

There will be a significant, ongoing negative fiscal impact to the Lottery, Public Schools, the Permanent Building Fund and the Bond Levy Equalization Fund if this proposed legislation is not approved. Average Powerball sales in Idaho at \$28,000,000 per year and the Lottery keeps 50% gross profit from sales on this game.

In response to questions, **Mr. Anderson** said that 50% of monies raised go toward prizes. MSLA pools its money. When large prizes are won, the Association sends money to the State with the winning ticket. All of the smaller prizes are paid out at the state level.

**MOTION:** **Rep. Holtzclaw** made a motion to introduce **RS 28103**. **Motion carried by voice vote. Reps. Scott and Andrus** requested being recorded as voting **NAY**.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 9:20 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Tuesday, February 02, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28350</a>	Wine, Websites and Social Media	Roger Batt, Legislative Advisor, Idaho Grape and Wine Commission
<a href="#">RS28232C1</a>	Campaign Finance, Expenditures	Rep. Giddings

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, February 02, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** Representative Holtzclaw  
**GUESTS:** None

**Chairman Crane** called the meeting to order at 9:05 a.m.

**RS 28350:** **Roger Batt**, Legislative Advisor for the Idaho Grape and Wine Commission presented **RS 28350** to give vintners and wineries permission to advertise their products and events on websites and social media platforms. The main focus is to promote wine-tasting events as well as events featuring wine. If off-site events are held, a wine permit must be obtained. When multiple vintners participate in a single event, they must seek permission through the Idaho State Police. The proposed legislation also adds the word designee so no one is dependent upon one person when seeking permission. Mr. Batt indicated the industry is hopeful more wine will be sold as a result of social media promotion. On-line promotion through websites and social media is legal in Idaho. This is a preemptive piece of legislation and the language is broad. Some states have made these actions illegal. There would be no negative fiscal impact to the state.

Committee members expressed support for promoting events but were concerned with the algorithms used by social media and the potential of targeting minors for wine advertisements. It could also target individuals with an alcohol addiction, tempting them to partake. Committee members wanted to see tighter language and information about social media guidelines and how the algorithms function.

**Mr. Batt** said the wine industry takes the under 21 population seriously. Individuals must be 21 to enter their websites. He stated wineries are using safeguards to prohibit underage drinking.

**MOTION:** **Rep. Gannon** made a motion to return **RS 28350** to the sponsor. **Motion carried by voice vote.**

**RS 28232C1:** **Rep. Giddings** presented **RS 28232C1** requiring disclosure of expenditures by a candidate, Political Action Committee (PAC), or campaign committee when money is spent in support or opposition of a candidate. This information used to be collected by the Secretary of State's office but the new computer program they are using does not currently collect this information.

**Rep. Giddings** stated the Secretary of State's office said it wants to include this information in its tracking program but remains neutral on this proposed legislation. The ability to collect this information already exists within the computer program, so there should be no fiscal impact. If this bill is printed, the committee wants more clarification on the cost for modifications to be made.

In response to questions, **Rep. Giddings** said this legislation is about transparency. It is helpful to draw clear lines, reporting when expenditures are made in affirmative support or opposition of a candidate. If a PAC purchases flyers in support or opposition of a candidate, donors would be able to see how their money is being spent.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 28232C1**.

Political Action Committees and individual campaign committees may make expenditures to support or oppose other political groups or candidates. It was also noted that this proposed legislation could add to reporting complications. **Rep. Giddings** said she would consult with the Secretary of State's office.

**VOTE ON MOTION:** **Motion carried by voice vote. Rep. Palmer** requested to be recorded as voting **NAY**.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:51 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Wednesday, February 03, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28375C1</a>	Ballot Harvesting	Rep. Moyle
<a href="#">RS28251</a>	Warrentless Misdemeanor Arrests	Rep. Chaney
<a href="#">H 65</a>	Protecting Certain Historic Monuments	Rep. Okuniewicz
<a href="#">RS28399</a>	Protecting Certain Historic Monuments	Rep. Okuniewicz
<a href="#">RS28274C1</a>	Concealed Weapons on School Property	Rep. Christensen

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, February 03, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** None  
**GUESTS:** Quinn Perry, Idaho School Board Association; Brody Aston, Westerberg & Assoc.

**Chairman Crane** called the meeting to order at 8:59 a.m.

**RS 28375C1:** **Rep. Moyle** presented **RS 28375C1**, addressing the issue of ballot harvesting. Many people who convey ballots are political activists who harvest absentee or mail-in ballots from voters and then deliver them to election officials for processing and counting. The proposed legislation would prohibit this practice by limiting ballot handling to those authorized to do so, pursuant to Idaho law. This proposed legislation limits an individual's ability to turn in no more than two ballots for an election.

In answer to questions, **Rep. Moyle** explained there is a family exemption to allow voting for individuals who are hospitalized or living in care facilities. A family member may help them vote or an absentee ballot may be requested. If someone is caught with more than two ballots they would be prosecuted.

**MOTION:** **Rep. Palmer** made a motion to introduce **RS 28375C1**.

During discussion it was recommended that "immediate" be added to family, in regard to who may help an individual admitted to inpatient care, vote. The committee also requested definitive information about confiscated ballots.

**VOTE ON  
MOTION:** **Motion carried by voice vote.**

**RS 28251:** **Rep. Chaney** presented **RS 28251**, proposing a constitutional amendment to expressly authorize law enforcement officers to make warrantless misdemeanor arrests when the officer did not observe the crime. This would be limited to specific offences, as authorized by the legislature, and only when the probable cause shows there is an ongoing threat to health and safety.

In 2019, in the case of State v. Clarke, the Idaho Supreme Court ruled warrantless misdemeanor arrests are unconstitutional unless the alleged crime is witnessed by a law enforcement officer. The amendment would once again allow warrantless misdemeanor arrests based upon probable cause when an alleged offense is committed outside the presence of a law enforcement officer. If introduced, there will be no hearing for this bill. This proposed legislation is meant to keep the conversation going on the topic.

In answer to questions, **Rep. Chaney** said examples of warrantless arrests would be for crimes of violence such as domestic battery or a bomb threat at a school. He said last year the Senate proposed legislation to authorize all misdemeanor arrests. Post Clarke, an arrest warrant has to be issued before an arrest can be made for domestic battery, even when it is obvious that someone has been injured. In putting parameters to the legislation, the Legislature must find the offense a crime of violence, not in the presence of law enforcement.

**MOTION:** Rep. Palmer made a motion to introduce **RS 28251**.

**ROLL CALL VOTE:** Rep. Scott requested a roll call vote on **RS 28251**. **Motion carried by a vote of 8 AYE and 6 NAY.** Voting in favor of the motion: **Reps. Crane, Palmer, Holtzclaw, Monks, Andrus, Furniss, Gannon, and Mathias.** Voting in opposition of the motion: **Reps. Armstrong, Barbieri, Scott, Young, Hanks, and Skaug.**

During discussion there was a level of discomfort expressed because of outstanding questions. Committee members expressed concern over eroding the constitution and suggested there should be a statute put in place, first. **Rep. Chaney** stated if there is a constitutional change, it should be the smallest change possible.

**H 65 AND RS 28399:** **Rep. Okuniewicz** presented **RS 28399** and **H 65** simultaneously. Both protect certain historic monuments and memorials. No monuments or memorials erected on State property may be relocated, removed, disturbed, or altered without approval of the Idaho Legislature by way of a Concurrent Resolution. The legislation also preserves the names of historic figures and historic events memorialized in or dedicated to public schools, streets, bridges, structures, parks, preserves, or other public areas of the State or any of its political subdivisions that were in place prior to July 1, 2021.

**H 65** states the legislature would need to vote before certain memorials or monuments could be removed or decommissioned. **RS 28399** is now inclusive of all historical monuments and memorials. The legislature would only be involved if decommission or removal is desired. The proposed legislation is designed to address the cancel-culture mentality. It also allows for removal or relocation to accommodate, construction, repair or improvements to the monuments or memorials or public property surrounding them. If they are moved, it has to be to a location of similar prominence.

**Lauren Bramwell**, lobbyist for the ACLU testified remotely, **in opposition to H 65**. She stated this legislation takes away local decision-making authority and permits removal of statues and memorials only through Concurrent Resolution. She said this is a time of racial reckoning, an unpacking of history, looking to expand public discourse about less than perfect history that has been made less visible. For example, looking at how monuments may glorify white supremacy. She also stated that the Heritage Act of South Carolina, upon which this legislation has been modeled, has caused prohibition or delays in removing monuments.

**Quinn Perry**, Policy and Government advisor for the Idaho School Board Association testified **in opposition of H 65**. She stated the legislature would restrict School Board members in making decisions for their constituents. She made a request to hold **H 65** in Committee. Ms. Perry also said schools infrequently change their names.

In closing, **Rep. Okuniewicz** said that **RS 28399** is much more inclusive than the Heritage Act. The Idaho Legislature would need a simple majority to approve a change. He encouraged new statues and monuments to be constructed to celebrate modern-day heroes. It was noted this legislation does not apply to changing school mascots.

**MOTION:** Rep. Palmer made a motion to send **H 65** to the floor with a **DO PASS** recommendation.

**MOTION WITHDRAWN:** Rep. Palmer asked unanimous consent to withdraw his motion. There being no objection the request was granted.

**MOTION:** Rep. Palmer made a motion to **HOLD H 65** in committee. **Motion carried by voice vote.**

**MOTION:** **Rep. Palmer** made a motion to introduce **RS 28399** and recommended it be sent directly to the second reading calendar.

During discussion the desire was expressed for cities and counties to take the process slowly. It could be toxic to have discussions about who is worthy of being memorialized. It was also said this is an inspiring bill for pioneers. Make new history but do not dishonor our Idaho ancestors.

**VOTE ON MOTION:** **Motion carried by voice vote. Rep. Okuniewicz** will sponsor the bill on the floor.

**RS 28274C1:** **Rep. Christensen** presented **RS 28274C1** which allows K-12 school district employees, with an enhanced concealed weapons license, to carry a concealed weapon on school property.

Law enforcement response time is four to eight minutes. With the goal to protect Idaho's school children, this proposed legislation would allow an immediate response in an emergency. Some school boards already have the ability for school staff to carry a concealed weapon.

In response to questions, **Rep. Christensen** explained the requirements for an enhanced concealed weapons permit. An individual must be 21 and receive instruction in the classroom and at the gun range. If a school employee travels to another district they would be able to carry their concealed weapon.

Committee members were concerned with the broad language in section eight, Page 3 line 49. They asked to change the language to include accountability for reckless behavior.

**Chairman Crane** put the committee as ease at 10:13 a.m.

**Chairman Crane** reconvened the meeting at 10:25 a.m.

**MOTION:** **Rep. Skaug** made a motion to introduce **RS 28274C1** with the following amendment on page 3 line 49, adding, No action but for reckless, willful, and wanton behavior, shall. **Motion carried by voice vote. Rep. Mathias** requested to be recorded as voting **NAY**.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:26 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary



**AMENDED AGENDA #2**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Thursday, February 04, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28407</a>	Department of Lands - Legal Counsel	Rep. Blanksma
<a href="#">RS28391C1</a>	COVID - 19 Vaccine Administration	Rep. Gannon
<a href="#">RS28412</a>	Disaster Emergencies, Governor's Powers	Rep. Monks
<a href="#">H 53</a>	Electronic Notices - Government Entities	Rep. Weber

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, February 04, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** Jake Cluff, Benn Brocksom, Association of Idaho Cities; Sean Schupack, Idaho General Contractors; Jeremy Pisca, Risch Pisca, Idaho Newspaper Association of Idaho; Ken Burgess, Veritas Advisors, Idaho Press Club; Matt Davison, Newspaper Association of Idaho; Martin G.; Brody Aston, Westerberg Associates; Seth Grigg, Association of Idaho Counties; Rosa Martinez, self

**Chairman Crane** called the meeting to order at 9:02 a.m.

**Chairman Crane** asked for a point of personal privilege to not hear **RS 28407**. There being no objections permission was granted.

**RS 28391C1:** **Rep. Gannon** presented **RS 28391C1** to provide incentives to speed up the availability of Covid-19 vaccine doses to those who want them. It provides that 70% of vaccine doses must be distributed by vendors within 14 days of receipt and the State Administrator of the program shall be immediately notified if there are vaccines that have not been distributed within that time. A vendor would incur a \$5,000 fine for failing to notify the State Administrator. The extra doses not distributed must immediately be reassigned and delivered to another vendor. It also provides that vaccine doses must be administered as provided in the Governor's Order, but if a dose will be wasted or destroyed, then alternative persons on a waiting list may receive that dose. There is a sunset provision. Cosponsor **Rep. Skaug** stated that there is no excuse for Idaho to be near the bottom of the state rollout list.

In response to questions, **Reps. Gannon** and **Skaug** indicated that administrators of the vaccine rollout said that tracking has not been good. Idaho is only administering 2,000 – 4,000 vaccines per day.

Committee members want to hear from Health and Welfare representatives as well as practitioners. It was suggested that other states don't require people to make an appointment to get vaccinated and they are administering many more vaccines. It was stated that Idaho needs private entities on board but it may be more difficult for them to participate if fines are issued for not reporting unused vaccine doses.

**MOTION:** **Rep. Armstrong** made a motion to introduce **RS 28391C1**. **Motion carried by voice vote.** **Reps. Barbieri** and **Hanks** requested to be recorded as voting **NAY**.

**RS 28412:** **Rep. Monks** presented **RS 28412** which protects the separation and balance of powers between the executive and legislative branches. It ensures that everyone has the right to work, provide for their families and contribute to the economy during an emergency disaster declaration. It states such orders, rules, and proclamations must be narrowly tailored to their purposes and not restrict jobholders by job type or classification. The proposed legislation also limits emergency disaster declarations to a maximum of 60 days unless extended under certain provisions.

In response to questions, **Rep. Monks** requested permission to talk about other legislation. Permission granted, he stated that the Senate has been working on a similar piece of legislation that deals with another section of code and both houses of the legislature are using common language for consistency. For example, the term "Rules" is being used. Rules are reviewed by the legislature on an annual basis. It was recommended when an extraordinary session is convened it should be to specifically address the disaster emergency. Also, to ensure the constitutional rights of Idaho's citizens, laws should not be changed during a declared emergency.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 28412**.

During discussion, it was requested to make sure the mechanics of the bill are clear during the hearing.

**VOTE ON MOTION:** **Motion carried by voice vote. Rep. Mathias** requested to be recorded as voting **NAY**.

**H 53:** **Rep. Weber** presented **H 53** relating to public notices by governmental entities giving them the option to publish public notices or publications electronically using the government entity's office website.

**Rep. Weber** cited a Pew Research study reporting two out of ten adults get their news from the newspaper. Transparent Idaho reports over \$9.4 million is spent on advertising and notices annually. Because transparency is critical, the same guidelines for print notices would be the same for electronic notices.

In response to questions, **Rep. Weber** acknowledged he knows that newspapers have a website with all legal notices posted. He is in favor of multiple platforms. **Rep. Weber** stated if a legal issue arises in 10 years, the electronic documents will stand up in a court of law. **Rep. Weber** emphasized that small taxing districts will not need their own websites. Electronic publication is a choice, not a mandate. Many of the smaller districts use the county or city's website.

Speaking in opposition of **H 53** were **Pam Morris**, Publisher of the Idaho Mountain Express, **James Phillips** of Hailey, **Travis Quast**, President of Adams Publishing Group, **Nathan Alford**, publisher of the Lewiston Tribune and Moscow Daily News, **Clint Schroeder**, Publisher Hagadone Publishing Group; **Sean Schupack**, **Jeremy Pisca**, **Matt Davison**; and **Ken Burgess**.

Points of opposition included duplicating service; unnecessarily damaging newspapers; and making notices more difficult to find by requiring people to look at multiple websites for information already contained in one central location through newspapers. [idahopublicnotices.com](http://idahopublicnotices.com) already uploads notices daily, again providing ease of access. The website is ADA compliant, allows for e-mail and text alerts and is designed to be embedded in governmental websites at no additional cost. This bill does not address archiving notices. There is a danger of websites getting hacked or losing data, making proof of publication difficult. The bill states that notices could be enclosed in city or country generated bills but many customers have paperless billing. Consistency is needed. While many find jobs to bid online, the smaller companies rely on the newspapers. The Idaho General Contractors compile requests for proposals from a variety of newspapers and compile everything in one place for their members.

Speaking in support of **H 53**, **Seth Grigg**, and **Jake Cluff** stated it would be beneficial to post public notices and meeting agendas on governmental websites. Currently, 43 of Idaho's 44 counties have websites and property taxes cover the expense for internet services. Collectively, it cost \$600,000 to print legal notices in newspapers, last year.

In closing, **Rep. Weber** asked the committee not to be distracted by what they heard during testimony. With multiple platforms for public notifications, more people will be served. Agencies deserve the option to post notices online and reduce their general fund expenditures.

**MOTION:** **Rep. Scott** made a motion to send **H 53** to the floor with a **DO PASS** recommendation.

Discussion included concern that smaller taxing districts wouldn't have access to posting information online. It was clarified that most smaller taxing districts post on their county or city website. There are 900 taxing districts in Idaho. Citizens should not have to search 900 websites instead of one. The cost of maintaining websites was also raised. It was noted that most agencies currently have employees hired to do this work. It was noted that physical archiving is critical for history and there is a legal and legitimate expense to maintaining an archive record as set by law.

**VOTE ON MOTION:** **Motion carried by voice vote.** Rep. Weber will sponsor the bill on the floor.

**MOTION:** **Rep. Mathias** made a motion to approve the minutes from January, 18, 20 and 27, 2021. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:56 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Friday, February 05, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28434</a>	Gathering Prohibition, Null	Rep. Ehardt
<a href="#">RS28238C1</a>	Attorney General	Rep. Vander Woude

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, February 05, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** Representative(s) Barbieri

**GUESTS:** None

**Chairman Crane** handed the gavel over to **Rep. Andrus** to run the meeting so he could present an RS.

**Rep. Andrus** called the meeting to order at 9:01 a.m.

**RS 28434:** **Chairman Crane** presented **RS 28434** a Concurrent Resolution to make clear that Idaho's Legislative body is supportive of removing all obstacles that prevent full participation of individuals in all activities, including but not limited to athletic competitions such as Idaho High School Activities Association state tournaments.

The Governor's Office and State Board of Education both want students to play sports and fans in the stands. They are also working to get choirs, debate teams and other school activities opened up. The girls basketball tournament is starting tomorrow and 150 tickets per team are being distributed. The state championship will be held at the Idaho Center and each team will receive 900 tickets. The venue has a capacity of 11,000.

**Rep. Ehardt** stated that the Legislature needs to send the message that it supports all kids trying to find normalcy in life.

In response to questions, it was noted that if passed, this proposed legislation would open up events, fully. The Governor's Office and State Board of Education changed their order to allow 40% capacity at sporting events. Guidance from the Governor's Office of gatherings not exceeding 50 people is not a mandate and there are no penalties for gatherings of more than 50 people.

**MOTION:** **Rep. Furniss** made a motion to introduce **RS 28434** and send it to Second Reading Calendar.

During discussion, committee members expressed that they think the reasons for the proposed legislation are good. One committee member supported the premise but thought the language is too broad for support. It was clarified that the Governors office would not impose penalties for gatherings over 50 but mayors or health districts could choose to do so.

**MOTION ON  
VOTE:** **Motion carried by voice vote. Rep. Gannon** asked to be recorded as voting **NAY**.

**RS 28238C1:** **Rep. Vander Woude** presented **RS 28238C1** to provide flexibility for state agencies to employ attorneys other than the Attorney General's office. This bill will extend the right to choose legal counsel to all state offices, boards, commissions and entities. These entities may still choose to obtain legal services from the Attorney General. The Attorney General and the Board of Examiners will no longer be required to screen and pre-qualify attorneys who desire to perform contract legal services for the State of Idaho. Currently, only certain state agencies may choose their own attorneys to represent the State of Idaho on their behalf before courts, administrative tribunals and federal agencies.

In response to questions, **Rep Vander Woude** stated the Attorney General currently has 127 Deputy Attorney Generals (DAG) that are assigned to various agencies. Depending on the legal issue, sometimes a legal issue is not a specialty of the assigned DAG. During the appropriations process, an agency will be able to choose a DAG or opt for an attorney of their choosing. Regardless, they must appropriate funds to reimburse the Attorney General's office for the DAG or to hire an independent attorney. The agency must stay within its appropriation budget. The Attorney General has the authority to enlist outside counsel, if needed. Agency budgets are submitted August 1 for the following fiscal year, beginning July 1.

**MOTION:** **Chairman Crane** made a motion to introduce **RS 28238C1**. **Motion carried by voice vote.**

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Monday, February 08, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28416</a>	Independent Expenditure Disclosure	Rep. Giddings
<a href="#">RS28384</a>	Presidential Electors	Rep. Nichols
<a href="#">RS28374</a>	Election Date, School Districts	Rep. Barbieri
<a href="#">RS28258</a>	Instrument Acknowledgements	Rep. Andrus
<a href="#">H 70</a>	Alcohol Permits, Licenses, Terms	Rep. Palmer

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)



MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, February 08, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** Jeff Anderson, Director, Idaho State Liquor Division and Idaho Lottery

**Chairman Crane** called the meeting to order at 9:00 a.m.

**RS 28416:** **Rep. Giddings** presented **RS 28416**, stating that expenditures exceeding \$50 in support or opposition to any one candidate, political committee or measure, must be reported to the secretary of state.

**MOTION:** **Rep. Hanks** made a motion to introduce **RS 28416. Motion carried by voice vote.**

**RS 28384:** **Rep. Nichols** presented **RS 28384**, to assist in ensuring integrity in the elections process by fortifying the selection of presidential electors. Presidential electors will be chosen based on which candidate won the most votes among in-person voting on Election Day, and authorize absentee balloting based on military service or sworn physical inability to vote in person.

**MOTION:** **Rep. Hanks** made a motion to introduce **RS 28384.**

During discussion **Rep. Nichols** said early voting will not change. Early voting falls under a different section of Idaho code. This proposed legislation is specific to election day. There needs to be a mechanism and procedures in place to ensure votes are legally cast. The state legislature has the authority to determine the process used. Members of the committee would like a legal opinion on this proposed legislation. Rep. Nichols will reach out to the Attorney General's office for an opinion.

**VOTE ON  
MOTION:** **Motion carried by voice vote.**

**RS 28374:** **Rep. Barbieri** presented **RS 28374** to eliminate the August election date. This would provide a window of time in the election calendar for the state to do planned maintenance. County clerks could also schedule voter registration list maintenance and conduct required training for election employees. School tax levy elections are the only items on the ballot during August.

**MOTION:** **Rep. Mathias** made a motion to introduce **RS 28374. Motion carried by voice vote.**

**RS 28258:** **Rep. Andrus** presented **RS 28258** which would create a savings clause for documents acknowledged and recorded prior to July 1, 2017. It serves as conclusive evidence of the validity of that document's acknowledgement and would prevent an attack on its validity. This proposed legislation contains an emergency clause.

In response to questions, **Rep. Andrus** noted that even if a piece of information is missing from an acknowledgement, prior to July 1, 2017, the document is still legal, ensuring that it can be used in land exchanges.

- MOTION:** **Rep. Holtzclaw** made a motion to introduce **RS 28258**. **Motion carried by voice vote.**
- H 70:** **Rep. Palmer** presented **H 70**, to provide alcohol permittees/licensees with an entire year in the initial year of issuance before expiration.
- MOTION:** **Rep. Holtzclaw** made a motion to send **H 70** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Palmer** will sponsor the bill on the floor.
- ADJOURN:** There being no further business before the committee, the meeting was adjourned at 9:21 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Tuesday, February 09, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 88</a>	Ballot Collection Prohibition	Rep. Moyle
<a href="#">H 7</a>	Idle Moneys, Gold, Silver	Rep. Nate

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, February 09, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** None  
**GUESTS:** Kathy Dawes - League of Women Voters, Phil McGrane - County Clerk, Jason Hancock - Deputy Secretary of State, Elections Division, Bob Coleman - Idaho Armored Vaults

**Chairman Crane** called the meeting to order at 9:00 a.m.

**MOTION:** **Rep. Mathias** made a motion to approve the minutes from the meetings of January 19, January 25, January 28, January 29 and February 1, 2021. **Motion carried by voice vote.**

**H 88:** **Rep. Moyle** presented **H 88**. This legislation addresses the issue of "ballot harvesting", which is the practice of third party individuals and groups, many of them political activists or political parties, "harvesting" absentee or mail ballots from voters and then delivering them to election officials for processing and counting. This legislation would prohibit this practice by limiting ballot handling to those authorized to do so pursuant to Idaho law. The specifics of this legislation are based on the recommendations of the bipartisan Commission on Federal Election Reform, and would limit ballot handling to election officials, U.S. Mail carriers, employees of nationwide parcel delivery businesses, and acknowledged family members.

**Kathy Dawes** testified on behalf of **Susan Ripley**, President of the League of Women Voters of Idaho **in opposition** of **H 88**. She said ballot harvesting is not currently a problem in Idaho. There are already adequate requirements guaranteeing the security of absentee ballots. For individuals in hospitals or assisted living facilities this would limit their ability to vote. Every eligible voter has the right to have their vote count, regardless of how it is delivered. Adding restrictions could be considered a form of voter suppression. Ms. Dawes was unable to answer questions on behalf of the League of Women Voters.

**Phil McGrane** testified **in support** of **H 88**. A similar draft was proposed in a working group last summer. This law has been instituted in several states. Ballot harvesting happens in both parties. The postal service is the main point of delivery. Mr. McGrane would prefer the number of ballots allowed to be in the possession of an individual be increased to six. This legislation would not effect absentee ballots. It does restrict who can handle them. **H 88** would help maintain integrity in voting. Mr. McGrane said that while party affiliation is not listed on the outside of the ballot, the voter's name and address are visible.

**Jason Hancock** testified **in support** of **H 88**. Many of the ballot harvesters are some of the most partisan. This legislation is modeled on the bipartisan Commission on Federal Election Reform from their 2005 recommendation. He said Idaho has some of the best election procedures in the country but always looks for ways to improve. Mr. Hancock also clarified that County Clerks attempt to cure incorrect ballots.

In closing, **Rep. Moyle** stated employees from the County Clerks Office can send staff to help people vote. He said this bill is not about voter suppression. It is about voter protection.

**ORIGINAL MOTION:**

**Rep. Palmer** made a motion to send **H 88** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:**

**Rep. Mathias** made a substitute motion to send **H 88** to General Orders with an amendment to increase the number of ballots a family member may have in their possession.

**VOTE ON SUBSTITUTE MOTION:**

**Rep. Hanks** requested a roll call vote. **Motion failed by a vote of 3 AYE and 11 NAY. Voting in favor** of the motion: **Reps. Scott, Gannon, Mathias. Voting in opposition** of the motion: **Reps. Crane, Armstrong, Palmer, Barbieri, Holtzclaw, Monks, Andrus, Young, Furniss, Hanks, Skaug.**

**VOTE ON ORIGINAL MOTION:**

**Rep. Hanks** requested a roll call vote. **Motion carried by a vote of 12 AYE and 2 NAY. Voting in favor** of the motion: **Reps Crane, Armstrong, Palmer, Barbieri, Holtzclaw, Monks, Andrus, Young, Furniss, Hanks, Skaug, Gannon. Voting in opposition** of the motion: **Rep. Mathias. Rep. Moyle** will sponsor the bill on the floor.

**H 7:**

**Rep. Nate** presented **H 7** to add gold and silver to the list of approved list of potential investments. By adding physical gold and silver to 67-1210, Idaho Code, the State Treasurer would be permitted to hold some portion of state funds in physical gold and silver. This would help secure state assets against the risks of inflation and financial turmoil and/or to achieve capital gains as measured in Federal Reserve Notes. The new authority would be confined to holding gold and silver directly and in a manner that does not assume the counterparty risks involved with other current state holdings, such as corporate bonds, treasury bills, and other debt instruments. This measure would not empower the State Treasurer to invest in paper instruments, futures contracts, or other gold and silver derivatives. The authority would be confined to physical gold and silver, directly owned by the state and stored in a secure depository.

**Bob Coleman** testified **in support** of **H 7**. He believes **H 7** would protect Idaho from systemic risk as well as physical risk. Purchasing power would help support the industry. Space and size for the storage of gold/silver is not an issue. Mr. Coleman said the holding fee drops as more precious metal is stored. The holding fee Includes guards, audit holdings, insurance and security. The safety of the vault at Idaho Armored Vault is the highest in the world and clients are welcomed to enter the vault to audit assets. In closing, gold would be protected from inflation and this is a good bill for securing Idaho's investments.

**MOTION:**

**Rep. Scott** made a motion to send **H 7** to the floor with a **DO PASS** recommendation.

During discussion, there was positive feedback about giving the Treasurer's office more flexibility for investments. The Treasurer is open to investing in gold and silver but does not want to invest without it being on the approved list of potential investments. To date all investment options on the list are paper assets, subject to inflation. Gold and silver are all real assets and not subject to inflation. There are two depositories in Idaho. There would be a competitive bid process for the storage of the precious metals. Investing in gold and silver would not be mandated, rather an option. Several committee members supported having options and diversifying assets.

There were concerns about holding gold given there are better investments on the market. It was also noted that the fiscal note does not reflect the transaction or holding fees associated with investing in the precious metals.

**VOTE ON  
MOTION:**

**Motion carried by voice vote. Rep. Furniss** requested to be recorded as voting **NAY**. **Rep. Nate** will sponsor the bill on the floor.

**Chairman Crane** provided clarification on remote testimony. He stated the committee will allow remote testimony from state agencies and lobbyists, however, they must check in with the Chairman prior to the meeting.

**ADJOURN:**

There being no further business to come before the committee, the meeting adjourned at 10:00 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Wednesday, February 10, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28460</a>	Firearms on School Property	Rep. Christensen
<a href="#">RS28432</a>	Extra Credit - Voting	Rep. Troy
<a href="#">H 106</a>	Elimination of August Election Date	Rep. Barbieri

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, February 10, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** Kirk Adams - Middleton School Board, Karen Echeverria - Idaho School Board Association, Andy Grover - Idaho Association of School Administrators, Jonathan Gillan - West Ada School District, Jason Hancock - Secretary of State's Office

**Rep. Crane** called the meeting to order at 9:00 a.m.

**MOTION:** **Rep. Mathias** made a motion to approve meeting minutes from February 4, 2021 and February 8, 2021. **Motion carried by voice vote.**

**RS 28460:** **Rep. Christensen** presented **RS 28460**. This proposed legislation was already presented and introduced for printing with amended language. Due to an error, the language was not included. **RS 28460** would allow school district employees, with an enhanced concealed weapons license, to carry a concealed weapon on school property. The amended language is included to reflect the desire of the committee.

**MOTION:** **Rep. Hanks** made a motion to introduce **RS 28460**.

During discussion **Rep. Christensen** provide an example. If a gun is discharged, a lawsuit is filed and a jury finds there is no recklessness, no civil penalty would be issued. He also said that there is no duty to perform for those carrying a concealed weapon. Staff would have the ability to defend themselves and their students.

**VOTE ON  
MOTION:** **Motion carried by voice vote. Rep. Mathias** requested to be recorded as voting **NAY**.

**RS 28432:** **Rep. Troy** presented **RS 28432** clarifying that employees of Idaho public universities or colleges must not offer extra credit to students to vote or not vote or to influence a vote for or against a candidate or ballot measure. She stated that maintaining neutrality is critical, as an employee.

The committee requested the word shall be used consistently. Language in this proposed legislation uses shall and must interchangeably. The committee prefers the word shall, stating that it is a stronger word than must. When asked to change the word must to shall in the Statement of Purpose (SOP), the presenter declined.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 28432** and change must to shall in the SOP. **Motion carried by voice vote.**

**H 106:** **Rep. Barbieri** presented **H 106**, eliminating the August election date. The bill will help ensure election integrity. School levies are the only items on this ballot. There are no federal or state ballot items. Elimination of this election date will provide County Clerks to clean up the voter registration lists, perform scheduled maintenance to the voting machines and provide training to election staff.



**Jeff Dillon**, Wilder School District, **Kirk Adams**, **Karen Echeverria**, **Andy Grover**, and **Jonathan Gillan** spoke in opposition to **H 106**. Eliminating the August election date would be devastating to school budgets and programs. School districts set their budgets in June for the following July, 13 months later. Budgets are set and then the Legislature makes its education appropriation. At that time, school districts know if their budgets fall short. When they do, the district has time to put a levy on the ballot and educate their voters for the August election. It was noted that levies make up to 40% of some rural school budgets. They said it is important to run the levies after setting their budgets in June so schools can continue to offer all of their programs. It was noted farmers have a difficult time turning out for March and May elections because they are busy in the fields. Recall elections also take place in August. The individuals testifying all asked the committee to keep the four election dates in place.

**Jason Hancock** testified in support of **H 106**. He said that eliminating the August election date would provide a five week window for the County Clerks offices to do scheduled maintenance, training and clean up the voter registration list leading up to the November general election. Mr. Hancock said in relation to fiscal impact, the Legislature set up sales tax for consolidated elections in counties 11 years ago. The cost for running elections is ongoing, including equipment replacement and the labor costs associated with the elections.

Idaho's country clerks are in favor of eliminating the August election date. He said that a county clerk could walk the committee through the process of list maintenance. There are several variables. **Mr. Hancock** said it can be complicated because school districts don't follow precinct boundaries. It is not uncommon for small portions of a school district to fall within a different county and voters in those area can be assigned to mail-in voting only.

**MOTION:** **Rep. Scott** made a motion to send **H 106** to the floor with a **DO PASS** recommendation.

During discussion, it was stated that it would be better to eliminate the March election date because it would help schools with bolstering their budgets through levies. August is a tool in the schools' toolkit. Preserve that tool for them.

**VOTE ON MOTION:** **Motion carried by voice vote.** **Reps. Furniss, Mathias**, and **Gannon** requested to be recorded as voting **NAY**. **Rep. Barbieri** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:18 a.m.

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Representative Crane  
Chair

---

Kelly Staskey  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Thursday, February 11, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 98</a>	Disaster Emergency, Governor's Powers	Rep. Monks
<a href="#">RS28507</a>	Emergency Declarations	Rep. Monks
<a href="#">RS28496</a>	At-Large Elections	Rep. Blanksma
<a href="#">RS28383</a>	Post Election Ballot Audit	Rep. Young

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, February 11, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** None  
**GUESTS:** Alex LaBeau - Idaho Association of Commerce and Industry, Jason Hancock - Idaho Secretary of State, Elizabeth Criner - JR Simplot Company, Benjamin Kelly, Food Producers of Idaho

**Chairman Crane** called the meeting to order at 9:00 a.m.

**H 98/ RS 28507:** **Rep. Monks** presented **H 98** and asked permission to jointly present **RS 28507** stating that if the committee agreed, it would replace **H 98**. Both pieces of legislation protect the separation and balance of powers between the executive and legislative branches of government; ensures all Idahoans have the right to work, provide for their families and contribute to the economy during an emergency disaster declaration; and limit emergency disaster declarations to a maximum of 60 days unless extended under certain provisions. They also clarify that the governor may not alter, adjust or suspend Idaho Code during a disaster declaration.

The following changes were made to **RS 28507**: Rules from 1998 were removed; Page 2 line 14 the words by the Governor were added; Page 2 Lines 24 and 40 the words any number of days were removed and three hundred sixty-five (365) days were added. **RS 28507** does not prohibit the Governor from being able to declare an emergency. It does allow the Legislature to be involved if the emergency goes on for a long period of time. While it allows the Governor to suspend rules to address the emergency, he or she cannot change laws during the emergency. The proposed legislation does not hinder the use of the National Guard. Neither State Emergency Fund or FEMA funds would be negatively affected.

**Chairman Crane** put the committee at ease at 9:18 a.m. due to technical difficulties with streaming.

**Chairman Crane** reconvened the meeting at 9:30 a.m.

In response to questions, **Rep. Monks** said that the Governor's Office has the authority to extend emergencies for receipt of federal funds and resources. He clarified that the conduct of Idaho state government agencies is always under the Governor's purview. If Idaho code needs to be changed during an emergency declaration, the legislature would need to be called into a special session and proposed changes would go through the regular law-making process. The Governor may extend an emergency for a specific time frame and may also end an emergency. The Legislature may also end an emergency declaration through Concurrent Resolution. If there is a violation by the Governor's Office recourse is through the court system.

**Alex LeBeau, Elizabeth Criner, and Benjamin Kelly** testified in opposition to **H 98**. They were confused by some of the provisions and expressed that the first section is problematic. It was expressed that the Legislature should not be involved in local emergencies. There was concern that language is not in accordance with FEMA, specifically the Stafford Act. Farmers need to have things fixed when damaged in a disaster and if the Legislature has to be called into session, there is a time lag.

**Margie Baker** testified in support of **H 98**, with proposed amendments, mainly changing the word must to shall throughout the legislation. She also said that a new emergency should not be allowed to be declared every 60 days.

In closing, **Rep. Monks** said that **RS 28507** is not changing the Governor's ability to declare an emergency. It puts protections into place regardless of who is leading the administration. Both for the Governor's office and the Legislature.

**MOTION:** **Rep. Palmer** made a motion to **HOLD H 98** in committee. **Motion carried by voice vote.**

**MOTION:** **Rep. Palmer** made a motion to introduce **RS 28507** and recommended it be sent directly to the second reading calendar.

**SUBSTITUTE MOTION:** **Rep. Gannon** made a substitute motion to introduce **RS 28507**. **Motion failed by voice vote.**

During discussion, it was noted that this proposed legislation is a reaction to what the public and the legislature saw as an infringement on constitutional rights during the pandemic. It was expressed that it is not typical to make these types of decisions during a declared emergency and that it is appropriate for the Governor to take executive action during an emergency. It was stated that if the entire legislature has to convene, it will be hard for everyone to agree quickly and that a good approach would be for the legislature to address pieces and parts of the code that are not working.

**VOTE ON MOTION:** **Motion carried by voice vote.** **Rep. Gannon** requested to be recorded as voting **NAY**. **Rep. Monks** will sponsor the bill on the floor.

**RS 28496:** **Rep. Blanksma** presented **RS 28496** to allow political subdivisions of no more than 140 voters to request that the appropriate board of county commissioners allow at-large elections rather than by district, zone or subdistrict. There are less than 40 districts that fall under this definition.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 28496**. **Motion carried by voice vote.**

**RS 28383:** **Rep. Young** presented **RS 28383** to authorize the Secretary of State to order a post-election audit of election results after a general or primary election, using procedures he would provide to county clerks at least 60 days prior to the election. Conducting such an audit would increase public confidence in election results by checking the paper ballots, which exist for each and every vote cast in Idaho, against the election results that counties tabulate and report. If problems are identified with any reported election results, the Secretary of State could order the audit of additional ballots. This proposed legislation is broad because there are so many differences in how counties run their elections.

**Rep. Young** said that there are no audits after an election, at this time. The election equipment is certified before each election. **Jason Hancock** of the Secretary of State's Office confirmed vote counting processes differ from county to county. He said his office will work with each county to determine the audit process. If **RS 28383** is introduced the committee would like more information about the scope of the audits and how precincts or counties will be selected for an audit.

