

MINUTES  
**SENATE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, February 02, 2022

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

**PLACE:** Room WW55

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

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairwoman Lodge** called the Senate State Affairs Committee (Committee) to order at 8:01 a.m.

**RS 29326** **RELATING TO THE STATE DISASTER PREPAREDNESS ACT** to provide for certain limitations during a state of disaster emergency.

**Senator Todd Lakey**, District 12, introduced himself to the Committee. **Senator Lakey** stated that **RS 29326** is a Second Amendment bill. He explained it would strengthen firearms protections during an emergency declaration by (a) including ammunition and accessories as protected items; (b) classifying firearm businesses and commercial activity as essential businesses; (c) specifying that concealed weapons licensure cannot be circumvented; and (d) prohibiting confiscation of firearms when lawfully used.

**DISCUSSION:** **Senator Burgoyne** asked if the RS is the result of discussions and negotiations with the Governor. **Senator Lakey** responded that he discussed the RS with the Governor's office and they are supportive.

**MOTION:** **Senator Anthon** moved to send **RS 29326** to print. **Senator Harris** seconded the motion.

**DISCUSSION:** In response to questions from **Senator Stennett** about a definition of "lawful activity" and redundancy with the Second Amendment, **Senator Lakey** responded that the RS does not include a definition. He stated that the term means any activity in compliance with Idaho Code. **Senator Lakey** replied that Idaho law provides for government use or commandeering of private property during a disaster emergency declaration. He said the RS clarifies that provision would not apply to firearms.

**Senator Burgoyne** commented that his support of printing the RS does not imply his support of the legislation.

**VOICE VOTE:** The motion to send **RS 29326** to print carried by **voice vote**.

**RS 29221** **RELATING TO THE PROTECTION OF MINORS** to add a new chapter to Title 48 known as the "Parental Rights Protection of Minors Act".

**Senator Kevin Cook**, District 30, introduced himself to the Committee. **Senator Cook** advised that the RS is an important piece of legislation to protect children from exposure to harmful online material through mobile devices. He described the negative impact of pornography on children.

**Senator Cook** observed that mobile devices have content filtering software installed but it is difficult to access. He explained the RS would require a device manufacturer to (a) ensure a mobile device turns on the content filtering software by default if the phone is activated within the State of Idaho; and (b) provide a passcode to an adult to turn off the filter. The bill would not impact phone providers or retailers, he said.

**DISCUSSION:** **Senator Burgoyne** agreed that children need to be protected. He commented that he has not yet made up his mind on the merits of the bill. **Senator Burgoyne** asked about the protection afforded by the filtering software. He suggested obtaining an Attorney General's opinion on potential constitutional issues. **Senator Cook** noted that no system is perfect. The RS requires only that the manufacturer use best practices to stop harmful content from reaching a child, he said. **Senator Cook** advised that the 2004 United States Supreme Court case of Ashcroft vs. American Civil Liberties Union favorably discussed using content filtering software to avoid limiting an adult's First Amendment rights.

In response to questions from **Senator Stennett** about device manufacturers' response to the RS, **Senator Cook** answered that manufacturers likely will not be in favor of the bill because they profit greatly from pornography. He said that cell phones already include unique passcode technology. **Senator Cook** noted that he brought the RS because manufacturers have resisted making this change voluntarily.

**MOTION:** **Senator Lee** moved to send **RS 29221** to print. **Senator Harris** seconded the motion.

**DISCUSSION:** **Senator Burgoyne** asked which state has enacted similar legislation. **Senator Cook** responded that Utah passed a bill that will take effect after five other states enact a similar law. He urged that Idaho should not wait to take action.

**VOICE VOTE:** The motion to send **RS 29221** to print carried by **voice vote**.

**RS 29343** **RELATING TO HOMEOWNER'S ASSOCIATIONS** to allow emergency meetings without notice when there is endangerment to the safety of others.

**Senator Heider**, District 24, explained that the RS would waive the 30-day notice requirement for homeowner's association meetings when addressing violations involving endangerment or damage to another neighbor's property.

**MOTION:** **Senator Harris** moved to send **RS 29343** to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

**WELCOME:** **Chairwoman Lodge** welcomed the County Commissioners in attendance and asked them to introduce themselves to the Committee.

**ADJOURNED:** There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:29 a.m.

---

Senator Lodge  
Chair

---

Twyla Melton  
Secretary

---

Jeanne Jackson-Heim  
Assistant Secretary