**MOTION:** Rep. Armstrong made a motion to introduce **RS 28383. Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:32 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Friday, February 12, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28233</a>	College / University Budgets	Rep. Giddings
<a href="#">RS28499</a>	China Sanction	Rep. von Ehlinger

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, February 12, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** Representative(s) Crane  
**GUESTS:** None

**Vice-chairman Armstrong** called meeting to order at 9:00 a.m.

**RS 28233:** **Rep. Giddings** presented **RS 28233** which would amend Idaho Code section 67-3515 by adding a new section requiring a separate appropriation bill for each state institution of higher education. The higher education budget is the fourth largest budget that is approved by the legislature. This proposed legislation would provide more transparency to tax payers. Currently, each school provides a budget and a budget analyst compiles all of the information into a single budget. Given that each school has its own core mission, fee structures and other variables, it is difficult to compare them side by side. Rep. Giddings stated that each college and university would be more accountable for their curriculum and extracurricular content with the transparency separate budgets would provide.

During discussion committee members expressed the desire to look at individual budgets. During a hearing they would like more background on the budgets. It was noted by a committee member that the President of Idaho State University is opposed to this legislation. The rationale for controlling the higher education budget when the state doesn't fully fund it was questioned. A committee member also asked why **RS 28233** is being heard by House State Affairs and not the Education Committee.

**MOTION:** **Rep. Palmer** made a motion to introduce **RS 28233**. **Rep. Palmer** made a motion to call for the previous question. **The motion carried by voice vote.**

**RS 28499:** **Rep. von Ehlinger** presented **RS 28499**. The memorial seeks to condemn Communist China for its deceit, duplicity, and crimes against humanity during the initial phase of the COVID-19 outbreak, and let it be known to the President and Congress of the United States that it is the position of the Idaho Legislature that Communist China should be sanctioned and otherwise punished for its misdeeds in relation to the COVID-19 outbreak. He stated that he was working with the Senator from District 11 on this proposed legislation.

**MOTION:** **Rep. Barbieri** made a motion to introduce **RS 28499**.

**SUBSTITUTE  
MOTION:** **Rep. Skaug** made substitute motion, stating that it is the government, not the people of China, who should be sanctioned. He proposed changing the language on line 31 to read WHEREAS the Chinese government is a dictatorship and striking the word genocidal.

**MOTION  
WITHDRAWN:** It was noted that language needed to be made consistent of lines 36 and 41. Given the number of edits that need to be made, **Rep. Skaug** asked unanimous consent to withdraw his substitute motion. With no objections consent was granted.

A request was made for the sponsor to also propose what actions Idaho will take to sanction China.

**SUBSTITUTE MOTION:** **Rep. Palmer** made an amended substitute motion to return **RS 28499** to the sponsor. **Motion carried by voice vote.** **Rep. Scott** requested he be recorded as voting **NAY**

**ADJOURNMENT:** There being no further business to come before the committee, the meeting was adjourned at 9:37 a.m.

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Rep. Armstrong  
Chair

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Kelly Staskey  
Secretary



AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Monday, February 15, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28388</a>	Campaign Finance - Account Limits	Rep. Green
<a href="#">RS28433</a>	Agency Performance Measures	Rep. Young

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, February 15, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** Rep. Furniss  
**GUESTS:** None

**Chairman Crane** called the meeting to order at 9:00 a.m.

**Rep. Mathias** made a motion to approve minutes from February 2, 2021 and February 3, 2021. **Motion carried by voice vote.**

**RS 28388:** **Rep. Green** presented **RS 28388** to allow candidates, incumbent or challenger, for either a House or Senate legislative seat to transfer up to the full balance of an established campaign account for one legislative seat into the account for a new legislative seat, as long as the total contributions from any one person or entity does not exceed the maximum allowed for either the primary or general election, during the same election cycle. This applies to both the House or Senate. Rep. Green stated this proposed legislation is of bipartisan benefit. It is especially important in a redistricting year.

In response to questions, **Rep. Green** said the money would follow the candidate and only apply to a change in legislative seats. If a candidate decides to run for a different seat, the \$1,000 donation limit per supporter stays in effect. There was a desire for clarification in language on page 1, line 14 to ensure that the money cannot be transferred to another candidate's account.

**MOTION:** **Rep. Monks** made a motion to introduce **RS 28388** with amended language on page 1, line 15. It should read, ...of funds to that candidate's new campaign account. **Motion carried by voice vote.**

**RS 28433:** **Rep. Young** introduced **RS 28433** which adds a provision to the section of Idaho Code requiring agencies to include, as one of those measures, citizen engagement and satisfaction. Some agencies are currently doing this, using tools such as online surveys. Adding this requirement will give the agencies and the legislature valuable insight into how they are perceived by the citizens they are here to serve. If an agency does not directly engage the public, it would substitute employee engagement and satisfaction.

**MOTION:** **Rep. Mathias** made a motion to introduce **RS 28433**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:14 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Tuesday, February 16, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28256</a>	Precinct Committeeman Qualifications	Rep. Syme
<a href="#">RS28587</a>	China, Sanctions	Rep. von Ehlinger
<a href="#">RS28518</a>	Immunizations, Requirements	Rep. Nichols
<a href="#">RS28598</a>	Health Care Sharing Ministries	Rep. Furniss

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, February 16, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** None

**Rep. Crane** called the meeting to order at 9:00 a.m.

**RS 28256:** **Rep. Syme** presented **RS 28256** which revises the provisions regarding the qualifications that a precinct committeeman must be registered and reside in a voting precinct for a period of at least six months preceding his next election.

**MOTION:** **Rep. Skaug** made a motion to introduce **RS 28256**. **Motion carried by voice vote.**

**RS 28587:** **Rep. von Ehlinger** presented **RS 28587**, a Memorial that seeks to condemn the Communist Chinese government and the Chinese Communist party to its deceit, duplicity, and crimes against humanity during the initial phase of the COVID-19 outbreak, and let it be know to the President and Congress of the United States that it is the position of the Idaho Legislature that Communist China should be sanctioned and otherwise punished for its misdeeds in relation to the COVID-19 outbreak.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 28587**.  
During discussion, **Rep. von Ehlinger** responded that he will provide documentation of crimes from the Department of Homeland Security.

**VOTE ON  
MOTION:** **Motion carried by voice vote.**

**RS 28518:** **Rep. Nichols** presented **RS 28518**, a resolution affirming the Idaho Legislature recognizes in a free society, the integrity of personal liberty and fundamental human rights should always be protected. No mandate or mechanism in Idaho law would ever permit or justify the use of forced immigrations, vaccinations, inoculations, or genetic modulations of any person, even during times of exigency or emergency, such as the ongoing COVID-19 pandemic. The resolution also states the legislature shall oppose efforts by any person or entity, including the federal government, to require, mandate, or force any person to receive immunizations, vaccinations, inoculations, or genetic modulations.  
In response to questions, **Rep. Nichols** was not opposed to changing language on line 20 replacing the word *against* with contrary to.

**MOTION:** **Rep. Young** made a motion to introduce **RS 28518** with the following change: Line 20, replace the word *against* with contrary to.

**ROLL CALL  
VOTE:** Roll call vote was requested. **Motion carried by a vote of 14 AYE, 0 NAY** Voting in Favor of the motion: **Reps. Crane, Armstrong, Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias**

**RS 28598:** **Rep. Furniss** presented **RS 28598**, which would provide clarifying consumer protection provisions to reduce confusion between insurance and healthcare sharing ministries offering non-insurance sharing of medical costs among their members. If printed, the bill will be referred to the Business Committee.

In response to questions, **Rep. Furniss** said many faith-based organizations can offer less expensive policies and work with pre-existing conditions. They do not fall under the Obamacare regulations and have more flexibility. The Department of Insurance does not currently regulate healthcare sharing ministries. This proposed legislation is a preemptive move to ensure people's claims are being met fairly. It would give people a place to call if they experience fraud. The National Association of Healthcare Sharing Ministries has precluded the start up of new healthcare sharing ministries. Currently there are 19 states regulating these organizations and 14 states looking at similar legislation.

**MOTION:** **Rep. Barbieri** made a motion to return **RS 28598** to the sponsor.

During discussion, it was noted criminal statutes are already in place to handle fraudulent activities.

**VOTE ON MOTION:** **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:23 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Wednesday, February 17, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28575</a>	Electrical Work, Alarms, Exemptions	Chairman Crane
<a href="#">RS28560</a>	Disasters, Definitions	Rep. Young
<a href="#">H 104</a>	Independent Expenditures, Disclosure	Rep. Giddings
<a href="#">H 107</a>	Instrument Acknowledgement	Rep. Andrus

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, February 17, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** Rep. Palmer  
**GUESTS:** None

**Rep. Barbieri** called the meeting to order at 9:00 a.m.

**RS 28575:** **Chairman Crane** presented **RS 28575** which would put two exemptions in Idaho code. The first exemption would allow firefighters to replace smoke detectors and carbon monoxide detectors in one and two family dwellings. Secondly, it would provide an exemption for the installation or replacement of a fire alarm panel communication device.

**Chairman Crane** declared Rule 80 stating a possible conflict of interest and stated he would be voting on the motion. He said every fire alarm is required to transmit to a monitoring company. Cellular devices have to be upgraded approximately every four years at a cost of \$600 - \$800 and it is expensive for the end user. This proposed legislation covers both cellular and radio technology. With these exemptions written into code, local government will not be able to override this law.

In response to questions, **Chairman Crane** stated currently, firemen can inform a family that their smoke detector or carbon monoxide detector is not working but they cannot replace either one. Fire code is highly regulated. This proposed legislation does not prohibit a fire department from charging for this service. It is a service that helps build positive community relations. Oftentimes, product is donated to the fire departments.

**MOTION:** **Rep. Monks** made a motion to introduce **RS 28575**. **Motion carried by voice vote.**

**H 104:** **Rep. Giddings** presented **H 104**. This legislation will amend Idaho Code Section 67-6611, including a requirement for the identity of the candidate or measure being impacted by an expenditure to be reported.

**MOTION:** **Rep. Crane** made a motion to send **H 104** to the floor with a **DO PASS** recommendation.

During discussion, **Jason Hancock**, Deputy Secretary of State said the proposed change does not create any challenges. The Secretary of State's office is already working on the modification.

**VOTE ON  
MOTION:** **Motion carried by voice vote. Rep. Giddings** will sponsor the bill on the floor.

**H 107:** **Rep. Andrus** presented **H 107**. This bill will create a savings clause, similar to that contained in the RULONA legislation in I.C. 51-126, for documents acknowledged and recorded prior to the enactment of RULONA. This is done by adding a subsection to I.C. 55-805 which provides any document recorded prior to July 1, 2017 is conclusive evidence of the validity of the document's acknowledgement. This would prevent an attack on the validity of a document's acknowledgement, similar to which occurred in the Federal Bankruptcy Case.

The process of getting something notarized involves identifying an individual, witnessing the signature and getting verbal acknowledgement that they signed the document. This legislation covers all documents notarized prior to 2017 and secures them so they cannot be called into question.

**MOTION:** **Rep. Hotzclaw** made a motion to send **H 107** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Andrus** will sponsor the bill on the floor.

**RS 28560:** **Rep. Young** presented **RS 28560** to provide definitions for Title 46, Chapter 10 of the State Disaster Preparedness Act. It is designed to draw a clean line of separation between disasters that require military authority and those that are natural disasters. This proposed legislation defines terms such as Disaster, Emergency, Militia, Epidemic, and others. The change in definition to the word Militia was made to align with the OEM's definition, established before the COVID-19 pandemic.

In response to questions, **Rep. Young** stated this proposed legislation is not intended to limit the Governor's powers. It establishes a clear line between acts of violence and other types of disasters. The Office of Emergency Management (OEM) has different annexes to address different types of disasters but the response is the same, regardless of how or why the disaster occurred. There is proposed legislation in the Senate dealing with other portions of the Disaster Preparedness Act.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 28560**.

**SUBSTITUTE MOTION:** **Rep. Gannon** made a substitute motion to **RETURN RS 28560** to sponsor. **Motion failed by voice vote.**

During discussion, a member of the committee stated he has no interest in limiting the power of the Governor in responding to acts of terrorism. **Chairman Crane** said he spoke with House leadership and was told the House State Affairs Committee is not too early in introducing this bill. Committee members are interested in hearing from OEM and seeing the other Senate bills to ensure that the legislature is consistent with its desire to be involved in disasters and emergencies. It was stated Idaho is one of the only states that does not have parameters on the Governor being able to call in the militia.

**VOTE ON MOTION:** **Motion carried by voice vote.** **Rep. Gannon** requested to be recorded as voting **NAY**.

**ADJOURN;** There being no further business to come before the committee, the meeting was adjourned at 9:38 a.m.

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Rep. Barbieri  
Chair

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Kelly Staskey  
Secretary



AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Thursday, February 18, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 101</a>	Attorney General	Rep. Vander Woude, Rep. Skaug

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, February 18, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** Vice Chairman Armstrong, Representative Holtzclaw  
**GUESTS:** Casey Baker, Margie Baker, and Bryan Kane, Office of the Attorney General.

**Chairman Crane** called the meeting to order at 9:00 a.m.

**H 101:** **Rep. Vander Woude** presented **H 101**, to provide flexibility for state agencies to employ attorneys other than the Attorney General's Office. Currently, only certain state agencies may choose their own attorneys to represent the State of Idaho on their behalf before courts, administrative tribunals and federal agencies. This bill will extend the right to choose legal counsel to all state offices, boards, commissions and entities. These entities may still choose to obtain legal services from the Attorney General. The Attorney General and the Board of Examiners will no longer be required to screen and pre-qualify attorneys who desire to perform contract legal services for the State of Idaho. Agencies will be required to inform the AG's office of their intent to hire outside council by August 1 and it must be reflected in their agency budgets.

In response to questions, **Rep. Vander Woude** clarified that anyone may ask for an opinion from the Attorney General. He stated it is less common for attorneys to be general practitioners and more common for them to specialize. This bill would allow agencies to hire the most qualified attorney for their cause. The cost per hour may be higher but the attorney would most likely be hired for a contracted amount of time. Currently, only executive offices may hire an outside attorney. **Rep. Vander Woude** stated that the projected costs of hiring an outside attorney must fall within an agency's budget. He could not say how many agencies would plan to utilize the current Deputy Attorneys General (DAG's) assigned by the Attorney General's Office and how many would opt for outside attorneys. There are currently 127 Deputy Attorneys General working in Idaho's state agencies and the agencies reimburse the AG's office for their services. There is no intent for agencies to hire outside counsel for criminal prosecution.

There was comment that the fiscal note needs to be more specific. **Rep. Vander Woude** stated it is difficult to budget for unknown situations. He indicated this legislation is not meant to hurt the Attorney General's office but rather provide an opportunity to have the best legal representation available.

**Margie Baker, Casey Baker** and **Johnathan Oppenheimer**, Idaho Conservation League spoke **in opposition** to **H 101**. Their concerns included the fiscal note not being clear and opportunities for agency directors to hire their friends, creating a buddy system. A desire to review past costs incurred was also expressed.

**Brian Kane**, Attorney General's Office also spoke **in opposition** to **H 101**. He said there is already a straightforward process to hire outside counsel when needed. He stated that legislators have not sat down with the Attorney General's Office to discuss the perceived problem. The fiscal note does not indicate what the cost to the state would be. A 2015 study conducted by the Office of Performance Evaluation recommended the state should look inward for legal services rather than outside. Mr. Kane invited committee members to sit down for a discussion, outside of the legislative session, before creating a huge budget uncertainty. He shared that the attorneys working in his office have a passion for public service. They have litigated with attorneys from every major law firm. They teach, lecture and serve our state proudly. An added value exists with a pool of attorneys, as it does with the collective knowledge of 105 legislators.

In closing, **Rep. Skaug** stated the Attorney General needs to approve the hire of outside representation. On occasion, an agency simply needs an expert attorney. He said that he will work on the fiscal note prior to going to the House floor. He encouraged the committee to allow agencies to make decisions about hiring outside counsel.

**Rep. Skaug** and **Rep. Gannon** declared a Rule 80.

**MOTION:** **Rep. Babieri** made a motion to send **H 101** to the floor with a **DO PASS** recommendation.

During discussion, it was suggested that pre-decision advice seems to be one-sided. The Attorney General represents the state and not the people. Conflict of interest is enough for agencies to be able to hire their own counsel. Sometimes an agency does not need a full-time DAG. There was a concern about when an opinion is issued pre-trial because it is public. If an outside attorney has a different opinion, it can be hard to overcome. It was expressed that this bill is over-kill. It is not about what is being added, it is about what is being taken away. **H 101** would remove all of the checks and balances to ensure the quality of attorneys being hired. It was noted that the DAG's do move from agency to agency frequently, therefore, they become experts in their fields.

**VOTE ON MOTION:** **Motion carried on a voice vote. Rep. Vander Woude** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:19 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Friday, February 19, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28601</a>	Voter Identification, Registration	Rep. Mitchell
<a href="#">RS28469</a>	Abortion, Public Funds	Rep. Skaug, Chairman Crane
<a href="#">S 1018</a>	State Historical Society	Rep. Crane, Rep. Hartgen, Janet Gallimore, Executive Director, Idaho State Historical Society

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, February 19, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** Representatives Armstrong and Monks

**GUESTS:** None

**Rep. Barbieri** called the meeting to order at 9:02 a.m.

**MOTION:** **Rep. Young** made a motion to approve the meeting minutes from February 10, February 11, February 12, and February 16, 2021. **Motion carried by voice vote.**

**RS 28601:** **Rep. Mitchell** presented **RS 28601** to improve voting integrity across county and legislative districts, increase confidence in Idaho's election results, and provide an auditing process led by the Secretary of State for examining the validity of affidavits signed by those who vote without a photo ID. Revisions include requiring a driver's license or state-issued photo ID for new voter registrations. For those Idahoans who do not have a driver's license, a state-issued ID would be provided for free to those wanting to register to vote.

**Rep. Mitchell** stated that in addition to requiring a valid ID, an individual must live in a precinct for 30 days prior to the election to vote in that precinct. The individual's drivers license must also be updated in the same time frame. Counties will take the pictures for the ID cards. Eighty-five percent of Idaho counties already have cameras. If students want to vote where they are attending school, the same requirements apply. Covering the cost of a valid photo ID for those who cannot afford one would cost \$10 each.

**MOTION:** **Rep. Palmer** made a motion to introduce **RS 28601**. **Motion carried by voice vote.**

**RS 28469:** **Rep. Skaug** presented **RS 28469**. This proposed legislation ensures taxpayer dollars would not support the abortion industry by prohibiting the expenditure of taxpayer dollars to abortion providers. It would prohibit public contracting or participation in any commercial transaction with an abortion provider. The legislation would also prohibit the use of any public asset or employee to procure, counsel in favor, refer to, or perform an abortion. These prohibitions would apply to all units of government in Idaho including state, county, municipal, public health districts, and public school districts. Intentional non-compliance would be subject to prosecution under the state's misuse of public funds statute. Medicaid would not be implicated in this proposed legislation.

**Rep. Skaug** indicated that **RS 28649** is a new and improved version of **H 17**. One of the main changes is intentional noncompliance will be prosecutable under the states misuse of public funds statute. It also allows Idaho to stop Title 10 funds from being used for abortion related activities. This is a de-funding bill. Hospitals would be exempt to this legislation. This legislation would not be able to stop all abortions but would be able to reduce them.

**MOTION:** **Rep. Young** made a motion to introduce **RS 28469**. **Motion carried by voice vote.**

**S 1018:**

**Rep. Crane** presented **S 1018**. Consistent with the Governor's Red Tape Reduction Act, this bill seeks to clarify statutes and eliminated inactive provisions of law. This legislation from the Idaho State Historical Society aligns the duties of the Director of the Society in relation to the responsibilities and role served concurrently as the State Historic Preservation Officer (Amend code 67-4127, 4127A), removes obsolete code assigned to the Idaho State Historical Society reducing risk to the state (repeal code 14-534), (Amend code 27-502), and brings current responsibility and proceeds alignment as related to lease of Old Idaho Penitentiary Site (Amend code 58-337).

**Rep. Crane** stated the Historical Society should not have to pay to exhume burial sites. The Historical Society makes a net income of \$250,000 on the rental of the Old Penitentiary site. These funds pay for the maintenance and operations for that property as well as other sites throughout Idaho. There is no excess income to put into the permanent building fund.

**Janet Gallimore**, Executive Director the Idaho State Historical Society and Director of the State Historic Preservation Office said that the State Historic Preservation Office is part of a federal program, located in every state and territory. The National Historic Preservation Act says that the Governor shall appoint a director. It is common practice for this director to serve in a concurrent with the Director of the State Historic Society. These two positions are commonly a dual directorship, streamlining the structure of administration and State and Federal code. It would not be efficient to have an outside person run the federal portion of the program. Participation is not voluntary. It is part of federal law.

There was a concern about eliminating code due to the Red Tape Reduction Act versus eliminating future options. **Ms. Gallimore** stated revenues generated by the Old Penitentiary are separate from authorization of the director's position. All funds raised through contributions and earned income goes back into maintenance of the Old Penitentiary and other historical sites throughout Idaho. This proposed legislation basically cleans up conflicts between state and federal code.

**Ms. Gallimore** clarified Idaho's National Historic Preservation Office is the local voice to federal decision making. This office works with five federal programs to ensure there is no unintended consequences to construction, etc. She shared that 10% of the federal funds received go toward historical projects on the local level and that the property tax program is very helpful in restorations.

**MOTION:**

**Rep. Young** made a motion to **HOLD S 1018** in Committee.

During discussion discomfort was expressed about implementing federal statutes legislators have not read. **Ms. Gallimore** clarified the Historical Society budget is approximately \$7 million with a pass through from the federal government of between \$800,000 – \$1,000,000 based on per capita population. Depending on the number of grants received, federal funds make up between 25% - 40% of the entire budget.

**SUBSTITUTE MOTION:**

**Rep Furniss** made a substitute motion to send **S 1018** to the floor with **DO PASS** recommendation.

**AMENDED SUBSTITUTE MOTION:**

**Rep. Gannon** made an amended substitute motion to send **S 1018** to General Orders, to eliminate the words, "to fulfill the obligation of 54 U.S. C.302303", on Page 2 Lines 39-40. **Motion carried by voice vote.** **Rep. Hartgen** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the Committee, the meeting was adjourned at 9:48 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Monday, February 22, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28643</a>	Ballot Collection	Rep. Moyle
<a href="#">S1055</a>	Sport Shooting Ranges	Sen. Agenbroad, Rep. Moyle
<a href="#">H 202</a>	Disasters, Definitions	Rep. Young

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)



MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, February 22, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** None  
**GUESTS:** Benn Brocksome - Idaho Sportsmen's Association, Jason Hancock - Secretary of State's Office, Jerry Payne - Caldwell Gun Club

**Chairman Crane** called the meeting to order at 9:00 a.m.

**RS 28643:** **Rep. Moyle** presented **RS 28643**, addressing the issue of "ballot harvesting" - which is the practice of third party individuals and groups, many of them political activists or political parties, "harvesting" absentee or mail ballots from voters and then delivering them to election officials for processing and counting. This legislation would prohibit this practice by limiting ballot handling to those authorized to do so pursuant to Idaho law.

Changes to the bill that was introduced previously to the House State Affairs Committee include adding adopted children and relatives to the second degree in the definition of family and increasing the number of ballots collected and conveyed by an authorized individual to no more than six (6) at a time.

In answer to questions **Rep. Moyle** clarified other than the changes noted, the language in **RS 28643** was included in the first piece of legislation brought before the committee. The specifics of this legislation are based on the recommendations of the bipartisan Commission on Federal Election Reform, in their 2005 report Building Confidence in U.S. Elections,

**MOTION:** **Rep. Young** made a motion to introduce **RS 28643**.

**SUBSTITUTE  
MOTION:** **Rep. Barbieri** made a **substitute motion** to introduce **RS 28643** and recommended it be sent directly to the second reading calendar.

There was concern that an individual who may not know the rules could find him or herself being charged with a felony crime if they have more than six family member's ballots in their possession. They have to knowingly break the law in order to be charged with a felony.

**VOTE ON  
MOTION:** **Motion carried by a voice vote. Rep. Mathias** requested to be recorded as voting **NAY**.

**S 1055:** **Rep. Moyle** presented **S 1055** to clarify the legislative intent of Idaho Code 55-2604 and to remove ambiguities created by the use of the words area, expanding, and increasing. These words suggest a limitation on the use of a gun club's property where no such limitations were intended in the statute.

This legislation is designed to ensure that shooting ranges can utilize their entire properties and move their portable target throwers around the property as long as the shotfall is within the property lines. **Sen. Agenbroad** added his support and encouraged the committee to support the intent of the current law.

**Ben Brocksom, Jerry Payne, and Michael Brown**, Idaho State Rifle and Pistol Association all spoke in support of **S 1055** and encouraged the committee to send it to the floor with a do pass recommendation.

**MOTION:** **Rep. Holtzclaw** made a motion to send **S 1055** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Moyle** will sponsor the bill on the floor.

**H 202** **Rep. Young** presented **H 202** to provide definitions for title 46, Chapter 10 of the State Disaster Preparedness Act.

**Rep. Young** acknowledged concerns about the word *terrorism* during the RS hearing. The intention of **H 202** is to draw a line of demarcation between a state of disaster emergency and acts of extreme peril. Each type of disaster, regardless of origin has a Support Annex. Each Annex lays out expected circumstances, a detailed outline of who is in charge and who is in control of decision making. Addressing acts of terrorism would be in conjunction with the federal government. This Bill also defines militia with what is currently in Idaho code. Epidemic and pandemic did not appear in code. Now they are included in this section.

In response to questions, **Rep. Young** clarified that during a response to terrorism, Idaho would be working in coordination with the Federal Government. **Rep. Young** read from Idaho's Disaster Preparedness Plan. The Governor has the same powers during acts of terrorism that he does now. Investigation to identifying terrorists and prosecuting them are still in place, as well. There is the ability to address terrorism and to address the effect of terrorism. Currently, the Governor has authority to act during a state of extreme emergency. Terrorism is covered in 46-601.

**MOTION:** **Rep. Scott** made a motion to send **H 202** to the floor with a **DO PASS** recommendation.

**Rep. Young** said the appropriate focus is on the effects of the disaster. Not the cause. It says any man-made or natural cause. She said that in response to an act of terrorism more than one annex would be triggered to act. One to address the act on terrorism and the other to address the effects of the violence. There was a concern that this legislation is making things more complicated. It was suggested that definitions be provided for *natural disaster* and *non-natural disaster*.

A committee member stated Senate State Affairs is hearing legislation that deals with extreme peril. These pieces of legislation are changing the way we look at emergencies, disasters vs. man-made attacks. Section 46-601 has not been amended, to this point. Epidemics and pandemics will fall under this section of code. Their definitions are pre-coded and were defined by experts prior to COVID-19. There were concerns that the Governor's ability to act would be more restricted with this legislation and it seems premature. It would be helpful to see other pieces of legislation related to this topic. The Governor's Power has been defined in the State of Extreme Emergency bill that has already been passed by the House. If the legislature does not agree with the Governor's actions and the disaster lasts more than 60 days, the legislature will be convened. It was also stated that the definitions are getting closer but are not quite there yet.

**VOTE ON MOTION:** **Motion carried by voice vote.** **Rep. Gannon** requested to be recorded as voting **NAY**. **Rep. Young** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:47 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Tuesday, February 23, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28602</a>	Filing Date - Independent Candidates for President and Vice President	Rep. McCrostie, Rep. Monks
<a href="#">RS28558</a>	Alcohol, Tax Distribution	Rep Holtzclaw, Rep. Troy
<a href="#">H 136</a>	At-Large Elections for Small Districts	Rep. Blanksma

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Registry to Testify](#)***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, February 23, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** Representative Monks

**GUESTS:** Jason Hancock - Secretary of State's Office

**Chairman Crane** called the meeting to order at 9:00 a.m.

**MOTION:** **Rep. Mathias** made a motion to approve minutes of February 15, 2021. **Motion carried by voice vote.**

**UNANIMOUS  
CONSENT  
REQUEST:** **Chairman Crane** asked unanimous consent to move **H 136** to top of the agenda. There being no objection, the agenda was amended.

**H 136:** **Rep. Blanksma** presented **H 136** to allow political subdivisions of no more than 140 voters to request the appropriate board of county commissioners allow at-large elections rather than by district, zone or subdistrict. She said it is very difficult in small communities because they don't always have enough citizens who could serve.

In response to a question, **Rep. Blanksma** explained an at-large election would remove the qualification of being a resident of the district, zone or subdistrict when running for a political seat. Some communities do not have enough full-time residents to fill all of the elected or appointed positions.

**Seth Grigg** from the Association of Idaho Counties testified in support of **H 136**. It will provide needed flexibility for small districts.

**MOTION:** **Rep. Palmer** made a motion to send **H 136** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Blanksma** will sponsor the bill on the floor.

**RS 28602:** **Rep. McCrostie** presented **RS 28602** to amend the filing date for independent candidates for president and vice president to align with the filing date for independent candidates for federal, state, district and county offices. This proposed legislation would effect both parties, equally. This will bring consistency to the election process.

**MOTION:** **Rep. Monks** made a motion to introduce **RS 28602**. **Motion carried by voice vote.**

**RS 28558:** **Rep. Holtzclaw** presented **RS 28558** to regulate all beer products regardless of alcohol content and change the standard of measurement from alcohol by weight to alcohol by volume, to align Idaho law with Federal law. This legislation authorizes, over the course of three years, 5% of tax revenues derived from "strong beer" to be reallocated from the Idaho Grape Growers and Wine Producers Commission to the Idaho Hop Growers Commission. This is a joint agreement between the Idaho Wine Commission and Hops growers.

The proposed legislation would make the Idaho Grape & Wine Commission's budget whole again by increasing the Commission's current percentage of the wine excise tax allocation (only the wine produced and sold in Idaho) to eighty-eight percent (88%) over the course of three years. Almost 50% of all wine excise taxes are derived from strong beer sales. These funds would be allocated to the Idaho Grape Growers & Wine Producers account to make that account whole again.

**MOTION:** **Rep. Skaug** made a motion to introduce **RS 28558. Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:11 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Wednesday, February 24, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">HJM 1</a>	China Sanctions	Rep. von Ehlinger
<a href="#">RS28287</a>	Idaho Day, State Capitol	Rep. Troy
<a href="#">RS28649</a>	Extra Credit Voting	Rep. Troy
<a href="#">RS28505</a>	Foreign Contributions	Rep. Troy

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Registry to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, February 24, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** Representatives Palmer and Monks  
**GUESTS:** None.

**Chairman Crane** called the meeting to order at 9:00 a.m.

**Chairman Crane** introduced a group of students from Deseret Study Abroad Academy in Eastern Idaho who are visiting the capitol this week.

**HJM 1:** **Rep. von Ehlinger** presented **HJM 1**, a memorial to condemn the Chinese government. This memorial seeks to condemn the Communist Chinese government and the Chinese Communist party for its deceit, duplicity, and crimes against humanity during the initial phase of the COVID-19 outbreak, and let it be known to the President and Congress of the United States that it is the position of the Idaho Legislature that Communist China should be sanctioned and otherwise punished for its misdeeds in relation to the COVID-19 outbreak.

This legislation has already been before the committee. Changes in language were made based upon the committee's recommendations.

**MOTION:** **Rep. Barbieri** made a motion to send **HJM 1** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. von Ehlinger** will sponsor the bill on the floor.

**RS 28287:** **Rep. Troy** presented **RS 28287**, recognizing the centennial of the centennial of the "people's house", Idaho's state capitol building.

In response to questions, **Rep. Troy** said she would like **RS 28287** to be expedited because this observance is part of Idaho Day on March 4, 2021. **Rep. Troy** clarified there will not be a gathering to celebrate this anniversary.

**MOTION:** **Rep. Skaug** made a motion to introduce **RS 28287** and recommended it be sent directly to the Second Reading Calendar with the following amendment: Page 2 Line 10 - place a period after the word *legacy* and strike the remainder of the RS. **Motion carried by voice vote.** **Rep. Troy** will sponsor the bill on the floor.

**RS 28649:** **Rep. Troy** presented **RS 28649** clarifying that employees of Idaho public universities shall not offer extra credit to students to vote or not vote, or to influence a vote for or against a candidate or ballot measure. Based upon committee recommendations, clarifications were made on Page 2 Lines 23 - 29 to delineate the two prohibited activities.

In response to questions, **Rep. Troy** clarified that this legislation does not apply to internships, only what takes place in the classroom. Students interning do not get extra credit and they are not considered an employee of the school. It was noted that Line 25 says, "college course credit or extra credit". It was questioned whether that language, "college course credit" should be deleted. There was concern about restricting internships. Rep. Troy expressed that she will get clarification before removing any language. Many agreed that there needs to be a distinct line between election activities and political activities.

**MOTION:** **Rep. Young** made a motion to introduce **RS 28649**.

During discussion, **Rep. Troy** was asked to find out if professors are giving college credit for voting or elections. Committee members requested to hear from professors if there is a bill hearing. They also want to know the reasoning behind giving credit to encourage students to work on campaigns.

**VOTE ON MOTION:** **Motion carried by voice vote.**

**RS 28505:** **Rep. Troy** presented **RS 28505** to strengthen Idaho's election laws by prohibiting foreign contributions, independent expenditures and electioneering in Idaho campaigns. These activities are already illegal under federal law but not under state law. This proposed legislation would give Idaho the ability to prosecute such violations, whether or not the federal government does. Rep. Troy said she asked the Attorney General's office for an opinion in 2017. At that time, it was not clear foreign contributions are illegal in Idaho

In response to questions, **Rep. Troy** clarified if a candidate does not know the donation received is from a foreign entity, they would not be held responsible. The same groups and individuals subject to the Federal Campaign Act are included in Idaho's list as well. It is consistent with federal guideline.

**MOTION:** **Rep. Gannon** made a motion to introduce **RS 28505**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:31 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary



AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Thursday, February 25, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 220</a>	Abortion, Public Funds	Rep. Skaug

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Registry to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, February 25, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** Naomi Watson, citizen, Scott Watson, Self, Tammy Payne, Right to Life of Idaho, Benje Graves, citizen, Ed Fish, citizen, Linda Thomas, Stanton Healthcare, Blaine Conzatti, FPA Idaho, Branden Purk, citizen, Karen Simkins, citizen, Paula Durst, citizen, Christian Welp, Catholic Church, Paul Smith, the unborn, Don Martin, the pre-born, Shellie Martin, the pre-born, David Ripley, Idaho Chooses Life, Casey Baker, EFI, Margie Baker, EFI, Pro Life, citizen, Arlene Herndon, citizen, Shane Womack, citizen, Paul Smith, sales, Joseph Smith, citizen, Mone Miller, Idaho Coalition Against Sexual & Domestic Violence, Lauren Bramwell, ACLU of Idaho, Samuel Schaefer, All Things New - Abolish Abortion Now, Paige McMahon, citizen, Anne Stevenson, citizen, Paul Van Noy, Candlelight Christian Fellowship and Kootenai County Ministerial Association, Cameron Needham, citizen, Yarit Rodriguez, citizen, Rick Small, FreeTheStates.com, Karyn Levin, citizen, Rach Chisausky, citizen, Jennifer James, citizen, Christina Patterson, citizen, Sarae Simpson, citizen, Misti Tolman, Planned Parenthood Votes Northwest and Hawaii, Sam Gilbert, citizen, Sean Bohnet, citizen, Chelsea Gaona-Lincoln, Legal Voice, Eric Seeley, citizen, Alexa Roitman, citizen, Jennufer Wagner, Abolish Abortion Idaho, Julie Duncan, citizen, Juda Myers, CHOICES4LIFE, James Silberman, Free the States, Rusty Thomas, Operation Save American, March Rietma, citizen, Shellie Martin, citizen,

**Chairman Crane** called the meeting to order at 9:00 a.m.

**MOTION:** **Rep Mathias** made a motion to approve the minutes from February 17, 2021, February 22, 2021 and February 23, 2021. **Motion carried by voice vote.**

**H 220:** **Rep. Skaug** presented **H 220**, legislation which would ensure taxpayer dollars do not support the abortion industry by prohibiting the expenditure of taxpayer dollars to abortion providers. Rep. Skaug stated it would prohibit public contracting or participating in any commercial transaction with an abortion provider. He said the legislation would also prohibit the use of any public asset or employee to procure, counsel in favor, refer to, or perform an abortion and that these prohibitions would apply to all units of government in Idaho including state, county, municipal, public health districts, and public school districts. He added intentional non-compliance would be subject to prosecution under the state's misuse of public funds statute and Medicaid is not implicated in this legislation. Currently unlimited funds may be given to taxpayer funded programs. This bill will prevent Idaho schools and colleges from using Title 10 funds.

In response to questions, **Rep. Skaug** indicated emergency contraception would be distributed by colleges and universities in cases of rape. Hospitals and medicaid are also exempted. Unfortunately, it is a political reality. He said he is not aware of any Idaho hospitals currently performing elective abortions. This bill does not prevent abortion but does not let tax payer dollars be used for this purpose.

**Blaine Conzotti**- Family Policy Alliance of Idaho, testified **in support** of **H 220**. He stated this bill deals with family planning funds-Title 10 family planning funds and state and local taxes. This bill would stop colleges and universities from providing students abortifacients. Idaho college students may receive abortifacients and counseling in their public health centers on campus. Mr. Conzotti said this legislature should exercise its power of preemption to ensure that this does not happen. This is an opportunity to protect the pre born babies and Idaho children.

In response to questions, **Mr. Conzotti** said legal realities are that the courts would stop this legislation without the exemptions. By passing this, it would allow a hospital to be contracted with fed funds to provide abortion, and legally, Idaho hospitals are currently allowed to perform abortions. Some hospitals do not allow abortion due to social pressures and religious beliefs. This legislation does not change anything for hospitals.

Those speaking **in opposition** because **H 220** would remove access to healthcare and make it less affordable were **Mone Miller**, Idaho Coalition Against Sexual and Domestic Violence, **Lauren Bramwell**, ACLU Idaho, **Paula Durst**, citizen, **Paige McMahon**, citizen, **Cameron Needham**, citizen, **Yarit Rodriguez**, citizen, **Karyn Lavin**, citizen, **Mistie Tolman** Director, Planned Parenthood Votes Northwest and Hawaii, **Chelsea Gaona-Lincoln**, Legal Voice, and **Rachel Chisausky**, doctor, self.

Those speaking **in opposition** because the legislation didn't remove the ability to perform abortions in hospitals, made an exception for rape, and didn't go far enough to prevent all abortions were **Scott Watson**, citizen, **Benje Graves**, citizen, **Ed Fisher**, citizen, **Paul Smith**, the unborn, **Don Martin**, the pre-born, **Casey Baker**, citizen, **David Wripley**, Idaho Chooses Life, **Samuel Schaefer**, All Things New Ministry, **Scott Herndon**, pre-born neighbors, **Arlene Herndon**, citizen, **Rick Small**, citizen, **Paul Van Noy**, citizen, **Naomi Watson**, citizen, **Sean Bohnet**, citizen.

Those testifying **in support** of **H 220** were **Tammy Payne**, Right to Life of Idaho, **Christian Welp**, Catholic Church, **Karen Simkins**, citizen, **Brandon Durst**, citizen, and **Linda Thomson**, Stanton Healthcare. They all spoke positively to the legislation, stating Planned Parenthood shouldn't be considered healthcare, therefore it should not receive funding, and while it cannot save all unborn lives, it can save some.

**MOTION:**

**Rep. Young** made a motion to send **H 220** to the floor with a **DO PASS** recommendation. A roll call vote was requested.

In closing, **Rep. Skaug** stated this bill does not target any particular entity but it will save some lives. Nothing in the bill establishes the right to abortion. It does not expand the abortions already taking place. He said fungible money allows abortion referrals to be stopped and some lives can be saved now.

During discussion, a desire was expressed to get rid of aborting and killing children and this bill does not go far enough. The best that can be done to educate people. Appreciation was given by a committee member for acknowledging women have the right to choose abortion. It was stated the legislature cannot do good with a little bit of poison in it. Unfortunately, Medicaid cannot be eliminated. This bill will stop public funds and inhibit the ability to council for abortion. It is a step in the right direction. It was expressed saving 25% more babies is better than not saving any. Save as many as possible, instead of none.

**ROLL CALL  
VOTE:**

**Motion carried by a vote of 10 AYE and 5 NAY. Voting in favor of the motion: Reps. Crane, Armstrong, Palmer, Barbieri, Holtzclaw, Monks, Andrus, Young, Furniss, Skaug. Voting in opposition of the motion: Reps. Scott, Hanks, Gannon, Mathias. Rep. Skaug will sponsor the bill on the floor.**

**ADJOURN:**

There being no further business to come before the committee, the meeting adjourned at 10:58 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Friday, February 26, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28586</a>	Building Codes	Rep. Adams
<a href="#">RS28687</a>	Voter Identification, Registration	Rep. Mitchell
<a href="#">RS28664</a>	Idaho Sales and Use Tax	Rep. Scott
<a href="#">RS28673</a>	Disaster Definitions	Rep. Young
<a href="#">RS28597</a>	Mortgage Foreclosure, Limitations	Rep. Bruce Skaug, Rob Kantor, Citizen
<a href="#">RS28351</a>	Waterfront Resort Liquor Licenses	Rep. Addis

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, February 26, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** None

**Rep. Barbieri** called the meeting to order at 9:02 a.m.

**RS 28586:** **Rep. Adams** presented **RS 28586** to amend Section 39-4109 in order to provide technical corrections and to remove provisions regarding certain excluded codes, such as electrical codes, mechanical codes, and plumbing codes. This proposed legislation would also amend Section 39-4116 in order to ensure local governments adopt certain codes to make technical corrections. **Rep. Adams** stated that it is important to ensure affordable housing in Idaho. This proposed legislation will ensure that a city does not set stricter requirements than the State.

**MOTION:** **Rep. Palmer** made a motion to introduce **RS 28586**. **Motion carried by voice vote.**

**RS 28687:** **Rep. Mitchell** presented **RS 28687** which would improve voting integrity consistently across counties and legislative districts, increase confidence in Idaho's election results, and provide an auditing process, led by the Secretary of State, to examine the validity of affidavits signed by those who vote without a photo ID. Revisions include requiring a driver's license or state-issued photo ID for new voter registrations. For those Idahoans who do not have a driver's license, a state-issued photo ID would be provided for free to those wanting to register to vote.

The fiscal impact would be unlikely to exceed \$2,000,000, which would cover the cost of issuing a free state photo ID to individuals who do not have a driver's license and would need to acquire a state-issued photo ID to register to vote. This legislation establishes the Election Integrity Fund, from which funds would be transferred to cover these possible issuance costs, at \$10 per ID issued. The Legislature would determine how much money to transfer to the Election Integrity Fund each year, through its ordinary JFAC budgeting processes. In 2020, there were approximately 200,000 registered voters without a state-issued photo ID number on file. It is likely, however, that many of these individuals do, in fact, have a current driver's license. In addition, this legislation would not require most of these 200,000 registrants to re-register with a state-issued photo ID. Therefore, the need to issue free state photo ID's will be gradual, as new or relocating voters without driver's licenses register to vote.

**MOTION:** **Rep. Gannon** made a motion to introduce **RS 28687**. **Motion carried by voice vote.**

**RS 28664:** **Rep. Scott** presented **RS 28664**. This proposed legislation guarantees consumers making purchases subject to Idaho's sales and use tax will have the option to pay in cash if that is their choice.

**MOTION:** **Rep. Hanks** made a motion to introduce **RS 28664**.

During discussion, **Rep. Scott** reiterated that this proposed legislation would not force buyers to use cash but leaves the option open. There was a concern about people using cash for large purchases, such as cars. It was recommended that the free-market system should be allowed to work and businesses be able to establish the methods of payment they will accept. It was stated the legislature should only create laws like this when there is pure market failure. Many committee members were interested in a full hearing.

**SUBSTITUTE MOTION:**

**Rep. Furniss** made a substitute motion to return **RS 28664** to the sponsor. **Motion failed by voice vote.**

**VOTE ON ORIGINAL MOTION:**

**Motion carried by voice vote.**

**RS 28673:**

**Rep. Young** presented **RS 28673**, to provide definitions for Title 46 Chapter 10. This RS has already been heard and introduced for printing in committee. **RS 28673** has one change on Page 1 Line 36, strike the word "during" and added "arising out of." The Senate requested this change.

**MOTION:**

**Rep. Scott** made a motion to introduce **RS 28673** and recommend it be sent directly to the second reading calendar.

During discussion, concern was expressed that the act of terrorism has been excluded in this proposed legislation, as there was objection with the definitions of disaster and epidemic. **Rep. Young** stated that terrorism is addressed in different parts of the code. In relation to the definition of epidemic, numbers of individuals contracting a disease do not have to reach severe or moderate levels for a disaster to be declared. The standard definition of an epidemic came from 2019 Office of Emergency Management state plan, pre-COVID-19, and it is the scientific context for understanding the definition of epidemic. The terms epidemic and pandemic were added to this chapter to allow the ability of Idaho State government to respond as needed. Concern about sending to second reading was expressed.

**VOTE ON MOTION:**

**Motion carried by voice vote. Reps. Gannon and Mathias** requested to be recorded as voting **NAY**. Rep. Young will sponsor the bill on the floor.

**RS 28597:**

**Rob Kantor** from Hailey, Idaho presented **RS 28597**. The proposed legislation clarifies the definition of statute of limitations, regarding the collection action for a mortgage secured debt. Traditionally it is five years after the full mortgage is due. Legislation was amended in 1999 and created ambiguity in relation to the term, maturity date. An action must be commenced within five years from the time the mortgage is due. Non-payment of the debt gives the holder of the note the right to initiate a legal foreclosure action to take the property as payment of the financial obligation of the debt.

In response to committee questions, **Mr. Kantor** stated this proposed legislation would not be retroactive. Due to the ambiguity of the current laws, there have been several cases relating to the use of the term maturity date. He said the rules should be clear that if there is an opportunity to accelerate the stated maturity date, the lender has five years from that point to collect the defaulted mortgage. Lending institutions are more in favor of this proposed legislation than banks. Banks want the ability for the statute of limitations to last for 20-30 years, to match the length of mortgage loan. Currently, once a judicial action for foreclosure commences, the statute of limitation stops because the default has been replaced with new terms.

**MOTION:**

**Rep. Monks** made a motion to introduce **RS 28597**. **Motion carried by voice vote.**

**RS 28351:** **Rep. Addis** presented **RS 28351**, on behalf of constituents from District 2 and District 4. There is existing code that pertains to a narrow group of businesses and impacts a specific set of liquor license holders who have waterfront establishments. Existing license holders are being denied licenses upon their pending renewals and upon change of ownership. This proposed legislation ensures a liquor license is not denied solely because a public right-of-way runs between the real property upon which the restaurant is located and the property containing the required waterfrontage.

During committee discussion, it was noted that one of the reasons liquor licenses are being denied to specific groups is because there is an increased demand in the marketplace for liquor licenses and business owners are looking for ways to secure one

**MOTION:** **Rep. Furniss** made a motion to introduce **RS 28351**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the Committee, the meeting was adjourned at 9:48 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary



**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Tuesday, March 02, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28688</a>	Mask Mandates, Prohibition	Rep. Hanks
<a href="#">RS28589</a>	Accountability, Transparency and Fiscal Oversight for Public Universities	Rep. Giddings
<a href="#">RS28514</a>	Committee on Federalism, Sunset Repeal	Rep. Boyle
<a href="#">H 137</a>	Post Election Audit	Rep. Young, Chairman Crane

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 02, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** Representative Palmer

**GUESTS:** Jason Hancock- Secretary of State, Casey Baker- EAI, Margie Baker- EAI, Kelli Brassfield- IAC, Phil McGrane- Ada County, Liz Hatter- City of Boise, Jon Basabe- Kind Idaho, Jake Cluff- BB&A

**Chairman Crane** called the meeting to order at 9:02 a.m.

**UNANIMOUS  
CONSENT  
REQUEST:** **Chairman Crane** asked unanimous consent to move **RS 28514** to the beginning of the agenda. There being no objection, the request was granted.

**RS 28514:** **Rep. Boyle** presented **RS 28514** which removes the sunset clause for the Committee on Federalism. She explained the bill includes a sunset clause that ends the work of the committee this year. This prospective legislation will remove that clause so the work of the committee may continue.

**MOTION:** **Rep. Monks** made a motion to introduce **RS 28514** and recommend it be sent directly to the Second Reading Calendar.

In response to committee questions and discussion, **Rep. Boyle** explained that the committee met several times and created sub-committees. There were no meetings held in 2020 due to Covid-19. It was the Senate that set the two year sunset clause in 2019. She explained there is nothing that would prohibit the legislature from ending the committee in the future should they see fit. She closed by saying the cost was minimal for the committee, and it is worthwhile to continue pursuing these issues. **Rep. Monks** talked about his involvement in the committee and explained that he supports the continuation of its work even though he does not serve on the committee anymore.

**VOTE ON  
MOTION:** **Motion carried by voice vote.** Rep. Boyle will sponsor the bill on the floor.

**RS 28688:** **Rep. Hanks** presented **RS 28688** which would prohibit the state of Idaho, a political subdivision, or an official of the state from mandating the usage of a face mask, face shield, or other face covering for the purpose of preventing or slowing the spread of a contagious or an infectious disease. She explained we live in a republic and should have a choice about our health.

In response to committee questions, **Rep. Hanks** explained this legislation would apply to campuses of public universities. As an alternative to mask mandates she highlighted that universities can still recommend social distancing and quarantine. She affirmed that this legislation does not prohibit people from wearing masks and does not prevent private business owners from requiring masks.

**MOTION:** **Rep. Young** made a motion to introduce **RS 28688** with the following changes: add the word 'or' following 'state' on line 20, eliminate the commas as well as 'or an official' on line 20, strike lines 28 and 29, and add an emergency clause.

**Rep. Furniss** highlighted another instance where the term 'or an official' was used in the pending legislation.

**UNANIMOUS  
CONSENT  
REQUEST:**

**Rep. Young** asked for unanimous consent to withdraw her previous motion. There being no objection, the request was granted.

**MOTION:**

**Rep. Young** made a motion to introduce **RS 28688** with the following changes: strike lines 15-18, add the word 'or' following 'state' on line 20, eliminate the commas as well as 'or an official' on line 20, strike lines 28 and 29, and add an emergency clause.

**Rep. Gannon** expressed his concern with how this bill will effect hospitals. He does not want to tell hospitals they cannot require masks. **Rep. Young** said she would find more information about whether hospital districts are regulatory districts or taxing districts.

**VOTE ON  
MOTION:**

**Motion carried by voice vote.**

**RS 28589:**

**Rep. Giddings** presented **RS 28589**. This Concurrent Resolution would establish accountability, transparency and fiscal oversight for public universities. The Concurrent Resolution states universities need to return to their core missions as established by the Idaho State Board of Education policies and rules, which includes protecting academic freedom in research, teaching and learning for the purpose of the "advancement of truth" and serving the "common good". This Concurrent Resolution establishes that social justice education does not serve the common good. The Concurrent Resolution further establishes that universities should eliminate courses, programs, services and trainings that are infused with social justice ideology, and that the legislature should reduce funding to public universities commensurate with the spending on any social justice courses, programs, services and trainings. She closed by saying the legislature has a responsibility to hold colleges and universities accountable for delivering their core missions.

In response to questions, **Rep. Giddings** offered to compile a report with exact numbers about how many universities furloughed employees while hiring activists.

**MOTION:**

**Rep. Hanks** made a motion to introduce **RS 28589**.

**SUBSTITUTE  
MOTION:**

**Rep. Scott** made a substitute motion to introduce **RS 28589** and recommend it be sent directly to the Second Reading Calendar.

In committee discussion, representatives expressed this was too important of an issue to skip a full committee hearing.

**VOTE ON  
SUBSTITUTE  
MOTION:**

A roll call vote was requested on the substitute motion. **Motion failed by a vote of 6 Aye, 7 Nay, 1 Absent/Excused. Voting in favor of the motion: Reps. Armstrong, Barbieri, Scott, Andrus, Young, and Hanks. Voting in opposition to the motion: Reps. Holtzclaw, Monks, Furniss, Skaug, Gannon, Mathias, and Crane. Rep. Palmer** was Absent and Excused.

**VOTE ON  
ORIGINAL  
MOTION:**

**Motion carried by voice vote.**

**H 137:**

**Rep. Young** presented **H 137** which would authorize the Secretary of State to order a post-election audit of election results after a general or primary election, using procedures he would provide to county clerks at least 60 days prior to the election. Conducting such an audit would increase public confidence in election results by checking the paper ballots, which exist for each and every vote cast in Idaho, against the election results that counties tabulate and report. If problems are identified with any reported election results, the Secretary of State could order the audit of additional ballots. Costs in counties selected for a post-election audit of certain ballots would be variable, but would be unlikely to exceed \$100,000 in statewide costs per election. The Secretary of State will include these costs in his budget request for even-year election cost funding. In addition, this legislation would allow counties to use state election consolidation funds to defray these costs. Rep. Young explained she has heard from many constituents who have expressed concern with the election process. She has also received some concern from clerks, but the Secretary of State's office is working to address these concerns.

**Henrienne Westberg**, IACRC, **Sharee Sprauge**, Power County, and **Phil McGrane**, Ada County Clerk, all spoke **in opposition** of the bill. They expressed concern with adding another responsibility to county clerks within this time frame of an election. While supportive of the idea of audits, they would like this to have been developed from a partnership between county clerks and the Secretary of State.

**Jason Hancock**, Secretary of State's Office, spoke **in support** of the bill. He explained that this bill should not be more specific because the mechanics of voting are always changing and adding too much detail to the legislation would create a need to amend it more frequently.

In response to committee questions, **Mr. Hancock** explained if this legislation had been passed far enough in advance they could have conducted audits for this years' elections, so they need not wait until next year to pass it. He also addressed concerns about the fiscal note by explaining the cost of these audits would fall in the Secretary of States budget request. He further explained they do not expect these audits to find problems with Idaho elections but rather highlight how well they are run.

**MOTION:** **Rep. Monks** made a motion to **HOLD H 137** subject to the call of the chair. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:22 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

**AMENDED AGENDA #2**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Wednesday, March 03, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28639</a>	Controlled Substances, Legislative Vote	Sen. Grow, Rep. DeMordaunt
<a href="#">RS28746</a>	Electrical Contractors, Fire Alarms	Chairman Crane
<a href="#">H 243</a>	Campaign Finance, Account Limits	Rep. Green
<a href="#">H 231</a>	Elections, Independent Candidates	Rep. McCrostie
<a href="#">H 169</a>	Agency Performance Measures	Rep. Young

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, March 03, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** Craig Campbell - Self, Keith Graves - Code 3 to 1, Roger Kenyon - Code 3 to 1, Teresa Molitor - Marijuana Policy Project, Jason Hancock - Secretary of State

**Chairman Crane** called the meeting to order at 9:00 a.m.

**UNANIMOUS  
CONSENT  
REQUEST:** **Chairman Crane** asked unanimous consent to reorder the agenda. There being no objection the consent was granted.

**RS 28639:** **Sen. Grow** presented **RS 28639**. The purpose of this proposed constitutional amendment is to prohibit the legalization of controlled substances unless approved by a two-thirds (2/3) vote of the Idaho legislature. This constitutional amendment proposes no changes to existing statutes as of July 1, 2021.

**Sen. Grow** stated the drug culture has become more prevalent state by state, over time. Oregon has decriminalized drugs and Washington State is considering the same. Drugs are a big-money issue. He reminded committee members, legislators all took an oath to maintain the constitution. This proposed legislation is about the safety of families, children, schools and businesses. The new provisions relating to controlled substances would be added to Section 26, included with intoxicating liquors. Currently, there are five (5) schedules of controlled substances. This proposed legislation deals with Schedules 1 and 2, the most addictive drugs. **Sen. Grow** clarified the term "enacted into law" means the Governor has signed the legislation, enacting it into law.

In response to questions **Sen. Grow** clarified that opioids are not addressed in this legislation. They are addressed in a different section of the code. He shared when there is a tax on medical marijuana, black market marijuana becomes more prevalent. The rationale for 2/3 vote rather than a simple majority is designed to combat pressure created by the temptation of out-of-state money. **Sen. Grow** said the federal government has chosen to treat drugs as they do alcohol. This proposed legislation has an exception for Hemp. There is an additional piece of legislation that has been drafted in conjunction with this current legislation. If approved, this ballot measure would go before voters in November 2022 and be effective immediately upon signature of the Governor. Any drug can be changed on the schedule after July 1, 2021 with a simple majority. Removal of a drug would need a 2/3 vote. This proposed legislation gives the legislature the ability to control legalization of drugs. This constitutional amendment, supersedes ballot initiatives.

**MOTION:** **Rep. Armstrong** made a motion to introduce **RS 28639**.

During discussion, a concern was expressed that about letting a minority dictate legislative votes. **Sen. Grow** said there will be a significant hurdle to overcome by the legislature and Idaho voters if this legislation does not pass.

**VOTE ON MOTION:**

**Motion carried by voice vote.**

**UNANIMOUS CONSENT REQUEST:**

**Chairman Crane** asked unanimous consent to reorder the agenda, once again. There being no objection the consent was granted.

**H 231:**

**Rep. McCrostie** presented **H 231**. This legislation amends the filing date for independent candidates for president and vice president to align with the filing date for independent candidates for federal, state, district and county offices.

Currently, independent candidates running for president or vice president may register their candidacy after independent candidates for federal and state offices have filed their candidacy. As a matter of policy, if someone is running to be the leader of the free world, at a minimum, an independent candidate should be required to register at the same time as these other candidates.

In response to a question, **Rep. McCrostie** did not know the reasoning for the different filing deadlines. **Chairman Crane** suggested that it may be because Idaho used to have a primary race in August.

**MOTION:**

**Rep. Monks** made a motion to send **H 231** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. McCrostie** will sponsor the bill on the floor.

**H 169:**

**Rep. Young** presented **H 169**. This bill adds a provision to Idaho Code 67-1904 requiring agencies to include citizen engagement and satisfaction as one of those measures. If an agency does not directly engage the public, it can substitute employee engagement. Some agencies are doing this now, using modern tools such as online surveys. Adding this requirement will give the agencies and the legislature valuable insight into how they are perceived by the citizens they are serving. It will help agencies understand how citizens view their "customer service" and quality of interaction that citizens have with state agencies. As part of their annual budget requests to the Idaho Legislature, state agencies are required to submit an internal review of their performance. The current law allows agencies to select up to 10 different "quantifiable performance measures, which clearly capture the agency's progress in meeting the goals of its major divisions and core functions stated in the strategic plan."

In response to a question, **Rep. Young** stated that this information should be available to the public through the Public Information Act.

**MOTION:**

**Rep. Gannon** made a motion to send **H 169** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Young** will sponsor the bill on the floor.

**Chairman Crane** turned the gavel over to **Vice-Chairman Armstrong**.

**RS 28746:**

**Chairman Crane** presented **RS 28746**. This legislation will put two exemptions in Idaho code. The first exemption will allow firefighters to replace smoke detectors and carbon monoxide detectors in one and two family dwellings. Secondly, this proposed legislation will provide an exemption for the installation or replacement of a fire alarm panel communication device.

**Chairman Crane** asked for unanimous consent to discuss **H 201**, Hearing no objections, consent was granted. If printed, the bill will go back to business committee. Firefighters currently replace batteries in 110 volt smoke detectors, as a community service. When those smoke detectors are not working, the exemption in this proposed legislation would provide that firefighters could replace the alarms. **Chairman Crane** declared Rule 80 on the second exemption.

With the advent of the 5G network, 3G towers will be obsolete. The majority of current alarm devices are set up on 3G and 4G networks. Most customers will wait to replace their alarms until the last minute. Currently, to upgrade a fire alarm system, plans must be drawn up and a permit must be secured from the city. It is expensive. **H 201** proposes elimination of plans and permits. **RS 28746** meets in the middle, requiring a single family or two family home purchase a permit for a reduced price of \$125. The proposed legislation also states that the policy cannot be changed by a local jurisdiction.

To maintain quality control, the fire department wants to be able to do inspections on new installations. If introduced, he would like to make changes to Lines 26, 29, 31 by adding (DACT) after the words "communication device".

**MOTION:** **Rep. Palmer** made a motion to introduce **RS 28746**. **Motion carried by voice vote.**

**H 243:** **Rep. Green** presented **H 243** to allow a candidate (incumbent or challenger) for either a House or Senate legislative seat to transfer up to the full balance of an established campaign account for one legislative seat (House or Senate) into the account for a new legislative seat (House or Senate) as long as the total contributions from any one person or entity does not exceed the maximum allowed for either the primary or general election during the same election cycle. Changes were made upon recommendation of the committee.

**MOTION:** **Rep. Mathias** made a motion to send **H 243** to the floor with a **DO Pass** recommendation. **Motion carried by voice vote.** Rep. Green will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:47 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary



**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Thursday, March 04, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 198</a>	Precinct Committeeman Qualifications	Rep. Syme
<a href="#">RS28642</a>	Precinct Committeeman Appointments	Rep. Nichols
<a href="#">RS28616C2</a>	Abortion, Downs Syndrome	Rep. Andrus, David Ripley, Director, Idaho Chooses Life
<a href="#">RS28748</a>	Elections, Signature Verification	Rep. DeMordaunt, Jason Hancock, Deputy, Secretary of State's Office
<a href="#">RS28744</a>	Business Bill of Rights	Chairman Crane
<a href="#">RS28647</a>	Idaho Women's Day	Rep. Hartgen, Janet Gallimore, Executive Director, State Historic Preservation Office

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, March 04, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** None  
**GUESTS:** Zach Brooks - District 11 Republican precinct chairman, Carson Tester - Westerberg and Associates, Tammy Payne - Right to Life Idaho, Jason Hancock - Secretary of State

**Chairman Crane** called the meeting to order at 9:00 a.m.

**H 198:** **Rep. Syme** presented **H 198** to revise provisions regarding the qualifications that a precinct committeeman must be registered and reside in a voting precinct for a period of at least six months preceding his next election. He explained this tightens up the committeeman law at the most basic level. If there is a vacant committeeman spot and you haven't registered to vote, you have to be pre-registered to vote.

In response to questions, **Rep. Syme** explained a democrat could run in a republican precinct, this legislation just ensures that the person has knowledge of the area.

**Zack Brooks** testified **in opposition** to **H 198** saying it discourages participation and can be used as a weapon against political opponents. He said someone moved within his precinct but didn't update his address and was disqualified from running. Mr. Brooks said it is difficult to find people to run for these positions, and this proposed legislation just makes it more difficult.

**Phil McGrane**, Ada County Clerk, testified **in support** of H 198. From a Clerk's perspective, the existing language is interpreted to mean the same as this proposed legislation. This legislation would make it easier to validate committeeman qualifications. Proving someone lives in a precinct is difficult and this makes the administration of the program much easier. He clarified clerks differentiate between primary and secondary residences as an individual may only be registered at one residence.

**Rep. Syme** closed by saying **H 198** is a simple change to code that simplifies the process of qualifying precinct committeemen.

**MOTION:** **Rep. Skaug** said this would help constituents in Moscow and would prevent college students from becoming a committeeman right away, while living there short-term. **Rep. Skaug** made a motion to send **H 198** to floor with a **DO PASS** recommendation.

During discussion of the motion, it was noted if someone moves across town, to another district, he wouldn't need to live there for 6 months get to know the community. There are too many hoops creating barriers for participation.

**SUBSTITUTE MOTION:** **Rep. Scott** said this bill seems like petty politics. **Rep. Scott** made a substitute motion to **HOLD H 198** in committee.

The committee discussed the motion and said they are more concerned a committeeman is a registered electorate of the state, rather than the specific precinct and they expressed concern this makes it more difficult to get involved.

**VOTE ON  
SUBSTITUTE  
MOTION:**

**Motion failed by voice vote.**

**VOTE ON  
ORIGINAL  
MOTION:**

**Motion carried by voice vote. Rep. Syme** will sponsor the bill on the floor.

**RS 28642:**

**Rep. Nichols** presented **RS 28642** which amends how vacancies in the office of precinct committeeman are filled. She explained this makes changes to Idaho code so all precinct vacancies are filled through the same process, regardless of political party. This will bring consistency and make it easier to fill these positions.

**MOTION:**

**Rep. Mathias** made a motion to introduce **RS 28642. Motion carried by voice vote.**

**RS 28616C2:**

**David Ripley**, Director, Idaho Chooses Life, presented **RS 28616C2**. The purpose of the proposed legislation is to amend the Informed Consent Law to provide information specific to babies diagnosed with Down Syndrome. Studies indicate the abortion rate for pre-born babies with Down syndrome may be as high as 90%. This bill would require the Department of Health and Welfare to provide mothers in such circumstances with information about the resources available, in both the public and private sectors, to help support a decision to choose life for her baby. He explained this adds to the existing informed consent requirement by requiring a specific section of information about Down Syndrome. Mr. Ripley believes it to be a modest step but one that will save lives.

**MOTION:**

**Rep. Scott** made a motion to introduce **RS 28616C2**.

In response to committee questions and discussion, **Mr. Ripley** explained the essence of this proposed legislation. The legislature should fund Health and Welfare to educate women about children with Down Syndrome. He read current code saying children with handicaps justify the decision to have an abortion. This minor adjustment to require specific Down Syndrome information to be included could help women make informed decisions.

**SUBSTITUTE  
MOTION:**

**Rep. Mathias** made a substitute motion to introduce **RS 28616C2** with the following changes: do not strike lines 46-47 on page 2.

In discussion of the substitute motion **Rep. Mathias** explained the only way the provisions make sense is if there is a decision to be made and reinserting the proposed stricken language would provide clarity.

**AMENDED  
SUBSTITUTE  
MOTION:**

**Rep. Andrus** made an amended substitute motion to introduce **RS 28616C2** with the following changes on page 5, line 13: add, the department shall ensure that a Spanish language version of the informed consent materials required in this subsection is made available to women considering an abortion.

During discussion of the amended substitute motion, the committee discussed the possibility there is something within the administrative rules requiring all materials at Health and Welfare to be printed in Spanish. It is thought the informed consent website is in Spanish but they do not believe the booklet is currently printed in Spanish. The committee asked for clarification to confirm this legislation is also requesting a brochure about Down Syndrome be printed in Spanish. It was noted this proposed legislation requires more information to be provided but does not effect anyone's ability to have an abortion. **Rep. Mathias** revisited his confusion about the lines being struck, saying if we are truly giving women a choice then we can remove this language from code.

**VOTE ON  
AMENDED  
SUBSTITUTE  
MOTION:**

**Motion carried by voice vote. Rep. Mathias** requested to be recorded as voting **NAY**.

**RS 28748:**

**Jason Hancock**, Deputy Secretary of State, presented **RS 28748**, The purpose of this proposed legislation is to ensure the security of absentee voting and the validity of petition signatures by clarifying the requirement that county clerks verify voter signatures in these instances. A recent Idaho district court decision held that it is not reasonable to interpret the existing statutes to say County Clerks should be verifying signatures on a recall petition, which has been standard practice across the state. This proposed legislation clarifies requirements to ensure these practices continue for all instances where signature verification is currently relied upon. It also requires the Secretary of State to provide training and guidance on how signatures are to be verified and clarifies that petition signatures are to be physical signatures and not electronic. Signature checks by clerks are a cornerstone for preventing fraud in Idaho. The new legislation specifies requirements for verifying signatures. The Secretary of State will provide clear standards for the County Clerks.

In response to questions, **Mr. Hancock** explained a physical signature can be a mark or signature. It needs to be consistent and match voter registration mark or signature on record. If something changes, affecting a signature, such as a stroke, a new voter registration card may be made with the voter's current signature. He said there is a precedent set for what a signature is so it need not be defined in the legislation.

**MOTION:**

**Rep. Monks** made a motion to introduce **RS 28748. Motion carried by voice vote. Chairman Crane** handed the gavel over to **Rep. Armstrong**.

**RS 28744:**

**Chairman Crane** presented **RS 28744**. This proposed legislation creates a business Bill of Rights to provide clarification and certainty for business owners during emergency declarations. Businesses would be able to remain open and their licenses would not be threatened. **Chairman Crane** explained many business owners contacted him with fear their businesses would be shut down, due to the pandemic. This would allow businesses to stay open regardless of a declaration of emergency. Chairman Crane declared Rule 80.

In response to questions, **Chairman Crane** explained if the government decides to tell a business they must close, the emergency order would be null and void regardless of which level of government the emergency order was enacted.

**MOTION:**

**Rep. Palmer** made a motion to introduce **RS 28744. Motion carried by voice vote.**

**RS 28647:**

**Rep. Hartgen** introduced **RS 28647**. She explained Women's Day was established by the legislature last year. This resolution would commemorate the day it was established. She turned her remaining time over to **Janet Gallimore**, Director of the Idaho State Historical Society.

**Ms. Gallimore** explained March 14th has special significance to Idaho as it is the day the Idaho Legislature approved the official state seal, designed by a woman.

In response to committee questions, **Ms. Gallimore** explained the Historical Society's exhibit features the outstanding career achievements of women in Idaho, in addition to their role as mothers.

**MOTION:** **Rep. Young** made a motion to introduce **RS 28647**. **Motion carried by voice vote.**

There being no further business to come before the committee, the meeting adjourned at 10:20 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

**AMENDED AGENDA #2**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Friday, March 05, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 245</a>	Foreign Contributions, Expenditures and Communications	Rep. Troy
<a href="#">H 244</a>	Extra Credit, Voting	Rep. Troy
<a href="#">RS28736</a>	Extra Credit, Voting	Rep. Troy
<a href="#">RS28769</a>	Small Arms Protection	Sen. Zito
<a href="#">RS28775</a>	Business Liability	Rep. Monks
<a href="#">H 232</a>	Alcohol, Tax Distribution	Rep. Holtzclaw, Sheila Francis, Executive Director, Idaho Brewers United, Roger Batt, Lobbyist, Idaho Grape and Wine Commission,

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, March 05, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** Roger Batt – Lobbyist for Idaho Grape Growers and Wine Producers Commission, Michael Williamson - Owner/Operator, Williamson Orchards, Scott Smith - Idaho Grape Growers and Wine Producers Commission, Earl Sullivan - Owner, Teyela Winery and Chairman, Idaho Grape Growers and Wine Producers Commission, Chad Sandborn - Owner, Wallace Brewing Company, Oliver Schroeder - Hops Producer and Idaho Hop Growers Commissioner, Daniel Love - Mother Earth Brewing Company, Sheila Francis - Executive Director, Idaho Brewers United, Ashley Struble, Moya Dolsby, – Idaho Grape Growers and Wine Commission, Jake Cluff - Association of Idaho Cities, Russell Westerberg and Carson Tester – Westerberg and Associates, David Arkoosh - Idaho Beer Alliance, Jeremy Pisca – Lobbyist, Risch Pisca LC

Chairman Crane called the meeting to order at 9:00 a.m.

**Chairman Crane** announced **S 1110** will be on the agenda Monday, March 8, 2021. He anticipated a lot of public testimony. He indicated the committee will hear as much testimony as possible and vote on the bill at the meeting.

**H 245:** **Rep. Troy** presented **H 245** to strengthen Idaho's election laws by prohibiting foreign contributions, independent expenditures and electioneering in Idaho campaigns. These activities are already illegal under federal law but not under state law. This bill would give Idaho the ability to prosecute such violations, regardless of the federal government's action. Rep. Troy indicated contributions from foreign family members would not be legal.

**MOTION:** **Rep. Gannon** made a motion to send **H 245** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** Rep. Troy will sponsor the bill on the floor.

**H 244 AND RS 28736:** **Rep. Troy** presented **H 244** and requested permission from the chairman to also present **RS 28736**. Permission was granted. Rep Troy stated her desire to hold **H 244** in committee and introduce **RS 28736**. This proposed legislation clarifies that employees of Idaho public universities or colleges shall not offer extra credit to students to vote or not vote, or to influence a vote for or against a candidate or ballot measure. Clarifications were made to **RS 28736**, in response to recommendations from the committee. Rep. Troy clarified there is nothing in statute prohibiting students to engage in internships offered by political candidates.

In response to questions, **Rep. Troy** said extra credit could not be offered to students to work on a campaign but an internship for college credit is acceptable.

**MOTION:** **Rep. Gannon** made a motion to **HOLD H 244** in Committee and introduce **RS 28736** and recommend it be sent directly to the second reading calendar. **Motion carried by voice vote.** **Rep. Troy** will sponsor the bill on the floor.

**RS 28769:** **Alex Kincaid**, Alex Kincaid Law, presented **RS 28769**. This proposed legislation would revise Idaho Code Chapter 33, Title 18, to add Section 18-3315C to be known as the Idaho Small Arms Protection Act. To declare legislative intent, to define small arms necessary for the right of self-defense. To provide the Attorney General the ability to challenge certain law and to provide the right of intervention. **Ms. Kincaid** said this legislation protects the right to keep and bear arms in the State of Idaho, and to clearly set the stage for success in litigation or constitutional challenges that may arise. Through Freedom Laws, states may protect that right to a greater degree.

**Alex Kincaid** stood for questions. She explained this proposed legislation would protect the right to keep and bear arms, independent of the Second Amendment, and independent of how a federal court might interpret that amendment. She stated the Small Arms Protection Act should not merely be a statement of defiance to the federal government. Instead, the statute should state, as clearly as possible, "This is what Idaho stands for."

**Ms. Kincaid** said the Right of Intervention means if Idaho's Attorney General does not bring challenge to a federal court ruling, it is a right for someone else to bring a challenge, including the legislature.

Prohibition of enforcement is in respect to not requiring law enforcement to assist in a gun ban. There was concern about someone violating a federal law when a weapon is used in a crime or other violation and law enforcement not being able to act.

**MOTION:** **Rep. Barbieri** made a motion to introduce **RS 28769**. **Motion carried by voice vote.**

**UNANIMOUS CONSENT:** **Chairman Crane** requested unanimous consent to remove **RS 28777** from the agenda. There being no objection, consent was granted.

**RS 28775:** **Rep. Monks** presented **RS 28775**. If an employer required its employees to receive a vaccination, this legislation specifies the employer would assume liability for damages caused from requiring their employees to receive the vaccination.

**Rep. Monks** stated employees need protection from employers when they are asked to perform certain tasks. Liabilities are accepted. He said if an employee has an adverse reaction the employer should bear responsibility.

In response to questions, **Rep. Monks** stated this legislation was broadly stated to include all Idaho employers, public and private. If an immunization is required, it would be a condition of employment. He said employers would not be prohibited from purchasing an insurance policy to cover injury and damages from immunizations. He clarified liability would be unlimited, up to and including death. **Rep. Monks** said he had not heard of any insurance to cover immunization damages or injury but said sick days would fall under damages.

**MOTION:** **Rep. Holtzclaw** made a motion to introduce **RS 28775**. **Motion carried by voice vote.**

**H 232:** **Rep. Holtzclaw** presented **H 232**. This bill would regulate all beer products regardless of alcohol content and change the standard of measurement from alcohol by weight to alcohol by volume to align Idaho law and Federal laws. Over the course of the next three years, this legislation would authorize 5% of tax revenues derived from "strong beer" to be reallocated from the Idaho Grape Growers and Wine Producers Commission to the Idaho Hop Growers Commission. The reallocation would reduce the Idaho Grape Growers and Wine Producers Commission budget and make the Idaho Grape and Wine Commission's budget whole again by increasing the Commission's current percentage of the wine excise tax allocation on wine produced and sold in Idaho.



**Rep. Holtzclaw** said tax on strong beer should go to the Hops Commission. Currently, close to 50% of wine excise taxes are derived from strong beer sales. This bill simplifies taxes, consolidates regulations into one chapter, and updates regulated language from weight to volume. It keeps the Idaho Grape and Wine Commission whole by allowing them to keep 5% excise tax for out of state wine and up to 88% tax for in-state sales. Rep. Holtzclaw said that the wine and beer industry groups worked together to craft this legislation.

In response to questions, **Rep. Holtzclaw** explained the fiscal note. After three years the Commission would become whole again and this fiscal impact would be net neutral to the general fund.

**Roger Batt** stood for questions. He explained that the Hops Commission was a casualty of a bill enacted in 1988. Currently, any beer over 4% is considered the same as wine, benefitting the Wine Commission and the wine industry. He said this legislation is not defining wine and beer. The money is needed for marketing purposes

**Michael Williamson, Scott Smith and Earl Sullivan**, testified in support of **H 232**. They said the Idaho Grape Growers and Wine Producers Commission provides great economic value to the state, providing education and outreach for the Idaho grape and wine industry. If the tax dollars are not back-filled, these services would be hampered, negatively affecting the industry and tourism, related to winery visits. As a result of the Commission's help, Teyela Winery was recognized in the Wall Street Journal and other national publications. This proposal would also bolster the beer industry in Idaho.

**Chad Sandborn, Oliver Schreoder, Daniel Love and Sheila Francis** testified in support of **H 232**. In drafting this legislation, Idaho Brewers United, took input from their membership at monthly meetings. More than 50 breweries are represented. It was indicated that the Hops Commission will use the money they receive for research and promotion. There is a push to create non-alcoholic drinks using hops. The industry has seen a lot of growth with the popularity of craft beers. Beer contributes millions to the Idaho economy. The Idaho Hop Commission is allowed to promote beer as long as hops are included. Most members of Idaho Brewers United pay between \$250 - \$350 annual dues. Dues are based on the number of barrels of beer produced annually.

**David Arkoosh** testified in opposition of **H 232**. He said members of the Alliance are family-owned small businesses. Mr. Arkoosh said this legislation does nothing to help the craft beer industry and didn't feel that they were part of the negotiations. He acknowledged that he met with **Chairman Crane, Roger Batt, Sheila Francis and Nate Fisher**, Lobbyist for Idaho Brewers United, prior to the bill hearing.

**Jeremy Pisca** said he remained neutral on **H 232**. He expressed concern about how the money will be spent once it is collected. 98% of beverages sold in state come through an Idaho Distributor and those taxes are assessed and remitted. He does not want this money to be used to lobby against the regulatory system that members depend upon and hopes Idaho Brewers United will bring forward legislation next year to put that in code.

In closing, **Rep. Holtzclaw** emphasized Idaho is the second largest producer of hops in the United States and 98% of beer producers use hops.

**MOTION:**

**Rep. Barbieri** made a motion to send **H 232** to the floor with a **DO PASS** recommendation.

**ROLL CALL  
VOTE:**

Roll Call vote was requested. **Motion carried by a vote of 10 Aye and 4 NAY.**  
**Voting In favor** of the motion: **Reps. Crane, Armstrong, Palmer, Barbieri, Holtzclaw, Scott, Hanks, Skaug, Gannon, Mathias.** **Voting in opposition** of the motion: **Reps. Monks, Andrus, Young, Furniss.** Rep. Holtzclaw will sponsor the bill on the floor.

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 10:26 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Monday, March 08, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">S 1110</a>	Ballot Initiatives, Legislative Districts	Sen. Vick, Rep. Addis

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, March 08, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** Carmel Crock – Self, Ken Harris – Self, Benjamin Kelly - Food Producers of Idaho, Richard Durrant - Self, Brad Roberts - Self, Russ Hendricks - Idaho Farm Bureau, Sylvia Chariton -AAVW, Garret Kastle - Self, Ross Mason - Self, Shive Rajbhandari

**Chairman Crane** called the meeting to order at 9:00 a.m.

**Chairman Crane** explained public testimony will be taken on **S 1110** until 10:15 a.m. Following testimony, **Rep. Addis** will make his closing remarks and motions on the bill will be accepted. He stated a vote will be taken prior to the end of the meeting.

**S 1110:** **Sen. Vick** presented **S 1110**. The purpose of this legislation is to increase voter involvement and inclusivity in the voter initiative / referendum process. This would be accomplished by ensuring signatures are gathered from each of the 35 legislative districts, so every part of Idaho is included in the process.

Under existing law, signatures are required to be collected from 18 districts. This could be accomplished by gathering signatures in only four counties. County clerks verify initiative / referendum signatures in every legislative district where they are gathered. This bill would increase the number of districts where signatures are gathered but would not raise the total number of signatures required.

**Sen. Vick** said this bill strikes language on lines 20-23: at least 18 and adds 35. It also strikes the total number of signatures shall be equal to or greater than 6% of the qualified electors of the state at the time of the last general election.

**Sen. Vick** stated he received opinions from both the Secretary of State and Attorney General verifying there will not be an increased number of signatures nor signatures from every single county. This would allow all policy coming through an initiative or referendum to be more inclusive of all Idahoans.

In response to questions, **Sen. Vick** was unsure how many initiatives have made it onto the ballot in the past 20 years. He said a trend is developing for wealthy out of state groups to put initiatives on the ballot. The initiative / referendum process is becoming centralized, and this legislation would help eliminate the problem.

A concern was expressed if the cost of collecting signatures increases, it may discourage or prohibit citizen groups from trying to get an initiative or referendum on the ballot.

A recommendation was made to change the language to require signatures from 18 counties rather than legislative districts. **Sen. Vick** said the legal precedence is for signatures be gathered by legislative districts. The Supreme Court views this as a violation of the one-man-one-person-vote. The intent is to make sure the initiative process is legal and can withstand a court challenge.

**Rep. Addis** stated he also consulted with the Attorney General's Office and it was their opinion that collecting votes by legislative district was the best way to proceed. He stated this bill is truly inclusive. It allows every Idahoan a seat at the table when forming law. As the population shifts into urban areas, this legislation would ensure representation from all parts of Idaho.

A committee member referenced Article One, Section Two of Idaho's Declaration of Rights - Political power is inherent in the people. It was expressed when the legislature puts more restrictions on the initiative process it violates the spirit of the constitution and puts a choke hold on democracy. This bill would make it much more difficult for political powers to remain with the people of Idaho.

**Richard Durrant, Benjamin Kelly, Brad Roberts, Russ Hendricks, Bryan Searle** - Idaho Farm Bureau, **Fred Omodt** - Self, **Mark Frei** - Self, and testified **in support of S 1110**.

They said, Idaho's population has grown more than 12% since 2010 and with rapidly changing demographics, it is critical for all Idahoans to have an equal voice. The current model is not balanced, and outside interests can have too much influence. It is important to have proper education about controversial issues placed on the ballot and propaganda has been brought in from outside interests, complicating matters. Technology allows citizens to communicate with each other throughout Idaho and can bring people together in the initiative/referendum process. For one legislative district to achieve veto power, it would need to have more than 94% of registered voters sign a petition in opposition of placing the initiative / referendum on the ballot. Having the right to bring initiatives forward is important to Idaho citizens.

In response to a question from the committee, **Mr. Hendricks** stated approximately one-half of states do not allow initiatives to be put on the ballot.

**Carmel Crock, Ken Harris, Sylvia Charitan, Shiva Rajbhandari, Ross Mason, Garret Kastle, Lauren Bramwell** - Policy Strategist, ACLU, **Luke Prang** - Lemhi County Democratic Party, **Terry Wilson** - Black Lives Matter, Boise, **Linda Larson** - Self, **Hollie Conde** - Conservation Voters for Idaho, **Dr. Gary Hoffman** - Self, **Joe Evans** - Self, **Harri Osborn** - Self, **Jeffry Read** - Self, and **Lori Gibson Banducci** - Self, testified **in opposition of S 1110**.

They said, this legislation would severely burden Idahoans' access to the initiative process and is an infringement on Idahoans' constitutional rights. If passed this legislation would likely spur litigation under the Idaho State Constitution and the 1st and 14th Amendments. This bill makes a difficult process, impossible and would eliminate the citizen initiative process, disenfranchising Idahoans. It would give veto power to a single legislative district, allowing outside interests to target a particular district to take advantage of that veto power. This bill would increase the amount of funding needed to attempt to get an initiative on the ballot. Statistically, it would be impossible to get the number of signatures needed to get an initiative / referendum on the ballot.

The initiative / referendum process is democracy at its purist. People know when something needs to change and by providing a signature, they can effect change. This bill is government overreach. With only two out of fifteen initiatives making it onto the ballot in the last 7 years, it is clear the requirements are already difficult to meet. In the spirit of **S 1110**, it was suggested the committee be required to vote unanimously to send this bill to the floor.

In response to questions, **Ms. Bramwell** said the initiative process is not uniform in all states. **Ms. Larson** clarified when she lead the signature gathering effort in District 1, for the Medicaid Reform Initiative, she worked with 150 volunteers and there were no paid signature gatherers.

**Rep. Addis** closed by saying this bill is about policy. It is an inclusive bill that gives every part of Idaho a voice in the formation of laws.

**MOTION:**

**Rep. Gannon** made a motion to **HOLD S 1110** in committee. He said, since 1978, initiatives have covered the spectrum of government philosophy and have been important to the political process. It is inappropriate to restrict the initiative/referendum process. It is going to cost more money for any group to promote their ideas. One district will have veto power over the implementation of the process. This bill is not necessary.

During discussion, **Rep. Hanks** said **Greg Pruitt** from the Second Amendment Alliance was not available to testify but asked to be on the record **in support of S 1110**.

**SUBSTITUTE MOTION:**

**Rep. Hanks** made a substitute motion to send **S 1110** to the floor with a **DO PASS** recommendation.

During discussion, **Rep. Barbieri** stated one of the requirements of being a state in the United States is to have a republic form of government, not a democracy. While it is important to recognize citizens are the essential aspect of the state, rural counties are losing political influence. Other states are controlled by large cities. He does not want that to happen in Idaho.

**Rep. Mathias** stated the need to protect and enshrine the role and influence of Idaho's rural communities. He fears the legislature is going so far in one direction that it renders Idahoans' constitutional rights unexercisable. He supports the original motion.

**Rep. Gannon** stated he would like to see a smaller number of districts required and said requiring 35 districts is too extreme. The legislature is giving one district veto power. He supports the original motion.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:**

Roll Call vote was requested. **Substitute motion carried by a vote of 12 AYE and 2 NAY. Voting in favor** of the motion: **Reps. Crane, Armstrong, Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, (Andrew).** **Voting in opposition** of the substitute motion: **Reps. Gannon, Mathias.** **Rep. Addis** will sponsor the bill on the floor.

**ADJOURN:**

There being no further business to come before the committee, the meeting adjourned at 10:28 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

*Sen. Vick*  
*Rep. Addis*

*SB 1110*

*3/8/2021*

**The State of Idaho Land area is: 83,642<sup>2</sup> miles.**

**Kootenai County land area: 1,316 mi<sup>2</sup>**

**Ada County land area: 1,060 mi<sup>2</sup>**

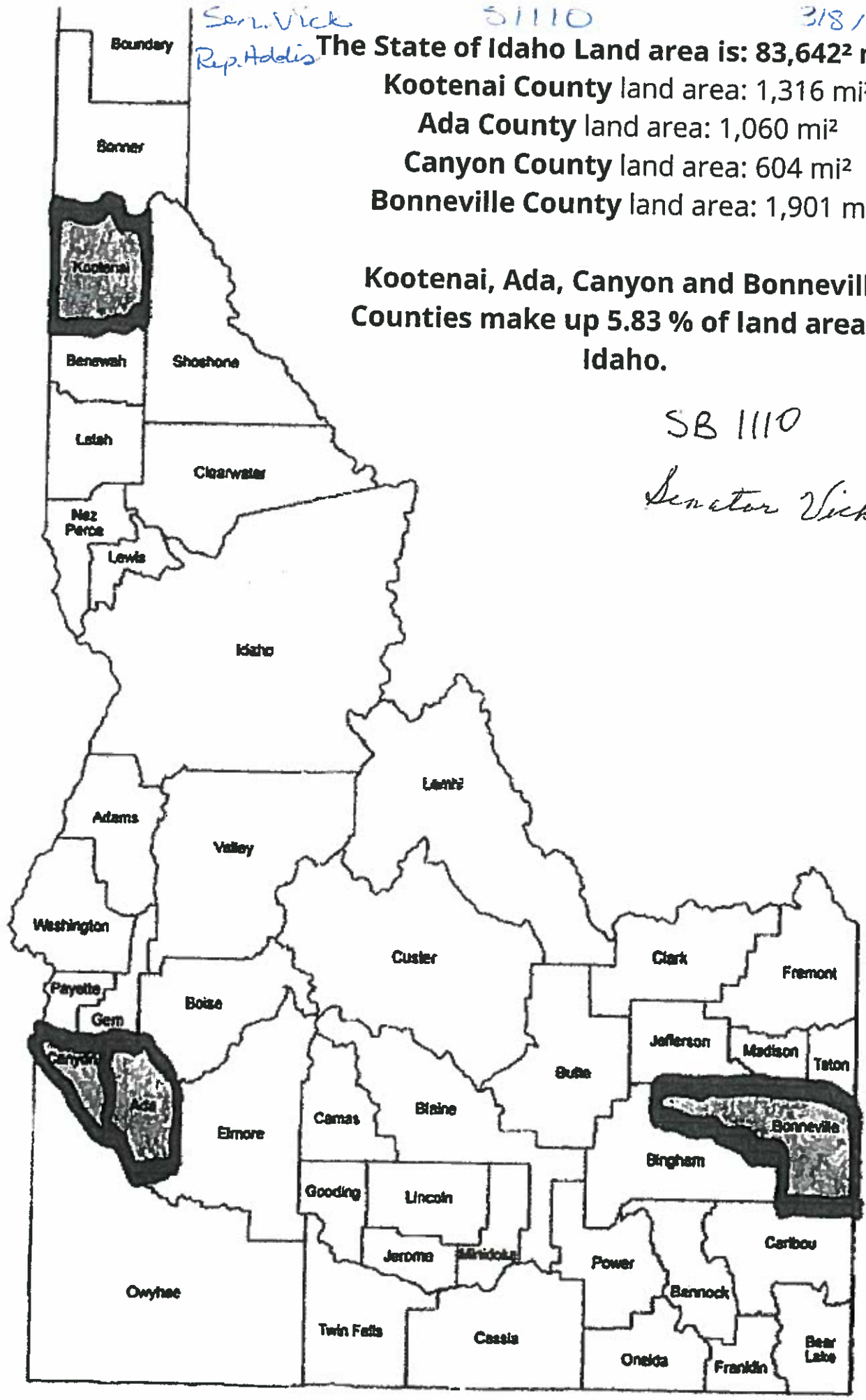
**Canyon County land area: 604 mi<sup>2</sup>**

**Bonneville County land area: 1,901 mi<sup>2</sup>**

**Kootenai, Ada, Canyon and Bonneville Counties make up 5.83 % of land area in Idaho.**

*SB 1110*

*Senator Vick*



**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Tuesday, March 09, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28728</a>	Driver's Education	Rep. Mitchell
<a href="#">HCR 13</a>	Women's Day	Rep. Hartgen, Janet Gallimore, Executive Director, State Historic Preservation Office
<a href="#">RS28735C1</a>	City Elections	Rep. DeMordaunt
<a href="#">H 122</a>	Concealed Weapons on School property	Rep. Christensen

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)



MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 09, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** Representative Skaug  
**GUESTS:** Guests: Karen Echeverria, ED Idaho School Boards Association, Margie Baker, self, Casey Baker, self

**Chairman Crane** called the meeting to order at 9:01 a.m.

**MOTION:** **Rep. Mathias** made a motion to approve committee minutes from January 19, 2021, January 25, 2021, January 28, 2021 and January 29, 2021. **Motion carried by voice vote.**

**Chairman Crane** stated **RS 28728** will be the last RS presented, not germane to the House State Affairs Committee, during this legislative session. Going forward, legislation not germane to a privileged committee will go through the Ways and Means Committee.

**RS 28728:** **Rep. Mitchell** presented **RS 28728** which would remove the mandatory driver's education law in the State of Idaho and replace it with the following:

Age 14 – Apply for a learner's permit and pass the written driver's exam and record at least 50 hours of supervised driving by a licensed parent or guardian, 21 years of age or older. Age 16 - Apply for an intermediate license and pass the state driving exam, including the Graduated Driver's License rules, which have been proven to be safer and more effective than driver's education classes. At age 17, there would be no change to current law.

**Rep. Mitchell** said it is difficult to enroll young people in driver's education in the rural areas of our state. It is oftentimes not offered through the schools. If it is, it costs approximately \$125 with long waiting lists for the class. Private driver's education costs approximately \$450. This proposed legislation would allow parents to teach the driving portion of driver's education. To receive a driver's license, students must pass the written driver's test at the Division of Motor Vehicles.

**Rep. Mitchell** indicated an amendment is needed on page 3 line 13. ...shall be issued to: upon the successful completion of a written driver's knowledge test, a vision test, and the driving examination provided for in section 49-313, Idaho code.

In response to questions, **Rep. Mitchell** clarified the written portion of the test would be completed first and then the student would be taught how to drive by their parents. Students would be required to log 50 hours of driving time with parents or guardians. Formal driver's education is still an option for new drivers. No negative feedback has been received from law enforcement or elsewhere.

**MOTION:** **Rep. Holtzclaw** made a motion to introduce **RS 28728** with the proposed amendment on page 3 line 13 ...shall be issued upon the successful completion of a written driver's knowledge test, a vision test, and the driving examination provided for in section 49-313, Idaho code. **Motion carried by voice vote.**

**HCR 13:** **Rep. Hartgen** presented **HCR 13**, to recognize and celebrate March 14, 2021 as Idaho Women's Day. Last year the Legislature approved a Concurrent Resolution establishing Idaho Women's Day to recognize and commemorate the contributions of women in Idaho's past, present and future. This legislation continues the tradition by honoring and recognizing the influence, impact and importance of women in Idaho. The Idaho State Museum will also open a special exhibition, "Trailblazing Women of Idaho", in conjunction with the celebration of Idaho's Women's Day. The exhibit will run through November 30, 2021 and features 104 trailblazing women who have helped define Idaho history while impacting political, cultural, economic, academic, social, and civic fields.

**Janet Gallimore**, Executive Director of the Idaho Historic Preservation Office, stated this is a revalidation, to honor Idaho women and will come before the legislature, annually.

**MOTION:** **Rep. Young** made a motion to send **HCR 13** to the floor with a **DO PASS** recommendation. **Motion carried** by voice vote. **Rep. Hartgen** will sponsor the bill on the floor.

**RS 28735C1:** **Rep. DeMordaunt** presented **RS 28735C1**. This proposed legislation would increase voter participation in municipal elections by moving the election of all city officers, mayors, and municipal bonds and levies to even-numbered years, on the November general election ballot. Voter turnout is significantly higher in even-year elections. In the last general election, the Secretary of State's Office reported that 81.2% of eligible Idahoan's voted in the general election.

This proposed legislation would align municipal elections with the presidential and congressional elections, held in even years, therefore, dramatically increasing voter participation rates in the municipal elections.

**Rep. DeMordaunt** stated the fiscal note needs to be changed to say that the savings would be to the local municipalities rather than the general fund.

**Rep. Palmer** made a motion to introduce **RS 28735C1**. **Motion carried by voice vote.**

**H 122:** **Rep. Christensen** presented **H 122** which would allow school district employees, with an enhanced concealed weapons license, to carry a concealed weapon on school property. This would require the school district employee to maintain the weapon concealed and within their immediate control. It provides that employees desiring to utilize this statute provide a confidential copy of their enhanced license to school officials who would also share the information with law enforcement.

**Rep. Christensen** stated Gun Free Zone signs are a target for shooters and most shootings happen in those areas. He said the Bill of Rights and Constitution are protected in the United States and this is a Second Amendment issue. The average police response time in this country is 10 minutes and it is a long time if a shooter is at a school. Staff members could save lives by stopping the shooter. **Rep. Christensen** shared that response times are even longer in his rural district and others like it. A gun is a tool. If something happens, people can be prepared.

Law enforcement officers would encourage teachers and staff to train with them. Utah, Alabama, Oregon and Rhode Island allow concealed weapons on school property, with permits. **Rep. Christensen** said this bill has been before the Idaho legislature for the past three sessions.

In response to questions, **Rep. Christensen** believes society is moving away from guns. Most Idahoans who carry shoot often. School boards would still have the authority to determine if they do not want concealed carry in their schools. He clarified law enforcement and school officials would be required to know who has a permit. This legislation would apply only to public schools.

It was noted by the committee that a teacher in Utah was hurt when her gun accidentally discharged in 2014. Other incidents were also sited. There was concern expressed about the potential for accidents. In a stressful situation, a carrier may not be able to respond accurately enough because they simply don't have enough experience. **Rep. Christensen** said most teachers will be in a classroom with their students. If someone broke in, they could defend themselves, even if they miss the target. He feels it would be worth risk.

**Karen Echeverria** - ED Idaho School Boards Association testified **in opposition** of **H 122**. She stated this should be a local governance issue and does not think it is right to take away the right of school boards to make decisions about conceal carry. There are already laws in place. In this bill, the school has no ability to deny someone to carry if it is felt that they are not stable.

**Margie and Casey Baker** - citizens, **Greg Pruitt** - ID Second Amendment Alliance and **Adam Maybe** - Soda Springs Sheriff testified **in support** of **H 122**. This is the natural progression in Idaho's gun laws. This bill would result in the ability to have guns on school property in a safe way. The gun isn't the problem, the problem is the person brandishing the gun. Individuals with concealed carry permits would have background checks and training. Idaho is a state where many people have these permits. If a person defends himself, he will do his best not to have any collateral damage. Most of the time when there is a shooting, the attack is over by the time officers arrive. When a person carries on school grounds, they make themselves the target instead of the children.

**Alice Aramari** - Self, **Diana David** - Gun violence survivor, and **Gina Schlegle** - Parent Psychotherapist testified **in opposition** to **H 122**. They are all committed to keeping children safe and most were not against guns, in general. It was sited officers receive 840 hours of basic training. School staff are not all adequately trained and many incidents of guns discharging accidentally were sited. It was also noted that armed civilians can complicate the response of officers. Rather than arming teachers and staff, increasing the number of resource officers and social workers was recommended. They can help address students' mental health issues.

**Jeff Lavey** - Executive Director, Idaho Sheriff's Association also testified **in opposition** to **H 122**. Idaho's concealed carry laws are one of the most liberal in the country. Mr. Lavey said a one-size bill does not fit all schools, throughout Idaho. He said it would be impossible for officers to know everyone who carries at each school. It may be possible in rural areas but not in urban areas. Situations are confusing enough when officers arrive at an active shooting scene. To add civilians with guns into the mix is difficult. In response to a question, Mr. Lavey said even with all the training received by officers, shooting a gun with accuracy can be affected by stress. Civilians who do not have that kind of training are going to be under severe pressure. He acknowledged it is possible some civilians may be better trained with their guns, than officers.

In closing, **Rep. Christensen** stated that In Utah, there has been one accident in 25 years. Bad people are always going to have access to firearms. It is important for staff members to be able to protect themselves and the children. There is always risk for human error. He said he believes most Idahoans want this bill to pass and has seen many polls, with most in favor. This is for Idaho citizens, not special interest groups.

**MOTION:**

**Rep. Hanks** made a motion to send **H 122** to the floor with a **DO PASS** recommendation.

It was noted Idahoans are well armed and guns are tools. Idahoans want good guys with guns to stop bad guys with guns. It is a matter of constitutional interpretation. In our country people have the right to bear arms. The case was not made that introducing guns into the learning environment of our kids is the best thing.

**SUBSTITUTE MOTION:**

**Rep. Mathias** made a substitute motion to **HOLD H 122** in committee.

Roll call vote was requested on both motions.

There was concern expressed about liability and the standard of reckless, wanton behavior. This situation creates difficulty for a person with a concealed weapons permit in a stressful situation. It is difficult for individuals with significant training to shoot accurately under pressure. It comes down to experience.

**VOTE ON SUBSTITUTE MOTION:**

**Motion failed by a vote of 2 AYE and 11 NAY. Voting in favor** of the motion: **Reps. Mathias, Gannon. Voting in opposition** to the motion: **Reps. Crane, Armstrong, Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug.**

**VOTE ON ORIGINAL MOTION:**

**Motion carried by a vote of 11 AYE and 2 NAY. Voting in favor** of the motion: **Reps. Crane, Armstrong, Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Rep. Skaug was absent/excused. Voting in opposition** to the motion: **Reps. Mathias, Gannon. Rep. Christensen** will sponsor the bill on the floor.

There being no further business to come before the committee, the meeting was adjourned at 10:22 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Wednesday, March 10, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 72</a>	Lottery, Powerball	Rep. Holtzclaw, Jeff Anderson, Agency Director, Idaho Lottery
<a href="#">H 281</a>	Mask Mandates, Prohibition	Rep. Hanks
<a href="#">RS28802</a>	Mask Mandates, Prohibited	Rep. Hanks
<a href="#">RS28804</a>	School Board Trustees	Rep. Ehardt
<a href="#">RS28536C1</a>	Federalism Act	Rep. Dixon
<a href="#">RS28759</a>	Social Media Censorship Act	Rep. Nichols, Rep. Barbieri, Rep. Vander Woude,

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, March 10, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug (Andrew), Gannon, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** Casey Baker, Margie Baker, Monica McKinley

**Chairman Crane** called the meeting to order at 9:00 a.m.

**MOTION:** **Rep. Mathias** made a motion to approve the minutes of the February 23, 2021 and February 24, 2021. **Motion carried by voice vote.**

**H 72:** **Rep. Holtzclaw** presented **H 72** which would allow Idaho's continued participation in the lottery's Powerball game as it expands to Australia and the United Kingdom. Currently, Idaho Code allows only for participation in multi-jurisdictional games offered in the United States and Canada. The Idaho Lottery is a member of the Multi-State Lottery Association and has an agreement to participate in the multi-state games Powerball, Mega Millions, Lucky for Life, Lotto America, as well as others that may be developed from time to time. Forty-five states, two territories, and the District of Colombia also participate.

In response to committee questions, **Rep. Holtzclaw** said it is a straight forward bill that is imperative to continue playing the Powerball game which generates \$14 million for Idaho schools. Basic changes are on line thirteen, changing shall to may and page two where lines five and six now read 'government-operated or government-sanctioned lottery.'

**Jeff Anderson**, Director of Idaho Lottery, stood for questions. Mr. Anderson said Powerball began in early 1990 and Idaho was one of the original 13 states to participate. He said bigger jackpots come from more people playing the game. It does not matter where the winner lives, they can collect their prize as a 30-year annuity payment or collect a smaller lump sum payment. Mr. Anderson said federal taxes are 25% and Idaho State tax collected is just under 7%. Prize money is paid out in the currency of the winner's country.

Powerball is not currently being played in the UK. Australia has its own smaller game called Powerball but is not affiliated with the Multi-State Lottery Association's Powerball game. The Association licenses the game to lotteries in other states and countries. If the Powerball brand is not being used in a particular country, there is no copyright of the name. International participation will help protect the trademark. Prize money is paid out in the country's currency where the prize is won. The Lottery in the winning country settles up with the Multi-state Lottery Association in US dollars. The exchange rate would be that of the current day. Mr. Anderson said every member of the Association contributes to the Jackpot with 30% going to the jackpot pool. The money is held in trust until a winner is determined. The odds of winning the jackpot are 1 in 292 million. It is the same everywhere. The odds have changed since the inception of the game in 1990 but the odds of winning a prize have not. At this point, the odds of winning the Powerball game are the same, all the time, on every ticket because they are based on possible number combinations.

Approximately one half million dollars are spent to advertise Powerball. Retailers make 5% commission and there is 1% set aside for a bonus pool, for the store selling the winning ticket. Contribution to gross profits vary from game to game. Powerball and Mega Millions are the highest profit games.

Total prize expense is 50% percent on Powerball and as high as 70% on scratch games. The odds of winning are better on the scratch games. No money goes out of state for the Powerball game. Idaho contributes to the jackpot pool through the Multi-state Lottery Association. All members contribute to the jackpot pool and all other prizes are the responsibility of the Idaho Lottery. There is a \$20,000 administrative fee paid to the Association by each member. Mr. Anderson stated the Multi-State Lottery Association will only work with countries who have similar legal systems, based on English law. There is a list of participating jurisdictions on their website. Concern was expressed about the Lottery Association expanding to China or Russia. The drawing takes place on designated nights at a specified time. Mr. Anderson said rather than targeting countries not to include, he would prefer to include Canada, Australia and the United Kingdom in the bill.

In regard to changing the word from shall to may on line 13, shall means the lottery commission would have to do what the Director says. The new language means they may or may not accept recommendations of the Director and staff when making decisions. The changes proposed should not preclude any legislative oversight. The Commission may accept recommendation from the commission and staff.

**Linda Fioravanti**, JBS Society in Bonners Ferry, and **Wayne Hoffman**, Idaho Freedom Foundation, testified **in opposition to H 72**. Ms. Fioravanti said approving this legislation is opening Pandora's box. This would bring in more nefarious characters from other countries to the United States. Mr. Hoffman said government officials should take the Hippocratic Oath, like doctors, and do no harm. Harm is brought by gambling. He stated multiple studies show the most vulnerable participate in the lottery. We are giving a false sense of hope. People are better off investing in other things.

**Susie Budge**, Idaho Petroleum Association and Idaho Retailers Association, testified **in support of H 72**. Convenience stores sell a tremendous number of products and the lottery helps increase sales and the overall economy, especially in rural areas. Over 800 Convenience stores through Idaho have worked with the lottery for several years and have strong relationships.

In closing, **Rep. Holtzclaw** said **H 72** is not about whether or not you like the lottery. This bill allows people the ability to continue to play Powerball. He is doing this for the schools and the money they receive as a beneficiary.

During committee discussion, concern about this bill was expressed. One committee member was not persuaded that the lottery hurts poor people or grows our government and stated it is good for big and small businesses, as well as our schools. The big concern was about turning over our sovereignty and worrying the Lottery Association could be persuaded to do business with countries with whom we are not friendly.

**MOTION:** **Rep. Mathias** made motion to send **H 72** to General Orders.

During discussion, there was a concern expressed about the odds of winning the jackpot decreasing with the addition of other countries and while Idaho schools would lose \$14 Million, JFAC could make up for the deficit, this year. It was suggested poor neighborhoods sell the most lottery tickets and give false hope to the poor. It was stated that the lottery seems to be more for retailers, advertisers, media, etc. than anyone else.

**SUBSTITUTE MOTION:** **Rep. Skaug** made a substitute motion to **HOLD H 72** in Committee.

During continued discussion, it was clarified Powerball will end if **H 72** is held in committee. It was noted Idaho has not had a Powerball winner in the past 10 years. A committee member said it does not take a mathematician to realize that the chances of winning are going decrease. In the UK, The National Lottery website says 53% of money goes to the prize fund and 25% goes to good causes. It was noted they could be causes with which Idaho does not agree. It is not Idaho's responsibility to protect the trademark of Powerball. The net loss to the state would be approximately \$14 million if Powerball is not allowed to continue. It was expressed \$14 million cut is a significant amount money and it would be good to share that vote on the floor rather than having a small number of people decide, in committee.

**VOTE ON  
SUBSTITUTE  
MOTION:**

**Rep. Scott** requested a roll call vote on the substitute motion **H 72.. Motion carried by a vote of 10 Aye and 4 Nay. Voting in favor** of the substitute motion were **Reps. Crane, Armstrong, Palmer, Barbieri, Monks, Scott, Andrus, Young, Hanks, Skaug. Voting in opposition** of the substitute motion were **Reps. Holtzclaw, Furniss, Gannon, Mathias.**

**UNANIMOUS  
CONSENT  
REQUEST:**

**Chairman Crane** requested unanimous consent to bring forward **RS 28804**. There being no objections, consent was granted.

**RS 28804:**

**Rep. Ehardt** presented **RS 28804**. Strictly dealing with recall elections. **Rep. Ehardt** said this year many have experienced school boards recall elections. As it stands if a board member is recalled, the rest of the board decides who replaces that board member. Oftentimes, the other board members are part of the reason a person has been recalled. This causes angst in the community. If the recall happens within 90 days of an upcoming election, no one will be appointed. There will be no incumbent for the position. Citizens will vote to fill that position by a trustee election. If farther out than 90 days, an appointed with a "temporary status" would be made by the board. At the next possible election, that individual would have an appointed designation by their name and would be required to run for that position. Voters should make the decision about who sits on the school board. If a large number of members are recalled and the board would not be able to function, County Commissioners would appoint members until the next election.

**MOTION:**

**Rep. Scott** made a motion to introduce **RS 28804. Motion carried by voice vote.**

**RS 28536C1:**

**Rep. Dixon** presented **RS 28536C1** which provides a method for the state of Idaho to interpose between its citizens and federal actions that are outside of federal authority. If a representative or senator has complaints against a federal action, it would be submitted to the Speaker of the House and Pro Tem of the Senate. Within 15 days of the Committee on Federalism receiving a complaint, the committee would gather in person or electronically during the interim, to determine if the committee agrees there is a legitimate complaint. If there is, the committee would hold public hearings within 30 days. At that time, it would suspend enforcement of the federal action in Idaho. If the federal government's action is seen as egregious or outside the scope of the federal government, the Committee on Federalism could bring forth legislation to the entire bodies of the House and Senate. A concurrent resolution may be drafted, not needing the Governor's signature or a full piece of legislation may be put forth which would require the Governor's signature.

In response to questions, **Rep. Dixon** clarified a complaint would be sent to the Speaker of the House and the Pro Tempore of the Senate. If the complaint is received during the interim, the Committee on Federalism would need to wait to address the issue until the legislature is back in session or could meet electronically.



**RS 28759:** **Rep. Nichols** presented **RS 28759**. This proposed legislation protects against wrongful censorship by social media websites; providing definitions; providing that the owner or operator of a social media website is subject to a private right of action by certain social media users in this state under certain conditions; providing for damages; authorizing the award of reasonable attorney fees and costs; providing exceptions for the deletion or censorship of certain types of speech. Rep Nichols said that big tech censorship has become a serious concern and legislation is the best solution to address the problem. This legislation would allow for the damages to be pursued and awarded by the court of law. Censors need to know deceptive practices will not be tolerated. Concrete examples of censorship will be brought before the committee during the hearing, if granted.

In response to questions, **Rep. Nichols** clarified platforms will be allowed to be utilized by but they cannot act as publishers. This is addressed in Section 230 of the Communications Decency Act. For example, this legislation would address the undue influence companies have through Facebook.

**MOTION:** **Rep. Barbieri** made a motion to introduce **RS 28759**. **Motion carried by voice vote**

**Chairman Crane** invited **Rep. Hanks** to present **H 281** and **RS 28802** relating to the prohibition of mask mandates. He noted she is hopeful the committee would hold **H 218** and Introduce **RS 28802** and send it to the second reading calendar. Given the short amount of time left in the meeting, Rep. Hanks requested to hear the two pieces of legislation on another day in order to hear as much testimony as possible. Chairman Crane said 31 people are on the list to testify and said he will give preference to those who sign up to testify on Monday and are also on today's list.

**MOTION:** **Rep. Barbieri** made a motion to **Hold H 281 and RS 28802** until Monday, March 15, 2021. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 10:08 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Thursday, March 11, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">HJR 4</a>	Controlled Substances, Constitutional Amendment	Sen. Grow, Rep. DeMordaunt

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, March 11, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug (Andrew), Gannon, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** The sign-in sheet shall be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

**Chairman Crane** called the meeting to order at 9:00 a.m.

**Chairman Crane** introduced **Matt Andrew** who will be substituting for **Rep. Skaug**.

**HJR 4:** **Rep. DeMordaunt** introduced **HJR 4**, proposing a constitutional amendment to prohibit the legalization of controlled substances unless approved by 2/3 of the Idaho legislature. It relates to Schedule 1 and Schedule 2 drugs.

**Rep. DeMordaunt** said this legislation is about the safety and protection of our teens, families and communities and will preserve and protect Idaho's quality of life. To date, 133 amendments and statutes have not protected other states. Idaho needs to set the highest standard when making these decisions about topics of this magnitude. She said there are multiple studies on the impact and ill effects of illegal drugs. The way children have begun to talk about drugs and drug abuse has changed in the past few years. There is a need to buttress the state against policies that would impact children, families, and communities.

**Sen. Grow** recognized supporters of **HJR 4** and stated the 2/3 vote was approved in the Senate. This is a simple bill to remove drugs from Schedule 1 and Schedule 2, and to make them lawful in Idaho, a 2/3 majority vote would be required in both houses. Drugs in Schedule 1 and 2 are in most part highly addictive drugs with little medical benefit.

If passed the ballot question will ask, "Shall Section 26, Article III, of the Constitution of the State of Idaho be amended to prohibit the legalization of unlawful drugs unless approved by two-thirds of the Idaho Legislature?"

**Lorna Mitsen, Paula Rowton, Russ Belville, Joe Evens, Margie Baker, Monica, Adrian Arkoo, and Eva Selik** testified in opposition to **HJR 4**. Some said they do not support drug use but still oppose the legislation as it appears to be a federal supremacy bill that will invite out of state interests to interfere with election integrity. Some said this resolution is a bait-and-switch designed to trump the majority opinion. Disagreements with temperance were expressed. Comparisons to revenue from alcohol sales were made.

There were questions about the Idaho Legislature changing the constitution. It was stated that adults should be allowed to make their own decisions. The constitutionality of the legislature passing this was questioned. Some believe this bill would set a bad precedent; it should be in statute and code and is contradictory. This is going to continue the failed war on drugs, be difficult to change in the future and lead to more jail overcrowding. Using the constitution for drug policy was cited as wrong. Language of the bill was said to be confusing.

**Dr. John Livingston and Fred Burnbaum** of Idaho Freedom Foundation, testified **in support** of **HRJ 4**. Differences between how marijuana and alcohol are processed by the body were discussed. They told a story of a son who was lost to Marijuana. It was stated medical marijuana is available to people in Idaho through their physicians and that it does help with pain but can create mental health problems. Idaho needs to take the road less travelled by putting this on the ballot.

**Ann Little Roberts** of Meridian Anti-Drug Coalition, testified **in support** of **HJR 4**. She learned how prevalent drug use is in the community during city council meetings. MADC is working to get the public to understand the dangers of drug use but there is no way to outpace the multi-million-dollar campaigns to promote drug use.

**Ed Humphries, David Phillips, Kim Wickstrum, Daniel Wickstrom, Brett Kalber and Kendall Nagy** testified **in support** of **HJR 4**. They discussed personal and family experiences with marijuana and its addictive qualities. Some believe legalizing it would create more drunk drivers among other trickle-down social issues like stealing and greater access for school children. Opinions on how drugs will never help anyone reach the heights of their potential were discussed. Fetal drug exposure has been linked to birth defects and problems. Long-term drug exposure is devastating. Considerations of the next generation for those who take drugs and bear children were represented. The impact of having a parent with mental illness and addiction was shared. Some believe this initiative allows voices of more Idahoans to be present and heard.

**Braden Jenson** of Idaho Farm Bureau Federation, testified **in support** of **HJR 4**. Members of the organization have long held a policy position opposing illegal drugs and drug use.

**Keith Graves, James Rewald, Roger Kenyon** of Code 3 for 1, testified **in support** of **HJR 4**. It was stated that many veterans have drug addictions. They believe if drugs are allowed in Idaho, it will be damaging and no state legalizing marijuana has thrived. After medical marijuana was legalized, crime skyrocketed. Horror stories about responding to drug related incidents were shared. These individuals do not want officers to spend time enforcing marijuana laws.

**John Thompson**, a retired law enforcement agent, testified **in support** of **HJR 4**. This will do what is right but not what is popular. He served in Silicon Valley field operations where drugs and alcohol were at the center of most crimes from robberies to murders.

**Sheldon Kelly**, Department Director of Idaho State Police, testified **in support** of **HJR 4**. She said drugs are a real problem in Idaho. He has seen Methamphetamine, Cocaine, and opiates seized off the road, increasingly. Traffickers are actively working in the state and have been tracked to foreign countries. He has witnessed first-hand the harm.

**Christian Welp**, of the Catholic Church in Idaho, testified **in support** of **HJR 4**. He stated Bishop Christensen, the head of the Catholic Church in Idaho is grateful for work by **Sen. Grow** and **Rep. DeMordaunt**. He acknowledges some people benefit from medical marijuana but there are greater benefits to not allowing legalization of controlled substances.

**Blaine Conzotti**, Executive Director of Family Policy Alliance of Idaho, testified in support of **HJR 4**. Believes this version is far superior to the previous version of the bill. He said the 10th Amendment guarantees states can determine how they govern.

**Rep. DeMordaunt** closed by saying she appreciated the strong support received from business and industry. She said the effect of drugs on employers, employees and families is significant and reminded the committee the legislation deals with Schedule 1 and Schedule 2 drugs. These powerful drugs deserve careful consideration. This is going to a vote of the people. Please support **HJR 4**.

**MOTION:** **Rep. Armstrong** made a motion to send **HJR 4** to the floor with a **DO PASS** recommendation.

Committee members were grateful to all who testified and shared their difficult stories. A committee member said he does not want to see Idaho become California, but Utah has a better path to addressing the drug issue and is a good middle ground, therefore, he cannot support this legislation.

**ROLL CALL VOTE:** A Roll Call vote was requested. **Motion carried by a vote of 10 AYE and 4 NAY.** **Voting in favor** of the motion: **Reps. Crane, Armstrong, Palmer, Holtzclaw, Monks, Andrus, Young, Furniss, Hanks, Andrews.** **Voting in opposition** to the motion: **Reps. Barbieri, Scott, Gannon, and Mathias.** **Rep. DeMordaunt** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:23 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Friday, March 12, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28684</a>	Election Ballots - Rotating Candidate Names	Rep. Nash
<a href="#">H 302</a>	Abortion - Down Syndrome	Rep. Andrus, David Ripley, Director, Idaho Chooses Life

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug(Andrew)
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, March 12, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug (Andrew), Gannon, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** The Sign-in sheet will be retained in the Committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Library.

**Rep. Barbieri** called the meeting to order at 9:00 a.m.

**RS 28684:** **Rep. Nash** presented **RS 28684**. This proposed legislation is to rotate candidate names on ballots in races other than for federal, state, county, or city offices, where the number of registered voters within a political entity exceeds 100,000. Doing this would make all rotation of candidate names consistent across elections. Name order matters in low information races. Studies show that the advantage is as high as 7-10 points for names toward the top of the ballot. Examples of races with more than 10,000 voters include the Ada County Highway District and College of Western Idaho.

**MOTION:** **Chairman Crane** made a motion to **introduce RS 28684**.

During committee discussion, **Rep. Nash** was asked to get feedback from the Secretary of State's office, before the bill hearing.

**VOTE ON  
MOTION:** **Motion carried by voice vote.**

**H 302:** **Rep. Andrus** introduced **H 302** to amend the Informed Consent Law to provide information specific to babies diagnosed with Down Syndrome. This bill would require the Department of Health and Welfare to provide mothers, in such circumstances, with information about the resources available, in both the public and private sectors, to help support a decision to choose life for her baby. Studies indicate the abortion rate for pre-born babies with Down Syndrome ranges between 70% - 90%.

In response to committee questions, **Rep. Andrus** clarified the deletion of words on Page 2, Lines 46- 47. It means there should be no prejudice for individuals pre-birth or post birth, regardless of whether or not they have a disability. There was concern about the words after strikeout relating to victims of rape, incest or other felonious intercourse. Rep. Andrus said there needs to be work done on that section but this bill deals specifically with Down Syndrome.

**Chelsea G Lincoln** - Legal Voice, **Sarah Simpson, Misty Tolman** - Planned Parenthood, **Tanisha Newton, Scott Herndon, Lauren Bramwell** - ACLU Idaho, **Arlene Herndon**, and **Rachelle Tierney** - Idaho Council on Developmental Disabilities all testified **in opposition** to **H 302**. They expressed concerns this legislation shames and stigmatizes women seeking an abortion. They further expressed worry that the Fiscal Note was down played and this legislation only adds barriers for women seeking abortions and does not increase opportunities for persons with disabilities. They felt this bill was not about helping people with disabilities and was introduced without input from the disability community. Others testified that the passage of this bill legitimizes abortion as an option in Idaho when they felt it should be outlawed all together.

In response to committee questions, they discussed the legality of the bill in regard to *Roe vs. Wade*, but did not reach a confident conclusion. They objected to the biased nature of the information being provided.

**Stephanie LaRiba, Irene Gans, Henry Edwards, Chris Troupes, Tammy Paine** - Right to Life Idaho, **Blaine Ganzati** - Family Policy Alliance of Idaho, **Christian Welp** - The Catholic Church of Idaho, **Sandy Ensinger, and David Ripley** - Idaho Chooses Life testified **in support** of **H 302**. Many testified about their experience as Downs Syndrome Parents and assured the committee that their children are important and vital members of society. They further emphasized women should have all the facts when they are making a life changing decision. This legislation does not take a stance on abortion. It simply requires the Department of Health and Welfare to provide information.

**MOTION:** **Rep. Palmer** made a motion to send **H 302** to the floor with a **DO PASS** recommendation.

During discussion, committee members said they would like to see stronger legislation. This bill calls to provide information parents need to make an informed decision. It was stated that society is taking a frightening and chilling direction, to abort individuals with disabilities. Quality information should be provided to women. One committee member shared he has an adopted daughter with Turner Syndrome and it took a long time to figure out her diagnosis. He said it would have been very beneficial to have information from the beginning. He also stated that individuals with disabilities make us better people. This bill purports to help adults who have learned they might be having a child with a Down Syndrome but targets only those who want to pursue considering an abortion. It purports to protect children born with an extra chromosome. Given there was no consultation in the development of this bill with the Down community, one committee member could not support this legislation. The medical community itself is promoting abortion for women who have a baby diagnosed with Down Syndrome. This type of legislation should not even need to be brought forward.

**VOTE ON MOTION:** **Motion carried by voice vote. Reps. Mathias and Gannon** requested to be recorded as voting **NAY**. Rep. Andrus will sponsor this bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:23 a.m.

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Representative Barbieri  
Chair

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Kelly Staskey  
Secretary



AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Monday, March 15, 2021

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28802</a>	Mask Mandates, Prohibited	Rep. Hanks
<a href="#">H 281</a>	Mask Mandates, Prohibition	Rep. Hanks

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Registry to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug(Andrew)
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, March 15, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug (Andrew), Gannon, Mathias

**ABSENT/  
EXCUSED:** Representative Andrus, Representative Furniss

**GUESTS** The Sign-in sheet will be retained in the Committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Crane** called the meeting to order at 9:00 a.m.

**MOTION:** **Rep. Mathias** made a motion to approve committee minutes from February 23, 2021 and February 24, 2021.

**H 281:** **Rep. Hanks** presented **H 281** and was given permission by **Chairman Crane** to also discuss **RS 28802**. She requested to **HOLD H 281**, introduce **RS 28802** and send it to the second reading. The purpose of this legislation is to prohibit the State of Idaho, a political subdivision, or an officer of the state from mandating the usage of a face mask, face shield, or other face covering for the purpose of preventing or slowing the spread of a contagious or an infectious disease; and definitions.

**Rep. Hanks** said this legislation puts the legislature in the middle of the decision-making process. She said masks create a false sense of security. **RS 28802** returns common sense to the people. In response to a question, she said this is not going to address her concerns because it will not prohibit businesses from requiring masks.

**Claudia Frent, Steven Keiser, Lorna Mitson, Tammy Hull, Monica Miller, Sara Rivera, Eva Selik, Margie Baker, Casey Baker, Alisha Peterson, Laurie Anderson , Monica McKinley, Christine Forbes, Jasen Gallagher, Susie Gillman and her son Tate, Susie Gillman, Jonathan Evans, Channing Mitsen, and Theresa Vader** testified in support of **H 281**.

Many of these individuals said they have faced discrimination because they cannot or choose not to wear a mask in public. There are several medical, emotional, and physical reasons that people gave for being unable to wear a mask, like asthma and acne. There was concern about being refused medical care because of not wearing a mask. Medical offices and other businesses that take a person's temperature and ask about symptoms were reported as feeling invasive and not respectful of the right to privacy. A World Health Organization study was cited saying masks hold in toxins trying to be released from the body, causing harm. It was said the CDC contradicts itself about the wearing of masks and there is no direct evidence on their effectiveness. It was stated the perception of risk is subjective.

Trauma experiences were shared in relation to masks. Young children can't see facial expressions and college students are trying to take a theatre class on-line. One study said children reported impairments because of wearing masks. Parents need to choose what risks to take for their children and for themselves. Frustration was expressed about the freedom of private businesses in relation to the mask mandate. Some believe their freedoms are being taken away and exemptions are not being recognized. It was noted the mask mandate should not be treated as a law and the constitution should prevent them.

**Amy Hanson** a Department of Agriculture employee, testified **in support of H 281**. She has severe anxiety, so she wore a shield instead of a face mask. Despite having a doctor's note, her contractor told her she had to wear a mask. She was put on medical leave the day after starting her job and has no income currently. **Chairman Crane** said that he spoke to Human Resources at the Department of Agriculture.

**Dr. Lynn Laird**, a psychologist, testified **in support of H 281**. She said many of her patients have suffered because of wearing masks. She cited traumatic childhood experiences being triggered by masks. Dr. Laird's said some of her patients are being discriminated against. Exemptions for mask mandates have not been made clear to law enforcement.

**Dr. Dave Castro**, a physician, testified **in support of H 281**. Dr. Castro was a surgeon for twenty years and wore a mask for most of that time. He stated there is no scientific evidence masks will stop the spread of a disease and mask studies don't prove masks are effective.

**Sonja Graber**, a teacher, testified **in support of H 281**. She witnesses improper use of face masks by students. Some children are depressed and some wear dirty masks. She read studies which have reported prolonged mask use can aid in the growth of cancer cells and bacterial pneumonia.

**Dave Crick** a restaurant owner, testified **in opposition to H 281**. Prior to COVID-19 Red Feather employed one hundred and seventy five employees. The top challenges were adapting their business model, navigating the emotions of staff who were worried about exposure to COVID-19, and convincing guests to trust safety measures. Boise's mask mandate allowed the business to stay open. Most guests were supportive and business is back to sixty percent and one hundred employees.

In response to a question from the committee, **Mr. Crick** clarified that employees may still wear masks if this bill passes. The mask mandate helped normalize business when people knew what to expect. He said he did not think business could have remained open without the mask mandate.

**Kathy Dawes**, testified **in opposition to H 281**. This bill is written with the current health crisis in mind but there will be other future airborne infection agents. She said an individual can have a highly infectious disease transmit it without knowing. Ms. Dawes feels protective efficiency is more effective for those who are infected and enhances economy. This bill prevents local government and school districts from making decisions based on local safety needs and conditions is unacceptable.

In closing, **Rep. Hanks** said as Idahoans and citizens of the United States we have inalienable rights, with freedom of speech and the right to make our own health decisions. This proposed legislation adds the word official, but does not include hospitals or health care facilities.

**RS 28802:**

Rep. Hanks introduced **RS 28802**. It would take out hospital exceptions from the previously discussed legislation.

During discussion, it was clarified that a restaurant has the right to determine the rules of their establishment. A police officer could enforce the business' mask mandate. There is nothing prohibiting a business to establish a mask mandate and to enforce the mandate by not serving the patron. It was stated the WHO has issued conflicting guidelines and the science is not settled. The purpose is to prevent or slow the spread of a contagious disease and it is important that people understand what is required of them. One committee member agreed with the substance of this bill but expressed concerns about how the legislature is addressing the issue. Taking away the ability for local governments to make decisions is a slippery slope.

**MOTION:** **Rep. Barbieri** made a motion to **HOLD H 281** in committee, and introduce **RS 28802** and recommend it be sent directly to the second reading calendar.

**ROLL CALL VOTE:** **Chairman Crane** requested a roll call vote. **Motion carried by a vote of 11 AYE, 2 NAY and 1 Absent/Excused. Voting in favor of the motion: Reps. Crane, Armstrong, Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Hanks, and Skaug. Voting in opposition to the motion: Reps. Gannon and Mathias. Rep. Furniss was absent/excused. Rep. Hanks** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:27 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Tuesday, March 16, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 137</a>	Post Election Audit	Rep. Young, Jason Hancock, Deputy Secretary of State,
<a href="#">RS28715</a>	Post Election Audit	Rep. Young, Jason Hancock, Deputy Secretary of State
<a href="#">S 1111</a>	City Council Elections, Districts	Rep. Palmer, Sen. Winder
<a href="#">H 290</a>	Elections, Signature Verification	Rep. DeMordaunt

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug(Andrew)
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 16, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug (Andrew), Gannon, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** Dave Kangas - Self, Jason Hancock – Deputy Secretary of State, Phil McGrane - Ada County Clerk, Jayme Sullivan – Attorney, City of Boise

**Chairman Crane** called the meeting to order at 9:00 a.m.

**Chairman Crane** requested a motion, Subject to the Call of the Chair to Hold **H 137** and **RS 28715** in committee. The intent was to hear these pieces of legislation later in the week.

**MOTION:** **Rep. Young** made a motion to **HOLD H 137** and **RS 28715**, subject to the Call of the Chair. **Motion carried by voice vote.**

**S 1111:** **Sen. Winder** presented **S 1111**. This legislation establishes districts and will require election of city councilmen by district, in cities with a population more than 100,000. Districts shall be established no later than one hundred twenty (120) days prior to the 2023 city election. Prior legislation is being amended in response to the delay of the 2020 Census. Because of this delay, it is necessary to delay implementation of city elections in cities with a population more than 100,000. Therefore, beginning with city elections in 2023, all cities more than 100,000 will be required to elect city council members by district. Minimal cost to cities is anticipated but may vary based upon the system by which each city chooses to draw district lines.

**Sen. Winder** said any city may be by district. As cities are growing, it would be beneficial for citizens to have elected officials to go to with issues. Cities less than 100,000 could have districts. He also indicated annexed areas must be brought into the districts, for representation.

The transition period is outlined on Page 2 Line 16. This year's candidates for city council will be elected at-large for a 2-year term.

**Richard Llewelyn** – Self, testified in support of **S 1111**. He said he is a resident of a neighborhood annexed without consent and it is important to extend districting. Mr. Llewelyn expressed it would be good to have all districts set at once and **S 1111** would make the transition efficient.

**Karen Danley** and **Dave Kangus** – Citizens, testified in support of **S 1111**. They said this bill balances concerns of using 2020 census data. Cities would have ample time to set districts and it creates city council districts, simultaneously. Time is needed for a transition but 2025 is too far away. Everyone in the city deserves local, fair, and equal representations and this bill accomplish that goal.

Committee members thanked **Ms. Danley** and **Mr. Kangus** for their work on this issue.

**Jamie Sullivan** testified in support of **S 1111** and said it lays out a clear path forward and clarifies legal uncertainties. She said this legislation provides for implementation of districting in a fiscally responsible way.

**Sen. Winder** said this is a consensus bill and is supported by many neighborhood associations and asked the committee to send **S 1111** to the floor with a do pass recommendation.

**MOTION:**

**Rep. Holtzclaw** made a motion to send **S 1111** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Palmer** will sponsor the bill on the floor.

**H 290:**

**Rep. DeMordaunt** presented **H 290**, a bill focused on signature verification. This legislation was born out of three groups working on elections integrity. The Citizen's Committee for Elections Integrity proceeded to develop standards and had them read into the congressional record at the beginning of the year. Signature verification is one of the standards included.

Signature verification is an important standard in the voting process of every state according to both the Secretary of State and County Clerk's offices. This was elevated in importance when a district judge called into question the Idaho legislature's intent of having signatures verified by county clerks, questioning Page 4 lines 11-17 of the legislation. The judge said the legislature never intended to have county clerks verify signatures or to be signature experts. **Rep. DeMordaunt** took exception to this statement, saying signature verification is vitally important for election integrity. This legislation substantiates the role of signature verification.

**Jason Hancock** stated the driving force for the Secretary of State's involvement was due to a lawsuit related to a recall. He said signature verification is a cornerstone to ensuring valid votes. Election fraud would be so much easier if signatures were not verified. Signature checks run through 34-1807 Idaho Code.

Proposing to add language saying the County Clerk's office is to strike from the petition any names for which the clerk has determined the name, address or signature do not match those of a qualified elector of the proper jurisdiction.

Lines 29-30 address an issue in a federal court case. A judge attempted to force the State of Idaho to accept electronic signatures.

Section 1 - Directs the Secretary of State to establish signature verification standards and provide those standards to the county clerks.

Section 2 - Increases retention of absentee affidavits envelopes to two years, instead of one year.

Section 3 - Deals with absentee ballots and ensures a judge cannot stop County Clerks from checking signatures on absentee ballots.

Section 4 - More clearly ties the verification process for signatures on referendums to 34-1807.

Section 6 - Declares an emergency.

In response to questions, **Mr. Hancock** clarified to maintain privacy, each constitutional ballot is inside a secrecy envelope. Once received, the County Clerk's office checks the signature to verify it matches the information on record. If it does, the secrecy envelope then goes into one box and the affidavit envelope goes into another box. If there is more than one ballot in a secrecy envelope, both votes are invalid and the office attempts to cure the ballots by contacting the voters. In Idaho, County Clerks always make the attempt to cure votes. It is in code because there needs to be some flexibility. The County Clerk's office may only have an address for a voter. If invalid ballots are received on election day, there is no time to send a letter noting the problem. If a phone number can be found, a call is made to the voter.

**Mr. Hancock** stated it is not the job of the County Clerk's office to cure signatures on petitions. There is a very compressed time-frame and not enough time to contact everyone. The process for checking signatures is not uniform in each county. Larger counties may scan envelopes to compare a digital signature to the signature on file, while others may verify signatures by hand.

**Phil McGrane** testified in support of **H 290**. He and **Rep. DeMordaunt** worked closely on drafting signature verification language, specifically, sections one, two and three to tightening up laws in terms of absentee ballots and how signature verification should work. It also adds training materials. All 44 counties have done signature verifications for the past 20 years as a standard practice.

In response to committee questions, **Mr. McGrane** said he worked with **Rep. DeMordaunt** and **Rep. Armstrong** on **S 1069** which addresses follow-up processes for absentee ballots that need to be cured.

**Rep. DeMordaunt** closed by saying she cannot overemphasize the importance of this legislation to ensure the integrity of elections in Idaho.

**MOTION:** **Rep. Barbieri** made a motion to send **H 290** to the floor with a **DO PASS** recommendation.

**Rep. Barbieri** encouraged the Secretary of State's office to bring forward legislation addressing recounts, by hand. He said he appreciates the Secretary of State using the word "shall" and thinks it should be mandatory language so there is no ambiguity.

**VOTE ON MOTION:** **Motion carried by voice vote. Rep. DeMordaunt** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:44 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary



**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Wednesday, March 17, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">S 1047</a>	Waterfront Resort Liquor Licenses	Rep. Furniss, Sen. Burtenshaw, Brian Donesley, Attorney PLLC, Justin Hamilton, Owner, Cafe Sabor
<a href="#">H 321</a>	School Board Trustee Vacancies Resulting From a Recall	Rep. Ehardt, Rep. DeMordaunt
<a href="#">H 258</a>	Waterfront Resort Liquor Licenses - Public Right of Way	Rep. Addis
<a href="#">S 1136 aa</a>	Authority of Governor	Sen. Anthon, Sen. Winder
<a href="#">RS28828</a>	Elections, Voter Identification	Rep. Mitchell

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug(Andrew)
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, March 17, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug (Andrew), Gannon, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** Steven Keyser - Self, Phil McGrane - Ada County Clerk, Kelli Brassfield -Idaho Association of Cities, Russell Westerberg - ILBA

**Chairman Crane** called the meeting to order at 9:00 a.m.

**S 1047:** **Rep. Furniss** presented **S 1047**, a bill to clarify an ambiguity in the law relating to waterfront resort liquor licenses. In 2004 Café Sabor at Mack's Inn was issued a liquor license from Alcohol Beverage Control (ABC) and Idaho State Police and has been in compliance since then.

Café Sabor was said to be out of compliance because of water flow in the river being below a certain level, and the owner of Café Sabor at Mack's Inn, **Justin Hamilton** was required to remit his liquor license to ABC. The state issues a liquor license in good faith and Mr. Hamilton has always been in compliance. The river flow was not clearly defined in the original legislation.

ABC suggested legislation be brought forward to correct the issue and preserve **Mr. Hamilton's** \$6 million investment in Café Sabor at Mack's Inn and the new Springhill Suites at the Island Park area resort. Idaho State Police attorneys helped draft the bill which would allow existing riverfront properties the right to keep their licenses if they had a license previously. **Rep. Furniss** declared Rule 80, as a customer.

**MOTION:** **Rep. Hanks** made a motion to send **S 1047** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Furniss** will sponsor the bill on the floor.

**MOTION:** **Rep. Barbieri** made a motion to **Hold H 321** in committee, subject to the call of the chair. **Motion carried by voice vote.**

**H 258:** **Rep. Addis** presented **H 258**. This bill ensures a Waterfront Resort Liquor License is not denied solely because a public right-of-way runs between the real property the restaurant is located upon, and the real property containing the required water frontage.

This legislation clarifies existing code, which is very narrow. Many regulations must be met to receive this particular liquor license. Waterfront resort with the Button Hook restaurant was sold in 2017. The existing liquor license was but it was denied transfer because a public right of way ran through the property and it created two existing parcels. The new owner was deeded ownership of Lakeside Avenue by the highway district in order to satisfy the ruling. The ABC still denied the license transfer. After four years of litigation, the judge ruled in favor of the restaurant owner.

In response to questions, **Rep. Addis** clarified this legislation is strictly about a right away running through someone's property.

**MOTION:** **Rep. Scott** made a motion to send **H 258** to the floor with a **DO PASS** recommendation.

During discussion it was noted that anytime the legislature does a carve-out, there are winners and losers. There needs to be a deeper dive into this issue. One committee member has seen a trend in ABC trying to close businesses in her district. It was agreed that there are issues with liquor licenses that need to be addressed.

**VOTE ON MOTION:** **Motion carried by voice vote. Rep. Addis** will sponsor the bill on the floor.

**S 1136aa:** **Sen. Anthon** presented **S 1136**. This legislation is a revision to Title 46, Chapter 6 Idaho Code clarifying and limiting the powers of the governor during episodes of extreme emergency. It provides limitations on the amount of time a governor may maintain a declaration of extreme peril without concurrence by the legislature, protects Idaho workers as essential, reaffirms the legislature's authority to end emergency declarations and/or emergency regulations, prevents the suspension of the right to peaceable assemble and free exercise of religion, protects Idahoans' right to bear arms during emergencies, and prohibits a governor from unilaterally altering or suspending Idaho Code.

Title 46-601 was drafted in the 1920s and altered in the 1950s. It is titled Martial Law and Active Duty. It ensures the people and government of Idaho deal with the most dire emergencies the state could experience, including enemy attacks, explosions or violent insurrections.

**Sen. Anthon** said this bill does not deal with natural disasters. This is for when the local civil government/state is totally overwhelmed and cannot function. Currently, it gives the Governor extreme power to declare martial law, activate the national guard, call up militias and provide a military run government, as necessary.

This bill has great clarity. It provides legislative intent for the lightest hand of government to be employed now or in the future. All workers would be essential and the Legislature would appropriate funds. It would prohibit quarantining or isolating healthy Idahoans. The people would have the right to bear arms, have freedom to exercise religion, and ensure that power is not delegated to non-elected individuals.

"Extreme Emergency", has been redefined and definitions for enemy attack, violent insurrection, terrorism had been included. **Sen. Anthon** said there is still interest in reviewing the term, "terrorism". There is continued work to be done in Title 18. He wants to make certain there is not a blanket restriction on people to work, based upon job classification or type, during times of extreme emergency. The Governor would have the authority to act quickly and would have a 60-day window to address the extreme peril. This bill would allow the Governor to extend the emergency to receive federal funds. **Sen. Anthon** said Idaho needs a balance of power.

In response to questions, **Sen. Anthon** said when this bill was amended in the Senate, there was concern about federal dollars attached to a national emergency. The Governor needs to be able to cooperate with the federal government. He clarified the terms, "shall" and "must" are equal in this legislation. It was noted similar language is found in H 135. "State of disaster emergency", was purposely used for consistency with a federal disaster. Restrictions would remain in place and the state would be eligible to receive federal funding. **Sen. Anthon** had no objection to adding clarifying language.

**Sen. Anthon** said language has been added for Idaho to maintain its sovereignty as a sanctuary state. The controlling language is, "When there is an overwhelming of the government". When a definition is too broad, Idaho tends to have legal problems. He stated the right to peaceably assemble and free exercise of religion requirements would allow in-person religious services. Sen. Anthon said Idaho may assemble a new legislature if the current body could not gather to keep the government working. He also stated the drafters added, "cyber-attack", in critical infrastructure because if there was a cyber-attack, it could quickly overwhelm civil government.

**Steven Kiezer** testified in support of **S 1136aa**. He was extremely concerned about the imbalance of power in Idaho. There is a perception the Governor has the authority to disregard the Idaho Constitution and Idaho Code. There is too much power for one person, for too long. Bills to restore a balance of power through the legislature, are important.

In closing **Sen. Anthon** said both the House and Senate have worked hard to draft this bill and asked the committee to send **S 1136 aa** to the floor with a **DO PASS** recommendation.

**MOTION:** **Rep. Barbieri** made a motion to send **S 1136aa** to General Orders.

During discussion, it was noted there has been a lot of work done on this legislation. Even though small changes could improve this bill, time is of the essence and there was a concern about there being enough time to get this bill through the process.

**SUBSTITUTE MOTION:** **Rep. Armstrong** made a substitute motion to send **S 1136aa** to the floor with a **DO PASS** Recommendation.

**Rep. Scott** indicated she will support the original motion. Going to the amending order will tie up the process. She said it is critical to add the word federal on Page 3 Line 31 and state of extreme peril on Page 2 line 50, rather than extreme emergency. She supported the original motion.

**Rep. Monks**, as the chairman of General Orders, clarified there would be time go to General Orders. Speaking to motions, he said the House and Senate worked closely together to get the current language drafted. He will support the original motion but will respect the committee's desire.

**Rep. Young** offered to make the small changes in a timely manner.

**Rep. Monks** did not see the proposed changes as being offensive to the Senate but stated there is always a risk. He said he did not want to sway the vote.

**Rep. Furniss** supported the substitute motion. He thought the committee needed to act and not take any risks. The Senate would need to concur with proposed amendments.

**Rep. Barbieri** did not think there was a risk to the suggested amendments. The legislature wants to make sure intentions are clearly stated for the courts.

**UNANIMOUS CONSENT REQUEST:** **Rep. Armstrong** asked for unanimous consent to withdraw his substitute motion. There was an objection. Consent was not granted.

**MOTION:** **Rep. Armstrong** made a motion to withdraw his substitute motion. **Motion carried by voice vote.**

**VOTE ON ORIGINAL MOTION:** **Motion carried by voice vote.**

**RS 28828:** **Rep. Mitchell** presented **RS 28828** to improve voting integrity consistently across counties and legislative districts, increase confidence in Idaho's election results, and provide an auditing process led by the Secretary of State for examining the validity of affidavits signed by those who vote without any photo ID. Revisions include requiring a driver's license or state-issued photo ID for new voter registrations. For those Idahoans who do not have a driver's license, a state-issued ID would be provided for free, to those wanting to register to vote.

**Rep. Mitchell** noted there a change needed to be made in the SOP. The fiscal impact would no longer be \$2 million because ID's would not be provided for free.

In response to questions, **Rep. Mitchell** said college students cannot vote twice. It is a prosecutable offense. This proposed bill has the same requirements as the Star Card and a US passport. **Rep. Mitchell** said he thinks College ID's note if a student is not a US citizen. He will clarify this point.

**MOTION:** **Rep. Barbieri** made a motion to introduce **RS 28828**.

During discussion it was there was concern about the ease of voting for college students. **Rep. Mitchell** stated a rental agreement or utility bill ties them to an address and establishes residency.

**MOTION:** **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:17 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Thursday, March 18, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS28851</a>	City Appropriation Ordinances	Rep. Horman, Jason Hancock, Deputy Secretary of State, Secretary of State's Office
<a href="#">RS28382C1</a>	Elections, Voting Machines	Chairman Crane, Jason Hancock
<a href="#">H 137</a>	Post Election Audits	Rep. Young, Jason Hancock
<a href="#">RS28850</a>	Post Election Audits	Rep. Young, Jason Hancock
<a href="#">RS28862</a>	School Board Trustee Vacancies	Rep. Ehardt, Rep. DeMordaunt
<a href="#">H 319</a>	Timing of Elections for City Officials	Rep. DeMordaunt, Rep. Dixon

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug(Andrew)
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, March 18, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug (Andrew), Gannon, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** Trevor Chadwick - City of Star Mayor, Ty Palmer - Self, Kelli Brassfield - Idaho Association of Counties, Jason Hancock -Deputy Secretary of State, Phil McGrane - Ada County Clerk, V. Miller - Self, Jayme Sullivan - City of Boise Attorney

**Chairman Crane** called the meeting to order at 9:00 a.m.

**Chairman Crane** said he was reordering the agenda, moving **RS 28382C1** to the bottom of the agenda to ensure the other pieces of legislation were brought before the committee.

**RS 28851:** **Rep. Horman** presented **RS 28851**. This legislation is a trailer bill to **H 73** to address an oversight. Since **H 73** requires local government accounting, budgetary, and financial information to be reported through a public website maintained by the State Controller, there is no longer a need for cities to file their annual appropriation ordinance with the Secretary of State. Such reporting would be duplicative and undermine the purpose of the one-stop-shop of local government financial information created by **H 73**.

**Rep. Furniss** made a motion to introduce **RS 28851**. **Motion carried by voice vote.**

**Rep. Young** requested permission to present **H 137** and **RS 28850**, together. Permission was granted. **Rep. Young** expressed her desire to hold **H 137** in committee and introduce **RS 28850** and recommend it be sent to the second reading calendar. This legislation would authorize the Secretary of State to order a post-election audit of election results after a general or primary election, using procedures he would provide to county clerks at least 60 days prior to the election. Conducting such an audit would increase public confidence in election results by checking the paper ballots, which exist for each and every vote cast in Idaho, against the election results that counties tabulate and report. If problems are identified with any reported election results, the Secretary of State could order the audit of additional ballots.

In response to questions, **Rep. Young** said the Clerk's Association had concerns about **H 137**. Their concerns were addressed in **RS 28850**. Detail was added about what elections would be covered and who would carry out the audits. **Rep. Young** asked the committee to hold **H 137** and introduce **RS 28850** and recommend it be sent to the second reading calendar.

**MOTION:** **Rep. Holtzclaw** made a motion to **HOLD H 137** in committee and introduce **RS 28850** and recommend it be sent to the second reading calendar.

**Rep. Gannon** stated that it was not clear what would happen if the audit results show a different result than the canvas and certification of the election.

**Rep. Mathias** stated he is in support of **RS 28850** being introduced but wants a full hearing on the bill. He expressed concern about adding a new section to code without knowing the logistics of how it would work. There was also a concern if the audit shows a different result than the canvas and certification of the election.

**SUBSTITUTE MOTION:**

**Rep. Mathias** made a substitute motion to **HOLD H 137** and introduce **RS 28850**.

**Jason Hancock**, Deputy Secretary of State responded to questions. He said the review is narrowly tailored, recounting paper ballots cast from no more than 5% of precincts. The hand count should match results from voting machines. The Secretary of State may order additional post-election audits if there is a discrepancy. There are already provisions in Idaho code for requesting a recount or contesting election results. The timeframe of the audit was changed so it would occur two days after the completion of the canvas but before the deadline for people to file for recounts or election contests. The process to be used for recounting ballots would be shared with the County Clerks two months before election day.

**Phil McGrane** testified in support of this legislation. Worked closely with **Mr. Hancock** to refine this legislation. It is simply testing the validity of the voting machines. A true audit would be more comprehensive and it may be addressed in the future. It is a first step. Mr. McGrane receives a lot of questions about the voting machines.

**Kelly Brassfield** was neutral in her testimony. She said the Idaho Association of Counties has concerns about the process not being defined. She stated this proposed legislation is premature and wants to work with the Secretary of State's office over the interim to more fully develop the review process. In response to a question, Ms. Brassfield said the Idaho Association of Counties is working with the Secretary of State's office, but the possibility exists Clerks could still be taken off-guard by the review process.

During discussion, **Rep. Furniss** said his clerks are still uncomfortable with this proposed legislation. They would like more input and information. He will not support the original motion.

**Rep. Scott** said constituents can already look at signatures and ballot counts but they cannot look at the accuracy of the voting machines. This would alleviate questions. She will support the original motion.

**Rep. Barbieri** appreciated the clarity of **RS 28850** and does not want to see more details in the legislation. If there are problems, the legislature can address them at that time. He will support the original motion.

**Rep. Mathias** stated Idaho is responsible for solving its own problems, not the problems of other states. He does not believe this issue is as time sensitive as it is in other states.

**Rep. Young** closed by saying this topic has been one of the top concerns of her constituents. The Secretary of State's office has made a good faith effort in working with the County Clerks to make positive changes to address their concerns. There is every reason to believe that a strong working relationship will continue throughout the process. There is a need to address the concerns of our constituents and pass this legislation this session.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:**

Roll call vote was requested. **Substitute motion failed by a vote of 3 AYE and 11 NAY.** Voting in favor of the motion: **Reps. Furniss, Gannon, Mathias.** Voting in opposition of the motion: **Reps. Crane, Armstrong, Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Hanks, Andrew.**



**VOTE ON  
ORIGINAL  
MOTION:**

**H 319:**

**Motion carried by voice vote. Rep. Young** will sponsor the bill on the floor.

**Rep. DeMordaunt** presented **H 319**. This legislation would increase voter participation in municipal elections by moving municipal elections of all city officers, mayors, and municipal bonds and levies to even-numbered years on the November general election ballot. Voter turnout is significantly higher in even-year elections.

**Rep. DeMordaunt** stated 81.2% of Idaho's eligible voters cast their vote in the last presidential election. In municipal elections only 21% of Idaho's eligible voters exercised their right to vote. She said that by aligning municipal elections with Federal and State elections, voter participation will increase dramatically. Rep. DeMordaunt shared several statistics about voter participation rates. In addition to making elections more accessible, election consolidation would provide a cost savings to local units of government of approximately, \$500,000.

In response to questions, **Rep. DeMordaunt** said an emergency clause was added to give cities time to adjust to the new time line. She indicated language in **H 319** does not conflict with **S 1111** and said a comprehensive spreadsheet has been created to track elected officials' terms. Redistricting would be delayed by one year and go into effect in 2024 rather than 2023. Rep. DeMordaunt stated future legislation could address the percentage of signatures needed to place an initiative on the ballot.

**Ty Palmer, Trevor Chaddick** and **Greg Pruitt** testified in support of **H 319**. All agreed that more voter participation in municipal races is needed. The difference in voter turnout is significant between even and odd year elections and all races and initiatives are important. Increasing the number of people voting will also increase accountability of our elected officials. Most of these individuals did not have an objection with it being more difficult to initiate a recall.

In response to a question, **Mr. Pruitt** felt a separate piece of legislation is needed to address the percentage of signatures required for recalls and special initiatives.

**Jayme Sullivan** and **Kelli Brassfield** testified in opposition to **H 319**. It was stated there are significant legal concerns and considerations, given there is no guidance about how to implement the change of election dates. There is a legal barrier to city council members and all elected officials. The current statute states elected officials can serve two or four-year terms. **H 319** is setting the state up for potentially lengthy litigation. Cities could face additional litigation.

**H 319** undercuts implementation of **S 1111** including the timing component. There would be a direct impact on initiative, referendum and recall movements. It would dilute the power and authority of the electorate to get initiatives on the ballot. The work that went into **S 1111** was diligent. There are other code fixes that would need to be made. There were also concerns about precinct boundaries not matching up with city boundaries.

In response to questions, **Ms. Sullivan** said there is nothing in statute to deal with three or five-year terms. She said she identified at least three areas of code which would be affected. The initiative and referendum process is currently in statute for odd years.

**Phil McGrane** – Made comments about **H 319** but remained neutral. He acknowledged County Clerk elections have a substantially higher turnout in even years. Mr. McGrane said this legislation is complicated. City boundaries would be a challenge. City elections are constantly changing. Precinct boundaries do not always follow city boundaries and requiring more types of ballots to be produced. He provided an example. Eagle held a bond election to build City Hall. Two types of ballots were used. A recount was requested and it cost \$180,000. This legislation would also create shortened and elongated terms in the transition.

In conclusion, **Rep. DeMordaunt** said legal issues were thoroughly vetted. Power extends to the legislature to specify and dominate what offices may be united and how those offices may be filled. This is different than the concerns and legal challenges of **S 1111**. This legislation has been three years in the making. Admittedly, a ballot would be more complicated but it is more important to have citizen engagement. Rep. DeMordaunt read an analysis from **Brian Kane** of the Attorney General's Office. She emphasized it was not a ruling. She said it is not appropriate for the Legislature to dictate any language for city ordinances in adjusting to the change this bill would bring. The process is already in place for cities to hold an open meeting hearing and then change the ordinance to adjust the terms of their city council members.

The Committee went at ease at 10:14 a.m.

**Chairman Crane** called the committee back to order at 10:19 a.m.

A committee member stated district elections in Boise are very important. The unintended result would be to interfere with redistricting and push it forward to 2024. The recall and initiative processes are critical to our democracy and provide a good check and balance system. Committee members expressed they want to ensure this legislation is in sync with **S 1111**.

In response to questions, **Rep. DeMordaunt** said if there is a recall, signatures are required from a percentage of those who cast ballots. The number of signatures needed to activate a recall would be higher because there would be greater voter participation and there would be more voters voting on the recall itself. This bill is directed toward increasing voter turnout.

**MOTION:** **Rep. Palmer** made a motion to send **H 319** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Mathias and Gannon** requested to be recorded as voting **NAY**. **Rep. DeMordaunt** will sponsor the bill on the floor.

**RS 28862:** **Rep. Ehardt** presented **RS 28862**. This proposed legislation has been before the committee before. It deals only with the replacement of school board trustees who are recalled. In the case of a recall, if there is a scheduled election within 100 days, nobody would be appointed to the vacancy. The position would be placed on the ballot. If the next scheduled election is more than 100 days away, a person would be appointed to fill the position and the word temporary would be next to their name on the ballot in the next scheduled election.

The timing was changed from 90 days to 100 days to give the County Clerk's office time to put the trustee election on the ballot. This process was established to minimize divisions which can occur within the community when there is a recall.

**MOTION:** **Rep. Barbieri** made a motion to introduce **RS 28862**. **Motion carried by voice vote.**

**MOTION:** Subject to the call of the chair, **Rep. Mathias** to made a motion to **HOLD RS 28382C1** in committee. **Motion carried by voice vote.**

**MOTION:** Rep. Mathias made a motion to approve minutes from February 9, 2021, February 19, 2021, February 26, 2021, March 2, 2021 and March 4, 2021. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:27 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Friday, March 19, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">S 1134</a>	Disaster Emergency Account	Sen. Harris
<a href="#">H 335</a>	Elections, Names on Ballots	Rep. Nash
<a href="#">H 322</a>	Federalism	Rep. Dixon
<a href="#">RS28861</a>	Critical Theory, Religion	Rep. Young

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug(Andrew)  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, March 19, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug (Andrew), Gannon, Mathias  
**ABSENT/  
EXCUSED:** Reps. Holtzclaw, Monks, Andrus, Mathias  
**GUESTS:** None  
**Chairman Crane** called the meeting to order at 9:01 a.m.  
**Chairman Crane** explained due to a COVID-19 outbreak in the House of Representatives, the legislature would recess until April 6, 2021. The House State Affairs Committee will reconvene at the Call of the Chair.  
**Chairman Crane** entertained a motion to adjourn the meeting.  
**MOTION:** **Rep. Palmer** made a motion to adjourn the meeting. **Motion carried by voice vote.**  
**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 9:03 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Tuesday, April 06, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">S 1134</a>	Disaster Emergency Account	Sen. Harris
<a href="#">S 1061</a>	Election Deadlines	Rep. Young, Jason Hancock, Secretary of State
<a href="#">H 322</a>	Federalism	Rep. Dixon
<a href="#">H 321</a>	School Trustee Recall Elections	Rep. Ehardt, Rep. DeMordaunt

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug(Andrew)
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, April 06, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** Representative Monks  
**GUESTS:** Carson Tester - Westerberg and Associates, Lincoln Guyser - S360, Jason Hancock - Deputy Secretary of State, Christ Troupis - Self, Casey Baker - EFI, Margie Baker - EFI

**Chairman Crane** called the meeting to order at 9:02 a.m.

**MOTION:** **Rep. Mathias** made a motion to approve meeting minutes from March 10, 2021 and March 11, 2021. **Motion carried by voice vote.**

**S 1134:** **Sen. Harris** presented **S 1134** to amend Idaho Code 45-1005A by inserting language allowing for the recovery of federal funds after a Declaration of State Emergency has expired or is terminated.

**Sen. Harris** noted the following changes: Strike the word "during" and replace it with, "arising out of" and strike "general account" to "general fund" and including a severability clause and emergency clause to the bill. The spending limit of 1% of general fund remains the same.

**MOTION:** **Rep. Palmer** made a motion to send **S 1134** to the floor with a **DO PASS** recommendation.

**Margie Baker** testified in opposition to **S 1134**. She stated the Constitution was directed to control government. She referenced Article 20 and does not feel the people are being heard.

**VOTE ON MOTION:** **Motion carried by voice vote. Rep. Blanksma** will sponsor the bill on the floor.

**S 1061:** **Rep. Young** presented **S 1061**. The purpose of this legislation is to provide clearer and more consistent election order deadlines. It makes changes in procedures to help Idaho's election process run more smoothly.

**Jason Hancock**, Deputy Secretary of State clarified this legislation by section: 1: Aligns the election order deadline for the presidential primary with the 60 - day standard used in the state primary. 2: Aligns the election order deadline for recall elections with the election order deadline for other types of elections. 3: Clarifies all Idaho election process deadlines falling on a weekend or holiday will, instead, fall on the first business day following said weekend or holiday. 4: Moves the deadline for filling a vacancy on the ballot, and the deadline for candidate withdrawal, to a point on the calendar where it is still possible to produce a correct ballot for all voters. 5: Creates a deadline for an officer subject to a recall election to submit the required rebuttal statement for the ballot.

**Margie Baker** testified in support of **S 1061**. She stated, "All political power is inherent to the people."

**Rep. Palmer** supports this bill but had some questions.

**MOTION:** **Rep. Palmer** made a motion to send **S 1061** to **General Orders**. **Motion carried by voice vote. Rep. Young** will sponsor the bill on the floor.

**H 322:** **Rep. Dixon** presented **H 322** This legislation provides a method for the State of Idaho to exercise its responsibility to interpose between its citizens and actions of the federal government that are outside of the enumerated authority granted to the federal government in the Constitution of the United States.

**Rep. Dixon** said this legislation is addressing a growing need, throughout the country. Every state's Constitutional Preamble starts with the words, "We the People of (fill in the state).", The implication is states recognize they are independent agents, not subsidiaries of the federal government. The original 13 states created our federal government and the Bill of Rights was created. One of the most important points in that document is the 10th Amendment. There has been a slow encroachment of the federal government into the states. This bill would allow elected representatives of Idaho to say to the executive branch that the body does not want certain laws to be enacted in Idaho.

**Rep. Dixon** requested the committee send **H 322** to the **General Orders**.

In response to questions, **Rep. Dixon** said that part of the amendments would include assuring complaints brought before the committee will be addressed in a reasonable timeframe.

The legislature may currently ask a court to issue an injunction against the enforcement of an action. This bill includes a pause. When a complaint is brought to the committee and it is deemed a legitimate cause, then there is a pause on enforcement within the state. This happens when the federal government steps outside of its enumerated authority. It cannot be used as a tool to temporarily halt actions.

**Rep. Mathias** requested to hand out an analysis of **H 322** from the Attorney General's Office. (See attachment 1)

**Casey Baker** - self, testified **in support** of **H 322**. He stated it is more appropriate and transparent to have a JFAC committee established to determine how Idaho's disaster money will be sent.

**Margie Baker** - Self, testified **in support** of **H 322**. She referenced Article 1, Section 2, Section 10 and Section 17 of the Constitution. Ms. Baker stated this bill will protect Idahoans.

**Christ Troupis** - Self, stated he has been an attorney for over 40 years, with a focus on federal law. His opinion is **H 322** can withstand federal scrutiny in court and is a reasonable and prudent step to take to maintain Idaho values. He noted the bill does not declare federal law unconstitutional law. It creates an administrative process to review it. Well settled courts are required to defer to the reasoning and decision of the administrative tribunal before determining whether a statute is constitutional. Finally, the current administration stipulated the dismissal of three cases pending in the Supreme Court against sanctuary cities. They have taken the position in respect to immigration laws that states, and cities do not have to abide by all federal laws. They may choose which laws to disregard based on their own state and local policies and constitutions. The Idaho Legislature has a role to play. (See attachments 2 and 3)

**Mr. Troupis** requested two handouts be provided to the committee. Robert N. Wilkinson, Acting Attorney General, Et al., Petitioners v. City and County of San Francisco, Et al and an article titled Court Dismisses "Sanctuary Cities" Petitions.



In response to questions from the committee, **Mr. Troupis** said because of the precedent set by a ruling in the 9th Circuit Court in favor of the City and County of San Francisco, a legal, binding precedent has been set based on the 10th Amendment. Because Idaho is in the 9th Circuit Court, the state can argue the 10th Amendment allows Idaho to determine when its policies conflict with those of the federal government. This legislation provides a useful tool.

The Attorney General's opinion said this law itself is not unconstitutional. There were concerns about the supremacy clause. The attachment of federal funds has also been discussed. Commerce cannot be affected. To date, states have simply not tried to flex their muscles. It is **Mr. Troupis'** opinion that until Idaho tests the limits, it will not know how much latitude exists.

**Mr. Troupis** stated his opinion is the Supreme Court would strike down making abortions illegal in Idaho, citing the 10th amendment. The Supreme Court determines the federal right of privacy to choose is a constitutionally protected right.

In closing, **Rep. Dixon** quoted the Book of Job.

**MOTION:** **Rep. Armstrong** made a motion to **HOLD H 322** in Committee.

**SUBSTITUTE MOTION:** **Rep. Holtzclaw** made a substitute motion to send **H 322** to **General Orders**. **Motion carried by voice vote.** **Rep. Dixon** will sponsor the bill on the floor.

**Chairman Crane** stated the committee heard a replacement RS for **H 321** on March 19, before the recess. The new bill has not yet been printed. He entertained a motion to **HOLD H 321** until the replacement bill is printed.

**MOTION:** **Rep. Andrus** made a motion to **HOLD H 321** in committee. **Motion carried by voice vote.**

**Chairman Crane** said the Legislature will wait five days after completing its business to ensure the Governor acts on bills in the process. During that time, the committee will hear the Agency Rules. He anticipates starting the hearings on April 19, 2021 or April 20, 2021. The committee will continue to meet between now and then.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:42 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary



## STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

March 19, 2021

TRANSMITTED VIA EMAIL

The Hon. Chris Mathias  
Idaho House of Representatives  
Idaho State Capitol  
700 W. Jefferson Street  
Boise, ID 83720  
cmathias@house.idaho.gov

Re: Request for Analysis of House Bill 322

Dear Representative Mathias:

You requested an analysis of House Bill 322, proposed legislation that creates a procedure for Idaho to (1) review whether certain federal actions are authorized, and (2) prohibit enforcement of federal actions that Idaho determines are not authorized. As a sovereign state within a federal system, Idaho has a right to interpret the United States Constitution that it joined and resist unauthorized federal actions that infringe on Idaho's sovereignty. That said, the Idaho Constitution requires the legislative department to respect the powers vested in the executive department to enforce the law and the judicial department to interpret the law. And the United States Constitution requires Idaho to respect the federal government's interpretation of federal law. Because House Bill 322 may in some cases provide for insufficient reverence to the Idaho executive department, the Idaho judicial department, and the federal government, its procedures may be used in violation of the Idaho Constitution and the United States Constitution. Although those potential violations do not necessarily mean House Bill 322 is itself unlawful, the procedure it creates may lead to unlawful actions that ultimately will be struck down and could subject Idaho to liability.

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Civil Litigation Division

P.O. Box 83720, Boise, Idaho 83720-0010

Telephone: (208) 334-2400, FAX: (208) 854-8073

Located at 954 W. Jefferson St., 2<sup>nd</sup> Floor

## **I. SUMMARY OF PROPOSED LEGISLATION**

House Bill 322 creates a procedure for Idaho to (1) review whether certain federal actions<sup>1</sup> are authorized by the United States Constitution, and (2) prohibit enforcement of federal actions that Idaho determines are unauthorized. The procedure includes many steps. To begin, a current Senator or Representative must bring a complaint to the Legislature about the enforceability of the federal action at issue. Next, the Chairman of the Committee on Federalism must survey the Committee. If the Committee determines that the complaint lacks merit, then it must be dismissed. If the Committee determines that the complaint has merit, it must schedule a public hearing and pursue the complaint. At this point, no state agency or political subdivision may take any action or use any resources to give effect to or enforce the challenged federal action until a final determination is made about whether the federal action is authorized.<sup>2</sup> If after investigation the Committee finds that the federal action “is outside the scope of federal authority or is contrary to the constitution of the state of Idaho,” it must “prepare a report setting forth its findings, recommendation, and reasons for the recommendation to the legislature.” “Legislation may then be introduced proclaiming that the federal action is outside the scope of federal authority.” If that legislation is passed, then Idaho will not recognize the federal action, meaning its agencies and political subdivisions may not give effect to or enforce the federal action.

## **II. ANALYSIS**

Although House Bill 322 is not necessarily unconstitutional on its face, the procedures it creates may be used in violation of the Idaho Constitution and the United States Constitution. I will address those potential violations in turn.

### **A. Idaho Constitution**

House Bill 322’s procedure could be used to deprive Idaho’s executive department of its power to enforce the law and Idaho’s judicial department of its power to interpret the law, which would violate the Idaho Constitution.

Idaho’s government is “divided into three distinct departments[:] the legislative, executive and judicial.” Idaho Const., Article II, § 1. As head of the executive department, the Governor is vested with the “supreme executive power of the state,” which requires “see[ing] that the laws are faithfully executed.” Idaho Const., Article IV, § 5. To discharge

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<sup>1</sup> The regulated actions include “federal executive orders, agency orders, rules, policy directives, regulations, acts of congress, or federal court rulings.”

<sup>2</sup> In your correspondence, you asked whether the proposed legislation might interact with the rulemaking process, including the adoption of temporary and emergency rules. Given that House Bill 322 broadly prohibits state actions that give effect to the federal action at issue, it appears that all forms of rulemaking could be affected—both while Idaho considers the propriety of the federal action and after Idaho determines that the federal action is unauthorized.

his or her mandate to faithfully execute the law, the Governor must enforce all laws, state and federal, that are duly authorized. Indeed, before taking office the Governor must swear that he or she “will support the Constitution of the United States” and do so “according to the best of my ability,” which would include enforcing a standing federal law. Idaho Code 59-401. The judicial department is vested with the “judicial power of the state,” which generally includes the power to interpret laws and enter orders based on those interpretations. Idaho Const., Article V, § 2; *see Powers v. Canyon Cty.*, 108 Idaho 967, 972, 703 P.2d 1342, 1347 (1985) (“Under the Constitution, our courts have the authority to interpret legislation or to declare unconstitutional those legislative acts which do not meet the standards of the state or federal Constitutions.”). In sum, the Idaho Constitution requires the executive department to enforce all duly authorized federal laws and the judicial department to interpret whether government actions comport with law; it also forbids the legislative department from infringing on those executive and judicial powers. *See Idaho Const., Article II, § 1.*

House Bill 322 may be used to infringe upon the powers that the Idaho Constitution vests in the executive and judicial departments. Take a situation in which the Legislature uses House Bill 322 to pass legislation finding that a law passed by Congress and signed by the President is unauthorized and prohibiting the entire state from recognizing that federal law. The Governor vetoes the legislation because he or she believes the prohibited federal law is authorized, and the Legislature overrides the veto meaning the legislation finding that the federal law is unauthorized takes effect. In that scenario, the legislation would prohibit the Governor from enforcing a federal law that he or she thinks is valid, in violation of the constitutional mandate to faithfully execute the law. And the legislation would require the judicial department to treat the federal law as void, in violation of its judicial power to interpret the law.

## **B. United States Constitution**

House Bill 322’s procedure could be used to defy the Supreme Court of the United States’s interpretation of federal law, in violation of the United States Constitution.

On its face, House Bill 322 does not necessarily violate the United States Constitution. The federal government has limited powers. When it acts outside the scope of those limited powers, its acts are unenforceable—“the Federal Government can exercise only the powers granted to it.” *Nat’l Fed’n of Indep. Bus. v. Sebelius*, 567 U.S. 519, 534–35 (2012) (quoting *McCulloch v. Maryland*, 4 Wheat. 316, 405 (1819)); *see also Bond v. United States*, 564 U.S. 211, 227 (2011) (Ginsburg, J., concurring) (noting that a conviction for an offense created by an unconstitutional law “is not merely erroneous, but is illegal and void”). House Bill 322 in some ways reflects that reality by permitting Idaho to treat unauthorized federal actions as void and unenforceable, although the same could be done through other means such as filing a lawsuit.

Problems may arise, however, if Idaho uses House Bill 322 to disregard federal actions that it finds are unauthorized when the federal government, particularly the Supreme Court of the United States, finds to the contrary. Idaho is a sovereign state, and with that sovereignty comes Idaho’s right to express when it thinks the federal government

has surpassed its limits, infringing on Idaho's sovereignty. Indeed, some scholars have recognized a "political-safeguards theory," by which politics—perhaps including Idaho's use of House Bill 322 to voice objections to certain federal actions—can be used to secure the proper balance of federalism. *Cf.* Saikrishna B. Prakash, John C. Yoo, *The Puzzling Persistence of Process-Based Federalism Theories*, 79 *Tex. L. Rev.* 1459, 1459–61 (2001) (explaining certain theories). In any event, the Supremacy Clause provides that federal law "shall be the supreme Law of the Land . . . any thing in the Constitution or Laws of any State to the Contrary notwithstanding." U.S. Const., Art. VI. And "[b]y providing for final review of questions of federal law in [the Supreme Court of the United States], Article III [of the United States Constitution] curtails the sovereign power of [Idaho] to make authoritative determinations of law." *Garcia v. San Antonio Metro. Transit Auth.*, 469 U.S. 528, 549 (1985) (citing *Martin v. Hunter's Lessee*, 1 Wheat. 304, 343–44 (1816)).<sup>3</sup> So if the Supreme Court of the United States decides that a federal action is authorized by federal law, then Idaho must comply with the federal action. If Idaho uses House Bill 322's procedure to defy the Supreme Court's interpretation of federal law, it would violate the United States Constitution and in the process it might subject the State to liability for flouting federal law.

Putting aside House Bill 322's overarching procedure, there are potential issues with at least three other components of the proposed legislation worth considering.

First, House Bill 322 temporarily prohibits state agencies and political subdivisions from giving effect to or enforcing a federal action while Idaho considers the propriety of the federal action at issue. This means that even if Idaho ultimately agrees that a federal action is proper, for some time its agencies and political subdivisions must disobey duly authorized federal law. That temporary, and ultimately unjustified, disobedience could lead to liability, even if a conflict between Idaho and the federal government never materializes.

Second, House Bill 322 provides that the Committee on Federalism may find through investigation that a federal action "is contrary to the constitution of the state of Idaho." That phrase is omitted in other parts of the proposed legislation, so it is unclear whether House Bill 322 permits Idaho to (1) find that a federal action is *unauthorized* because it violates the Idaho Constitution, or (2) merely note that the federal action contradicts the Idaho Constitution, but not use that violation to find that the federal action is unauthorized. If the proposed legislation intends to allow the former, it violates the Supremacy Clause as that provision provides that state constitutions must yield to federal law.

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<sup>3</sup> *See also S. Pac. Co. v. State of Ariz. ex rel. Sullivan*, 325 U.S. 761, 769 (1945) ("[T]his Court, and not the state legislature, is . . . the final arbiter of the competing demands of state and national interests."); *Arthur v. Dunn*, 137 S. Ct. 725, 729 (2017) (Sotomayor, J., dissenting from denial of certiorari) ("And for more than two centuries it has been axiomatic that this Court—not state courts or legislatures—is the final arbiter of the Federal Constitution." (citing *Marbury v. Madison*, 1 Cranch 137, 177 (1803))).

Third, the proposed legislation includes “federal court rulings” in the definition of federal actions that Idaho may find are unauthorized. It is unclear how Idaho might determine whether a federal court ruling is unauthorized. If the proposed legislation permits a finding that a court ruling is unauthorized only when a federal court acted outside the bounds of Article III of the United States Constitution—such as when a federal court acted without subject-matter jurisdiction—then this component of the proposed legislation may be permissible, as a federal court’s order typically is not enforceable if the court lacked subject-matter jurisdiction. *Watts v. Pinckney*, 752 F.2d 406, 409 (9th Cir. 1985) (“It is well settled that a judgment is void if the court that considered it lacked jurisdiction of the subject matter, or if the parties or if [the court] acted in a manner inconsistent with due process of law.” (quotation omitted)). That said, jurisdictional deficiencies are normally litigated in court. But if Idaho uses House Bill 322 to prohibit compliance with a federal court’s decision because Idaho disagrees with the merits of the federal court’s decision—that is, because Idaho disagrees with the federal court’s interpretation of federal law—then Idaho would act unlawfully if it were otherwise bound by the decision. Moreover, if Idaho is a party to the relevant litigation and directly bound by the court order at issue, it would likely be held in contempt, potentially subjecting the State to fines and other punishment.

### **C. Other concerns**

In your correspondence, you asked whether the proposed legislation contradicts any existing Idaho Code, rules, or regulations. Given the supremacy of the potential constitutional issues, I have focused primarily on those issues rather than potential violations of other forms of law. That said, it is possible that House Bill 322’s procedure could be used contrary to Idaho Code, rules, or regulations.

For example, some state laws depend on the existence or interpretation of a federal law. If House Bill 322 is used to modify how Idaho treats a federal corollary, then that might affect the state law as well.

Consider Idaho Admin. Code r. 04.02.01.033. It is an Idaho consumer protection regulation that prohibits certain actions that violate federal law, such as violations of the Federal Truth in Lending Act. If House Bill 322 is used to pass legislation that prohibits enforcement of one of those federal laws or a court’s interpretation of one of those federal laws, then that may affect enforcement of the Idaho regulation as well.

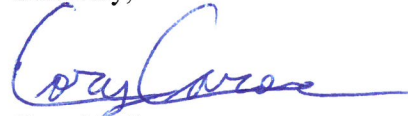
Similarly, Idaho Code § 26-215 is an Idaho statute providing that banks incorporated in Idaho shall be held in full compliance with Idaho law regulating required cash balances if the bank is in compliance with the reserve requirements of the Federal Reserve Act. If House Bill 322 is used to prohibit enforcement of the Federal Reserve Act in Idaho, then that modification could affect or contradict the interpretation and enforcement of Idaho Code § 26-215.

The Hon. Chris Mathias  
March 19, 2021  
Page 6

These are merely examples of potentially many conflicts. Each specific conflict would have to be analyzed as it arises because the outcome would depend on the specific Idaho law and federal action at issue.

I hope you find this analysis helpful. Please contact me if you have any additional questions.

Sincerely,



Cory M. Carone  
Deputy Attorney General

IN THE SUPREME COURT OF THE UNITED STATES

No. 20-666

ROBERT M. WILKINSON, ACTING ATTORNEY GENERAL, ET AL., PETITIONERS

v.

CITY AND COUNTY OF SAN FRANCISCO, ET AL.

ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

JOINT STIPULATION TO DISMISS

Pursuant to Rule 46.1 of the Rules of this Court, all parties respectfully stipulate that this case be dismissed. No fees are due to the Clerk, and each party will bear its own costs.

Respectfully submitted.



ELIZABETH B. PRELOGAR  
Acting Solicitor General  
United States Department of Justice  
Washington, D.C. 20530-0001  
SupremeCtBriefs@usdoj.gov  
(202) 514-2217

Counsel for Petitioners





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SARA J. EISENBERG  
Deputy City Attorney  
San Francisco City Attorney's Office  
City Hall, Room 234  
One Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
sara.eisenberg@sfcityatty.org  
(415) 554-4633

Counsel for Respondent  
City and County of San Francisco



SAMUEL P. SIEGEL  
Deputy Solicitor General  
California Department of Justice  
1300 I Street  
Sacramento, CA 95814  
Sam.Siegel@doj.ca.gov  
(916) 210-6269

Counsel for Respondent  
State of California ex rel.  
Xavier Becerra, Attorney General

MARCH 4, 2021

## Court dismisses "sanctuary cities" petitions

[scotusblog.com/2021/03/court-dismisses-sanctuary-cities-petitions/](https://www.scotusblog.com/2021/03/court-dismisses-sanctuary-cities-petitions/)

March 5, 2021

SCOTUS News

By Amy Howe on Mar 5, 2021 at 10:58 am



The Supreme Court on Thursday dismissed, at the request of the parties involved, a trio of cases arising from the Trump administration's efforts to withhold law-enforcement funding from so-called "sanctuary" states and cities – state and local governments that do not cooperate with federal immigration authorities. Although Thursday's filings at the Supreme Court contained few details, the dismissal appeared to signal yet another reversal of a Trump-era immigration policy by the Biden administration.

The Department of Justice filed one petition, *Wilkinson v. City and County of San Francisco*, last year, asking the justices to review a ruling by the U.S. Court of Appeals for the 9th Circuit that the DOJ did not have the authority to impose conditions on the funds. Both the state of New York and New York City filed their own petitions, *New York v. Department of Justice* and *City of New York v. Department of Justice*, asking the Supreme Court to review a decision by the U.S. Court of Appeals for the 2nd Circuit upholding the conditions.

In a letter to the Supreme Court on Jan. 27, Acting Attorney General Robert Wilkinson suggested that the court should delay acting on the DOJ's petition until the Biden administration could determine what position it would take on the issues in the case. The justices then rescheduled the petitions twice, declining to consider them at their Feb. 19 and Feb. 26 conferences, before scheduling them for their March 5 conference.

The DOJ and the challengers on Thursday asked Scott Harris, the clerk of the court, to dismiss the case. The request came under Supreme Court Rule 46.1, which instructs the clerk to dismiss a case – without needing the justices' permission – when all sides agree. Harris quickly granted the requests.

*This article was originally published at Howe on the Court.*

Posted in Cases in the Pipeline

**Recommended Citation:** Amy Howe, *Court dismisses "sanctuary cities" petitions*, SCOTUSblog (Mar. 5, 2021, 10:58 AM), <https://www.scotusblog.com/2021/03/court-dismisses-sanctuary-cities-petitions/>

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Thursday, April 08, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 344</a>	Elections, Voter Identification	Rep. Mitchell

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, April 08, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** Representative Furniss, Representative Skaug  
**GUESTS:** Carson Tester, Westerberg & Associates, Phil McGrane - Ada County Clerk, Jason Hancock - Deputy Secretary of State

**Chairman Crane** called the meeting to order at 9:00 a.m.

**MOTION:** **Rep. Mathias** made a motion to approve committee minutes from February 25, 2021, March 4, 2021, March 5, 2021, March 15, 2021, March 16, 2021, March 17, 2021 and March 18, 2021. **Motion carried by voice vote.**

**H 344:** **Rep. Mitchell** presented **H 344**. The purpose of this bill is to improve voting integrity consistently across counties and legislative districts, increase confidence in Idaho's election results, and provide an auditing process led by the Secretary of State for examining the validity of affidavits signed by those who vote without any photo ID.

**Rep. Mitchell** stated revisions to the legislation include requiring one of the following forms to prove identity: a current drivers license, State issued ID or Tribal ID, US passport, military ID, student ID with a date of birth on it, or a current Idaho Conceal Carry Permit. To prove residence, the following will be accepted: utility bill, current resident lease or rental agreement, a W-2 or 1099 form, current semester's tuition statement, military leave or earnings statement, or a government record showing an individual pays taxes on the property. Citizenship will be determined by State issued ID or the last four digits of the social security number and cross referenced by the county clerk. Rep. Mitchell also indicated the Secretary of States office will also have the ability to do random audits on the affidavits. By 2024, the goal is to have a picture of each voter attached to their affidavit.

**Phil McGrane** - Ada County Clerk and Elections Committee Chair for the Association of County Clerks testified **in support** of **H 344**. He stated there is currently a weakness in the language used relating to the approved forms of identification for registering to vote. Starting on Page 5 Line 11, he recommended removing Sections 6 and 7, without holding up the legislation. There is a major concern about poll workers being asked to take pictures of individuals who are registering to vote. The volume of affidavits is extremely low, therefore, it would be easier to verify identity by make phone calls. Mr. McGrane indicated there are also other recommendations to improve the process.

**Kathy Dawes** represented **President Susan Ripley** - League of Women Voters and **Holly Conde** - Conservation Voters for Idaho, testified **in opposition** to **H 344** They stated there is no need for this legislation. Voter fraud is virtually nonexistent in Idaho. There were only three cases of voter fraud identified during the 2020 election. This bill is full of government overreach. Students ID cards would no longer be valid and students would have to pay \$10 to have a State ID issued. This would put barriers in place for young people to vote. The unintended consequences of **H 344** are simply too big.

**Jennifer Seegmiller** - Self, testified in support of **H 344**. She said she was a poll challenger during the last election and a large number of students came to the polls without any ID or proof of residence. It was very challenging. Ms. Seegmiller stated she works in health care and has seen a lot of fraud. She said most people have a drivers license or some other form of identification. ID's are requested for many things and it should be a non-issue when registering to vote.

In response to questions, **Rep. Mitchell** said the Supreme Court ruled Idaho cannot eliminate the affidavit. He reiterated the high school ID has been taken out because it does not have a date of birth. There needs to be proof that an individual is 18 years of age or older to vote. A photo would not be required for the affidavit until 2024. **Rep. Mitchell** said this legislation has been designed to stop voting in a particular precinct without the proper identification and proof of residence. Currently, there were several people registering with receipts or high school ID's without a date of birth. He stated prosecutors did not investigate any of the alleged fraud cases because these general forms of ID and proof of residence are legal.

**MOTION:** **Rep. Barbieri** made a motion to send **H 344** to the floor with a **DO PASS** recommendation.

During discussion, **Rep. Armstrong** expressed concern about poll workers being expected to take photos.

**Rep. Gannon** stated if there is evidence that someone presented a document showing an address but it was not their residence, it is a prosecutable offense and may be remedied under present law. He said the legislature does not need to burden citizens and target young voters. He stated he would be voting against **H 344**.

**VOTE ON MOTION:** **Motion carried by voice vote.** **Rep. Gannon** requested to be recorded as voting **NAY**. **Rep. Mitchell** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 9:28 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Friday, April 09, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">S 1183</a>	Fetal Heartbeat Preborn Child Protection Act	Rep. Harris, Blaine Conzatti, Family Policy Alliance of Idaho

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)



MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, April 09, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

**Chairman Crane** called the meeting to order at 9:00 a.m.

**MOTION:** **Rep. Mathias** made a motion to approve committee minutes from March 8, March 9, and April 6, 2021. **Motion carried by voice vote.**

**S 1183:** **Rep. Harris** presented **S 1183**. This legislation prohibits abortion procedures when a fetal heartbeat can be detected, with exceptions included for rape, incest, and life of the mother. A detectable heartbeat is a key indicator, in law and medical practice, of the existence of life. This legislation becomes effective upon the issuance of any decision upholding a restriction or ban on abortion of a preborn child with a heartbeat by any United States appellate court.

**Rep. Harris** stated life begins at fertilization and the State has a compelling interest in protecting life of a baby in the first 9 months, through birth, and throughout life. Roe vs. Wade constructed a trimester framework and says states only have a compelling interest in the last trimester of pregnancy. Most abortions take place before the 24 week mark. Rep. Harris stated a preborn child, with a heartbeat, is 95% assured of reaching full-term. He said **S 1183** dramatically pushes the line of compelling interest to eight weeks. There are 12 other states who have passed a heartbeat bill. The effective date of the bill is pushed out and this legislation would preferably go to the Supreme Court. He hopes for a precedent validating viability of life at eight weeks, with a heartbeat, and acknowledgement states have a compelling interest at that time. Abortion stops a beating heart.

In response to questions, **Rep. Harris** said compelling interest is in findings and not in current statute. Standards say there are rights that cannot be infringed upon. He stated, currently, this bill is not enforceable nor is it illegal. It would be challengeable by the courts. **Rep. Harris** clarified a police report is not required for a woman who has been a victim of sexual violence. He also indicated when a physician performs an abortion intentionally and with willful disregard to the law, it is considered reckless. Finally, he stated the trigger bill from 2012 contains the same language as **S 1183**.

**Blaine Konzatti** - Family Policy Alliance of Idaho, said a heartbeat is an indicator of life and is an important indicator of a child's health throughout pregnancy. The heartbeat can be found as early as five and one-half to six weeks of gestational age, using standard medical practice. He said abortionists commonly perform a non-invasive ultrasound prior to an abortion procedure to locate the baby and find the baby's gestational age. **Mr. Konzatti** stated findings in this bill reiterate life begins at fertilization. The federal judiciary has long held states do not have a compelling interest in restricting abortion before viability. Heartbeat bills are arguing for a better definition of viability and whether the baby is overwhelmingly likely to survive to term. He said **S 1183** harmonizes the penalties with pro-life laws already passed by the legislature. There is no conflict with the criminal abortion trigger law passed last year and this bill was crafted to be defensible.

In response to questions, **Mr. Konzatti** clarified this bill is designed to work within the framework set up by the federal judiciary. He sees an opening to end abortion in Idaho. **Mr. Konzatti** said medical emergency standard is a higher standard than the health of the mother. Civil action would allow a mother to sue the doctor if an illegal abortion is performed. Under Idaho Law, a chemical abortion course cannot be prescribed without an exam by a doctor and an ultrasound is performed as part of the exam.

A committee member pointed out false statements relating to all Idahoans wanting Roe vs Wade to be overturned and viability is a standard for deciding when a baby gets to live. It was also noted the health of the mother standard could be almost anything. It was questioned how the word embryonic can be included in the definition of fetal.

**Chairman Crane** put the committee at ease 9:52 a.m..

**Chairman Crane** called the meeting back to order at 10:05 a.m.

**Heather Lawless** –Reliance Center, Lewiston, ID, **Alisha Wheeler** - Registered Nurse at Reliance Center, **Samantha Doty** – Physician's Assistant, **Tammy Payne** - Right to Life of Idaho Lobbyist, **Christian Welp** - Catholic Diocese of Boise testified **in support** of **S 1183**. Ms. Wheeler said when she conducts an ultrasound and women see their baby's heartbeat for the first time, it is life changing. It is a visual and audio indicator of life. We cannot take a person's life for any reason. Science agrees life begins at conception. This bill would effectively eliminate abortions in Idaho. Abortion is not women's healthcare. Pregnancy is a physiological function. If everyone can agree life ends when the heart stops, we should be able to agree that life begins when the heart beats. At a minimum, Idaho should protect babies as soon as a heartbeat is detected.

In response to questions, Ms. Doty stated a four-chambered heart pumps blood and is a heartbeat. She said embryology states there is a primitive heart chamber with two distinctive tubes pumping blood.

**Karen Simpkins** – Self, **Lynette Claypool** - Self, **Sandra Casey** - BSU Nursing student and **Charles Willer** - BSU Student, testified **in support** of **S 1183**. Miss Claypool shared her miscarriage during an unplanned pregnancy was emotionally damaging. All life should be accepted and allowed to thrive. There are resources available for support. They said God has a special purpose for each of us and a person is a person, no matter how small. Stand up and speak for those voices that cannot be heard. Mr. Willer said college students are portrayed as being liberal, but many are not. **S 1183** provides an opportunity to show young people, as well as all Idahoans, what Idahoans believe.

**Tracy Olsen - Self, Scott Watson – Self, Naomi Watson - Self, Sofia Grigg - Self, Paul Smith - Self, Steph Simmons - Self, Benji Graves - Pastor, Mr. Chase - Self, JoAllison Smith - Self, Arlene Herndon - Self, testified in opposition of S 1183.** Concern was expressed about how little the legislative body cares about women who have been traumatized by rape, referring to Idaho Code 18-8703. Idaho should prevent all abortions and abortifacients. It is a baby, or it is not a baby. It was stated, the beginning of life should not be up for debate. **S 1183** endorses murder of babies within the womb. The legislature says it values babies but puts bills forward, legitimizing a person's right to have an abortion. It was stated this bill encodes unconstitutional judicial supremacy into Idaho law when it requires federal appellate courts to decide if this law will ever go into effect.

In Closing, **Mr. Conzatti** stated an edit needs to be made on Page 3 Line 8, changing the word "defined" to "in violation of". The same change needs to be made to Line 18. He stated Roe vs. Wade needs to be overturned and asked the committee to take a step in the right direction. He also clarified the Attorney General's opinion is women are required to have a physical examination prior to having an abortion. Mr. Conzatti will provide this opinion to the committee.

The following handouts were provided to the committee: Family Policy Alliance of Idaho (Attachment 1); Written Testimony from Rick Small (Attachment 2); Written Testimony from the ACLU (Attachment 3); Sexual Assault Survivors and Advocates Against Intimate Partner Violence: An Open Letter in Opposition to SB 1183 (Attachment 4).

**MOTION:**

**Rep. Palmer** made a motion to send **S 1183** to **General Orders** to make corrections to Page 3 Lines 8 and 18, as described by **Mr. Conzatti**.

During discussion, comments from the committee included **S 1183** would be unenforceable because it is speculative as to what future courts will do. Police reports are not made public during investigations and language is needed to address this issue. The legislation is seen as flawed. It was noted this bill replaces one arbitrary deadline for another, however, brings legislation more in line with Idaho Code 18-622. There is already has a law in place and this is a step backward. Forcing rape victims to have a police report is going to retraumatize them and forcing them to have a transvaginal ultrasound is hypocritical. The definition of fetal heartbeat is misleading. A court will say the State's alleged interest is not strong enough. It was also noted the fiscal note is off by a quarter million dollars in court fees.

**SUBSTITUTE MOTION:**

**Rep. Mathias** made a substitute motion to **Hold S 1183** in Committee.

During discussion, it was noted a woman must report the act of sexual assault and the police can verify the submission of a report. The investigation would not have to be completed.

**ROLE CALL VOTE:**

Roll call vote was requested. **Motion failed by a vote of 4 AYE and 10 NAY.** **Voting in favor** of the motion: **Reps. Barbieri, Scott, Gannon, Mathias.** **Voting in opposition** of the motion: **Reps. Crane, Armstrong, Palmer, Holtzclaw, Monks, Andrus, Young, Furniss, Hanks, Skaug.**

**ROLL CALL VOTE ON ORIGINAL MOTION:**

Roll call vote was requested. **Motion carried by a vote of 12 AYE and 2 NAY.** **Voting in favor** of the motion: **Reps. Crane, Armstrong, Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug.** **Voting in opposition** of the motion: **Reps. Gannon, Mathias.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:33 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Monday, April 12, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">S 1086</a>	Anti-Boycott Against Israel Act	Sen. Lodge, Rep. Skaug, Allen Gorin, Founder/Director of Idahoans United for Israel
<a href="#">H 350</a>	School Trustee Elections	Rep. Ehardt, Rep. DeMordaunt

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

Rep Scott

Rep Mathias

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, April 12, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss (Blanchard), Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** Representative Monks

**GUESTS:** Amos Rothstein - Self, Phil McGrane - Ada County Clerk, Bob Aldridge - Attorney, Del Chapel - Self, Allen Gorin - Director of Christians United for Israel in Idaho, Dave McGarrah - Pastor, Rabbi Mendel Lipschitz - Chabad Jewish Center, Sandra Hagee Parker - Christians United for Israel Action Fund, Bob Aldridge - Attorney, Lauren Bramwell - Policy Director ACLU of Idaho, Tyler Hurst - Self

**S 1086:** **Allen Gorin** introduced **S 1086**. This legislation will prohibit entities from entering into contracts which would boycott goods or services from Israel or territories under its control. The provisions of this legislation shall not apply to contracts with a total potential value of less than \$100,000 or to contractors with less than ten employees.

**Mr. Gorin** is the Founder and Director of Idahoans United for Israel. The group is made up of a diverse group of Idahoans who put differences aside to support Israel. He stated Idaho is welcoming to its Jewish citizens and Jewish concerns. Mr. Gorin said Israel has fought many military battles since its founding. It is now fighting a movement to Boycott, Divest from and Sanction (BDS) the Jewish state.

**Pastor Dave McGarrah**, representing Christians United for Israel Action Fund, stated there are 40,000 members in Idaho and 10 million throughout the United States and the US House of Representatives has overwhelmingly passed an anti-BDS resolution. He said the main goal of BDS is destruction of the Jewish state of Israel. The goal of this legislation is to ensure Idaho is not complicit in that immoral effort. Israel is an integral part of the world's economy and Idaho's economy, especially through technology. Idaho exports to Israel were almost \$19 million last year. Since 1996 Israel / Idaho involvement has been approximately \$418 million in exports and business.

In response to questions, **Pastor McGarrah** stated **S 1086** is a preemptive measure. He is not aware of any Idaho businesses currently boycotting Israeli businesses.

There was concern in committee. It was stated Idaho should not pass regulations unless there is market failure or an issue of health and safety.

**Amos Rothstein** testified in support of **S 1086**. He stated he serves as the Executive Director of the Republican party and while he is the only Republican in his family, they are all united in their support for Israel and its western values. Israel was a leader in helping President Trump in developing the Corona Virus vaccine and now is helping President Biden get the vaccine distributed. Israel is an irreplaceable ally. The BDS movement seeks to hurt the people they think they are helping. By boycotting Israel, they are boycotting Palestine. Israel is responsible for 85% of exports from the Palestinian territory. 75,000 American jobs are tied to Israel and 20,000 Israeli jobs are tied to the United States.

In response to questions, **Mr. Rothstein** said Israel has been integral in developing and testing Corona Virus vaccines. They have been efficient and effective in sharing how to distribute the vaccine.

**Bob Aldridge** testified in support of S 1086. He addressed the practical method of the anti-boycott efforts to be carried out in Idaho. Through negotiated rule-making, companies can voluntarily sign a statement declaring they are not engaging in boycott activities. It is on the honor system. There is a possibility that whistle-blowers could come forward.

In response to questions, **Mr. Aldridge** said the First Amendment protects speech but not conduct. Conduct is allowed to be regulated, speech is not.

**Del Chapel** testified in opposition, this bill in the Senate. He does not understand this bill. He stated Idaho and the United States are strong allies of Israel. He feels like this is a pre-crime bill and is not necessary.

**Lauren Bramwell** testified in opposition of **S 1086**, stating political boycotts are protected under the First Amendment. Requiring people to choose between their livelihood and First Amendment rights is not a choice government can impose on people.

In response to questions, **Ms. Bramwell** stated the right to boycott is protected political speech. Lawsuits have been struck down on First Amendment grounds. It is a core part of democratic principles. She said regardless of one's stance on Israel she does not believe citizens want Idaho to prohibit political speech.

**Rep. Mathias** provided a handout to the committee with talking points in support of Anti-BDS Legislation in Idaho. (See Attachment 1)

**Rabbi Lipschitz** - Boise - testified in support of S 1086. He said while he is a Rabbi, this he supports this legislation on simple economic and sovereignty grounds. The Jewish people did not cause the need for this bill. BDS seeks to disrupt the economy. There is a fiduciary responsibility to ensure that companies will not deny business with Israel because of their beliefs.

**Sandra Hagee Parker** testified in support of **S 1086**. She said there are no free speech concerns in this bill. This legislation regulates commercial conduct but not speech. Ms. Parker indicated the Supreme Court held contractors are able to express their views of Israel. She talked about morality in contracting.

In response to questions, **Ms. Parker** said evidence of boycotting does not just involve a statement but conduct may also be considered evidentiary. If there is not a legitimate business reason to not contract with Israel, that may also be construed as BDS. There is not a concern about being vague but it allows the necessary room to move from documentation and implementation. Ms. Parker said that 31 states have already passed Anti-Boycotting of Israel legislation. This legislation is not meant to punish small businesses but to be enforced against those companies in the best position to have material economic effect if they choose to engage in a BDS boycott of Israel.

In closing, **Mr. Goren** said there is no restriction to free speech. If an Israeli company reaches out to a company to do business in Idaho but receives no response, it is appropriate for that company to contact the Idaho Department of Administration to inquire if there is a legitimate reason why the company did not receive a response.

**Rep. Skaug** said anti-Semitism has no place in Idaho. It is based on discrimination against a national origin and the BDS movement is poison. He stated BDS has called for a boycott against Caterpillar.



**MOTION:** **Rep. Skaug** made a motion to send **S 1086** to the floor with a **DO PASS** recommendation.

**Rep. Gannon** will support the motion because of Israel's response to the COVID-19 vaccine research and distribution.

**Rep. Barbieri** will support the motion but he has concerns about details in the language and is unsure who would have standing if the Department of Administration did not act properly. Rep. Barbieri wants to review the language dealing with clear authority over the Department Administration, in respect to the Administrative Rules.

**Rep. Mathias** will support the motion but reserves the right to change his vote on the floor. He stated his fiduciary responsibility is to the people and businesses of Idaho and he needs to do more research.

**Rep. Scott** stated she will not support this bill because the bill is poorly written and she does not like Section 5. She stated when handing off legislative authority to department administrators it always creates problems.

**VOTE ON MOTION:**

**Motion carried by voice vote. Rep. Crane** will sponsor the bill on the floor.

**H 350:**

**Rep. Ehardt** presented **H 350**. This legislation will change the manner in which school board trustees fill positions that are vacated due to a recall. This process will be applied when a recall was: a) Initiated and then the trustee chose to resign; b) Initiated and then recalled through the voting process; It further states if a regularly scheduled election date is upcoming within 90 days of a successful recall, then no one shall be appointed to a position and it shall remain open and allow candidates to run for the vacated trustee office. If such a position is farther out than 90 days, the trustee position will be filled as a "temporary" position only and will be up for election at the next possible election cycle where the permanent trustee position will be decided.

**Rep. DeMordaunt** stated governance is the foundation of our government.

**Tyler Hurst** testified in support of **H 350**. He stated parents are very involved in policy and he cannot think of a more patriotic effort for citizen participation. Trustees should be elected and work on policy. A school board's purpose is to provide a good education for Idaho students. Mr. Hurst said tax payer dollars are also critical and the electorate needs to choose the school board trustees.

**Phil McGrane** testified in support of **H 350**. He said he has been in the center of several recall efforts and it can be difficult. This bill lays out a plan for replacing vacant seats.

**MOTION:** **Rep. Scott** made a motion to send **H 350** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Ehardt** will sponsor the bill on the floor.

**ADJOURN:** There being no additional business to come before the committee, the meeting was adjourned at 10:05 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary



## Talking Points in Support of Anti-BDS Legislation - Idaho

### INTRODUCTION

Christians United for Israel (CUFI), the nation's largest pro-Israel organization, is supporting anti-BDS legislation in Idaho. CUFI has over 40,000 members in the state, 10 million in US

To date, 30 states have passed legislation or advanced executive orders banning the state from investing in and/or engaging in contracts with entities that are boycotting Israel. In addition, the US House of Representatives overwhelmingly passed an anti-BDS resolution in strong bipartisan fashion. The movement to Boycott, Divest from and Sanction (BDS) the Jewish state has also seen defeats on university campuses across the country whose students and/or leadership have rejected boycotts of the Jewish state.

Through demonization and boycotts, the BDS movement's end goal is the destruction of the Jewish state of Israel. *The goal of this legislation is to ensure that our state is not complicit in that repugnant and immoral effort.*

### GENERAL

- There has been an uninterrupted Jewish presence in Israel for more than 3,000 years.
- When in 1947, the UN resolved to divide the Holy Land into two-states, one for Jews and one for Arabs, the Jews accepted the partition, the Arabs rejected it and tried to destroy the newly independent Jewish nation.
- Since Israel's independence every Israeli offer of peace with the Palestinians has been rejected.
- Jordan had illegally been in control of the West Bank from 1948-1967 when Israel took control of it in the 1967 Six-Day War—a war of self-defense. The territory is disputed, not occupied.
- Settlements are not the obstacle to peace. Israel has repeatedly offered peace deals to the Palestinians in which land swaps would account for any territory in the West Bank in which Israelis live.



## THE TRUTH ABOUT THE BDS MOVEMENT

*The goal of this legislation is to ensure the state does not become complicit in the effort to destroy Israel.*

While some may claim otherwise, the BDS movement's goal is to destroy the state of Israel through demonization and boycotts. But you don't need to take our word for it. Here's what the leaders of the BDS movement have to say:

- "Definitely, most definitely we oppose a Jewish state in any part of Palestine." – Omar Barghouti, co-founder of the BDS movement and founding committee member of the Palestinian Campaign for the Academic and Cultural Boycott of Israel
- Headlines from April of 2020 - **BDS founder: Israel-invented virus vaccine would be OK for boycotters to use.** Omar Barghouti says no problem cooperating with Israel if it saves millions of lives. but says Arabs and Palestinians should not use coronavirus as excuse to normalize ties. He wouldn't go the Al Hussein Hospital.
- "The real aim of BDS is to bring down the state of Israel....That should be stated as an unambiguous goal. There should not be any equivocation on the subject." – As'ad Abu Khalil, professor of political science at California State University, Stanislaus
- "Our corporation boycotts all Israeli products and services, and encourages other institutions, companies and individuals to cease and avoid all economic, academic and cultural activity that supports the racist state of Israel until that state dissolves itself." – Paul Larudee, co-founder, Free Palestine Movement
- "We're resisting colonialism in Palestine, and colonialism entails all of occupied Palestine, from Haifa, to Jerusalem, to Ramallah..." – Lara Kiswani, Executive Director of the Arab Resource and Organizing Center
- "We need to wipe out Israel." – Anna Baltzer, leading pro-BDS activist, author and speaker



## ECONOMICS AND THE BDS MOVEMENT

- State contractors who engage in BDS harm their ability to provide the best services at the lowest cost to the state: Israel is an integral part of the world's economy. Many of the technologies we use in our day-to-day lives were created in Israel. In fact, as one writer put it, "There is not a single human being on this planet that has access to electricity and the internet that actually boycotts all Israeli products."
- A full accounting of Israeli technology and innovations is far too long to list here, but a few examples are worth mentioning:
  - Drip irrigation
  - Pillcam (non-invasive intestinal visualization)
  - The cherry tomato
  - Disk-on-key (USB storage devices)
  - Windows NT and XP operating systems
  - ICQ (Instant messenger technology)
  - Intel SandyBridge and Centrino processors
  - Java platform for Amazon Kindle
  - Answers.com
  - Waze navigation
  - Mobileye (advanced driver assistance system used by BMW, GM, Volvo, Hyundai and Ford automobiles)
  - Krav Maga (self-defense system used by CIA, FBI and US Marshals as well as a host of American police departments)

### **Idaho – Israel Economic Relations:**

- Idaho exports to Israel in 2019: \$18,923,737.
- Total Idaho exports to Israel since 1996: \$418,716,409.
- Since 1979 more than \$450,000 in agricultural research and development grants have been shared by Idaho, via the University of Idaho, and Israel.



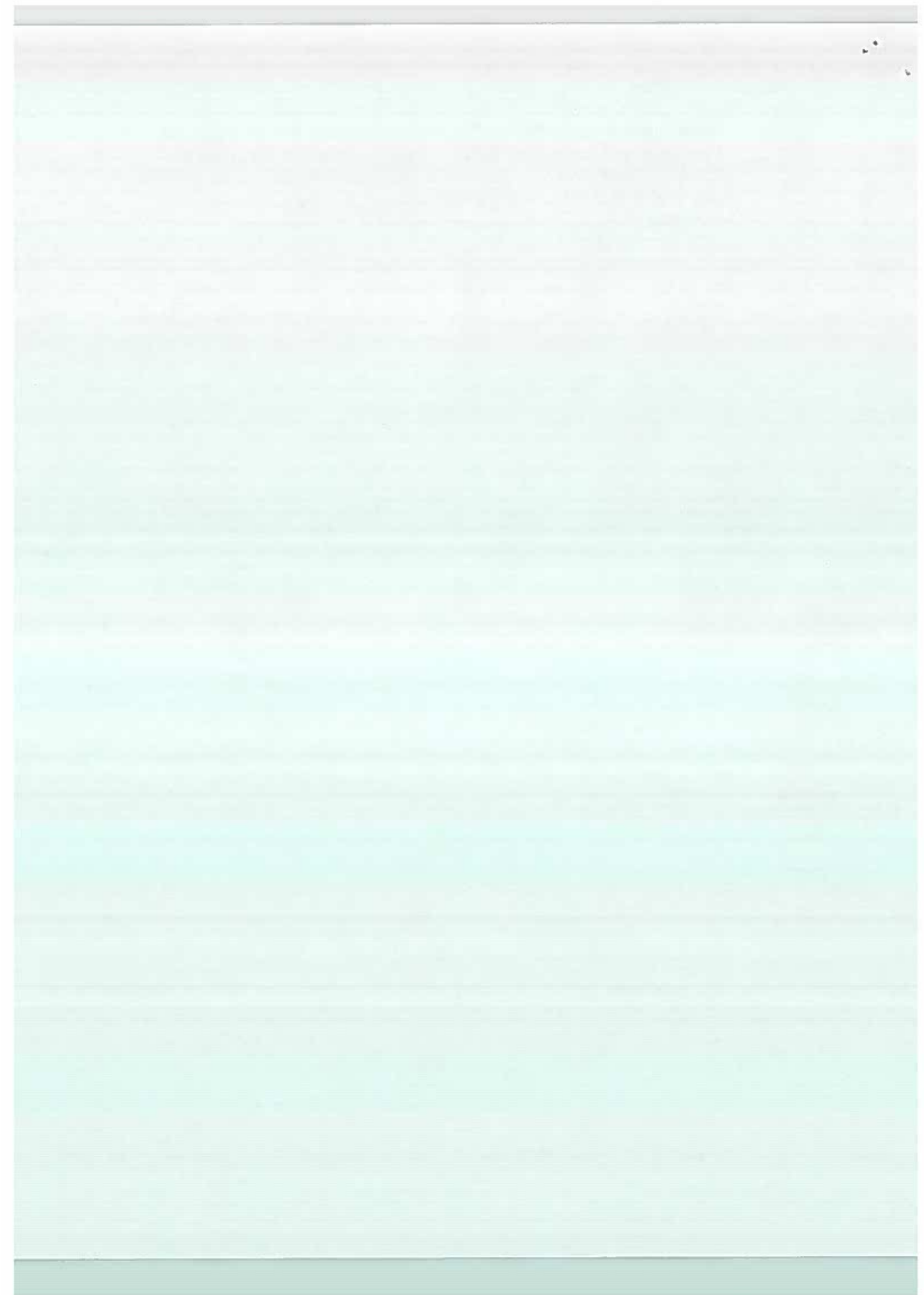
## RESPONSES TO ARGUMENTS AGAINST ANTI-BDS LEGISLATION

- **Freedom of Speech/Freedom to Boycott:** Pro-BDS activists will argue that they should have the freedom to boycott Israel – and we agree, but:
  - This legislation does not outlaw boycotting Israel, it merely states that the government will not engage with entities that do so.
  - The people have the right to choose with which companies their government will associate. As spelled out above, entities that participate in the BDS movement are supporting a movement to destroy the world's only Jewish state. The people have the right to ensure their tax dollars are not complicit in that immoral effort.
- **Fiscal and Fiduciary Duty vs Morality:** Investment managers, accountants, and other state employees and contractors that are associated with retirement funds or who secure contracts on behalf of the state may argue that the people are best served by placing no restrictions on investments and/or with whom the state contracts – we disagree.
  - Ours is not an amoral society, nor should our government behave with no moral compass to guide it.
  - Just as we encourage the hiring of veterans and contracting with minority owned businesses, so too must we allow our better angels to guide the state's investments and contracts. In this context, doing so means refusing to give our taxpayer dollars to entities that seek to end the existence of a free and democratic American ally.
- **Why Pass this Legislation Now?**
  - One does not wait to lock their doors until after they've been robbed. The anti-Semitic BDS movement is seeking to infect the American economy. As a leader among the states, Idaho should lead on this issue of both local and national importance.
- **Does this Legislation Comment on Final Status Issues?**
  - This legislation does not seek to comment or pass judgement on Israeli communities in the disputed territories. Rather it is an acknowledgement of the reality on the ground: namely that Israeli businesses in the West Bank hire and pay a strong wage to both Israelis and Palestinians.
  - Moreover, what better way for Palestinians and Israelis to understand each other than for them to work together, make products together and spend time with one another?



- Excluding territories under Israel's control will do harm both to Israelis and Palestinians and diminish the positive on-the-ground interactions these two peoples have when working side-by-side. Put another way, excluding territories under Israel's control so is not pro-Palestinian, it is anti-peace and anti-humanitarian.





AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Tuesday, April 13, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 135 aa S</a>	Governor's Powers	Rep. Monks
<a href="#">S 1150</a>	Initiatives and Referendums - Circulation of Petitions	Sen. Lodge, Chairman Crane
<a href="#">S 1168 aa</a>	Election Administration - Private Moneys Prohibited	Sen. Souza, Rep. Troy

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss(Blanchard)
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)



MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, April 13, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss (Blanchard), Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** Kathy Dawes - ACLU of Idaho representing President Susan Ripley, Sara Westbrook -Idaho Association of Counties, Angela Barkell - Owyhee County Clerk, Phil McGrane - Ada County Clerk, Lynn Tominaga - IGWA

**Chairman Crane** called the meeting to order at 9:00 a.m.

**Rep. Mathias** made a motion to approve committee meeting minutes from March 18, 2021 and April 3, 2021. **Motion carried by voice vote.**

**H 135aaS:** **Rep. Monks** presented **H 135aaS**. This legislation protects the separation and balance of powers between the executive and legislative branches of government. This legislation ensures that all Idahoans have the right to work, provide for their families and that they can contribute to the economy during an emergency disaster declaration. The legislation also limits emergency disaster declarations to a maximum of 60 days unless extended under certain provisions. Constitutional rights guaranteed by the United States constitution, and the constitution of the state of Idaho and explicitly the right to assemble for worship are definitively protected in this legislation. The legislation clarifies that the governor may not alter, adjust or suspend Idaho Code during a disaster declaration.

**Rep. Monks** indicated the Senate made changes, stating all jobs are essential and adding the phrase, "other legislative action," on Page 2 Line 22. He indicated he worked with the Senate on the amendments and said they are acceptable.

In response to questions, **Rep. Monks** clarified emergencies can last longer than 60 days. The only time legislative action is needed to be taken is if the Administrative Rules need to be changed. As proven by the last special session, he has every confidence that the Legislature can act quickly to get things accomplished.

**MOTION:** **Rep. Young** made a motion to Concur with Senate amendments on **H 135aaS**. **Motion carried by voice vote. Rep. Monks** will sponsor the bill on the floor.

**S 1168aa:** **Sen. Souza** presented **S 1168aa**. In 2020, private grant money came into Idaho at the county elections level. The integrity of our elections becomes vulnerable if outside influence is allowed. This bill establishes that our elections must be funded by only appropriations from federal, state, or local government entities.

**Sen. Souza** said that 20 of Idaho's 44 counties received grant funds from the Zuckerberg Foundation to use for the administration of the 2020 General Election. The money was not tied to a particular party or candidate. Idaho does not have a law stating private money cannot be deposited into election accounts in Idaho.

The Idaho Association of Counties informed county clerks about this grant opportunity. Because non profit organizations do not have to report contributions made until the end of the year, many people were not aware these grants were awarded. **Sen. Souza** said there needs to be more robust communication between the County Clerks and Secretary of State's Office. She also stated there needs to be accountability and reporting. She believes Idaho was taken advantage of because of the current health crisis.

**Sen. Souza** was concerned about questions on the follow-up grant report. One question asked, "If your annual budget doubled permanently, what would you be able to do that you cannot do now?" She said this opens everyone up to be vulnerable. Rep. Souza expressed the need for better communication and leadership to guard the integrity of the vote in Idaho.

In response to questions, **Sen. Souza** said the administration of the elections must be and always has been funded directly by the state. There are potential dangers of private individuals or companies giving to the direct administration of elections. She referred to page 2 of the handout Private Grant Monies Provided to Idaho from the Center for Tech and Civic Life. The graph represents funds provided for the 2020 General Election. (See attachment 1) Sen. Souza said she did not look at funding from other years and she did not know if Idaho elections are underfunded.

**Sarah Westbrook's** testimony regarding **S 1168aa** was neutral. She clarified her role in informing counties about the grant funds. She sent an email to every county clerk, sharing the grant opportunity, (See Attachment 2.) She said 20 counties applied for the grant because there were a lot of struggles to get poll workers, PPE, polling spaces large enough to accommodate social distancing. The extra funds were used for administrative costs to ensure a successful election.

In response to questions, **Ms. Westbrook** stated \$1.5 million was allocated during the special session for elections. She said several counties used the money as a bonus for poll workers. She shared she does not go out of her way to identify grant opportunities.

**Angela Barkell's** testimony regarding **S 1168aa** was neutral. She stated her county has 5,000 registered voters spread over a large area. During the general election it was difficult to find large enough polling locations and volunteers to work the polls. When Ms. Barkell received information about the availability of additional grant funding and saw the application was easy to fill out, she took advantage of the opportunity. Owyhee County used the money for training, food and bonuses for the poll workers.

**Phil McGrane** testified in support of **S 1168aa**. He stated this was an unprecedented year, given the challenges presented by the Coronavirus; the chairmen of both the Republican and Democratic parties joined him in recruiting poll workers. Mr. McGrane indicated several counties made capital purchases with the federal funds they received. The largest purchase was equipment to process absentee ballots. PPE was also purchased and a COVID-19 specific polling location was established for voters testing positive for COVID-19. Approximately 100 people voted there. Mr. McGrane provided a copy of the Ada County's grant award letter. (See attachment 3)

In response to questions, **Mr. McGrane** stated several lawyers looked at the grant award letter before accepting the money. He explained it is standard for grantors to include language stating if the money is improperly used, it would have to be reimbursed. He said Ada County used all they received. Ada County experienced a five-fold increase in absentee balloting during the last general election. He does not anticipate this will continue to increase.

**Kathy Dawes**, of the ACLU of Idaho, testified in opposition to **S 1168aa**. She stated the League believes it will severely limit the ability of county clerks to obtain necessary funds to assure accessibility of voting in Idaho. Ms. Dawes said limited budgets can prevent counties from providing adequate polling places and/or drop boxes during an election, making it more difficult for voters to vote. This bill does not provide transparency or accountability. It eliminates the option of nonpartisan support for elections under the guise of "undue influence," without any evidence of such.

In response to questions, it would concern **Ms. Dawes** if a politically extreme group made a contributions to the counties for administration of elections in Idaho. She clarified supporting donations from non-partisan groups.

In closing, **Sen. Souza** said Idaho needs to be very careful receiving outside money. It is a lesson for all that amidst good intentions, the legislature can put the state at risk. Idahoans do not want anyone to intrude on the honesty and integrity of the state's elections system. **S 1168aa** will help protect Idaho's election process.

**MOTION:** **Rep. Barbieri** made a motion to send **S 1168aa** to the floor with a **DO PASS** recommendation. He stated it is a worthy effort but compromises occur if counties become dependent on the outside funding. He will continue to monitor how the Clerks respond.

During discussion, **Rep. Gannon** confirmed Mark Zuckerberg and Pricilla Chan provided \$250 million to the Center for Tech and Civic Life. Uncomfortable with policy being set by people with wealth.

**Rep. Mathias** stated he sees an underlying theme this session; the legislature divests in higher education so out of state students need to be recruited to pay out of state tuition. The body is creating an incentive for sub-state entities to seek outside funding. He does not want to see millionaires and billionaires driving policy in Idaho. He will not support this bill.

**VOTE ON MOTION:** **Motion carried by voice vote. Rep. Mathias** requested to be recorded as voting **NAY. Rep. Troy** will sponsor the bill on the floor.

**Chairman Crane** handed over the gavel to **Vice-Chairman Armstrong**.

**S 1150:** **Chairman Crane** presented **S 1150** and indicated **Sen. Lodge** was unable to be in committee. The legislation would require those who circulate petitions and gather signatures for ballot initiatives and referendums must collect those signatures in the State of Idaho. The person who collects the signatures must clarify they were physically located in the State of Idaho at the time of signing.

In response to questions, **Chairman Crane** stated signature gatherers have nine months to gather the required signatures and that should provide adequate time for military personnel, stationed out of state, to provide a signature or to collect the number of signatures needed. He indicated there is a cottage industry that has developed to collect signatures across state lines.

**MOTION:** **Rep. Palmer** made a motion to send **S 1150** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Gannon** requested to be recorded as voting **NAY. Chairman Crane** will sponsor the bill on the floor.

**ADJOURN:** With no further business to come before the committee, the meeting was adjourned at 9:49 a.m.

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Representative Crane  
Chair

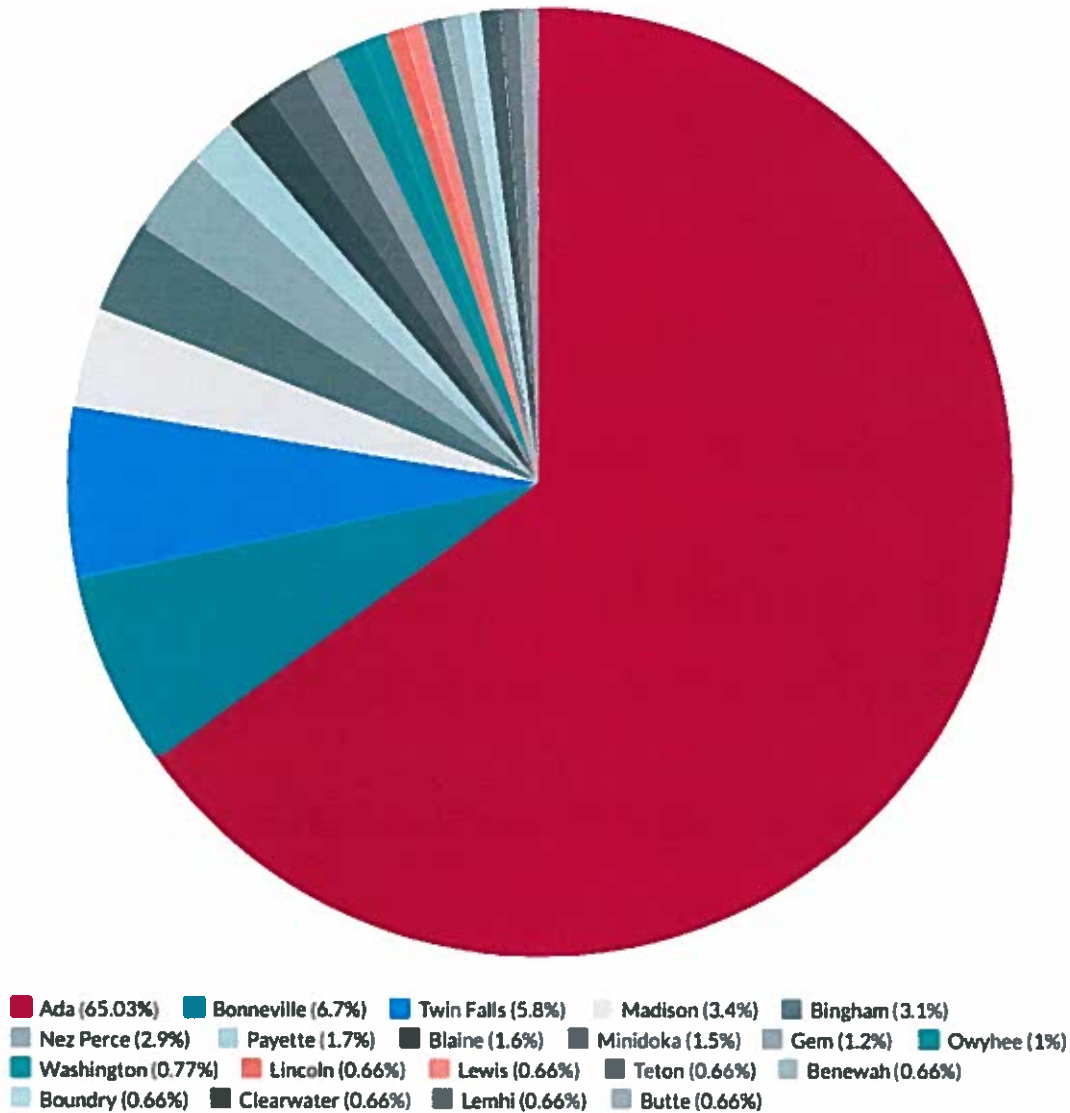
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Kelly Staskey  
Secretary

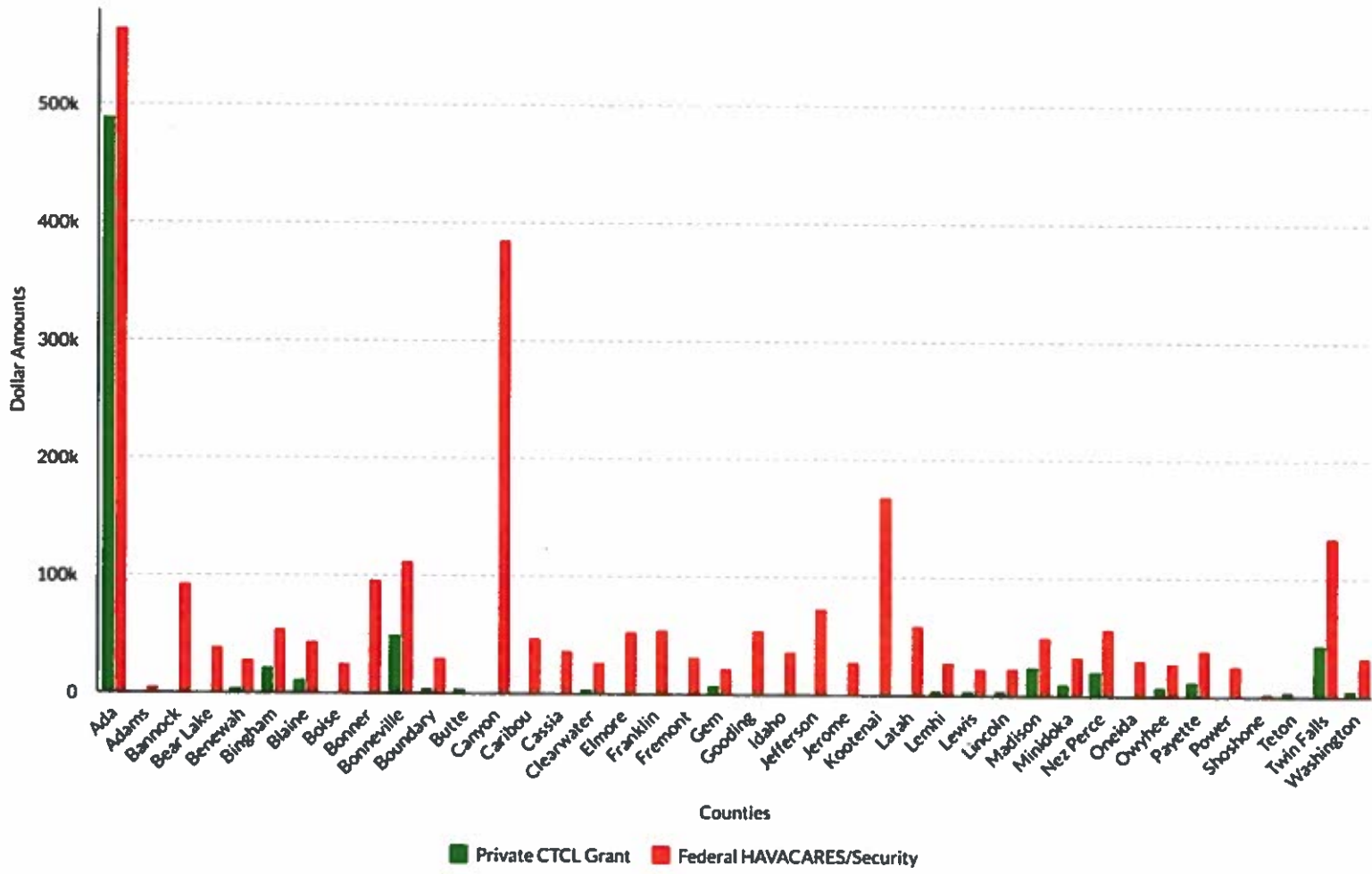
# Private Grant Monies Provided to Idaho from the Center for Tech and Civic Life (CTCL)

Funded by Mark Zuckerberg of Facebook

Percentage of Funds Received by 20 Idaho Counties (\$752,287 total)



# Private CTCL and Federal HAVACARES/Security Funds Provided to Idaho Counties



Camas, Clark, Custer, and Valley Counties did not receive funding.



Sara Westbrook &lt;swestbrook@idcounties.org&gt;

## A New Elections Grant Opportunity and Security Camera Options

16 messages

Sara Westbrook &lt;swestbrook@idcounties.org&gt;

Mon, Sep 14, 2020 at 12:12 PM

To: Phil McGrane <pmcgrane@adacounty.id.gov>, Sherry Ward <sward@co.adams.id.us>, Jason Dixon <jdixon@bannockcounty.us>, Cindy Garner <cgarner@bearlakecounty.id.gov>, "Deanna Bramblett (Benewah)" <dbramblett@benewahcounty.org>, Pam Eckhardt <peckhardt@co.bingham.id.us>, "Drage, JoLynn" <jdrage@co.blaine.id.us>, "Mary T. Prisco" <mprisco@co.boise.id.us>, Michael Rosedale <michael.rosedale@bonnercountyid.gov>, Penny Manning <pmanning@co.bonneville.id.us>, Glenda Poston <gposton@boundarycountyid.org>, Shelly Shaffer <butteclerk@atcnet.net>, krablin@rtci.net, Chris Yamamoto <cyamamoto@canyonco.org>, Denise Horsley <dhorsley@co.caribou.id.us>, "Joseph W. Larsen" <cassiaclerk@cassiacounty.org>, Judith Maldonado <jmaldonado@co.clark.id.us>, Carrie Bird <cbird@clearwatercounty.org>, Lura Baker <lbaker@co.custer.id.us>, Shelley Essl <sessl@elmorecounty.org>, Camille Larsen <camillel@fcidaho.us>, Abbie Mace <amace@co.fremont.id.us>, Shelly Tilton <clerk@co.gem.id.us>, Denise Gill <dgill@co.gooding.id.us>, Kathy Ackerman <kackerman@idahocounty.org>, Colleen Poole <cpoole@co.jefferson.id.us>, "Emerson, Michelle" <memerson@co.jerome.id.us>, Jim Brannon <jbrannon@kcgov.us>, "Henrienne Westberg (Latah)" <hwestberg@latah.id.us>, Terri Morton <clerk@lemhicountyidaho.org>, Alesia <awinner@lewiscountyid.org>, Brenda Farnworth <bfarnworth@lincolncountyid.us>, "Kim Muir (Madison)" <kmuir@co.madison.id.us>, Tonya Page <tpage@co.minidoka.id.us>, Patty Weeks <pattyweeks@co.nezperce.id.us>, Lon Colton <lcolton@oneidaid.us>, Angie Barkell <abarkell@co.owyhee.id.us>, lbratcher@payettecounty.org, Sharee Sprague <ssprague@co.power.id.us>, Tamie Lewis-Eberhard <teberhard@co.shoshone.id.us>, Kim Keeley <kkeeley@co.teton.id.us>, Kristina Glascock <kglascoc@tfco.org>, "Doug Miller (Valley County)" <dmliller@co.valley.id.us>, Donna Atwood <datwood@co.washington.id.us>

Hello Clerks,

Here's some good news. [Check out this link](#) to some possible elections grants with minimal hoops to jump through and no matching funds required. I think you could use these to pay for security needs you may have to enable you to start opening absentee ballots early.

Speaking of security needs, I've been doing some research into security cameras and 24/7 live streaming on Youtube and have come up with some affordable options. Check out the attached document for more information.

Please let me know if there is anything else that I can do to help!

All the best,

Sara Westbrook



Sara Westbrook | Policy Director  
208.514.0354 Direct | 208.345.9126 Main Office  
[swestbrook@idcounties.org](mailto:swestbrook@idcounties.org) | [www.idcounties.org](http://www.idcounties.org)

 **Security Camera Options.docx**  
17K

Phil McGrane <pmcgrane@adacounty.id.gov>  
To: Sara Westbrook <swestbrook@idcounties.org>

Mon, Sep 14, 2020 at 1:28 PM

4/13/2021

S 1168 aa

Attachment 3



CENTER FOR  
TECH AND  
CIVIC LIFE

Grant No. 2012-AB

October 15, 2020

Ada County, Idaho  
Board of Commissioners  
200 West Front Street  
Boise, ID 83702

Dear Kendra Kenyon,

I am pleased to inform you that based on and in reliance upon the information and materials provided by Ada County, and the special circumstances Ada County faces administering elections in 2020, the Center for Tech and Civic Life ("CTCL"), a nonprofit organization tax-exempt under Internal Revenue Code ("IRC") section 501(c)(3), has decided to award a grant to support the work of Ada County ("Grantee").

The following is a description of the grant:

**AMOUNT OF GRANT: \$489,963.00 USD**

**PURPOSE:** The grant funds must be used exclusively for the public purpose of planning and operationalizing safe and secure election administration in Ada County in 2020 ("Purpose").

Before CTCL transmits these funds to Grantee, CTCL requires that Grantee review and sign this agreement ("Grant Agreement") and agree to use the grant funds in compliance with the Grant Agreement and with United States tax laws and the laws and regulations of your state and jurisdiction ("Applicable Laws"). Specifically, by signing this letter Grantee certifies and agrees to the following:

S 1168aa  
Phil McGrane

1. Grantee is a local government unit or political subdivision within the meaning of IRC section 170(c)(1).
2. This grant shall be used only for the Purpose described above, and for no other purposes.
3. Grantee has indicated that the amount of the grant shall be expended on the following specific election administration needs: Ballot drop boxes, Drive-through voting, Election department real estate costs, or costs associated with satellite election department offices, Non-partisan voter education, Personal protective equipment (PPE) for staff, poll workers, or voters, Poll worker recruitment funds, hazard pay, and/or training expenses, Polling place rental and cleaning expenses for early voting or Election Day, Temporary staffing, and Vote-by-mail/Absentee voting equipment or supplies. Grantee may allocate grant funds among those needs, or to other public purposes listed in the grant application, without further notice to or permission of CTCL.
4. Grantee shall not use any part of this grant to make a grant to another organization, except in the case where the organization is a local government unit or political subdivision within the meaning of IRC section 170(c)(1) or a nonprofit organization tax-exempt under IRC section 501(c)(3), and the subgrant is intended to accomplish the Purpose of this grant. Grantee shall take reasonable steps to ensure that any such subgrant is used in a manner consistent with the terms and conditions of this Grant Agreement, including requiring that subgrantee agrees in writing to comply with the terms and conditions of this Grant Agreement.
5. The grant project period of June 15, 2020 through December 31, 2020 represents the dates between which covered costs may be applied to the grant. The Grantee shall expend the amount of this grant for the Purpose by December 31, 2020.
6. Grantee is authorized to receive this grant from CTCL and certifies that (a) the receipt of these grant funds does not violate any Applicable Laws, and (b) Grantee has taken all required, reasonable and necessary steps to receive, accept and expend the grant in accordance with the Purpose and Applicable Law.
7. The Grantee shall produce a brief report explaining and documenting how grant funds have been expended in support of the activities described in paragraph 3. This report shall be sent to CTCL no later than January 31, 2021 in a format approved by CTCL and



AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Wednesday, April 14, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 66aaS</a>	Transparency in Bond and Levy Elections	Rep. Nate, Sen. Ricks
<a href="#">H 348</a>	City Appropriation Ordinances - Technical Corrections	Rep. Horman
<a href="#">S 1062</a>	Declaration of Intent for Write-In Candidates	Rep. Gannon, Jason Hancock, Deputy Secretary of State

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Registry to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss(Blanchard)  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, April 14, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss (Blanchard), Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** Representative Young

**GUESTS:** Jason Hancock - Deputy Secretary of State

**Chairman Crane** called the meeting to order at 9:10 a.m.

**Rep. Mathias** made a motion to approve minutes from April 8, 2021. **Motion carried by voice vote.**

**H 66aaS:** **Rep. Nate** presented **H 66aaS**. This legislation would ensure transparency in bond and levy elections by requiring full disclosure of anticipated tax increases to voters and precluding additional distracting information about other bond and levy obligations which are not impacted by the outcome of the ballot question. The legislation also provides for nullification and penalty if provisions are violated.

The Senate amendments omitted language that said no other language could be allowed. It also points out the consequence of not following language, there would not be a penalty of having to pay for the election costs. Rep. Nate approves of the amendments.

The amendments will allow additional language on bond ballots. It also specifies, more clearly, what the language is for and outlines the consequence of not following the language requirement. If the court rules conditions were not met, it would invalidate the election but would not require reimbursement of election costs. Transparency is improved but less than what was originally proposed and the consequences are less severe.

In response to committee questions, **Rep. Nate** clarified the original bill has been minimized but the legislation is still stronger than existing statute. Page 2 Lines 31 - 44 contain the new levy language.

**MOTION:** **Rep. Scott** made a motion to Concur with the Senate amendments on **H 66aaS**. **Motion carried by voice vote. Rep. Nate** will sponsor the bill on the floor.

**H 348** **Jason Hancock** presented **H 348**. This legislation is a trailer bill to **H 73**. Since **H 73** requires local government accounting, budgetary, and financial information to be reported through a public website maintained by the State Controller, there is no longer a need for cities to file their annual appropriation ordinance with the Secretary of State. Such reporting would be duplicative, and undermines the purpose of the one-stop-shop of local government financial information created by **H 73**.

In the experience of the people who work at the Secretary of State's office, only one person has come in to review this report in 20 years. It is anticipated the report will have more visibility on the State Controller's website.

**MOTION:** **Rep. Barbieri** made a motion to send **H 348** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Horman** will sponsor the bill on the floor.

**S 1062:** **Rep. Gannon** presented **H 1062**. This legislation makes two changes relating to candidate filings. First, it requires that write-in candidates for the position of United States President must provide their Vice-Presidential selection and their Presidential Electors for the State of Idaho at the time they file their declaration of candidacy as a write-in candidate. This information is already required for all Presidential candidates whose names appear on the ballot, and would be necessary to execute on the election results, should such a write-in candidate win. Second, it clarifies that the petition for independent candidates for all partisan offices will be on forms prescribed by the Secretary of State, modelled on the format used for recall petitions.

**Rep. Gannon** said there are approximately 20 write-in candidates for each general election. Independent candidates will be required to fill out a special form for the Secretary of State's office.

**Rep. Barbieri** made a motion to send **S 1062** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Barbieri** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:20 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Thursday, April 15, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 107aaS</a>	Notarial Acts Concurrence on Senate Amendments –no further testimony will be taken	Rep. Andrus, Chad Houck, Chief Deputy Secretary of State
<a href="#">SJR 102</a>	Sessions of the Legislature	Sen. Winder, Sen. Anthon

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss(Blanchard)  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, April 15, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss (Blanchard), Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** Representative Young, Representative Gannon

**GUESTS:** Jason Hancock, Deputy Secretary of State

**Chairman Crane** called the meeting to order at 9:00 a.m.

**H 107aaS:** **Rep. Andrus** presented **H 107aaS**. In 2017, the Office of the Secretary of State proposed legislation that was subsequently passed by the legislature as the Revised Uniform Law of Notarial Acts (RULONA). RULONA contained a savings clause for minor deficiencies contained in a notarial act. However, RULONA did not apply retroactively so notarial acts conducted prior 2017 are subject to disparate treatment. The purpose of this bill is to mitigate the effects of a federal bankruptcy case on property rights in Idaho. This bill would create a savings clause, similar to that contained in the RULONA legislation in I.C. 51-126, for documents acknowledged and recorded prior to the enactment of RULONA. This is done by adding a subsection to I.C. 55-805 which provides that any document recorded prior to July 1, 2017, is conclusive evidence of the validity of that document's acknowledgement. This would prevent an attack on the validity of a document's acknowledgement similar to what occurred in the Federal Bankruptcy Case. This legislation contains an emergency clause.

**Rep. Andrus** said the Senate believes the language in the bill is too broad and changed language to mirror the language in the RULONA Act. He supports the amendments made to the bill.

**MOTION:** **Rep. Armstrong** made a motion to Concur with the Senate amendments to **H 107aaS**. **Motion carried by voice vote.** **Rep. Andrus** will sponsor the bill on the floor.

**SJR 102:** **Rep. Monks** presented **SJR 102**. The Joint Resolution amends the Idaho Constitution to allow the Legislature to convene itself into an extraordinary session within 15 days of a written request of 60% each of the House and Senate membership. It also describes the convening of the organizational session at the beginning of each legislative term, including specific restrictions in the process for calling a special session.

**Rep. Monks** made a unanimous consent request to discuss other legislation. There being no objection, the consent was granted.

**UNANIMOUS  
CONSENT  
REQUEST:** **Rep. Monks** stated **SJR 102** is basically the same as **HJR 1** which passed the floor and went to the Senate. **SJR 102** contains additional clarifying language.

**SJR 102** allows the legislature to reconvene itself with a 2/3 vote. It still requires 60% approval. **Rep. Monks** stated the most important thing is that **SJR 102** still allows the legislature to call itself back into session. **SJR 102** states the joint written request will contain the subjects to be considered during the special session. The final change starts on Line 28, and states, "... the legislature shall have no power to consider or pass any bills or resolutions on any subjects other than those specified in the petition and those necessary to provide for the expenses of the session." If additional topics are to be discussed, another request with 60% agreement would need to be submitted to the Speaker of the House and the Senate Pro Tempore. **Rep. Monks** said these are friendly changes and will not hamper the legislature's ability to accomplish what needs to be done.

In response to questions, **Rep. Monks** specified a special session would be called to address specific subjects. He clarified when the legislature calls itself back into session, it is called a special session. **Chairman Crane** stated the terms special and extraordinary are interchangeable terms. **Rep. Scott** indicated she will determine how the two terms are defined in Idaho Code, before the bill goes to the floor for debate.

**Rep. Mathias** stated this legislation is substantially improved and brings expectations in line with all state employees in regard to compensation and per diem.

**MOTION:** **Rep. Mathias** made a motion to send **SJR 2** to the floor with a **DO PASS** recommendation.

During discussion, **Rep. Barbieri** and **Rep. Scott** clarified legislators are not state employees, they are representatives of political subdivisions.

**VOTE ON MOTION:** **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:14 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Monday, April 19, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

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<b>DOCKET NUMBER</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>15-0600-2000F</u></a>	IDAPA 15 - Office of the Governor, Idaho Military Division	Lauren Tshampl -Major USAF ANG 124 FW/JA, Mr. Ben Call, Branch Chief, Communications and IT Services
<a href="#"><u>38-0000-2000F</u></a>	IDAPA 38 - Department of Administration	Steven Bailey, Deputy Director and CFO
<a href="#"><u>24-0201-2000F</u></a>	IDAPA 24 - Division of Occupational and Professional Licenses	Dawn Hall, Section Chief, Lizzie, Kukla, Board Specialist, Kyle Wills, Athletic Commissioner

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Registry to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss(Blanchard)
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, April 19, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** Chairman Crane, Representative(s) Barbieri, Young, Furniss, Gannon

**GUESTS:** None

**Vice Chair Armstrong** called the meeting to order at 9:02 a.m.

**DOCKET NO. 15-0600-2000F:** **Major Lauren Tshampl** - USAF ANG 124 FW/JA, presented **Docket 15-0600-2000F**, including **IDAPA 15** - Office of the Governor, Idaho Military Division's pending **Fee Rule 15.06.03** - Public Safety Communications Systems installation and Maintenance Fee Rules. This chapter was reviewed in 2019 with the Governor's Red Line Reduction Act in mind. Through consolidation and the elimination of one chapter, 18 pages of rules were eliminated. There are now six rules.

In response to questions, **Ben Call**, Branch Chief, Communications and IT Services indicated no changes were made to the rules during the declared emergency.

**Rep. Armstrong** noted all Rules are new because the Rules expired in 2020.

**MOTION:** **Rep. Mathias** made a motion to approve **Docket No. 15-0600-2000F** in its entirety. **Motion carried by voice vote.**

**DOCKET NO. 38-0000-2000F:** **Steven Bailey**, Deputy Director and CFO - Department of Administration presented **Docket No. 38-0000-2000F**, including **IDAPA 38** - Rules Governing Capitol Mall Parking, pending **Fee Rule 38.04.04**. He stated fees for parking remain the same as submitted for legislative review during the 2020 legislative session. Fees for Capitol Mall parking are as follows: General parking fees: \$8 per month and Reserve parking fees: \$35 per month.

In response to questions, Keith Reynolds - Director, Department of Administration stated he was Deputy Director of the Department of Administration for five years and Director for over one year. He said the department is functioning the same as it has except the IT responsibilities have been moved to a separate entity under the executive office. Mr. Reynolds said his department does not track legislation on its website.

**MOTION:** **Rep. Palmer** made a motion to approve **Docket No. 38-0000-2000F** in its entirety. **Motion carried by voice vote.**

**DOCKET NO. 24-0201-2000F:** **Dawn Hall**, Section Chief - Division of Occupational and Professional Licenses presented **Docket No. 24-0201-2000F**, including **IDAPA 24** - Division of Occupational and Professional Licences, pending **Fee Rule 24.022.01**. She stated there is one Rule in the Omnibus Action. Two public hearings were held and there was full support from interested parties. The review was in line with the Governor's Red Tape Reduction Act. She stated some modifications were made to the rules to reorganize, simplify, and streamline them. The Rules implement a new fee type for amateur combatants in order to recognize the difference between amateur and professional combatants. Their fee will be reduced from \$150 to \$100 to encourage more participation.



In response to questions, **Ms. Hall** said all of the boards at the commission must be self sufficient. The Athletic Commission is now operating in the black. She indicated most money comes from promotion and ticket sales. Definition of a champion was deleted because it is now included in referenced documents, therefore removed in the rules. In response to denial or revocation of licenses, Ms. Hall indicated that their division worked closely with Utah and Nevada and mirrored what they are doing in their states. She explained if there is "suggestion" someone has talked to a promoter about having an unfair match, the allegations would have to be substantiated before action was taken.

**MOTION:** **Rep. Mathias** made a motion to approve **Docket No. 24-0201-2000F** in its entirety. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:32 a.m.

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Representative Armstrong  
Chair

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Kelly Staskey  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Tuesday, April 20, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

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<b>DOCKET NUMBER</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>54-0201-2001</u></a>	IDAPA 54 - Office of the State Treasurer	Christine Stoll, Executive Director, IDeal - Idaho College Savings Program
<a href="#"><u>34-0000-2000F</u></a>	IDAPA 34 - Secretary of State	Lisa Mason, Director of Government Services

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, April 20, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representative(s) Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** Chairman Crane, Representative(s) Barbieri, Monks, Scott, Young

**GUESTS:** None

**DOCKET NO.  
54-0201-2001:** **Christine Stoll**, Executive Director, IDeal - Idaho College Savings Program, presented **Docket No. 54-0201-2001**, including **IDAPA 54** - Office of the State Treasurer, pending **Administrative Rule 54.02.01** - The College Savings Program. She said the 2019 reduction of rules was minute and indicated the information eliminated was no longer required by the Administrative Rules entity. Ms. Stoll also highlighted language that was removed from the Rules because it is included in statute or program disclosure statements. She said per state code, the program provides an annual update to legislative leadership and she provides an update the Education Committees through presentations.

In response to questions, **Ms. Stoll** said account owners invest in the 529 college saving program to pay for future education expenses. The money is invested using Vanguard and investors may choose different investment options to fit their needs. They may also choose to invest in a Sally Mae savings account. At the end of 2020, 5.56% of children 0 to 18 have account. She stated there is a lot of room for growth. Assets under management are close to \$7 million with 43,000 accounts.

**Ms. Stoll** explained 529 college savings accounts are unique in that they can put money into the account and receive a tax deduction, up to \$6,000 for individual filers and \$12,000 for couples. It grows tax deferred. When the funds are used for a qualified educational expense, it is not taxable on the state or federal level. It is a proactive way to grow an education fund. Students who have a college savings account of any type are seven times more likely to enroll in post secondary education and earn a diploma.

**MOTION:** **Rep. Mathias** made a motion to approve **Docket No. 54-0201-2001**. **Motion carried by voice vote.**

**34-0000-2000F:** **Lisa Mason**, Director of Government Service - Secretary of State's Office, presented **Docket No. 34-0000-2000F**, including **34.05.01** - Farm Products Central Filing System, **34.05.02** - Liens in Crops for Seed or Liens in Crops for Farm Labor, **34.05.03** - Requests for Information - Form UCC-4 - Fees, and **34.05.06** - Lien Filings Under the UCC. She stated the four Rule Chapters are each existing rules that have been previously received and reviewed by the Legislature. The review conducted by the agency was in line with the Governor's Red Line Reduction Act. Minor changes were made to code section and language was updated to match currently used language. The Rules were made to be easier to navigate.

In response to questions, **Ms. Mason** pointed out a fee summary is on page 113 of the Committee Review Rules Book and are reference in the agency's Rules document. She said most of the fee changes were related to a change in technology. For example, reports are all paperless now so the fee to print hard copies was eliminated. The fee to download documents increased. There are administrative and other expenses related to bandwidth that need to be covered.

**MOTION:** **Rep. Holtzclaw** made a motion to approve **Docket No. 34-0000-2000F**. **Motion carried by voice vote.**

**MOTION:** Rep. Mathias made a motion to approve meeting minutes from April 13, 2021 and April 14, 2021.

**AMENDED MOTION:** **Rep. Mathias** made an amended motion to approve meeting minutes from April 13, 2021 and April 14, 2021 and approve minutes from April 12, 2021 with the following amendments: Rep. Holtzclaw was present and in paragraph three (3), after Pastor McGarran, add Representing Christians United for Israel Action Fund. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:36 a.m.

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Representative Armstrong  
Chair

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Kelly Staskey  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Wednesday, April 21, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

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<b>DOCKET NUMBER</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">15-1000-2000F</a>	IDAPA 15 - Office of the Governor, Idaho State Liquor Division	Tony Faraca, Chief Deputy, Idaho Liquor Division
15.10.01	Idaho State Liquor Division	
<a href="#">52-0103-2000F</a>	IDAPA 52 - Idaho State Lottery Commission	Jeff Anderson, Director, Idaho Lottery
52.01.03	Operations of the Idaho State Lottery	

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss(Blanchard)  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, April 21, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** Representatives Palmer, Barbieri, Monks  
**GUESTS:** None

**Vice-Chairman Armstrong** called the meeting to order at 9:06 a.m.

**Rep. Mathias** made a motion to approve the minutes of the April 15, 19, and 20, 2021 meetings. **Motion carried by voice vote.**

**DOCKET NO. 15-1000-2000F:** **Tony Faraca**, Chief Deputy of the Idaho Liquor Division presented **Docket No. 15-1000-2000F**. Mr. Faraca said the Rules were reviewed in 2019 in line with the Governor's Red Tape Reduction Act. There is one rule chapter. He indicated the agency reviewed the Rules to identify and delete those that were obsolete, outdated or unnecessary. They reduced licensing and other regulatory burdens, eliminated redundancies, and insured rules were in alignment with State Code. Mr. Faraca said 1,388 words were deleted and 3 pages of text were eliminated, making the rules easier for Idahoans to interpret and use. He indicated no changes were made to the fee rules, no new fees were added, and no new fees were changed.

**MOTION:** **Rep. Furniss** made a motion to approve **Docket No. 15-1000-2000F**. **Motion carried by voice vote.**

**MOTION:** **Chairman Crane** made a motion to remove **15.10.01** from the agenda.

**UNANIMOUS CONSENT REQUEST:** **Chairman Crane** made a unanimous consent request to withdraw his motion. There being no objection, the request was granted.

**MOTION:** **Chairman Crane** made a motion to remove **15.10.01** and **52.01.03** from the agenda. **Motion carried by voice vote.**

**DOCKET NO. 52-0103-2000F:** **Jeff Anderson**, Director of the Idaho Lottery and Idaho Liquor Division, presented **Docket No. 52-0103-2000F**.

**Mr. Anderson** indicated there are three rule sub-chapters in the omnibus action and each is an existing rule that has been previously reviewed and approved by the Legislature. Nothing has changed since the last review.

**Mr. Anderson** said during the Red Tape Reduction Act review, the agency consolidated three chapters into one, making them more user friendly for Idahoans. There were 1,379 words deleted, mostly relating to a rule for a TV game show slated to air as part of the kick-off for the Idaho Lottery. The game show occurred but the rule was retained. Three pages of rules were eliminated. There have been no changes to the fee rules nor increases since the inception of the Idaho Lottery in 1989. Since The Lottery Commission has had oversight of Charitable Gaming since 1992.

In response to questions, **Mr. Anderson** said these rules do not relate to the Powerball game.

**MOTION:** **Rep. Furniss** made a motion to approve **Docket No. 52-0103-2000F**.

In response to questions, **Mr. Anderson** stated negotiations between the Multi-State Lottery Association and several states in Australia have fallen apart. Powerball has been delayed in Australia until 2022. The license for participating in Powerball is similar to the license agreement with the Mega Millions consortium. He stated Powerball will remain available to Idahoans and others after August 23, 2021. Mr. Anderson said the actions of the House State Affairs Committee, in March, did not play a role in the breakdown of the negotiations between Australia and the Multi-State Lottery Association. He also prepared the committee to expect new legislation to be proposed next year to allow Powerball to continue in Idaho.

**Mr. Anderson** said no fee increases have been instituted because there is not an absolute need to raise the fees. Technology has reduced costs and he said he does not want to raise fees unless it is necessary.

**Mr. Anderson** described charitable gaming as a tool for charitable organizations to raise money through bingo and other games. As the charitable gaming regulator, the Idaho Lottery Commission is responsible for overseeing those fund raising games. It runs in a deficit of approximately \$60K. The commercial side of the enterprise absorbs the loss. The fees charged help cover administrative expenses. He indicated raising fees for charitable organizations to utilize gaming simply takes away money for their organizations. Looking at the overall balance sheet, the Lottery Commission is financially stable. Mr. Anderson said spending authority is granted by JFAC but the Idaho Lottery Commission does not receive any general funds. He reported the Idaho Lottery employs the same number of employees as it did when the Idaho Lottery Commission was established in 1989.

**Rep. Armstrong** congratulated **Mr. Anderson** for retaining the same number of employees since the creation of the Idaho Lottery Commission and for not using any general funds.

**VOTE ON MOTION:** **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 9:24 a.m.

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Representative Armstrong  
Vice - Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Thursday, April 22, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

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<b>DOCKET NO.</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>32-0101-2000F</u></a>	IDAPA 32 - Endowment Fund Investment Board	Chris Anton, Manager of Investments, Idaho Endowment Fund
<a href="#"><u>11-0400-2000F</u></a>	IDAPA 11 - Idaho State Police, Racing Commission	Charlie Spencer, Major, Northern Command, Ardie Noyes, Operations Manager, Idaho Racing Commission

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)



MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, April 22, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** Representatives Palmer, Monks, Young  
**GUESTS:** None

**Representative Armstrong** called the meeting to order at 9:00 a.m.

**DOCKET NO. 32-0101-2000F:** **Chris Anton**, Manager of Investments for the Idaho Endowment Fund, presented **Docket No. 32-0101-2000F**. He stated this is a one-rule chapter. It is an existing rule and has been previously reviewed and approved by the legislature. No changes were made to the existing rule because the Endowment Fund considers the rule to be beneficial to the citizens of Idaho and the fees reflected in the rule to be reasonable.

The credit enhancement program for school district bonds allows eligible voter approved school bonds to be issued with AAA credit ratings which is above the state of Idaho's AA+ rating. The credit enhancement is achieved by a pledge that the public school endowment fund, administered by the Endowment Fund Investment Board, will purchase up to \$300 million in notes from the State of Idaho, if needed, to avoid a default on school district bonds. The credit enhancement has the effect of reducing borrowing costs for Idaho schools as they build new facilities. This rule states school districts will be charged a \$500 application fee and a one-time bond guarantee fee equal to 2/100 of 1% of the total debt service. The credit enhancement remains in place for the life of the bonds, which is typically 20 - 30 years.

In response to questions, **Mr. Anton** said the Endowment Fund has the flexibility to incur a pass-through fee to a school district if there is a complication relating to the financing, requiring significant staff time or legal expenses during the bonding process. Historically the endowment has never charged a fee.

**Mr. Anton** explained school districts issue municipal bonds which are tax exempt bonds sold to the public. Used for construction or renovation of school buildings, they are not used for operational expenses. Because the State provides the first guarantee for the bonds, the Treasurer's Office does the accounting for this program and issues reports noting the solvency of school districts.

During discussion, **Mr. Anton** stated the Idaho Endowment Fund also oversees the Land Grant Endowment Fund at approximately \$3 billion. Four other state agencies are also invested, bringing the fund total to \$3.18 billion. The allocation is approximately 66% equities, 26% fixed income and 8% real estate. This fiscal year the fund is up \$550 million, (26.4%). The endowment also manages a reserve fund for the Department of Insurance which totals \$950 million. Regulated by statute, insurance code, and regulations, it is more conservatively invested with 85% invested in fixed income and 15% in equities.

**MOTION:** **Rep. Barbieri** made a motion to approve **Docket No. 32-0101-2000F**. **Motion carried by voice vote.**

**DOCKET NO. 11-0400-2000F:** **Major Charlie Spencer**, Idaho State Police, presented **Docket No. 11-0400-2000F**. There are six chapters which were previously reviewed and approved by the legislature. There have been no changes since the review. The Fee sections which allow horse racing to operate in Idaho govern a myriad of topics overseen by the Horse Racing Commission.

In response to questions, **Ardie Noyes**, Operations Director, Idaho Horse Racing Commission, explained simulcasting occurs in a brick and mortar building with video screens, betting machines, and pari-mutuel tellers. The Coeur d'Alene Event Center in Post Falls is the only simulcast facility in Idaho.

The Racing Commission's main job is to oversee horse racing in Idaho. The most important and expensive function is drug testing the horses. Hair testing of the horses allows labs to identify what medications horses have in their system and traces back as far as six months. It is one of the largest expenses. Background checks are conducted every five years on all employees and contractors.

**Ms. Noyes** stated the Commission is in dire straights with only \$67,000 to operate through the end of May. To run live horse racing the annual budget is \$240,000. Racing season begins May 8, 2021, with race tracks operating in Jerome, Burley, Rupert, Pocatello, Malad and Idaho Falls, and Blackfoot. Les Bois is still closed. The Commission employs one staff member and hires judges, veterinarians, veterinary assistants and licensers during racing season.

In 2020, \$13 million was wagered through Idaho's five licensed Advance Deposit Wagering sites. Historically, it has not raised more than \$8 million in one year. 90% of the money raised goes to the industry, 5% to the Commission and 5% to the Public School Fund.

**Ms. Noyes** said the Commission receives a percentage of what people wager plus licensing fees, totalling approximately \$40,000 per year. Racing runs five months out of the year and Idaho ranks third in the country for quarter horse population. She said horse racing is alive and well in Idaho.

**Ms. Noyes** shared the Horse Racing Commission is a dedicated fund agency and does not receive general funds. Fees were last raised in 2008. With all expenses horse owners have, the commission has not wanted to add the additional burden by increasing their fees.

The committee recommended identifying other sources of income and/or raising fees to ensure expenses can be covered. **Ms. Noyes** said if **S 1178** passes, it would give the Commission 10% of advanced deposit wagers, off the top, for administrative expenses.

**Ms. Noyes** shared the Idaho Racing Commission was placed with Idaho State Police in 1963, giving access to the police for the money raised through betting and drug enforcement. The Idaho State Police oversee all Commission activities including staffing and financial management.

**MOTION:** **Rep. Skaug** made a motion to approve **Docket No. 11-0400-2000F**. **Motion carried by voice vote.**

During discussion, **Rep. Barbieri** encouraged committee members to accept the Docket so the legislature does not create additional barriers to success for the Horse Racing Commission.

**VOTE ON MOTION:** **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:45.

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Representative Armstrong  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
9:00 A.M.  
Room EW40  
Monday, April 26, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">S 1205</a>	Idaho Firearm and Firearm Accessories and Components Protection Act	Sen. Lakey, Senator Lodge, Rep. Boyle

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, April 26, 2021  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** Representatives Crane, Barbieri, Gannon  
**GUESTS:** Dianna David -Self, Alice Aramabarri - Self, Bryan Lovell, Idaho Fraternal Order of Police, Fred Birnbaum - Idaho Freedom Foundation, Gregg Pruettt - Idaho 2nd Amendment Alliance

**Representative Young** called the meeting to order at 9:00 a.m.

**S 1205:** **Rep. Boyle** presented **S 1205**. The Idaho Firearm and Firearm Accessories and Components Protection Acts builds up, without resetting, the action taken by the Idaho Legislature in 2014 under the Idaho Federal Firearms, Magazine, and Register Ban Enforcement Act, codified in Idaho Code Section 18-3315B, which prohibits local officials from being ordered to enforce federal actions contrary to the Idaho Constitution. This bill seeks to protect the rights of Idaho citizens under Section 11, Article 1 of the Idaho Constitution regarding new federal executive orders and other actions by prohibiting Idaho government entities from enforcing or supporting the enforcement of these new federal actions regarding firearms and firearm accessories and components that violate the Idaho Constitution.

**Rep. Boyle** stated the original legislation in 2014 was drafted by the Fraternal Order of Police and then Senator Davis. This bill will strengthen Idaho's Second Amendment Rights. Coverage has been extended to all state agencies, counties and cities. The last line of Idaho's constitution states, "Nor shall any law permit the confiscation of fire arms except those actually used in a felony."

The legislative intent remains the same as the 2014 legislation but has been expanded. The following language has been added: firearm components; treaty; Red Flag Law; and, prohibits any use of funds, resources, and personnel from Idaho agencies.

**Rep. Boyle** drew attention to Idaho Code 18-315, which has been in place since 1972. It states, "Any officer who does not fulfill all the duties and laws of Idaho will be charged with a misdemeanor." If found guilty, the individual can no longer be an Idaho law enforcement officer. Enforcement may be by the Attorney General or the Legislature. Either may bring forward legal action for declaratory or injunction relief and recovery of reasonable attorney fees. Rep. Boyle said this bill will protect Idaho's firearms and ammunition manufacturers, as well. If passed, the effective date of this legislation will be retroactive to January 20, 2021.

In response to questions, **Rep. Boyle** clarified if a federal officer tries to confiscate a firearm from a legal gun owner in Idaho, local law enforcement does not have to assist in the effort and, technically, the county sheriff could arrest the federal agent.

**Dianna David** and **Alice Arambarri** testified in opposition to **S 1205**. Ms. David shared she is a survivor of what should have been preventable gun violence. This bill prevents the use of Red Flag Laws. Idaho needs Extreme Risk Protection Orders (ERPO), known as Red Flag Laws, to protect people from those demonstrating dangerous behaviors. The ERPO defuses dangerous situations while providing due process. Ms. Arambarri posed many questions to the committee and fears that the federal government will withhold funding to Idaho if this bill is enacted.

**Bryan Lovell**, President, Idaho Fraternal Order of Police, testified in support of **S 1205**. He stated the Idaho Fraternal Order of Police helped draft the original legislation and is proud to support **S 1205**. He said the police do not want to take away guns from law-abiding citizens and this bill adds increased protections for Idaho citizens.

**Fred Birnbaum**, Idaho Freedom Foundation, testified in support of **S 1205**. He said the current federal administration wants more gun control. The fact that it has not yet happened, does not mean that it will not happen. This legislation puts Idaho law enforcement on the side of Idaho citizens.

**Gregg Pruett**, Idaho 2nd Amendment Alliance, testified in support of **S 1205**. He said this bill is a call from the people and is happy the legislature is ensuring Idahoans have gun protections. Mr. Pruett said the Second Amendment is a top priority for the people of Idaho.

In closing, **Rep. Boyle** said no federal funds have been withheld because of the Idaho's existing gun laws since 2012.

**MOTION:**

**Rep. Monks** made a motion to send **S 1205** to the floor with a **DO PASS** recommendation. In support of his motion, he requested to be on the record as stating, "A good bill should pass."

**VOTE ON MOTION:**

**Motion carried by voice vote. Rep. Mathias** requested to be recorded as voting **NAY**.

There being no further business to come before the committee, the meeting was adjourned at 9:27 a.m.

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Representative Young  
Chair

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Kelly Staskey  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:00 A.M.**  
**Room EW40**  
**Tuesday, May 04, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">S 1053aa</a>	Codifier Corrections to Idaho Code	Kristin Ford, Division Manager of Research and Legislation, Legislative Services Office
<a href="#">S 1063</a>	Removal of Infrequently Used Records	Rep. Hanks
<a href="#">S 1065</a>	Use of Certain Facsimile Signatures	Rep. Hanks
<a href="#">S 1064</a>	Issuance of Absentee Ballots	Rep. Young
<a href="#">S 1067</a>	Technical Corrections to Idaho Election Laws - Recall Petitions	Rep. Gannon

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

- DATE:** Tuesday, May 04, 2021
- TIME:** 9:00 A.M.
- PLACE:** Room EW40
- MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias
- ABSENT/  
EXCUSED:** Representatives Crane, Hanks, Gannon
- GUESTS:** Carson Tester - Westerberg & Associates, Kristin Ford - Legislative Services, Jason Hancock - Secretary of State's Office
- Chairman Crane** called the meeting to order at 9:05 a.m.
- MOTION:** **Rep. Mathias** made a motion to approve meeting minutes from April 9, 20, 21, 26, 2021. **Motion carried by voice vote.**
- S 1053aa:** **Kristin Ford**, Division Manager for Research and Legislation, Legislative Services Office, presented **S 1053aa**. This bill makes various codifier corrections and technical corrections to the Idaho Code. In addition to the proposed corrections, the Senate added an amendment to Section 2 on page 4 of the printed bill, deleting lines 10 and 11 and inserting: "(f) Credit unions may become members of other Idaho credit unions" The following text was eliminated, "for the purposes provided in section 26-2120, Idaho Code."
- Ms. Ford** provided examples of corrections including cross references in different pieces of legislation, updated citations and renumbering chapters.
- MOTION:** **Rep. Monks** made a motion to send **S 1053aa** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Furniss** will sponsor the bill on the floor.
- S 1063:** **Jason Hancock**, Deputy Secretary of State presented **S 1063**. This legislation eliminates the requirement for the Secretary of State to get permission from the Board of Examiners before moving records to off-site storage.
- In response to questions, **Mr. Hancock** said there is no evidence this unnecessary bureaucratic procedure has been followed in decades and the statute pre-dates the state's modern record-keeping system. The records stored off-site are accessible, if needed.
- MOTION:** **Rep. Furniss** made a motion to send **S 1063** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Furniss** will sponsor the bill on the floor.
- S 1065:** **Jason Hancock**, Deputy Secretary of State presented **S 1065**. This bill eliminates authorization for use of the Governor's facsimile signature in the appointment and commissioning of notaries public. These appointments and commissionings are now performed by the Secretary of State.
- MOTION:** **Rep. Furniss** made a motion to send **S 1065** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Hanks** will sponsor the bill on the floor.
- S 1064:** **Rep. Young** presented **S 1064**. This legislation clarifies when voters request a particular type of absentee ballot for a primary election, they may only request the issuance of a new ballot of the same type.



In response to questions, **Mr. Hancock** clarified the time-line on the bottom of page 2 was removed because this section of code expired. He stated counties should not automatically send out absentee ballots to all qualified voters. For the 2020 primary and general elections, people had to affirmatively request specific absentee ballots.

**MOTION:** **Rep. Furniss** made a motion to send **S 1064** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Mathias** requested to be recorded as voting **NAY**. **Rep. Young** will sponsor the bill on the floor.

**S 1067:** **Jason Hancock**, Deputy Secretary of State, presented **S 1067**. This bill makes numerous technical corrections to Idaho's election laws, including correcting an oversight by which school discontinuance elections, which are extremely rare, were left outside of elections consolidation. It also makes the county clerk the recipient of all but state recall petitions, eliminating the role of the city clerk.

**Mr. Hancock** said this is a technical clean-up bill. Issues addressed include school discontinuance elections, declaration of intent for write-in candidates, eliminating the city clerk in processes handled by the county clerk's office, alignment of terms, clarification relating to multiple county recall elections, and repealing sections of code were deleted.

**MOTION:** **Rep. Skaug** made a motion to send **S 1067** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gannon** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:35 a.m.

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Representative Andrus  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
**6:30 P.M.**  
**Room EW40**  
**Wednesday, May 05, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">S 1178</a>	PariMutual Betting	Rep. Crane

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, May 05, 2021  
**TIME:** 6:30 P.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** Representatives Armstrong, Andrus  
**GUESTS:** Daniel Potter - Self, Joe Evans - Self  
**Rep. Palmer** called the meeting to order at 6:31 p.m.  
**S 1178:** **Rep. Crane** presented **S 1178**. Beginning in 2021, this legislation will provide revenue to the Idaho Racing Commission. The funds are sufficient and necessary to allow the Commission to provide its regulatory function over Idaho horse racing.  
**Rep. Crane** stated the financial allocation proposed in this legislation provides the commission with 10% of the advance deposit wagering fees for pari-mutuel betting. He reminded the committee about the shortfall in administrative funding reported during the Administrative Fee Rules hearing for the Idaho State Police - Horse Racing Commission.  
In response to questions, **Rep. Crane** stated \$8 million was generated through pari-mutuel betting in 2019. In 2020, during the pandemic, the intake rose to \$20 million. He clarified no general funds will be used to fund the commission.  
**Ardie Noyes**, Director of the Idaho Horse Racing Commission, testified **in support** of **S 1178**. She said the proposed allocation will address the commission's funding shortfall. The funds will be received at the end of each month.  
In response to questions, **Ms. Noyes** confirmed the money will keep the commission functioning well into the future and will be used for horse hair testing and other costs associated with horse racing in Idaho.  
**MOTION:** **Rep. Scott** made a motion to send **S 1178** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Crane** will sponsor the bill on the floor.  
**ADJOURN:** There being no further business to come before the committee the meeting was adjourned at 6:40 p.m.

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Representative Palmer  
Chair

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Kelly Staskey  
Secretary

**AMENDED AGENDA #1**  
**HOUSE STATE AFFAIRS COMMITTEE**  
**4:30 P.M.**  
**Room EW40**  
**Wednesday, May 12, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

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<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
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Approve Minutes of May 4 and May 5, 2021

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, May 12, 2021  
**TIME:** 4:30 P.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias  
**ABSENT/  
EXCUSED:** Representatives Barbieri, Holtzclaw, Monks, Andrus, Gannon  
**GUESTS:** None  
**Chairman Crane** called the meeting to order at 4:31 p.m.  
**MOTION:** **Rep. Young** made a motion to approve meeting minutes from May 4, 2021 and May 5, 2021. **Motion carried by voice vote.**  
**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 4:34 p.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
**9:30 A.M.**  
**Room EW40**  
**Tuesday, November 16, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 429</a>	(RS29097) Schools, Masks, Barriers, Exemptions	Rep. Nate
<a href="#">H 412</a>	(RS29009C2) Immunization Status, Discrimination	Rep. Skaug
<a href="#">H 414</a>	(RS29048) Religious Freedom, Medical Treatment	Rep. Moyle

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

COMMITTEE MEMBERS

Chairman Crane  
Vice Chairman Armstrong  
Rep Palmer  
Rep Barbieri  
Rep Holtzclaw  
Rep Monks  
Rep Scott

Rep Andrus  
Rep Young  
Rep Furniss  
Rep Hanks  
Rep Skaug  
Rep Gannon  
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey  
Room: EW54  
Phone: 332-1145  
Email: [hstaf@house.idaho.gov](mailto:hstaf@house.idaho.gov)

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, November 16, 2021

**TIME:** 9:30 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Crane** called the meeting to order at 9:30 a.m.

**Chairman Crane** announced because of the expedited session, the secretary will pass minutes to committee members for approval while the House is on the floor.

**H 429:** **Rep. Nate** presented **H 429**. This bill protects the rights of children to attend public schools, to provide exemption from mandates for mask wearing, Plexiglas enclosures, or other medical interventions for medical, religious, or personal reasons, which cannot be denied. No person will create limitations on participation or activity in any school programs on the basis of such exemption.

**Rep. Nate** stated this bill says there are already established laws regarding vaccination with exemptions. This legislation extends the current law. Students shall not be diminished in their ability to attend school because of an exemption.

In response to questions, **Rep. Nate** said there are several school districts across Idaho with current mask mandates in place and there is a possibility of additional schools adding mask mandates in the future.

A concern was expressed about the word, "exempt" on line 31. It was suggested it the wording might include, "getting or receiving" an exemption, so it does not appear that people are exempting themselves. **Rep. Nate** said the word, "exempt" was chosen carefully.

A committee member stated he goes into schools weekly and a very small number of students express discontent about wearing a mask, when asked.

**H 412:** **Rep. Skaug** presented **H 412**, a civil rights bill. This bill amends Idaho Code Ch. 59, Title 67 by the addition of a new section which will prohibit certain acts of discrimination based on immunization status or the possession of an immunity passport. The bill makes it unlawful for state and local governments to withhold or deny any person local or state government services, goods, facilities, advantages, privileges, licensing, education, health care access, or employment opportunities. It also makes it unlawful for any employer to refuse employment or discriminate in any way based on immunity passport or vaccination status. Public accommodations may not exclude or refuse to serve a person based on vaccination status. A health care facility is allowed to make reasonable accommodation measures for an unvaccinated employee for health and safety reasons, but not to deny employment. The bill exempts schools and day cares pursuant to existing Idaho statutes. Licensed nursing homes are exempt only if compliance would violate regulations from Medicare and Medicaid services. **Rep. Skaug** said Montana adopted a similar

law prior to COVID and it is working well. This law has been tried and is prevailing. It is not a bill against vaccines, it is a personal freedom bill.

**H 414:**

**Rep. Moyle** presented **H 414**. This bill proposes the ability to claim an exemption based on religious beliefs by establishing provisions regarding a person's right to refuse medical treatment based on religious beliefs; and declaring an emergency. Rep. Moyle stated many people asking for a religious exemption are not currently being given those exemptions. There are currently penalties in code for businesses who do not grant exemptions.

**Kendra Martin, Bill Martin, Tiffani Bates, Crystal Erickson, Amaber Pearson, Darnell Ship, Teresa Holderson, Laurie Boza, and Kerry Mance spoke in favor of H 429, H 412 and H 414.** Those testifying stated they are not in favor of forcing our children to wear masks, stating it is a fundamental attack on our nation. It also sets an imbalance of power for our children. It was stated the transmission between children and adults is shown to be low and children are the innocent and unseen victims. It was noted, as an educator, facial dynamics are critical in communicating. Parents should have a choice to make decisions for their families. A concern was expressed about not knowing what information would be included on a liability release form, as included in **H 414**.

In response to questions, **Ms. Erickson** said her children don't want to remove their masks outside at school because they don't want to get into trouble. Boise School district has not asked for parental input since the beginning of this school year. She said her son has to wear a mask while playing the saxophone in band class. The entire instrument was covered in a T-shirt last year. **Ms. Boza** said a doctor provided exemptions for her children but it created many problems at school. One child was asked to carry a Plexiglass divider from class to class. When they did not comply, her children were expelled from school.

**Sophia Boyarchuk and Lynn Laird, spoke in favor of H 412.** Ms. Boyarchuk stated nursing students have no leverage. The mandates effect her schooling and where she can get a job. She requested protection for medical workers and to respect patient and personal autonomy. Other comments included the critical nature of religious freedom and the need for local control.

**Sarah Clendendon spoke in favor of H 429.** She shared a personal story and said bodily autonomy must be above all else. She shared 31% of parents in West Ada School District completed the Mask Opt-Out form for their children. She wants local control but the state legislature needs to provide an opt-out option.

**Petra Hoffman spoke against H 429.** She stated she and her fellow students follow rules as a means of respect. Masks prevent the spread of COVID-19 and it is not cool to not to wear a mask. Principals should be able to open and close schools as they see fit.

In response to questions, **Ms. Hoffman** indicated she does not want to go to back to on-line school. She knows people who have had COVID-19 and people who have died. Students are ready to work together to stop the spread of COVID-19. Masks and vaccines are giving students the ability to participate.

**Mike Satz spoke against H 414 and H 429.** Mr. Satz said **H 414** would create another protected class and businesses are concerned about being told how they have to operate. He is also concerned about ADA compliance and advocated for local control. Mr. Satz is concerned about running a foul with established federal laws.



**Rep. DeMordant spoke in favor of H 429.** She reminded the committee she was the sponsor of H 67 earlier this year to empower school boards with local control. Representing the largest school district in Idaho, Rep. DeMordant said she has spoken to many parents and 13,000 of them requested a mask exemption for their children. She stated the greatest form of local control is the parent.

**Rep. Nate** closed by stating **H 429** is worthwhile bill. This bill was drafted in Idaho and has not been in other states. He stated the ADA cuts both ways. It protects children in their health and safety as well. Reasonable accommodation currently includes not wearing a mask. Exemptions must be available for students. Masks do not provide the panacea for protection. Rep. Nate said students in masks equal a mute button. He encouraged the committee to free up schools and children.

**MOTION:** **Rep. Barbieri** made a motion to send **H 429** to the floor with a change of language. He then asked for **unanimous consent** to withdraw his motion. with no objection, **consent was granted. Motion withdrawn.**

**MOTION:** **Rep. Barbieri** made a motion to send **H 429** to the floor with a **DO PASS** recommendation.

Discussion on the motion included a question as to the breadth of H 429. Line 29 says, Any individual age eighteen (18) years or older...", suggesting this bill applies to more than just the students. It was suggested H 429 is broader than discussed in committee. **Rep. Gannon** stated he will not support this bill.

**VOTE ON MOTION:** **Motion carried by voice vote. Reps. Gannon and Mathias are recorded as voting NAY.**

**Rep. Skaug** closed by restating **H 412** is a civil rights bill and declared Rule 80.

**MOTION:** **Rep. Monks** made a motion to send **H 412** to floor with **DO PASS** recommendation.

Discussion on the motion included concerns about creating unintended consequences. It was stated **H 412** is being rushed. It is not clear if home health care and restaurant workers are exempt. There was a concern restaurant owners cannot require health safety measures to be put in place.

**VOTE ON MOTION:** **Motion carried by voice vote. Reps. Gannon and Mathias are recorded as voting Nay.**

**Rep. Moyle** closed by saying if there is a religious concern about a medical procedure, **H 414** provides the opportunity for individuals to receive an exemption.

Discussion on the motion included concerns that the bill would not prevent medical personnel from withholding health care. **Rep Moyle** clarified a patient may refuse care for him or herself but a doctor cannot withhold care. **Rep. Mathias** will not support **H 414**. **Rep. Moyle** said **H 414** plugs the existing hole for businesses to get around religious exemptions. Religion cannot be defined and this bill is so broad that anyone can declare a religious exemption. Keep religious freedom sacred.

**MOTION:** **Rep. Palmer** made a motion to send **H 414** to the floor with a **DO PASS** recommendation.

Discussion on the motion included a desire to hear the opinion of attorneys. It was stated medical treatment is something affirmative.

**VOTE ON MOTION:** **Motion carried by voice vote. Reps. Gannon and Mathias are recorded as voting Nay.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 11:29 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary