

AMENDED AGENDA #1
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Monday, January 17, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
INTRODUCTIONS	INTRODUCTION of Haydon Madison as Committee Page.	Chairwoman Lodge
<u>RS 29128</u>	A SENATE RESOLUTION to acknowledge January 22 as Idaho's Day of Tears.	Senator Souza
<u>RS 29148</u>	RELATING TO THE SECRETARY OF STATE to amend provisions regarding payment methods for filing fees.	Jason Hancock, Deputy Secretary of State

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Guthrie

Sen Winder

Sen Anthon

Sen Harris

Sen Lee

Sen Heider

Sen Stennett

Sen Burgoyne

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Phone: 332-1326

Email: [sstaf@senate.idaho.gov](mailto:ss taf@senate.idaho.gov)

MINUTES
SENATE STATE AFFAIRS COMMITTEE

- DATE:** Monday, January 17, 2022
- TIME:** 8:00 A.M.
- PLACE:** Room WW55
- MEMBERS PRESENT:** Chairwoman Lodge, Vice Chairman Guthrie, Senators Anthon, Harris, Lee, Heider, Stennett, and Burgoyne
- ABSENT/ EXCUSED:** Senator Winder
- 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 8:00 a.m.
- INTRODUCTION:** **INTRODUCTION** of Haydon Madison as Committee Page.
- Chairwoman Lodge** welcomed Haydon Madison and asked him to tell the Committee about himself, what he expects to learn, and what his goals are. **Mr. Madison** stated he is from Nampa, is a seventh generation Idahoan, and attends Nampa High School. He thought this would be an opportunity to learn about government and this great system that has been in place for about 250 years. **Mr. Madison** said he has been accepted at Boise State University and will be studying Business Administration. Currently, he is working on his mortgage brokers license and will be taking the test at the end of January.
- RS 29128** **A SENATE RESOLUTION** to acknowledge January 22 as Idaho's Day of Tears.
- Senator Souza**, District 4, presented **RS 29128**. She stated that 49 years ago, the U. S. Supreme Court made a ruling that abortion was a right under the 14th Amendment. She provided some statistics for the number of babies that have been aborted since then and explained that, traditionally, flags are lowered so that families may find healing. January 22nd would be designated as The Day of Tears when one could lower the flag. **Senator Souza** named the states that passed this resolution in 2021: Alabama, Arkansas, and Louisiana. This year, there are resolutions being considered in Ohio, Tennessee, West Virginia, Oklahoma, Mississippi, South Carolina and Idaho. Two resolutions are being presented in Congress, one of which Idaho Congressman Russ Fulcher is a cosponsor.
- Senator Souza** stated that Catherine Davis, a member of the pro-life community, serves on the Day of Tears Advisory Board, and is founder and director of the Restoration Project. She has partnered with the Frederick Douglass Foundation, National Black Pro-Life Coalition, and the Network of Politically Active Christians in this effort. The Day of Tears, Inc. is a nonprofit organization committed to saving lives of unborn children. **Senator Souza** read the full resolution.
- DISCUSSION:** **Senator Guthrie** stated his support of the resolution and asked what the expectation would be for government buildings. **Senator Souza** responded that there was no requirement for government buildings – that decision would be up to the administration.
- Senator Burgoyne** stated his understanding of the appeal of this resolution, but there is profound philosophical, political, and religious disagreement over the issue

of abortion. He stated that by involving the American flag, the flag becomes a participant in that conflict – that is not a proper use of the flag.

Senator Burgoyne noted that there are many people in our society and around the world that are killed intentionally such as collateral damage in war or because of acts of terrorism. The taking of any life is regrettable. To take this one instance of what is considered life by some and elevate it to this level and put our flag behind it – what does it say about those other deaths? **Senator Burgoyne** said there are many reasons why he is voting against this resolution, but this is also a larger part of a religious dispute. That is not something this Legislature, Congress, or any state or the national government can take a position on and still be consistent with the First Amendment of the United States Constitution and correlative amendments in state constitutions. He stated his belief that the government should stay out of this issue.

MOTION: **Senator Harris** moved to send **RS 29128** to print and then to the 10th order of business. **Senator Anthon** seconded the motion. The motion carried by **voice vote**. **Senators Stennett** and **Burgoyne** were recorded as voting nay.

RS 29148 **RELATING TO THE SECRETARY OF STATE** to amend provisions regarding payment methods for filing fees.

Jason Hancock, Deputy Secretary of State, explained that **RS 29148** makes a change to Idaho Code allowing for candidates to pay filing fees with a credit card which current law does not permit. An emergency clause is included to meet the February 28th timeline by when candidates can file.

DISCUSSION: **Chairwoman Lodge** asked if this had happened in the past. **Mr. Hancock** replied that it happened two years ago during the last primary. There was a new election staff and inadvertently, credit cards were taken.

Senator Guthrie stated that using a credit card could also mean using debit cards for filing which could incur credit card fees. Relating to the fiscal note, just because credit cards were taken two years ago does not mean there was not a fiscal impact; the impact would be the credit card fees. He also asked for information about the estimated amount. **Mr. Hancock** said he would run that calculation.

Senator Stennett asked if the State would be picking up the fees associated with using a credit card. **Mr. Hancock** explained that the filing fee is set by law so any additional charges would come from the net amount going to the general fund.

Senator Stennett noted that for all other government fees paid by credit cards, the fee charged by the credit card company is paid by the customer; this includes Department of Motor Vehicles and other licenses paid by the public.

Senator Burgoyne questioned the amount of \$50 and how it would relate to the current percentage that is being paid. The amount is very small as there are only a very few candidate filings being paid by credit cards. What is the percentage banks charge for using a credit card? **Mr. Hancock** responded three percent.

Senator Lee suggested that debit cards be considered along with credit cards. She stated her agreement with Senator Stennett that the statutory requirement for the filing fee designates what amount the State receives. The credit card fees should not be considered as part of the filing fee but should be added to it.

Senator Guthrie said the fiscal impact should include an estimate based on the average number of candidates who filed in previous primary elections when determining the estimated cost.

Senator Burgoyne stated it is inequitable if the candidates do not pay the three percent fee while others who may be getting a driver's license or registering a vehicle etc. and pay by credit card, must pay the fees. Also, there should be

something in the fiscal note because, over time, there will be an increase in the use of credit cards.

Chairwoman Lodge asked Mr. Hancock if his office charges the three percent to businesses. **Mr. Hancock** did not have the answer to that question.

MOTION: **Senator Lee** moved to hold **RS 29148** in Committee. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:35 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Monday, January 24, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
PRESENTATION	State of the Gunfighters	Colonel Ernesto DiVittorio, 366th Fighter Wing Comander

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Guthrie

Sen Winder

Sen Anthon

Sen Harris

Sen Lee

Sen Heider

Sen Stennett

Sen Burgoyne

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

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Email: [sstaf@senate.idaho.gov](mailto:ssstaf@senate.idaho.gov)

MINUTES
SENATE STATE AFFAIRS COMMITTEE

- DATE:** Monday, January 24, 2022
- TIME:** 8:00 A.M.
- PLACE:** Room WW55
- MEMBERS PRESENT:** Chairwoman Lodge, Vice Chairman Guthrie, Senators Winder, Anthon, Lee, Heider, Stennett, and Burgoyne
- ABSENT/ EXCUSED:** Senator Harris
- 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 8:00 a.m.
- INTRODUCTION:** **Chairwoman Lodge** welcomed Colonel Ernesto DiVittorio. She urged the Committee to read through Colonel DiVittorio's biography and noted some of the things he has accomplished. (see Attachment A)
- PRESENTATION: "State of the Gunfighters" from Mountain Home Air Force Base (MHAFB)** presented by Colonel Ernesto DiVittorio, Commander of the 366th Fighter Wing.
- Colonel DiVittorio** explained that next year the MHAFB will be celebrating its 80th anniversary. The Base opened in 1953 as a training station for a bomber air crew. During the Korean War, they became a strategic air command. Now there are neither bombers nor missile fields. In 1966 the Base became a tactical air command. **Colonel DiVittorio** provided more MHAFB history (see Attachment B). The 366th Tactical Fighter Wing moved to MHAFB in 1972. **Colonel DiVittorio** discussed: 1) how large, hand held guns are used for defense in case it is necessary to land or jump from a plane; (2) why Singapore is an important partner; (3) what the four pillars are and how those apply; (4) what has happened with air power over the last 20 years; and (5) investigating ways to make the wing better by being a more difficult target. **Colonel DiVittorio** also commented on the great power competition going on in the world right now because the United States is not the only country in power. There is a growing footprint from Russia, China, North Korea, Iran, and violent extremist organizations. This means that the military must be prepared to be agile because they are now looking at adversaries that can fire back. **Colonel DiVittorio** discussed improvements being made at the Base and future plans for growth.
- Senator Heider** asked if plans are being made about housing additional people coming to the Base. **Colonel DiVittorio** responded that there are plans in place for additional housing on the Base as well as other facilities to support that growth. **Senator Heider** asked where airmen are being deployed. **Colonel DiVittorio** said they have airmen in the Middle East as well as small units in Europe going to the Indo- Pacific.
- Senator Winder** expressed appreciation for Colonel DiVittorio's service and for presenting this update for the MHAFB Gunfighters. He asked if there was still an opportunity for MHAFB to get a variety of aircraft. **Colonel DiVittorio** stated there are exciting things in the future but could not say which aircraft would be coming.

Senator Stennett noted that the Idaho Water Resources Board has been working with MHAFB toward augmenting water resources from the Snake River to the Base. Is the growth on the Base included in the strategy so there will be enough water? **Senator Stennett** stated her interest in geothermal. Will there be some kind of agreement between MHAFB and Idaho Power to supplement power? **Colonel DiVittorio** responded that he wasn't qualified enough to speak to all those questions, but the water pipeline is certainly needed at MHAFB and is included in all of the assumptions related to the ability to take on additional missions which would result in additional people. In respect to the power, some of the geothermal sites are on the Base. Lieutenant Colonel Josh Aldred, Commander, Civil Engineering Squadron, is coordinating and communicating with Idaho Power to look at any potential opportunities.

Chairwoman Lodge referred to the leadership changes that occur every three years and stated her concern about the continuity and historic perspective that could be lost. **Colonel DiVittorio** responded that, in respect to energy and water, the Base maintains a robust, long-term civilian presence to ensure that continuity passes on.

Senator Burgoyne stated his thanks to Colonel DiVittorio for his presence at the meeting and the Air Force for their presence in Idaho. He noted the close coordination and cooperation between the various branches of the service which is also related to the significant presence of the Idaho National Guard in Boise. **Senator Burgoyne** also commented on the preparedness of the military and although there are some controversies about noise, the citizens of southern Idaho appreciate seeing the military on the road and in the air showing that defense preparations are in place. **Colonel DiVittorio** agreed.

Senator Heider referred to the bill that was passed last year to allow water from the Snake River to be diverted to Mountain Home. He asked for an update. **Colonel DiVittorio** reported that the pipeline is not in. The final design for the pipeline is due in March. In April they will be on the ground working with the Bureau of Land Management and expect a completion date in 2023.

Chairwoman Lodge asked if there is still a military presence in Wilder, Idaho. **Colonel DiVittorio** said he didn't know but would find out.

Colonel DiVittorio introduced Chief Master Sergeant Joshua Tidwell, Captain Stewart H. Harris, Captain Krystal Jimenez, Public Affairs Officer, and Community Coordinator, Mr. Tracy Giles.

Chairwoman Lodge welcomed Senator Zito from District 23, the district where MHAFB is located.


ADJOURNED: There being no further business, **Chairwoman Lodge** adjourned the meeting at 8:40 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

State of the Gunfighters

Address to Idaho Legislature



Colonel Ernesto M. DiVittorio II
Commander, 366th Fighter Wing
Mountain Home Air Force Base, Idaho

RIDE HARD, SHOOT STRAIGHT, AND ALWAYS SPEAK THE TRUTH!




Gunfighters “Who We Are”




Mountain Home AFB

- 1943 - Built during World War II
- 1953 - Strategic Air Command
- 1966 - Tactical Air Command
- 1990 - Composite Wing Era
- 2018 - Organizational Experiment
- 2021 – Lead Wing Designation





The Gunfighter Story

Early Years	Today
 	



366th Fighter Wing

Mission Statement

Prepare mission-ready Gunfighters to conduct military operations anytime, anywhere

Wing Vision

To be the Nation's most lethal and agile lead wing. One team consisting of empowered, innovative, and resilient Gunfighters



366th Fighter Wing Priorities

- Lethality

- People

- Cultivate Trust

- Deliberate Development







Air Power... What We Did




The Last 20 Years...and still supporting operations today



Gunfighters in the Fight






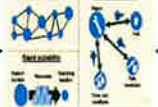
Over the past 12 months our Gunfighters have deployed
 over 2,200 Airmen to over 25 locations worldwide




Air Power...What We Do

The Era of Great Power Competition...





On the Horizon: Lead Wing Certification

- Exercise RAGING GUNFIGHTER 22-2 – May 2022
- Exercise AGILE FLAG – TBD
- *Mtn Home Range Complex as Regional Training Center**








* MHRC is being considered for USAF Regional Training Center concept



Qatar Emiri Air Force Basing

- 12 Jets
- ~300 people
 - 170 Qatari
 - 130+ US Contractors
- BL: No Decision Yet





Community Support



- Total Personnel at MHAFB: 8,273
- Total Number of Jobs Created: 6,697
- Estimated Annual Dollar Value of Jobs Created: \$88,340,000
- Total Expenditures through Construction, Service Contracts, and Materials/Supply Procurement: \$32,339,000

Total Economic Impact: \$760 Million
(\$2B with multipliers ... BSU)



MHAFB Long Term Viability

- Ramp Space
- Unobstructed Air Space
- Training Ranges (135,000 acres)
 - Juniper Butte
 - Grasmere
 - Saylor Creek
 - Orchard Training Complex
- ND Zones (5)





Improve Mission Readiness

- Recently Completed and Pending \$76.7M MILCON and FSRM improvements
 - Hospital Conversion to Outpatient Clinic, 100% complete, \$23M
 - Construct 726th Air Control Squadron, Control and Reporting Center, \$7.8M
 - Provide facility space to support CRC
 - Child Development Center, \$38M
 - Increases capacity from 169 to 276 children
 - US Army Corps of Engineers has been tasked to develop a Design-Build Request for Proposal



- Renovate Dorm, Bldg 2425, \$7.9M
 - Currently, not enough room in dorms to house all single Airmen
 - Renovate 80 additional rooms



Improve Mission Readiness

- ID/MHAFB \$76M Water Project
 - Goal: Develop sustainable water system to enable resiliency of MHAFB to support 366 FW Mission
 - Pump water from Snake River to be treated on base and used for base consumption/irrigation
 - 3.5M GPD demand
 - Phase 1 Planning Charrette - Completed
 - Overall plan of system layout
 - Phase 2 Design-Build Request for Proposal (RFP)
 - US Army Corps of Engineers has been tasked to develop the RFP utilizing an Architect/Engineer (A/E) firm. A/E contract to be awarded in March 2022. Design activities to start April 2022.





Improve Mission Readiness

- Future \$30M+ MILCON Projects

Geothermal Energy project, TBD

- Goal: Make MHAFB more energy resilient and sustainable by utilizing renewable energy source
- Phase 1 Environmental Assessment – Complete
- AF and Idaho Power are in discussions about acquisition strategy and possible partnering.





Our Gunfighters

What matters to our people

- License Reciprocity – THANK YOU!
- Schools
- Housing Challenges
 - Most live in Mt Home...1/3 live in Ada County



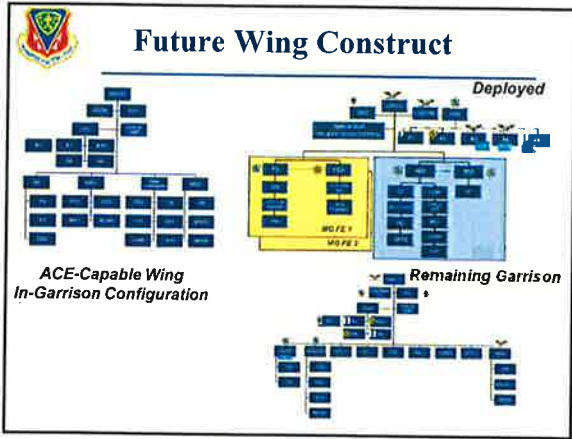
Questions?

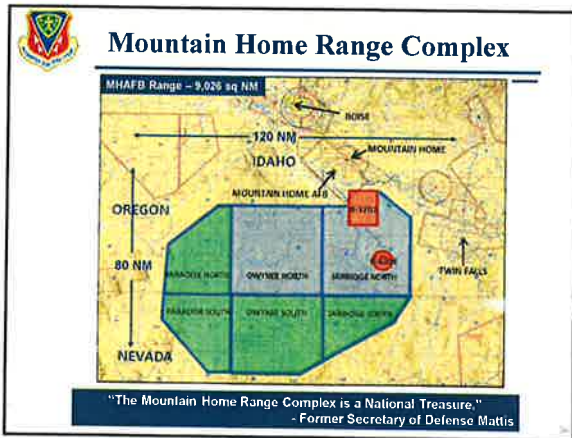


Fortune Favors the Bold



BACK UP





AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Wednesday, January 26, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
<u>RS 29228</u>	RELATING TO THE LEGISLATURE to provide that each regular session of the Legislature shall adjourn by a certain date.	Senator Guthrie
DOCKET NO.:		
<u>04-0000-2100</u>	IDAPA 04 - OFFICE OF THE ATTORNEY GENERAL - Notice of Omnibus Rulemaking - Proposed Rule page 5-91	Brett Delange, Div. Chief, Consumer Protection Division
<u>15-0600-2100</u>	IDAPA 15 - OFFICE OF THE GOVERNOR/ID MILITARY DIVISION - Notice of Omnibus Rulemaking - Proposed Rule – page 196-211. Remote presentation.	Lauren Tschample, Lt. Colonel, ID Air National Guard
<u>34-0000-2100</u>	IDAPA 34 - SECRETARY OF STATE - Notice of Omnibus Rulemaking - Proposed Rule page 357-376	Jason Hancock, Deputy Secretary of State
<u>34-0000-2100F</u>	IDAPA 34 - SECRETARY OF STATE - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule page 78-111	Jason Hancock, Deputy Secretary of State
<u>38-0000-2100</u>	IDAPA 38 - ID DEPT. OF ADMINISTRATION - Notice of Omnibus Rulemaking - Proposed Rule PAGE 377-417	Steve Bailey, Deputy Director
<u>38-0000-2100F</u>	IDAPA - 38 - ID DEPT. OF ADMINISTRATION - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule page 112-122	Steve Bailey, Deputy Director
MINUTES APPROVAL:	Minutes of January 17, 2022	Senator Lee and Senator Heider

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

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

COMMITTEE MEMBERS

Chairman Lodge	Sen Lee
Vice Chairman Guthrie	Sen Heider
Sen Winder	Sen Stennett
Sen Anthon	Sen Burgoyne
Sen Harris	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: [sstaf@senate.idaho.gov](mailto:ss taf@senate.idaho.gov)

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, January 26, 2022

TIME: 8:00 A.M.

PLACE: Room WW55

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

ABSENT/ EXCUSED: Senator Lee

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

CONVENED: **Chairwoman Lodge** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:02 a.m.

RS 29228 RELATING TO THE LEGISLATURE to provide that each regular session of the Legislature shall adjourn by a certain date.

Senator Guthrie presented **RS 29228**. He stated that the RS is similar to legislation introduced last year requiring the Legislature to adjourn on or before the last Friday of March with the following three exceptions: 1) To protect against a gubernatorial veto; 2) If the State is under an emergency or disaster declaration; or 3) If the Legislature passes a concurrent resolution by two-thirds vote in each house.

MOTION: **Senator Anthon** moved to send **RS 29228** to print. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Chairwoman Lodge passed the gavel to Vice Chairman Guthrie.

DOCKET NO. 04-0000-2100 IDAPA 04 - OFFICE OF THE ATTORNEY GENERAL - Notice of Omnibus Rulemaking - Proposed Rule, pages 5-91.

Brett DeLange, Division Chief, Consumer Protection Division, Office of the Attorney General (AG) of the State of Idaho, introduced himself to the Committee. He explained the dockets contained in the rules relating to the Consumer Protection Act: Idaho Tobacco Master Settlement Agreement, Idaho Administrative Procedures Act (APA), and consideration of cooperative agreements by health care providers. **Mr. DeLange** advised that the rules have not changed for many years.

DISCUSSION: In response to a question from **Senator Stennett**, **Mr. DeLange** clarified there is no redline version of the docket because there were no changes.

Senator Burgoyne inquired if the rules pertaining to the APA and administrative hearings are included in the docket. **Mr. DeLange** answered that the docket is an omnibus that includes all rules the AG has promulgated over the years. **Senator Burgoyne** commented that the APA does not require discovery in an administrative proceeding thus putting citizens at a disadvantage. He requested that the AG's Office consider a rule change to the APA to mandate a discovery process. **Mr. DeLange** replied that he will take that request to the AG.

MOTION: **Senator Anthon** moved to approve **Docket No. 04-0000-2100**. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 15-0600-2100 IDAPA 15 - OFFICE OF THE GOVERNOR/ID MILITARY DIVISION - Notice of Omnibus Rulemaking - Proposed Rule, pages 196-211.

Vice Chairman Guthrie announced that consideration of **Docket No. 15-0600-2100** would be moved to a later date.

**DOCKET NO.
34-0000-2100
DOCKET NO.
34-0000-2100F**

Vice Chairman Guthrie announced that consideration of **Docket No. 34-0000-2100** and **Docket No. 34-0000-2100F** would be moved to a later time on the agenda.

**DOCKET NO.
38-0000-2100**

IDAPA 38 - ID DEPT. OF ADMINISTRATION - Notice of Omnibus Rulemaking - Proposed Rule, pages 377-417.

Steve Bailey, Deputy Director, Idaho Department of Administration (DOA), introduced himself to the Committee. **Mr. Bailey** reported that the docket contains previously existing rules governing the use of the exterior and interior of State property. He said the docket also includes Idaho Division of Purchasing rules related to State agency acquisition of property. **Mr. Bailey** stated the rules have not changed from previous years.

DISCUSSION:

In response to questions from **Chairwoman Lodge** about the tents pitched on the old Ada County Courthouse grounds, **Mr. Bailey** responded that the tents are symbols of protest. He affirmed there is no one camping or staying overnight. **Mr. Bailey** stated that the protest will likely continue until the City of Boise addresses the protestors' needs. He said the Courthouse grounds were a convenient spot for a protest.

MOTION:

Senator Winder moved to approve **Docket No. 38-0000-2100**. **Senator Anthon** seconded the motion.

DISCUSSION:

Senator Burgoyne asked if the DOA has any concerns about the use of the Courthouse grounds for a protest. He inquired if a rule change would be useful in addressing this type of situation. **Mr. Bailey** replied that the protesters have been very respectful and accepting of the rules. He added that law enforcement visited the site several times to look for any safety issues. **Mr. Bailey** said it would be helpful to discuss possible improvements to the rules.

Chairwoman Lodge asked for an update on the west parking lot management. **Mr. Bailey** responded that revenues have increased. He said the DOA is pleased with the vendor managing the parking lot.

VOICE VOTE:

The motion to approve **Docket No. 38-0000-2100** carried by **voice vote**.

**DOCKET NO.
38-0000-2100F**

IDAPA 38 - ID DEPT. OF ADMINISTRATION - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule, pages 112-122.

Mr. Bailey stated the rule docket covers management of and fees for the 1,540 Capital Mall parking spots. He stated the rule has not changed. **Mr. Bailey** reviewed the Capital Mall parking fees.

MOTION:

Senator Harris moved to approve **Docket No. 38-0000-2100F**. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
34-0000-2100**

IDAPA 34 - SECRETARY OF STATE - Notice of Omnibus Rulemaking - Proposed Rule, pages 357-376.

Jason Hancock, Deputy Secretary of State, Office of Idaho Secretary of State (SOS), introduced himself to the committee. **Mr. Hancock** reported that the docket pertains to the Help America Vote Act, sunshine laws, business names, and notarial acts. He stated that the rules are exactly the same as the previous year with the exception of one word that was added on page 375 to correct a mistake.

MOTION:

Chairwoman Lodge moved to approve **Docket No. 34-0000-2100**. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 34-0000-2100F **IDAPA 34 - SECRETARY OF STATE - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule**, pages 78-111.

Mr. Hancock provided a handout to the Committee reflecting changes made to the rule. He noted the fee change from \$50 to \$60 for a subscription to the farm products central filing system (system) is not a fee increase. **Mr. Hancock** reported that there was an error in the previous rule, and the fee should have been noted as \$60. He explained that a subscriber can use the system to check for outstanding crop liens. **Mr. Hancock** said that in the past, a subscriber paid a \$30 subscription fee plus \$30 for each lien report. He stated that the \$60 subscription fee covers system access and multiple reports, resulting in decreased costs for some subscribers.

MOTION: **Chairwoman Lodge** moved to approve **Docket No. 34-0000-2100F**. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chairman Guthrie passed the gavel to Chairwoman Lodge.

MINUTES APPROVAL: **Senator Heider** moved to approve the Minutes of January 17, 2022. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:37 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Jeanne Jackson-Heim
Assistant Secretary

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Friday, January 28, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
GUBERNATORIAL APPOINTMENT:	The Gubernatorial Appointment of John Chatburn to the Public Utilities Commission.	John Chatburn
GUBERNATORIAL APPOINTMENT:	The Gubernatorial Appointment of Charles "Skip" Smyser to the Idaho Lottery Commission.	Charles "Skip" Smyser
<u>HCR 28</u>	STATING FINDINGS OF THE LEGISLATURE to honor Harry Fox LeMoyne for his service to the United States and the State of Idaho.	Senator Heider
DOCKET NO.:		
<u>15-0600-2100</u>	IDAPA 15 - OFFICE OF THE GOVERNOR/ID MILITARY DIVISION - Notice of Omnibus Rulemaking - Proposed Rule - pages 196-211.	Lauren Tschample, Lt. Colonel, ID Air National Guard
<u>31-0000-2100</u>	IDAPA 31 IDAHO PUBLIC UTILITIES COMMISSION - Notice of Omnibus Rulemaking - Proposed Rule – pages 212-307	Stephen Goodson, ID Public Utilities Commission
<u>31-0101-2101</u>	IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION - Rules of Procedure of the Idaho Public Utilities Commission (New Chapter) - Proposed Rule - Pages 308-356	Stephen Goodson, Idaho Public Utilities Commission
<u>15-1001-2100F</u>	IDAPA 15 - OFFICE OF THE GOVERNOR/ID STATE LIQUOR DIVISION - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule - PAGES 62-72.	Tony Faraca, Chief Deputy Director, ID State Liquor Division
<u>52-0103-2100F</u>	IDAPA 52 - IDAHO STATE LOTTERY COMMISSION - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule - Pages 123-173.	Becky Schroeder, Chief Operating Officer, ID State Lottery Commission
<u>45-0101-2100</u>	IDAPA 45 - IDAHO HUMAN RIGHTS COMMISSION - Notice of Omnibus Rulemaking - Proposed Rule - pages 424-429.	Benjamin Earwicker, Administrator/Custodian of Records and Rules Review Officer, ID Human Rights Commission

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

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

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Guthrie

Sen Winder

Sen Anthon

Sen Harris

Sen Lee

Sen Heider

Sen Stennett

Sen Burgoyne

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Phone: 332-1326

Email: [sstaf@senate.idaho.gov](mailto:ss taf@senate.idaho.gov)

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, January 28, 2022

TIME: 8:00 A.M.

PLACE: Room WW55

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

ABSENT/ EXCUSED: Senator Lee

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 8:00 a.m.

GUBERNATORIAL APPOINTMENT: **THE GUBERNATORIAL APPOINTMENT** of John Chatburn to the Public Utilities Commission (PUC).

John Chatburn stated he was born and raised in Idaho and worked for the State for 25 years. The last years were in the Governor's Office of Energy and then the Office of Energy and Mineral Resources with a focus on energy projects, and regional and national energy issues. **Mr. Chatburn** stated his interest in the PUC because he believed it was extremely important to examine regulation of the State's utilities so that all of the citizens see just and reasonable prices for energy and other utility services.

Senator Burgoyne disclosed he had expressed an interest in the PUC. He asked Mr. Chatburn what his views were on alternative energy resources, specifically, water users concerns in the promotion of low head hydro projects as well as wind resources. **Senator Burgoyne** asked Mr. Chatburn how he viewed the controversy of the legacy utilities. **Mr. Chatburn** responded that he viewed the activities the Commission undertook on regulation or any type of energy should be focused on ensuring the actions did not unduly increase the cost to Idaho consumers.

Senator Stennett referred to a personal experience. She asked Mr. Chatburn how he envisioned the PUC shepherding things beyond what Idaho Power and Hydro provided. What other forms of utility could be helpful as far as alternative energies; how would they be more efficient, and how is the capability of offering a diverse amount of utility and power to the state beyond one mechanism. **Mr. Chatburn** responded that the solar issue was not a function of the PUC but was regulatory under the Idaho Division of Occupational or Professional Licenses.

Chairwoman Lodge thanked Mr. Chatburn for his years of service for the State and the environmental species issues. She then welcomed Senator Skip Smyser.

GUBERNATORIAL APPOINTMENT: **THE GUBERNATORIAL APPOINTMENT** of Charles "Skip" Smyser to the Idaho Lottery Commission (Lottery).

Skip Smyser stated he was a former Senator from Parma, Idaho, who served on the ILC when implementing the lottery was brought before it for placement

on the ballot for the people of the State of Idaho to consider. The lottery was something he has been interested in for some time. The security elements, marketing elements, and professionalism had been very impressive. The return this year was \$72.5 million to the State of Idaho, most of which went to the schools. The Lottery manages a number of activities throughout the State that people are not aware of.

Senator Winder thanked Senator Smyser for volunteering to give his time to the State and people of Idaho. He asked about the expansion of the Powerball into some foreign countries and if there were ongoing negotiations. **Mr. Smyser** gave an overview of what was occurring in this area. Idaho Statute would require approval to allow Idaho to participate in the Powerball if Australia and the United Kingdom were added to the Powerball. The only country currently allowed is Canada and the provinces thereof. There may be a bill coming forward this year asking for the United Kingdom and Australia to be approved. Losing the Powerball would be devastating to the lottery and to Idaho because of its contribution to schools, and it is the most successful game in the State.

Chairwoman Lodge commented that she designed and saw three libraries built in Caldwell using lottery money. She stated her appreciation and that the kids in Caldwell appreciated having libraries with media centers in them. Losing Powerball would hurt schools, retailers, and Idahoans.

Chairwoman Lodge announced that voting on the Gubernatorial Appointments would take place at the next meeting.

HCR 28

STATING FINDINGS OF THE LEGISLATURE to honor Harry Fox LeMoyne for his service to the United States and the State of Idaho.

Senator Heider described Harry Fox LeMoyne as someone he knew well in Twin Falls, Idaho. Mr. LeMoyne was born on August 21, 1918 and passed away August 9, 2021 at the age of 102. He served in the Army Air Corps from 1941 to 1945 and flew 47 fighters over 60 combat missions escorting bombers on their way through Europe. Although he was never shot down, there were several close calls, one where a 20 millimeter shell knocked the canopy off the plane and he continued flying the plane to England. Mr. LeMoyne was awarded the Distinguished Flying Cross and the Purple Heart. He was inducted into the Southern Idaho Livestock Hall of Fame. He began his real estate career in 1953 selling farms and ranches as well as working in the County Assessor's office as an appraiser. He retired from real estate in 2016 after 63 years in business. This resolution honors the long life of Harry LeMoyne and his steadfast service to the United States and the State of Idaho. **Senator Heider** added that Mr. LeMoyne was a wonderful person and a good friend; one who deserves this honor.

Senator Stennett stated she had the pleasure of dealing with the LeMoyne family and was impressed by them. She noted that the SOP has his name as Henry but the bill has it as Harry. **Senator Heider** said that his name was Harry but people in Twin Falls called him Henry LeMoyne.

MOTION:

Senator Harris moved to send **HCR 28** to the 10th Order of Business. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL:

Chairwoman Lodge passed the gavel to Vice Chairman Guthrie.

DOCKET NO. 15-0600-2100

IDAPA 15 - OFFICE OF THE GOVERNOR/ID MILITARY DIVISION - Notice of Omnibus Rulemaking - Proposed Rule - pages 196-211.

Lieutenant Colonel Lauren Tschamp, Idaho Air National Guard presented **Docket No. 15-0600-2100** which was the omnibus reauthorization of existing rules from the Idaho Military Division. There were two rules remaining on the docket and both had been previously reviewed and approved by the Legislature. There have been no changes to the rules this year.

MOTION: **Senator Burgoyne** moved to approve **Docket No. 15-0600-2100**. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 31-0000-2100 **IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION** - Notice of Omnibus Rulemaking - Proposed Rule – pages 212-307.

Eric Anderson, President, Idaho Public Utilities Commission (PUC), introduced **Docket No. 31-0000-2100**. He stated that the rule chapters for the PUC were previously reviewed by the Legislature. There were no changes to the text of those rules. Chapters in the rules would be reviewed in future years to follow the governor's zero-based regulation.

MOTION: **Senator Stennett** moved to approve **Docket No. 31-0000-2100**. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 31-0101-2101 **IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION** - Rules of Procedure of the Idaho Public Utilities Commission (New Chapter) - Proposed Rule - pages 308-356.

Eric Anderson, President, PUC, explained there had been some changes in **Docket 31-0101-2101**. The PUC shared the governor's goal to streamline the state's administrative rules to reduce the regulatory burden and red tape in accordance with the governor's executive order. **Mr. Anderson** said the PUC conducted negotiated rulemaking this last year for its rules and procedures to make the rules clearer and less burdensome. The red-lined copy shows the changes made. Rules were removed that were found to be redundant and an idle code was removed, as well as duplications. He said they also removed references to outmoded technology. **Mr. Anderson** stated the rules had been simplified, streamlined, and corrected any drafting errors. Currently, the PUC has 60 open dockets pending: 30 electric, 11 telecom, 5 water, 5 gas, and 5 others which would be railroad and other things they regulate. He said the PUC feels strongly that thoughtfully and clearly written rules of procedure for contested cases are both necessary and beneficial for the public. The PUC rules and procedures provide a roadmap to fair adjudication of all cases removing procedural doubt for participants. The goal was to strive to make the rules clear and as usable as possible for the public so they can participate in all the proceedings.

MOTION: **Senator Heider** moved to approve **Docket No. 31-0101-2101**. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 15-1001-2100F **IDAPA 15 - OFFICE OF THE GOVERNOR/ID STATE LIQUOR DIVISION** - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule - pages 62-72.

Tony Faraca, Idaho State Liquor Division, presented **Docket 15-1001-2100F** and explained that the rules were previously reviewed by the Legislature and nothing changed since the last review. He requested the support of the Committee.

DISCUSSION: **Senator Anthon** noted there has been a number of issues brought to the Legislature regarding the acquiring, use, and enforcement of liquor licenses and asked the Committee to allow a little more time to review the rules and how they correspond to statute. He noted he did not have any particular opposition to Mr. Faraca's presentation but more time was needed.

Senator Burgoyne agreed with Senator Anthon. The liquor statute is very antiquated and reviewing the rules would be a good idea.

MOTION: **Senator Anthon** moved to hold **Docket No. 15-1001-2100F** in Committee and that it be brought back to Committee at the call of the chair. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 52-0103-2100F **IDAPA 52 - IDAHO STATE LOTTERY COMMISSION** - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule - pages 123-173.

Becky Schroeder Chief Operating Officer and Rules Review Officer for the Idaho State Lottery (Lottery) introduced Jeff Anderson, Director of the Lottery. **Ms. Schroeder** explained that **Docket No. 52-0103-2100F** was the omnibus rulemaking for the adoption of fee rules for the Lottery. They covered Rules Governing Operations of the Lottery, subchapters A and B, and subchapter C which covers Charitable Gaming Rules of the Lottery. These were existing fee rules that had been previously reviewed by the Legislature during previous sessions. Nothing changed since those reviews. **Ms. Schroeder** asked for the Committee's support of this rule docket.

MOTION: **Senator Harris** moved to approve **Docket No. 52-0103-2100F**. **Chairwoman Lodge** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 45-0101-2100 **IDAPA 45 - IDAHO HUMAN RIGHTS COMMISSION** - Notice of Omnibus Rulemaking - Proposed Rule - pages 424-429.

Benjamin Earwicker, Administrator & Custodian of Records and Rules Review Officer, Idaho Human Rights Commission (IHRC), presented **Docket No. 45-0101-2100**. He stated the existing rules were previously reviewed and approved by the Legislature and there were no proposed changes.

DISCUSSION: **Senator Burgoyne** referred to a recent U. S. Supreme Court case regarding sex discrimination and what constituted sex discrimination as related to sexual orientation and gender identity discrimination. This would be considered sex discrimination at the federal level under Title Seven of the Civil Rights Act of 1964. He asked if the IHRC adopted any rules to indicate whether or not that decision will be the interpretation followed by the IHRC. **Mr. Earwicker** confirmed that Senator Burgoyne was referring to the 2020 Bostock v. Clayton County case (Bostock) and noted that case was relevant to federal law which changes and expands the definition of what constitutes sex discrimination under Title Seven of the Civil Rights Act according to the IHRC's rules. The IHRC had not entertained any activity or motions to adopt or amend its rules with regard to Bostock. However, in both rule and statute, there was a provision that the IHRC construes state law in light of federal statute and federal guidance. Although the Supreme Court decision was not binding on state law or the rules of the IHRC, they looked to federal statute in the interpretation of the Idaho Human Rights Act.

MOTION: **Chairwoman Lodge** moved to approve **Docket No. 45-0101-2100**. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chairman Guthrie passed the gavel to Chairwoman Lodge.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:40 a.m.

Senator Lodge, Chair

Twyla Melton, Secretary

AMENDED AGENDA #1
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Monday, January 31, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
GUBERNATORIAL APPOINTMENT VOTE:	The Gubernatorial Appointment of John Chatburn to the Public Utilities Commission.	
GUBERNATORIAL APPOINTMENT VOTE:	The Gubernatorial Appointment of Charles "Skip" Smyser to the Idaho Lottery Commission.	
DOCKET NO.: <u>40-0000-2100</u>	IDAPA 40 - COMMISSION ON THE ARTS - Notice of Omnibus Rulemaking - Proposed Rule - pages 418-423.	Michael Faison, Executive Director, Idaho Commission on the Arts
<u>32-0101-2100F</u>	IDAPA 32 - ENDOWMENT FUND INVESTMENT BOARD - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule - pages 73-77.	Chris Anton, Manager of Investments, Idaho Endowment Fund Investment Board
<u>RS 29263</u>	RELATING TO THE FETAL HEARBEAT PREBORN CHILD PROTECTION ACT; to clarify and amend certain sections of the Act.	Blaine Conzatti, President, Idaho Family Policy Center

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

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

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Guthrie

Sen Winder

Sen Anthon

Sen Harris

Sen Lee

Sen Heider

Sen Stennett

Sen Burgoyne

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Phone: 332-1326

Email: [sstaf@senate.idaho.gov](mailto:ssstaf@senate.idaho.gov)

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, January 31, 2022

TIME: 8:00 A.M.

PLACE: Room WW55

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

ABSENT/ EXCUSED: Senator Anthon

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 8:05 a.m.

VOTE ON GUBERNATORIAL APPOINTMENTS: **VOTE ON THE GUBERNATORIAL APPOINTMENT** of John Chatburn to the Idaho Public Utilities Commission.

MOTION: **Senator Harris** moved to send the Gubernatorial Appointment of John Chatburn to the Idaho Public Utilities Commission (PUC) to the Senate floor with the recommendation that he be confirmed by the Senate. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

Senator Burgoyne disclosed that he had been interested in the PUC in the past. He also acknowledged Mr. Chatburn's qualifications for this appointment. **Senator Burgoyne** noted that he agreed with the need for the Commission to assure the financial viability of public utilities along with keeping rates as low as possible for the customers.

VOTE: The motion carried by **voice vote**. Senator Harris will be the floor sponsor.

VOTE ON THE GUBERNATORIAL APPOINTMENT of Charles "Skip" Smyser to the Idaho Lottery Commission.

MOTION: **Senator Heider** moved to send the Gubernatorial Appointment of Charles "Skip" Smyser to the Senate floor with the commendation that he be confirmed by the Senate. **Senator Winder** seconded the motion. The motion carried by **voice vote**. Senator Heider will be the floor sponsor.

PASS THE GAVEL: Chairwoman Lodge passed the gavel to Vice Chairman Guthrie.

DOCKET NO. 40-0000-2100 **IDAPA 40 - COMMISSION ON THE ARTS** - Notice of Omnibus Rulemaking - Proposed Rule - pages 418-423.

Michael Faison, Executive Director, Idaho Commission on the arts explained that **Docket No. 40-0000-2100** (Docket) contains one chapter which had previously been approved by the Legislature during the rules reduction act process two years ago. Fourteen of eighteen pages of rules were removed resulting in an 80 percent reduction and 99 restrictive terms were removed. There are no rule changes this year. **Mr. Faison** asked that the Docket be approved.

MOTION: **Senator Harris** moved to approve **Docket No. 40-0000-2100**. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
32-0101-2100F**

IDAPA 32 - ENDOWMENT FUND INVESTMENT BOARD - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule - pages 73-77.

Chris Anton, Manager of Investments, Endowment Fund Investment Board, presented **Docket No. 32-0101-2100F** (Docket). This is an existing one rule chapter in this omnibus action that has been reviewed and approved by the Legislature and has been in place since 2010. Small refinements in language have been made in previous years and in conjunction with the Red Tape Reduction Act. **Mr. Anton** also explained the Credit Enhancement Program for School District Bonds which allows eligible voter approved school bonds to be issued with Triple A credit ratings which is above the State's required rating. This program is achieved by a pledge from the Public School Endowment Fund which is administered by the Endowment Fund Investment Board. This is beneficial to the citizens of Idaho because it reduces borrowing costs for Idaho for the construction of schools. **Mr. Anton** asked for the approval of the Docket.

MOTION:

Senator Winder noted that he is a member of the Endowment Fund Investment Board and moved to approve **Docket No. 32-0101-2100F**. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

RS 29263

RELATING TO THE FETAL HEARTBEAT PREBORN CHILD PROTECTION ACT to clarify and amend certain sections of the Act.

Blaine Conzatti, President, Idaho Family Policy Center, explained that **RS 29263** amends the Heartbeat Law which was passed in 2021. This legislation would add a mechanism to allow family members of an unlawfully aborted preborn baby to sue the abortionist for real and statutory damages. **RS 29263** is modeled after a similar Texas law which has successfully withstood three legal challenges at the U. S. Supreme Court. In Texas, it means that abortionists now have very limited recourse to legally challenge the constitutionality of the Texas law. Generally, nearly every Texas abortionist has voluntarily complied with the Texas law.

Mr. Conzatti noted that **RS 29263** departs from the Texas law on two key provisions. 1) This legislation would not create a cause of action to sue someone who aids or abets an abortion such as an Uber driver or housekeeper. 2) Only family members would be granted the ability to create a cause of action for an unlawfully aborted preborn baby. This law is not saying that life begins with the first signs of a beating heart but a detectable heartbeat is a reliable indicator both that life exists, and that a preborn baby will almost certainly make it to term. **Mr. Conzatti** commented that he has been asked why not wait until the Supreme Court rules in the *Dobbs v. Jackson Women's Health Organization* (Mississippi) (*Dobbs*) this summer. First, there is the opportunity to employ the strategy to start saving babies now. Second, even if the *Dobbs* decision returns the issue of abortion back to the states, Idaho's trigger law could still face a lengthy challenge in state courts. **RS 29263** could act as a backstop while those challenges play out.

DISCUSSION:

Senator Stennett said, regardless of the family background of a woman, or whether it could be injurious to a child or the mother, that family would have legal recourse against someone who performed a procedure. **Mr. Conzatti** responded yes, if that abortion was unlawfully performed, a family member could have a civil cause of action to sue the abortionist. **Senator Stennett** asked, in that scenario, if the mother was forced to have this child and was incapable of managing for it, and it ended up in the care of the abusive people, would that be acceptable recourse of this potential law? **Mr. Conzatti** replied in the affirmative. He said they are advocating that it is the policy position of the state of Idaho to protect pre-born life and to respect constitutional and God given rights for women. **Senator Stennett** noted that Idaho has 16,000 children that do not

have parents, the State needs to do a better job. **Mr. Conzatti** commented that those issues need to be investigated with a look toward reforming that system. However, abortion is not health care and it is not a solution to that issue.

MOTION:

Senator Winder moved to send **RS 29263** to print. **Senator Heider** seconded the motion.

Senator Burgoyne said he will be voting no on the motion. He stated he did not disagree with the statement that life begins at conception but the issue is when human life begins. The issue of standing is an important issue here and how the State defines the rights of grandparents, siblings, aunts, and uncles. With respect to born children, it creates a public policy contradiction. There are also issues in the grey areas of probate code and other law relative to rights of family members such as the specific statute governing the rights of putative fathers with respect to illegitimate children. He questioned what the import would be with this legislation. This is not an easy question.

Senator Lee agrees that the standing issue can cause difficulty in other areas of State law. It is early enough the session that there is time to make this right. That someone in an expanded family relationship could have a standing is a difficult piece to accept. **Senator Lee** said she would absolutely support a pro-life bill, but some clarity is needed in this legislation so she can't support this particular matter.

**ROLL CALL
VOTE:**

Vice Chairman Guthrie called for a **roll call vote**. **Senators Guthrie, Winder, Heider,** and **Lodge** voted **aye**. **Senators Harris, Lee, Stennett,** and **Burgoyne** voted **nay**. The motion failed on a **tied vote**.

**PASSED THE
GAVEL:**

Vice Chairman Guthrie passed the gavel to Chairwoman Lodge.

ADJOURNED:

There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:27 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

AMENDED AGENDA #1
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Wednesday, February 02, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
<u>RS 29326</u>	RELATING TO THE STATE DISASTER PREPAREDNESS ACT to provide for certain limitations during a state of disaster emergency.	Senator Lakey
<u>RS 29221</u>	RELATING TO THE PROTECTION OF MINORS to add a new chapter to Title 48 known as the "Parental Rights Protection of Minors Act".	Senator Cook
<u>RS 29343</u>	RELATING TO HOMEOWNER'S ASSOCIATIONS to allow emergency meetings without notice when there is endangerment to the safety of others.	Senator Heider

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Guthrie

Sen Winder

Sen Anthon

Sen Harris

Sen Lee

Sen Heider

Sen Stennett

Sen Burgoyne

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Phone: 332-1326

Email: [sstaf@senate.idaho.gov](mailto:ssstaf@senate.idaho.gov)

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

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Friday, February 04, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
GUBERNATORIAL APPOINTMENT:	THE GUBERNATORIAL APPOINTMENT of John Hammond to the Idaho Public Utilities Commission.	John Hammond
<u>RS 29311</u>	RELATING TO ALCOHOLIC BEVERAGES to provide for the donation of liquor for benevolent, charitable, or public purposes.	Kate Haas, Kestrel West
<u>RS 29148C1</u>	RELATING TO THE SECRETARY OF STATE to revise provisions for payment methods accepted for candidate filing fees.	Jason Hancock, Deputy Secretary of State
<u>RS 29364</u>	RELATING TO ELECTIONS to establish provisions regarding postelection audits.	Jason Hancock, Deputy Secretary of State
MINUTES APPROVAL:	Minutes of January 24, 2022	Senator Anthon and Senator Burgoyne
MINUTES APPROVAL:	Minutes of January 26, 2022	Senator Harris and Senator Stennett

COMMITTEE MEMBERS

Chairman Lodge
Vice Chairman Guthrie
Sen Winder
Sen Anthon
Sen Harris

Sen Lee
Sen Heider
Sen Stennett
Sen Burgoyne

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, February 04, 2022

TIME: 8:00 A.M.

PLACE: Room WW55

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

ABSENT/ EXCUSED: None

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

CONVENED: **Chairwoman Lodge** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:06 a.m.

GUBERNATORIAL APPOINTMENT: **THE GUBERNATORIAL APPOINTMENT** of John Hammond to the Idaho Public Utilities Commission (IPUC).

Mr. Hammond introduced himself to the Committee. He gave an overview of his background and experience. **Mr. Hammond** said that his interest in serving as a commissioner stemmed from his time as a deputy attorney general at the IPUC. He remarked that he is excited to fulfill the quasi-judicial role of an IPUC commissioner.

DISCUSSION: **Senator Burgoyne** stated that he had a conflict of interest pursuant to Senate Rule 39(H) but intended to vote.

In response to questions from **Senator Burgoyne** about the relevance of his former role at the IPUC and his experience as a legal decision maker, **Mr. Hammond** answered that he represented the IPUC staff in every case filed before the IPUC. He explained that he became counsel for the commissioners once the record was fully submitted. He worked through problems with the commissioners and helped them reach decisions, he said. **Mr. Hammond** added that he would bring value to the IPUC through his experience with IPUC legal issues. He mentioned that he does not have experience as a hearing officer or arbitrator.

Senator Burgoyne commented that the IPUC is likely to address the issue of alternative energy, involving diverse issues of fact and complex law. He asked whether Mr. Hammond could act in an independent manner with respect to these issues. **Mr. Hammond** replied that he could be fair and impartial. He observed that it is important to work together to find solutions even when there is disagreement.

Senator Stennett inquired if Mr. Hammond was comfortable discussing a broader variety of energy sources and giving a voice to alternative energy experts. **Mr. Hammond** responded that the IPUC must stay within its statutory jurisdiction as rate regulators. He said the IPUC encourages the participation of all interested parties. **Mr. Hammond** commented that his job will be to hear and evaluate the facts presented to the IPUC to ensure safe and reliable utilities.

Senator Burgoyne asked the history of Mr. Hammond's political affiliation. **Mr. Hammond** answered that he has always been affiliated with the Democratic party.

Chairwoman Lodge announced that the Committee would vote on Mr. Hammond's appointment at its next meeting.

- RS 29311** **RELATING TO ALCOHOLIC BEVERAGES** to provide for the donation of liquor for benevolent, charitable, or public purposes.
- Kate Haas**, Kestrel West, representing the Distilled Spirit Council of the United States, introduced herself to the Committee. **Ms. Haas** explained the RS would permit a distillery to donate its alcohol for a charitable event, in the same manner that a winery or brewery is allowed to donate its product. **Ms. Haas** said she collaborated with the Idaho State Liquor Division and Alcohol Beverage Control to ensure continued proper regulation of liquor.
- MOTION:** **Senator Stennett** moved to send **RS 29311** to print. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.
- RS 29148C1** **RELATING TO THE SECRETARY OF STATE** to revise provisions for payment methods accepted for candidate filing fees.
- Jason Hancock**, Deputy Secretary of State, Idaho Secretary of State's Office (SOS), introduced himself to the Committee. **Mr. Hancock** advised that the RS incorporates changes suggested by the Committee at a previous hearing. He advised that he updated the fiscal note to show the anticipated number of candidates and revenue from filing fees. **Mr. Hancock** reported that he included language to allow the use of debit cards and require candidates to pay the card processing fees.
- DISCUSSION:** **Senator Stennett** asked about the use of the word "may" in the provision related to card processing fees. **Mr. Hancock** answered that the Legislature might in the future establish a State policy on card processing fees. The use of the word "may" would allow for that policy change without having to amend this section of Idaho Code, he said. **Mr. Hancock** affirmed that the SOS intends to require the candidates to pay the card processing fees.
- Senator Burgoyne** moved to send **RS 29148C1** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.
- RS 29364** **RELATING TO ELECTIONS** to establish provisions regarding postelection audits.
- Mr. Hancock** described the audit process the SOS undertook after the 2020 election. He explained the RS would establish a similar system of random post-election audits to verify the accuracy and integrity of elections. **Mr. Hancock** reported the SOS would be required to issue a directive outlining the audit procedures and consult with the county clerks to develop the procedures.
- DISCUSSION:** **Senator Guthrie** asked how the process would work to correct an election if an audit showed an incorrect vote count after the vote canvass. **Mr. Hancock** answered that audits of state elections would occur between the county canvass and the Board of State Canvassers' final canvass of the election results. He added that the bill would allow the SOS to order additional post-election audits if a problem was identified.
- Senator Stennett** inquired if the audits would be done randomly on a regular basis around the state, or if they would be done based on complaints. **Mr. Hancock** replied that the audits would be done after each primary and general election based on a random draw of counties and precincts. He stated the SOS intends to select the races that appear to be the most meaningful in a randomly drawn precinct.

Senator Stennett asked about the number of audits to be conducted and the cost to conduct the audits. **Mr. Hancock** responded that the SOS would issue a directive at least 60 days prior to an election to outline the procedures. He noted that the SOS has already begun discussions with the county clerks about a random selection process based on the number of registered voters in a county to spread the audits across the state.

MOTION: **Senator Guthrie** moved to send **RS 29364** to print. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Anthon** moved to approve the Minutes of January 24, 2022. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

Senator Harris moved to approve the Minutes of January 26, 2022. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:45 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Jeanne Jackson-Heim
Assistant Secretary

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Monday, February 07, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
GUBERNATORIAL APPOINTMENT VOTE:	VOTE ON THE GUBERNATORIAL APPOINTMENT of John Hammond to the Idaho Public Utilities Commission.	
GUBERNATORIAL APPOINTMENT:	THE GUBERNATORIAL APPOINTMENT of Brian Yeargain to the Idaho Endowment Fund Investment Board.	Brian Yeargain
GUBERNATORIAL APPOINTMENT:	THE GUBERNATORIAL APPOINTMENT of Mark Tschampl to Idaho Division of Veterans Services.	Mark Tschampl, Idaho Division of Veterans Services
<u>S 1262</u>	STATE DISASTER PREPAREDNESS ACT - Amends existing law to provide for certain limitations on firearms regulation during a state of disaster emergency.	Senator Lakey

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

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

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Guthrie

Sen Winder

Sen Anthon

Sen Harris

Sen Lee

Sen Heider

Sen Stennett

Sen Burgoyne

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Phone: 332-1326

Email: ssfaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, February 07, 2022

TIME: 8:00 A.M.

PLACE: Room WW55

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

ABSENT/ EXCUSED: Senator McClusky (Heider)

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 8:11 a.m.

VOTE ON GUBERNATORIAL APPOINTMENT: **VOTE ON THE GUBERNATORIAL APPOINTMENT** of John Hammond to the Idaho Public Utilities Commission.

MOTION: **Senator Harris** moved to send the Gubernatorial Appointment of John Hammond to the Idaho Public Utilities Commission to the Senate floor with the recommendation that he be confirmed by the Senate. **Senator Anthon** seconded the motion. **Senator Burgoyne** noted his Rule 39H disclosure of his interest in the position of PUC Commissioner. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENTS: **THE GUBERNATORIAL APPOINTMENT** of Brian Yeargain to the Idaho Endowment Fund Investment Board (Board).

Brian Yeargain, explained he is currently a practicing CPA in Boise, Idaho for Little-Morris LLP, and has been there 29 years since graduating from Boise State University. He has served on multiple finance committees, non-profit boards, and as president of the Bronco Athletic Association; the Boise State Alumni Association, Finance Committee of the Boise State Foundation, and West Valley Little League. The finance committee makes sense for him because he is in finance all the time. He said he is not an investor. **Mr. Yeargain** stated that being on the audit committee makes sense because his work and the firm did not do audits, there would not be any conflicts.

DISCUSSION: **Senator Winder** thanked Mr. Yeargain for his willingness to serve on this Board. He asked Mr. Yeargain what he saw as his role as a member of the Board. **Mr. Yeargain** said he had attended two meetings and thinks his role was to bring an evaluation perspective of the numbers and assist the audit committee because he was experienced with audits. **Senator Winder** asked whose position he was filling. **Mr. Yeargain** said for either Dean Buffington or Gary Mahn.

Senator Lodge asked if Mr. Yeargain had any interest in the State buying gold or silver, and if there was an interest, where would it be held. **Mr. Yeargain** stated that gold and silver could be a hedge against other investments. That type of investment would have to be evaluated by the Board. **Mr. Yeargain** said that most of the time when precious metals were bought, they were held at a mint and a certificate was issued. Also, there was a secure site in Eagle that holds precious metals. **Senator Lodge** thanked Mr. Yeargain and stated that the Committee would vote on the appointment at the Monday meeting.

THE GUBERNATORIAL APPOINTMENT of Mark Tschampl as Administrator for the Idaho Division of Veterans Services.

Mark Tschampl, Chief Administrator, Idaho Division of Veterans Services, spoke about a lifetime associated with the military. Both parents were army, a brother went to the Coast Guard Academy and was active Coast Guard, two sisters were in the Navy, one went to Naval Academy, and a sister served in the Army, **Mr. Tschampl** served in the United States Airforce as did his wife who currently serves full time in the Idaho Active Duty Guard. She appeared before this Committee earlier in the session. **Mr. Tschampl** stated he was a combat veteran in security services and deployed to Iraq in 2004. This background gives Mr. Tschampl a unique perspective into some of the challenges in the lives of the military members here in Idaho. Experiencing first hand and seeing the sacrifices that military members and their families make when they go to war for our country provides a better understanding of the physical and emotional scars members of the military come home with.

Mr. Tschampl separated from the military to obtain his masters degree and returned to work for the military as a civilian at Mountain Home Air Force Base (Base). He said he was the director of the Health and Wellness Center at the Base and also piloted a couple of national level programs that are currently in use in the United States Air Force. The experience in developing and implementing those programs have been very helpful in Mr. Tschampl's current duties. He said the military was his home and so this position is a natural fit. He said there were three core values that were instilled in him since childhood: integrity first, service before self, and excellence. **Mr. Tschampl** stated he tried to do those three activities every day because the veterans deserve it, they deserve excellence in every program or service that was offered them.

DISCUSSION:

Senator Winder thanked Mr. Tschampl for assuming the responsibilities that deal with meeting the needs of the veterans in our State. He asked if there were changes that could be made or changes that may need to be made quickly. **Mr. Tschampl** replied the staffing shortage was the single biggest problem within the skilled nursing home. The CMS's vaccine mandate made that worse. The mandate was not necessary to keep veteran's safe in the veteran's homes. **Senator Winder** explained that the State took an active role in pushing back against the executive orders and were able to get the Supreme Court of the United States to put stays that would be in place for a while. As for staffing and wages, there were not enough qualified people to hire. **Mr. Tschampl** agreed and said they were taking steps to make themselves more competitive and have had some success. It is primarily the supply.

Chairwoman Lodge announced that voting would take place at the next meeting.

S 1262

STATE DISASTER PREPAREDNESS ACT to amend existing law to provide for certain limitations on firearms regulation during a state of disaster emergency.

Senator Lakey, District 12, stated that **S 1262** was consensus legislation that deals with a disaster emergency declaration. It had the support of the NRA, the gentleman on the second floor, the sheriffs, the chiefs of police, and the Idaho Fraternal Order of Police (see Attachment A). Through review of current language, it was recognized there was an opportunity to clarify and enhance the protections that exist under Idaho Code § 46-1008(7) to clarify that protections included not only firearms and ammunition, but components and accessories. It established that firearms related businesses and commerce would be considered essential businesses in evaluations made during a declared emergency. **S 1262** also provided that the issuance, processing, and revocation

of concealed weapons licenses would continue to be handled under Title 18, Chapter 33 and would not be circumvented. **Senator Lakey** explained this legislation excluded firearms and related businesses from being commandeered; firearms could not be commandeered as part of an emergency declaration. It also clarified that when firearms were possessed and sold in connection with otherwise lawful conduct, those firearms would not be subject to confiscation.

DISCUSSION:

Senator Winder asked if there were any current emergency orders in place in Idaho. **Senator Lakey** responded that Idaho may still be under stage four. **Senator Winder** noted legal counsel for the gentleman on the second floor was in attendance and requested an update on the current status.

Brady Hall, General Counsel for the Idaho Governor's Office, thanked Senator Lakey for bringing this consensus legislation forward. He reported that there was one emergency declaration for COVID remaining that was referred to as an administrative order allowing the state to continue to access the disaster emergency account, and allows additional flexibility for the State to deploy certain entities, for instance the National Guard, to assist with health care capacity issues for that emergency order. There were no restrictions placed on any rights or constitutional privileges whatsoever; it exists as an administrative document.

Senator Winder asked about legislation passed in 2021 regarding the length of an emergency declaration. **Mr. Hall** responded the legislation referred to helped to some extent but it was a complicated relationship between FEMA and the state and it was critical that counties and communities receive reimbursement for incurred costs. It did not address the State's ability to deploy the National Guard for health care reasons. **Senator Winder** asked if any amendments to existing code would resolve the issue. **Mr. Hall** said the issue was dealing with a third party, the federal government. It was critical to make sure whatever was done was responsible and did not jeopardize the cost sharing arrangements.

TESTIMONY:

Aoibheann Cline, Northwest Regional Director, National Rifle Association (NRA), stated the NRA's support for **S 1262** which sought to place limitations on firearm restrictions by state and municipal agencies during disaster emergency declarations. **Ms. Cline** explained the reasons behind the NRA's stance on this bill (see Attachment A).

David Taylor, Idaho State Rifle & Pistol Association, stated their strong support of **S 1262**.

Delbert Chappell, representing himself, spoke in support of **S 1262**.

MOTION:

Senator Winder moved to send **S 1262** to the floor with a **do pass** recommendation. **Senator Harris** seconded the motion.

Senator Burgoyne stated he would not be supporting the motion and gave an explanation of what his reasons were. He commended the testimony by the representative from the NRA and the letter they submitted (see Attachment A). He said this legislation suggested to the people of Idaho that their rights were not protected when, in fact, they were. **Senator Burgoyne** said that Idaho is the most uninhibited, most unrestricted place in this country when it came to guns. The suggestion that we are not, in his opinion, creates an issue for Idaho citizens.

Senator Lakey closed by saying that he recognized and appreciated that there have not been executive orders pertaining to restrictions on firearms and that there are none now. Idaho's Governor supports the Second Amendment and **Senator Lakey** stated his appreciation for his support as well as the points

raised by Senator Burgoyne. However, we may not always have a governor with the same support. It is important to clarify what are essential businesses during emergencies.

VOICE VOTE: The motion carried by **voice vote**. Senator Burgoyne was recorded as voting nay.

ADJOURNED: There being no further business, **Chairwoman Lodge** adjourned the meeting at 8:42 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

ATTACHMENT A
SENATE STATE AFFAIRS
February 7, 2022
All Written Testimony



IDAHO STATE LODGE
FRATERNAL ORDER OF POLICE

P.O. Box 1053
Blackfoot, ID 83221

Bryan Lovell
PRESIDENT
BryanLFOP@gmail.com

FEBRUARY 7, 2022

Honorable Senator Patti Ann Lodge, Chairwoman
Senate State Affairs Committee
Idaho State Legislature
State Capitol Building
P.O. Box 93720
Boise, Idaho 83720

Dear Chairwoman Lodge:

Re: Support for Senate Bill 1262

The Idaho Fraternal Order of Police (FOP) is the largest law enforcement organization in Idaho and we support Senate bill 1262. Once again, the FOP affirms our support of law-abiding citizens' constitutional right to possess firearms. We see the good citizens of this State as our partners in keeping Idaho safe, and we believe this is especially important in times of emergency.

We are grateful for the work of Senator Lakey, Representative Boyle and you the Chair of this committee, who have worked in partnership with the National Rifle Association in crafting this important piece of legislation.

Sincerely,

Idaho Fraternal Order of Police

*Building On A Proud Tradition
The Largest Voice of Law Enforcement*

NATIONAL RIFLE ASSOCIATION OF AMERICA

Institute for Legislative Action

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



NRA

February 4, 2022

Senate State Affairs Committee
Idaho State Capitol
700 W Jefferson Street, Room WW55
Boise, ID 83702

Dear Chair Lodge, Vice Chair Guthrie and Honorable Members of the Committee:

On behalf of the National Rifle Association (NRA), I am writing to express strong support for Senate Bill (SB) 1262, an NRA priority piece of legislation. SB 1262 seeks to place limitations on firearms restrictions by state and municipal agencies during disaster emergency declarations. Simply stated, during such declarations, this bill prohibits state and municipal agencies from:

- Seizing privately owned firearms, ammunition or their components that are lawfully possessed;
- suspending or revoking a license to carry concealed weapons, or refuse to accept and process an application, except as permitted by law;
- shutting down firearms-related businesses and ranges, by classifying these as “essential businesses.”

These limitations are drawn from real-life examples of restrictions imposed by governmental entities during disaster emergency declarations.

In the aftermath of Hurricane Katrina in 2005, and the emergency conditions that followed, the New Orleans police superintendent ordered the confiscation of privately-owned firearms, saying “only law enforcement will be able to have guns.” This deprivation of Second Amendment rights led the U.S. Congress to pass Public Law 109-295 (42 U.S.C.A. § 5207), which protects citizens from federal officials confiscating lawfully-owned firearms during a declaration of emergency.

In 2020, declarations of emergency due to the COVID-19 pandemic were similarly used to curtail Americans’ Second Amendment and other civil rights. At the outset of the pandemic, varying levels of government across the nation discussed, and in some cases decided, which businesses could stay open and which would have to close. These decisions impact firearms-related businesses and negatively impact Idahoans’ right to keep and bear arms as protected by the Second Amendment and Article 1, Section 11 of the Idaho Constitution.

Recognizing the differing ways in which government entities were treating gun stores, the Cybersecurity & Infrastructure Agency (CISA), a part of the Department of Homeland Security, issued revisions to its advisory memorandum listing “essential” infrastructure and workers during the COVID-19 pandemic. The agency declared firearms stores, ammunition manufacturers and shooting ranges to be essential businesses. Similarly under Governor Little’s 2020 Order to Self-Isolate, firearms businesses were designated “essential.” SB 1262 codifies this protection and following Governor Little’s leadership, ensures no future administration can

use a pandemic, or other emergency disaster, as an excuse to strip Idahoans' of their fundamental right to self-defense.

In defense of the Second Amendment, in January 2022, a three-judge panel of the U.S. Court of Appeals for the Ninth Circuit sided with the National Rifle Association Institute for Legislative Action (NRA-ILA) when it recognized that Los Angeles County violated the Second Amendment when it forced gun stores and shooting ranges to close in 2020 during the COVID-19 pandemic. SB 1262 ensures no such litigation to safeguard rights will be necessary to uphold the Second Amendment in Idaho.

SB 1262 recognizes Idahoans' Constitutional rights to keep and bear arms, rights that "shall not be abridged" thereof (Idaho Constitution Article I, Section 11). When a firearms store is forced to close, when ammunition is not allowed to be sold, when gun ranges are shut down, and concealed carry permits are not issued or renewed as required by law, an individual's ability to keep and bear arms becomes hindered, or rendered impossible.

At the core of the Second Amendment is the right to self-defense. The importance of this right is elevated in times of chaos, uncertainty, and emergency. Idahoans must be able to access firearms, ammunition, shooting ranges and other essential firearms-related businesses during times of emergency.

On behalf of the tens of thousands of members of the National Rifle Association across Idaho, I respectfully urge your support of SB 1262.

Sincerely,

Aoibheann Cline

Aoibheann Cline, Esq.
State Director
NRA-ILA

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Wednesday, February 09, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
GUBERNATORIAL APPOINTMENT VOTE:	VOTE ON THE GUBERNATORIAL APPOINTMENT of Brian Yeargain to the Endowment Fund Investment Board.	
	VOTE ON THE GUBERNATORIAL APPOINTMENT of Mark Tschample as the Administrator of the Idaho Division of Veterans Services.	
DOCKET NO.:		
<u>11-0400-2100</u>	IDAPA 11 - IDAHO STATE POLICE/RACING COMMISSION - Notice of Omnibus Rulemaking - Proposed Rule - pages 92-195.	Ardie Noyes, Idaho Racing Commission
<u>11-0400-2100F</u>	IDAPA 11 - IDAHO STATE POLICE/RACING COMMISSION Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule - pages 4-61.	Ardie Noyes, Idaho Racing Commission
PRESENTATION:	IDAHO NATIONAL LABORATORY	Dr. John Wagner, Director, Idaho National Laboratory
<u>S 1272</u>	RELATING TO ALCOHOLIC BEVERAGES - Adds to existing law to provide for the donation of liquor for benevolent, charitable, or public purposes.	Kate Haas, Kestrel West
<u>RS 29490</u>	RELATING TO DISTRICT JUDGES to revise provisions regarding appointed term of certain district judges.	Jason Hancock , Deputy Secretary of State
<u>S 1273</u>	RELATING TO SECRETARY OF STATE to amend existing law to revise candidate filing fee payment methods.	Jason Hancock, Deputy Secretary of State
<u>S 1274</u>	RELATING TO ELECTIONS to amend and add to existing law to provide for postelection audits of selected paper ballots in certain elections by the Secretary of State.	Jason Hancock, Deputy Secretary of State

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

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

Vice Chairman Guthrie
Sen Winder
Sen Anthon
Senator Harris

Sen Heider
Sen Stennett
Sen Burgoyne

Room: WW42
Phone: 332-1326
Email: [sstaf@senate.idaho.gov](mailto:ss taf@senate.idaho.gov)

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 09, 2022

TIME: 8:00 A.M.

PLACE: Room WW55

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

ABSENT/ EXCUSED: Senator Anthon

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 8:08 a.m.

GUBERNATORIAL APPOINTMENT VOTE: **VOTE ON THE GUBERNATORIAL APPOINTMENT** of Brian Yeargain to the Idaho Endowment Fund Investment Board.

MOTION: **Senator Lee** moved to send the Gubernatorial Appointment of Brian Yeargain to the Idaho Endowment Fund Investment Board to the Senate floor with the recommendation that he be confirmed by the Senate. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

VOTE ON THE GUBERNATORIAL APPOINTMENT of Mark Tschample as Administrator for the Idaho Division of Veteran's Services.

MOTION: **Senator Winder** moved to send the Gubernatorial Appointment of Mark Tschample as Administrator for the Idaho Division of Veteran's Services to the Senate floor with the recommendation that he be confirmed by the Senate. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

DOCKET NO:

11-0400-2100 **IDAPA 11 - IDAHO STATE POLICE/RACING COMMISSION** - Notice of Omnibus Rulemaking - Proposed rule - pages 92-195.

Ardie Noyes, Business Operations Manager, Idaho Racing Commission, stated that the rules of the Idaho State Police/Racing Commission were before the Committee for review. There were no changes to any of the rules since they were reviewed during the rules reduction act. The rules went through the full process and were reviewed and approved by the Division of Financial Management (DFM) and the Legislative Services Office (LSO). **Ms. Noyes** asked for the Committee's approval of Docket No. 11-0400-2100.

MOTION: **Senator Lee** moved to approve **Docket No. 11-0400-2100**. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

11-0400-2100F **IDAPA 11 - IDAHO STATE POLICE/RACING COMMISSION** Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule - pages 4-61.

Ardie Noyes, Business Operations Manager, Idaho Racing Commission, introduced Fee Rule Docket 11-0400-2100F , the fee rules of the Idaho State Police/ Racing Commission. She explained each of the changes within this Docket were brief edits to remove redundant definitions, unneeded words, and to change words for clarity. The changes were non-substantial and did not affect the intent of the rule nor did they change any fee requirements within the rule. All changes were reviewed by DFM and LSO before publication. **Ms. Noyes** noted that there were no comments after publication. She asked for approval of the Docket.

MOTION: **Senator Winder** moved to approve **Docket No. 11-0400-2100F**. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

PRESENTATION: IDAHO NATIONAL LABORATORY

Dr. John Wagner, Director, Idaho National Laboratory (INL), stated his appreciation for the support of the INL. He provided an update about where they were and what they were doing. Seventeen labs exist across the country: 3 national security labs, 10 science labs, and 3 applied science labs and INL, which focused on nuclear energy. There was strong bipartisan support for clean energy solutions. **Dr. Wagner** discussed the size of INL, current activities, history of the reactors, the various complexes, and future plans for the lab over the next few years. He explained the vision that included current strategies. The demand for small nuclear systems was growing. The objective was to gather data and gain experience to determine how that growth would happen. There was also the need to ensure that nuclear material was safe guarded and to determine how it would move forward. The need for cyber and physical security has grown dramatically. **Dr. Wagner** explained that INL was building the workforce of the future by focusing on working with Idaho universities, recruiting the best talent, and increasing inclusive diversity. (See Attachment A)

Senator Harris asked what the cost of the small nuclear systems would be. **Dr. Wagner** said building the systems was in progress but they did not have a cost as yet.

Senator Winder thanked Dr. Wagner for providing this information to the Committee. He asked if there was an estimate of what a kilowatt hour would cost by eliminating the cost of a huge infrastructure. **Dr. Wagner** said the analysis was in progress to determine what that would be.

Chairwoman Lodge asked about educational support and the expertise needed at the lab. **Dr. Wagner** said they were working closely with Idaho Universities to expand their capabilities where necessary.

Senator Stennett inquired about housing at the INL. **Dr. Wagner** stated there was a shortage of housing. INL was the sixth largest employer in Idaho and the largest in their area. The jobs pay well, an average of \$108,000 a year, and they were seeing challenges with the availability of affordable housing. **Senator Stennett** asked if they had considered providing on site housing. **Dr. Wagner** said they are open to all options and they would have to be creative such as partnering with a private sector partner. It would be more difficult to maintain security with housing projects on site.

Dr. Wagner said it was a pleasure to lead the laboratory and thanked the Committee for having him.

S 1272

RELATING TO ALCOHOLIC BEVERAGES - Adds to existing law to provide for the donation of liquor for benevolent, charitable, or public purposes.

Kate Haas, Kestrel West, on behalf of the Distilled Spirits Council explained **S 1272**. The foundational issue addressed in this bill was that currently, it was illegal for a distiller to donate product to a charitable cause because of the three tiered system that exists in distributing liquor. This bill allowed charitable purposes such as an auction item at a charitable organization event. **Ms. Haas** explained how the process would work and noted that it would be handled by Alcohol Beverage Control (ABC). The specific form already exists for other alcoholic beverage donations and an additional box or section would be added to the form to accommodate liquor. ABC and the Idaho Liquor Division assisted in crafting the bill. **Ms. Haas** introduced Captain Brad Doty, Bureau Chief, ABC and Jeff Anderson, Director, Idaho Liquor Division (Division) and the Idaho State Lottery (Lottery).

Captain Doty said that **S 1272** would correct questions seen at ABC on a monthly basis. It would help track where these activities were taking place and allow notification of local authorities when the event was not at a normal location where those products were being sold. It would also regulate those activities and keep innocent people out of trouble.

Mr. Anderson noted the Lottery regulated charitable gaming including raffles and those type of events. The Division receives many questions about donating distilled spirits or liquor. Ms. Haas did a good job with this bill and covered the important items related to the Division. The most important issue was that these products would be acquired through the Division directly or through a distiller by withdrawing them from their own inventory. This solves current problems and would remove confusion.

TESTIMONY:

Kenneth Wyatt, Idaho Distillers Association and cofounder of 44° North Vodka, spoke in support of **S 1272**. He said charity events were one of the best grassroots activities to promote product locally. It was advantageous for the charities to raise money plus small companies do not have to advertise. Promotion for these events would be included in the event promotions. It was a relatively lower cost getting product out through grassroot activities.

MOTION:

Senator Stennett moved to send **S 1272** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

RS 29490

RELATING TO DISTRICT JUDGES to revise provisions regarding the appointed term of certain district judges.

Jason Hancock, Deputy Secretary of State, explained how the system works at the present time and then read through **RS 29490**. In effect, this legislation changes the election of district judges from the general election to the judicial nominating election for district judges. This change coincides with current practice which was based on the original language in legislation carried 20 years ago by Senator Clyde Boatwright.

MOTION:

Senator Winder moved to send **RS 29490** to print. **Senator Guthrie** seconded the motion.

DISCUSSION:

Senator Lee asked if someone appointed in October would have to wait four years to stand for election. **Mr. Hancock** concurred. **Senator Lee** stated her concern that the intent of the current legislation was that the appointee would be in that position for four and a half years. If they were appointed in June, the next general election, which might be two more years, would be the appropriate time for that person to stand for election. **Mr. Hancock** stated that he was not looking at policy but was interested in getting the code to line up with the intent of the original bill.

Senator Burgoyne said he had spoken with some Supreme Court justices and one of the problems in recruiting district justices was that they have to stand for election. He stated his support of this bill and believes it was a good effort to clear up the discrepancy.

Senator Guthrie asked if there was any consideration given to having practice line up with the code. **Mr. Hancock** responded that if this legislation is rejected, the alternative would be to line practice up with code which would probably result in the state being sued. **Senator Burgoyne** said there is a practical problem here. He outlined the process an appointee would go through related to shutting down his/her own business to get ready for this appointment and then they have to launch an election. It is complicated to set up a judicial campaign and the requirements are very difficult. This legislation does not need to address the policy issues.

Chairwoman Lodge agreed that there is a problem recruiting district judges because they cannot ask for money, other people have to do that for them. There was also a lack of qualified people because those qualified do not want to give up their lucrative practices to run in an election.

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

S 1273 **RELATING TO SECRETARY OF STATE** to amend existing law to revise candidate filing fee payment methods.

Jason Hancock, Deputy Secretary of State, said **S 1273** allows the Secretary of State's Office (SOS) to accept debit and credit cards as a form of payment for filing fees and the fees associated with using those cards would be added to the filing fee.

MOTION: **Senator Lee** moved to send **S 1273** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

S 1274 **RELATING TO ELECTIONS** to amend and add to existing law to provide for postelection audits of selected paper ballots in certain elections by the Secretary of State (SOS).

Jason Hancock, Deputy Secretary of State, stated that **S 1274** would require the SOS to conduct a post-election audit of paper ballots after each primary and general election. He explained how the audits would be conducted with the assistance of the counties. The State would be divided into three groups of counties based on population then three random precinct audits would be performed in each of the three State groups. Those counts would be compared to the counts received on election night. Most states do this type of audit and it was found to be a best practice. This would be a way to validate that the systems were working correctly. If there were any discrepancies, the Board of Canvassers would be notified. All of the audits would occur within three days after the election.

DISCUSSION: **Senator Stennett** stated it seemed redundant for the legislation to state that the ballots had to be unsealed and resealed. There was no way a recount could happen unless they were unsealed. **Mr. Hancock** responded that the language was in there to make it very clear that those ballots would be unsealed and resealed. The post-election audit and a recount would not interfere with each other because of the three day timing of the audit and a recount would not happen until some time after that. It was not likely that the random audit would occur in the same precinct a recount would happen.

Senator Burgoyne thanked Mr. Hancock for bringing this legislation. Idaho didn't have audits because it was a strong statewide community where people knew and trusted one another. Elections were good, fair, and honest. If there

was an error, recounts occurred. As Idaho enters a different era, this legislation becomes necessary.

Phil McGrane, Ada County Clerk, stated he was also appearing on behalf of the Association of County Recorders and Clerks where he serves as elections chair. **Mr. McGrane** said a legislative committee was added to track elections legislation. He thanked Senator Burgoyne for his comments. Increased attention toward the election operations has occurred and tours has increased as people want assurance and confidence in the election process. The clerks conferred with the SOS on this legislation and the governor's cybersecurity task force recommended post-election audit legislation. **Mr. McGrane** envisioned that they would probably be back with more details after learning from experience. It is important that the State take this step to build confidence in the process.

Senator Stennett commented about the clean elections Idaho had in 2020. The State was second in the nation for cleanliness of elections. The clerks do not get enough accolades for what they do. She commended both the Clerks and the SOS.

MOTION:

Senator Lee moved to send **S 1274** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

ADJOURNED:

Chairwoman Lodge welcomed members of the Idaho Farm Bureau to the Committee. There being no further business at this time, the meeting was adjourned at 9:35 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Friday, February 11, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
GUBERNATORIAL APPOINTMENT:	THE GUBERNATORIAL APPOINTMENT of Joseph Forney to the Idaho Endowment Fund investment Board.	Joseph Forney
<u>RS 29319</u>	RELATING TO ALCOHOLIC BEVERAGES to revise provisions regarding age restrictions for servers.	Pam Eaton, Idaho Retailers Association
<u>RS 29389C1</u>	RELATING TO THE FETAL HEARTBEAT PREBORN CHILD PROTECTION ACT to include a mechanism for civil lawsuits against medical professionals who perform unlawful abortions after a fetal heartbeat can be detected.	Blain Conzatti, President, Idaho Family Policy Center
PRESENTATION:	2022 IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION REPORT	Garret Nancolas, Chairman, Idaho Public Safety Communications Commission
<u>H 446</u>	RELATING TO CONTROLLED SUBSTANCES Amends existing law to provide that certain nabiximols shall not be considered Schedule I controlled substances.	Senator Martin Kurt Stembridge, Director, Jazz Pharmaceuticals

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

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

COMMITTEE MEMBERS

Chairman Lodge	Sen Lee
Vice Chairman Guthrie	Sen Heider
Sen Winder	Sen Stennett
Sen Anthon	Sen Burgoyne
Sen Harris	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: [sstaf@senate.idaho.gov](mailto:ss taf@senate.idaho.gov)

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, February 11, 2022

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Guthrie, Senators Winder, Anthon, Harris, McClusky (Heider), Stennett, and Burgoyne

ABSENT/ EXCUSED: Senator Lee

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

CONVENED: **Chairwoman Lodge** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:03 a.m.

GUBERNATORIAL APPOINTMENT: **THE GUBERNATORIAL APPOINTMENT** of Joseph Forney to the Idaho Endowment Fund Investment Board (IEFIB).

Joseph Forney introduced himself to the Committee. He gave an overview of his background, education, military and professional career, and community service.

DISCUSSION: **Senator Winder** thanked Mr. Forney for agreeing to serve on the IEFIB. He asked if anyone had explained the IEFIB's duties and process for hiring managers and consultants. **Mr. Forney** replied that he understood the role of a board member was to vet managers and ensure proper asset allocations.

Chairwoman Lodge stated the Committee would vote on Mr. Forney's appointment at its next meeting.

RS 29319 RELATING TO ALCOHOLIC BEVERAGES to revise provisions regarding age restrictions for servers.

Pam Eaton, President, Idaho Retailers Association and Idaho Lodging and Restaurant Association, introduced herself to the Committee. **Ms. Eaton** stated the proposed legislation would lower the age at which a server could serve or sell alcohol from 19 to 17 years to help alleviate an industry labor shortage.

DISCUSSION: **Senator Harris** inquired how age 17 was selected. **Ms. Eaton** answered that the hospitality industry had been able to hire many teenagers. She said 17 seemed more reasonable than 16.

Senator Stennett asked for an example of "possession" as it was used in the bill. **Ms. Eaton** explained "possession" equated to moving alcohol from the room where it was stored to another location.

Senator Burgoyne questioned if the workers would be paid according to the training wage established in Idaho minimum wage law. **Ms. Eaton** responded that she believed most employers paid well above minimum wage. **Senator Burgoyne** suggested adding a sunset provision to make the legislation effective only long enough to see the industry through the current tight labor market. **Ms. Eaton** answered that the bill would continue to help young people access a greater variety of positions and help them move up more quickly regardless of economic conditions.

MOTION: **Senator Harris** moved to send **RS 29319** to print. **Vice Chairman Guthrie** seconded the motion. The motion carried by **voice vote**.

RS 29389C1 **RELATING TO THE FETAL HEARTBEAT PREBORN CHILD PROTECTION ACT** to include a mechanism for civil lawsuits against medical professionals who perform unlawful abortions after a fetal heartbeat can be detected.

Blaine Conzatti, President, Idaho Family Policy Center, introduced himself to the Committee. **Mr. Conzatti** said the proposed legislation would add a private enforcement mechanism to the heartbeat law passed in 2021. He explained the bill was modeled after a Texas law which had proven to be effective. **Mr. Conzatti** described three differences from the Texas law: (1) It did not create a cause of action for aiding or abetting an abortion; (2) Only a family member would have standing to sue without affecting familial rights and responsibilities in other areas of the law; and (3) The bill did not address venue and jurisdiction issues, similar to other Idaho pro-life legislation. He identified benefits of the proposed legislation.

DISCUSSION: **Senator Anthon** thanked Mr. Conzatti for his patience and his willingness to revise his first RS to address Committee member concerns.

Senator Stennett expressed concern about the extent of the family members who would be able to participate in a woman's personal matters. **Mr. Conzatti** advised that a woman's family would not have any participation in her health care but would only be able to sue a doctor who performed an unlawful abortion. **Senator Stennett** stated it was important to consider all possible outcomes for a child born to someone who was prevented from having an abortion.

MOTION: **Senator Harris** moved to send **RS 29389C1** to print. **Senator Anthon** seconded the motion.

DISCUSSION: **Senator Burgoyne** stated that the bill was unconstitutional on its face and would create an undue burden on the right to an abortion unless Roe v. Wade was overturned. He advised that jurisdiction and venue issues should be addressed in the legislation to avoid claims arising from abortions conducted in another state. He could not support the legislation, he added.

VOICE VOTE: The motion to send **RS 29389C1** to print carried by **voice vote**. **Senator Stennett** and **Senator Burgoyne** requested that they be recorded as voting nay.

Chairwoman Lodge announced that the Committee would reorder the agenda to consider **H 446** next.

H 446 **RELATING TO CONTROLLED SUBSTANCES** - Amends existing law to provide that certain nabiximols shall not be considered Schedule I controlled substances.

Senator Martin, District 15, and **Kurt Stembridge**, Director of State Government Affairs, Greenwich Biosciences Jazz Pharmaceutical Company (Greenwich), presented the bill to exclude its new drug, Nabiximols, from the Idaho Code definition of marijuana. **Mr. Stembridge** gave a history of Greenwich's research on cannabis-derived prescription drugs. He described Idaho's involvement in successful clinical trials for Epidiolex and the uses of Epidiolex. **Mr. Stembridge** explained the composition, delivery method, and uses of Nabiximols. He listed the State agencies that reviewed the proposed legislation. He reviewed the steps that would be required before the drug could be prescribed and dispensed in Idaho.

DISCUSSION: **Senator Stennett** remarked on the extensive chemistry involved with a plant-based drug. She asked what illnesses Nabiximols would treat. **Mr. Stembridge** answered that the current clinical trials involved multiple sclerosis. He said Greenwich would continue its research to determine the drug's effectiveness for other diseases.

MOTION: **Senator Anthon** moved to send **H 446** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

PRESENTATION: **2022 IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION REPORT.**
Garret Nancolas, Chairman, Idaho Public Safety Communications Commission (IPSCC), introduced himself to the Committee. **Mr. Nancolas** gave an overview of the IPSCC's composition, history, and accomplishments since its creation (see Attachment 1). He reviewed grants the IPSCC made to fund improvements to emergency communications systems. He noted the IPSCC helped facilitate enhanced cooperation among counties and increased county participation. He noted all 44 Idaho counties have text-to-911 service. **Mr. Nancolas** stated the cost for next generation technology would be \$9.1 billion per year. He said the IPSCC was researching funding options. He remarked that the IPSCC would soon present a funding request for a consistent statewide mapping process.

DISCUSSION: **Senator Burgoyne** asked which counties did not participate in the grant fund program. He further inquired if those counties needed assistance to become involved. **Mr. Nancolas** replied that the three counties not participating were Ada, Idaho, and Bonneville. He noted that grant fund participation was strictly voluntary. He said it would be helpful for Senate members to encourage county commissioners in those counties to participate.

Senator Burgoyne questioned if Ada County's non-participation in the grant funding interfered with interoperability. **Mr. Nancolas** advised that Ada County was very large and advanced in its technology. He commented that the next generation technology would require full participation of all counties to ensure an operable statewide emergency services system. He recommended promoting the cost benefit analysis to convince commissioners to participate.

Senator Stennett asked why Blaine County was the last county to adopt the enhanced grant fee in 2017. **Mr. Nancolas** responded that the legislation did not mandate the fee. It took longer for some counties to see the value and benefit of the grant program, he said.

Committee members thanked Mr. Nancolas for his outstanding service as Mayor of the City of Caldwell and his efforts to beautify and make the city safer.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:56 a.m.

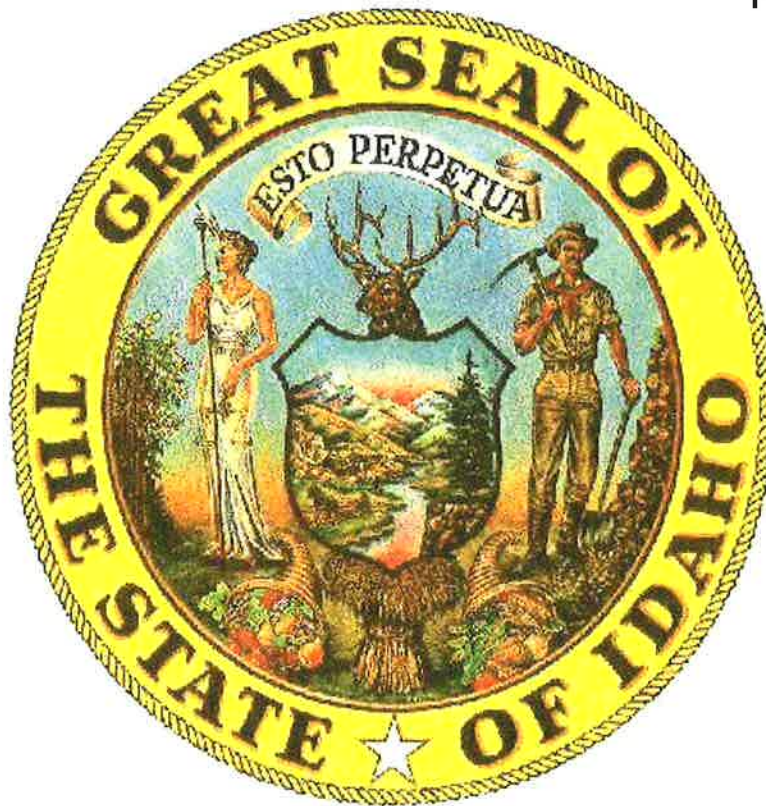
Senator Lodge
Chair

Twyla Melton
Secretary

Jeanne Jackson-Heim
Assistant Secretary

IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION 2021 ANNUAL REPORT TO THE IDAHO LEGISLATURE

Attachment A
February 11, 2022
Public Safety Communications
Presentation



Prepared by:

STATE OF IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION

January 07, 2021

Idaho Public Safety Communication One Page Executive Brief

The Idaho Public Safety Communication Commission (IPSCC) is comprised of stakeholders appointed by the Governor. IOEM coordinates the activities of the commission, and helps to establish best practices and standardization as it relates to interoperability among public safety communications professionals and entities that serve communities throughout Idaho.

- **FY 2018 Grants: \$155,591.87 returned to grant fund.**
- **FY 2019 Grants: Released \$2,740,571.29 and have paid out \$2,013,909.06. \$638,412.23 remains in the fund.**
- **FY 2020 Grants: \$1,544,815.89 and have paid out \$1,054,929.87. \$441,886.02 remains in the fund.**
- **FY 2021 Grants: \$2,375,587.37 will be released.**
- **40 counties participate in the grant fund program.**
- **IPSCC was formed 1 July 2016. Added representation to the new commission to balance stakeholder input, provide more local input (District Interoperability Governance Board [DIGB]). Now includes all of public safety (911 call taking, dispatch, radio, and broad band or data).**
- **43 counties now have text to 911 live, 1 is still in the process of putting text to 911 in place. By the end of the 1st quarter of 2021 it is projected that 100% of counties will have text to 911 live.**
- **The commission is researching funding methods for NG 911 and funding of HCCS.**



FY 2018 GRANTS: \$155,592 Returned to Grant Fund

FY 2019 GRANTS: \$2,652,321 Released to Counties
\$2,013,909 Paid Out
\$638,412 Remains in Grant Fund

FY 2020 GRANTS: \$1,496,816 Released to Counties
\$1,054,930 Paid Out
\$441,886 Remains in Grant Fund

FY 2021 GRANTS: \$2,323,955 Will be Released

40 counties PARTICIPATE IN GRANT FUNDS

DIGB (DISTRICT INTEROPERABILITY GOVERNANCE BOARD) includes ALL of PUBLIC SAFETY

CALL 911 **TEXT 911** **LIVE**

43 COUNTIES ARE LIVE

1 COUNTY STILL IN PROGRESS

IDAHO IS MOVING FORWARD ON THE STATE PLAN FOR **NG911** (Next-Generation 911)

Handwritten note: All 44 now



Idaho Public Safety Communications Commission 2021 Annual Report to the Idaho Legislature

Overview

In 2016, the Idaho Public Safety Communications Commission (IPSCC) was formed from the Idaho Emergency Communications Commission (IECC) with new legislation that expanded IPSCC responsibilities to include those once held by the State Interoperability Executive Committee (SIEC). The IPSCC continues the work started by the IECC (established 2004) to address the needs and improve the 9-1-1 telephone systems operated by Idaho counties and cities throughout the state.

The Commission includes Consolidated Emergency Communications System Centers that are referred to as dispatch centers, Public Safety Answering Points (PSAP), or Emergency Communication Centers (ECC). The process is considered a “system” from call initiation to resolution of the call. Telephone, radio, and data are included in the responsibilities of the IPSCC where the IECC only addressed 911 telephony. Radio had been included in the SIEC without a long-term funding source like 911 telephony. Data was also included due to the changes in technology that have outpaced the original formation of either commission or committee. The ECCs are termed consolidated under Idaho law as all vital public safety agencies are dispatched out of the center, and the ECCs then send the necessary assistance whether it is law enforcement, fire, or emergency medical services without the caller needing to dial separate numbers.

The IPSCC has the duty to:

- Provide the governance structure through which public safety communications stakeholders can collaborate to advance consistency and common objectives,
- To provide integrated facilitation and coordination for cross-jurisdictional consensus building,
- To assist in the standardization of agreements for sharing resources among jurisdictions with emergency response communications infrastructure,
- To suggest best practices, performance measures and performance evaluation in the integrated statewide strategic planning and implementation of interoperability

among public safety communications professionals and entities that serve people in Idaho regardless of jurisdiction,

- To manage the Idaho public safety interoperable communications and data systems fund as established by section §31-4820, Idaho Code,
- To pursue budget authorizations as set forth in this chapter.

Highlights of 2020

Enhanced Grant Fee Fund Awards to Provide Funding for 911 Center Upgrades in 2021:

<u>COUNTY/CITY PROJECTS</u>	<u>AWARDS</u>
ADAMS COUNTY	\$26,399.87
BEAR LAKE COUNTY	\$16,269.36
BENEWAH COUNTY	\$38,252.89
BONNER COUNTY	\$118,438.92
BUTTE COUNTY	\$15,250.00
CAMAS COUNTY	\$19,502.18
CANYON COUNTY	\$16,605.00
LEMHI COUNTY	\$257,216.58
LEWIS COUNTY (joint with 12 counties)	\$650,727.00
NEZ PERCE (joint with 3 counties)	\$159,986.60
OWYHEE COUNTY (joint with 14 other counties)	\$168,000.00
OWYHEE COUNTY	\$42,231.13
POWER COUNTY	\$49,280.36
SIRCOMM (4 county system)	\$347,847.05
VALLEY COUNTY	\$19,668.83
WASHINGTON/PAYETTE	\$378,279.60
IPSCC	\$51,632.00
<u>TOTAL</u>	<u>\$2,375,587.37</u>

Mission and Purpose

The mission of the Idaho Public Safety Communications Commission:

Enhance Idaho's public health, safety, and welfare by assisting emergency communications and response professionals in the establishment, management, operations, standardization, planning and development of a coordinated statewide policy/program, to ensure enhanced 911 services, NG 911 services, and future/emerging public safety technologies are available to everyone in all areas of the state. Find emergency communications solutions and keep up with

technological advances in areas of 9-1-1, radio, data and emergency communications for public safety purposes.

ECCs in Idaho

There are forty-eight (48) ECCs in Idaho

- Thirty-nine (39) are operated by county sheriff's offices,
- One (1) operated by the County contracting with various cities and entities in the County (Blaine County),
- Seven (7) by cities through their police departments or by contract with another city (City of Moscow),
- Four counties (Twin Falls, Jerome, Lincoln and Gooding) are served by a regional ECC known as SIRCOMM.

There are currently four (4) Secondary ECCs in Idaho operated by the Idaho State Police (North and South), State Comm and the INL. There are also two (2) federally funded ECCs in Idaho (MHAFB and Gowen Field ANGB). The INL is a secondary ECC for Idaho (approved in 2018). They are federally funded and do not receive any State 911 fees for operations.

Please refer to Appendix M for references to the legislative authority for the creation of the IPSCC.

Commission Representation

The Commission is comprised of eighteen members. As indicated below, the majority of the members represent various local statewide governmental associations, regional breakouts of the state (DIGBs) and the public at large from all regions of the State of Idaho. The Governor appoints all of the members. Two are members by virtue of their position -Director of the Idaho State Police or designee and the Director of the Office of Emergency Management (OEM) or designee.

Mayor Garret Nancolas – *Chair*
Association of Idaho Cities
City of Caldwell

Rep. Rick Youngblood – *Treasurer*
Legislator
Idaho House of Representatives/Senate

Michele Carreras – *Vice Chair*
Idaho State Emergency Medical
Services Communications Center

Jeff Weak
Chair, Idaho Technology Authority

Chief Craig Kingsbury
Idaho Chiefs' of Police Association
City of Twin Falls

Capt. Kevin Haight
Designee for Director
Idaho State Police

Commissioner Kent Searle
Idaho Association of Counties
Cassia County

Sheriff Len Humphries
Idaho Sheriff's Association
Fremont County

Chief David Gates
Idaho Fire Chiefs Association
Pocatello Fire Department

Sheriff Stephen Bartlett
Idaho Sheriff's Association
Ada County

Brad Richy
Director
Office of Emergency Management

Lt. Ward Crawford
DIGB 1
Kootenai County Sheriff's Office

Dave Taylor
DIGB 2
Nez Perce County 9-1-1

Carmen Boeger
DIGB 3
Nampa City 9-1-1

Commissioner Jacob Greenberg
DIGB 4
Blaine County

Chief Bill Guiberson
DIGB 5
Chubbuck Police Department

Capt. Sam Hulse
DIGB 6
Bonneville County Sheriffs Office

Vacant
Idaho Tribal Representative

Activities and Accomplishments

Meetings and Training Seminars

The Commission conducted bi-monthly meetings throughout 2020. In keeping with the restrictions and recommendations for COVID 19, the Commission did not meet in May or September. The meetings in January and March were in person while all others were held virtually.

Operations and Funding

The funding for the operation of the Commission comes from an assessment level of one percent (1%) of all emergency communications fees collected in the state. The service providers collect the fee in the amount up to \$1.00 or \$1.25 (\$.25 for Enhanced Grant Fee participation) per line from their customers and then remit this to individual counties or 9-1-1 service areas. The counties are then responsible for sending 1% of the total fee to the Commission for operations of the Commission. Example is located in Appendix N.

The Commission approved an annual operating budget of \$195,815 (Appendix B, a contingency fund of \$10,000 was set aside). \$51,632 is programmed for the Grants administration budget for fiscal year 2021 (FY21) (Appendix C). During fiscal year 2020 (FY20), \$203,590.44 was revenue collected from the forty-four counties who currently

assess and collect the fee (1%, prepaid, and interest combined for the year). A copy of the final operating budget for FY20 is included in Appendix A.

With the implementation of the Enhanced Grant Fee and forty (40) participating counties of forty-four (44) total, the revenue collected through this fee was \$2,428,206.87 in FY 2020 with a total of \$13,131.69 earned in interest. See Appendix N for a break out of the fee amounts as an example. See Appendix K for a list of participating counties and Appendix M for legislative authority for the Enhanced Grant Fee.

Status of E9-1-1 in Idaho

The Commission continues to assess the needs of local governments throughout Idaho. We understand that citizens expect the same level of service throughout the state regardless of how they contact area 9-1-1 centers in Idaho using a wireline, wireless, or VoIP phone regardless of urban or rural setting.

The key to this service is known as Enhanced 9-1-1 (“E9-1-1”). E9-1-1 is the ability of an ECC to obtain a caller’s callback number and an address when a caller dials 9-1-1 from a wireline phone. All ECCs in Idaho currently have this capability (E9-1-1). With FY21 Enhanced Grant Fee awards, all counties in the State of Idaho continue to have E9-1-1 capabilities and were Phase I-II Wireless compliant. Phase I ensures that an ECC has a callback number for the wireless phone and identification of the cell-tower from which the call originated. Phase II means that a wireless 9-1-1 call has Phase I requirements plus location of the caller within 50 meters of the location of the call 67% of the time and selective routing based upon those coordinates. This essentially means that an ECC can direct first responders to the basic location of the caller.

Status of NG 9-1-1 in Idaho

A consultant was hired and recommended the next steps to NG 9-1-1 in Idaho. The deliverables were: an updated state 911 plan, NG 9-1-1 governance recommendations, ESI-net recommendations, GIS recommendations, and strategic initiatives actionable items. The Commission is researching potential funding methods for NG 9-1-1 as planning begins. Funding of research and planning is limited to the use of the administrative budget only. Grant funds are set aside for grant participant use and the local 9-1-1 fees are sent directly to the ECC for their operation of the 9-1-1 system.

NG 9-1-1 is a system comprised of managed IP-based networks and elements that augment and replace present analog E9-1-1 features and functions. It is designed to provide access to emergency services from all sources and to provide multimedia data capabilities for ECCs. Call routing will be accomplished by geospatial coordinates; consequently, a higher degree of granularity in GIS data will be required. GIS data will become the basis of call routing for NG 9-1-1 based upon geospatial routing of emergency calls.

IPSCC Strategic Goals

The Commission has set goals to ensure that all citizens in the State of Idaho are able to benefit from widely available technology. The strategic goals are:

1. Sustain and maintain E9-1-1, Phase I, and Phase II compliance in Idaho. **Continued maintenance.**
2. Host/remote equipment sharing and equipment consolidation between ECCs is an emphasis area for special Grant funds. ECCs purchase IP NG 9-1-1 compliant equipment with grant funds when feasible. **In progress.**
 - a. An example of potential savings with equipment/system consolidation is below:
 - i. As an example: if it costs \$250,000 to upgrade an ECC 911 system, we gave an outlay to 3 counties to develop their systems interconnected into the fourth county in the amount of \$750,000. Over the course of the next 4 years, those 4 counties will share in the costs to maintain one main system instead of 4 separate systems. Also, in 5 years, instead of 4 ECCs asking for \$1,000,000 to build new systems we should be able to upgrade the one consolidated system for approximately \$250,000-\$350,000.
 - ii. The more ECC's that join, the more ECCs share in maintenance of the consolidated system thereby decreasing the overall yearly maintenance costs for all the counties on the system. There will still be onsite maintenance of the ECC's node systems; however, that maintenance is greatly reduced from what it would cost to maintain a standalone system. We also expect the telecommunication fees to decrease. We will not know that average until the system is in place and operational.
3. Assess the feasibility of implementing Next Generation 9-1-1 ("NG 9-1-1") throughout Idaho and statewide purchasing agreements. **In progress.**
 - a. Research funding methods for NG 9-1-1 and potential costs of a state, geo-diverse, or regional system(s). A funding analysis was contracted to provide the data regarding funds available, costs, requirements, and feasibility of NG 911 for the state of Idaho. **Completed (2018).**
 - i. The 9-1-1 funding has never been adjusted for inflation since its inception in 1988. Overall 9-1-1 trends indicate that the fund is decreasing 5% overall per year and that is being masked by a rise in population. The main area of concern is the business transition to VoIP and the remittances based on one line that can dial 9-1-1 versus accounting for all of the lines on the trunked connection. Accounting control measures were noted as not standardized from county to county enough to enable efficient tracking regarding vendor remittances and trend analysis at the county or state level.

The consultant suggested a standardized remittance form and a monthly provider remittance review to note changes and trend information. The trends will be presented to the providers for explanation or resolution. The trends will be reported by the County on a monthly/quarterly basis. The consultant suggested a comprehensive legislative review as a follow on step once the control measures are in place. The consultant estimated that there is currently not enough revenue to sustain or build a NG 9-1-1 system at the current funding levels nor do they address current technology trends and any emerging technologies (VoIP networks as an example). A copy of the report was included as Appendix O in the 2018 report to the Legislature.

- b. A consulting firm was contracted to provide actionable recommendations for the Emergency Services IP Network (ESI Net), Geographic Information System (GIS) systems, State Plan update, suggested legislation modifications, governance, and funding adjustments to afford NG 9-1-1 (see strategic goal 3). Reports and recommendations are due to the IPSCC in the first quarter of 2020. The IPSCC will then formalize and decide on implementation with probable legislative changes. The changes will formalize the NG 9-1-1 steps to be taken in Idaho. **Completed (2020).**
 - c. Support regional projects and sharing of data between jurisdictions and ECCs to move closer to NG 911 systems in Idaho. **In progress.**
4. Continued support of rural ECCs with line fees, maintenance costs and promote IP connectivity across the state. Assess appropriate funds and the award process for grant funds to support maintenance, line fee costs, and IP connectivity to ECCs (when feasible) each grant cycle with yearly grant funds. The funding problem will become more acute with equipment cost and the move to IP connectivity (NG9-1-1). **In progress.**
 5. Encourage Text to 9-1-1 capabilities (Appendix J). **In progress.** The commission is pleased to report that this strategic goal may be completed by the end of first half of calendar year 2021. 43 Idaho Counties have text to 911 capabilities. The remaining ECC is consolidating equipment with another in 2021 and will gain the capability once host/remote consolidation is completed.
 6. Support and promote IP continuity of operations planning (COOP) between ECCs. **In progress.**

The Commission is pleased to report that in 2020 through the 25-cent grant fund, all of the 48 ECCs continue to be E9-1-1, Phase I and II compliant. Sustainment and maintenance of this capability will be the focus until we move forward into NG 9-1-1. The Commission is prioritizing equipment consolidation and sharing between ECCs to help decrease costs and duplication of equipment. The main obstacle for all ECCs is the lack of resources and funding.

Public Safety Answering Point (PSAP) Standards & Training Committee

Mission Statement

To promote professional development and standardization of public safety communications in the state of Idaho.

History

The Idaho Emergency Communications Commission (IECC) formed the Public Safety Answering Point (PSAP) Standards & Training Committee as an advisory committee in 2007. It is comprised of thirteen members from Emergency Communications Centers (ECCs) across the state of Idaho. The committee includes more than 300 years of combined law enforcement/Emergency Communications Officer (ECO) experience. It is comprised of representatives from each of six districts who serve with city police departments, sheriff's offices, or the Idaho State Police. They are senior ECOs, first line supervisors, managers, and directors, with a variety of backgrounds from the career ECO to a commissioned/sworn officer. Additionally, the PSAP Standards & Training Committee has two representatives appointed to the Idaho Public Safety Communications Commission (IPSCC.) The PSAP Standards & Training Committee continues collaboration with each ECC agency in the state using surveys, regional trainings and regular meetings, constantly striving to support and enhance the professionalism and standardization of each of Idaho's ECCs and their ECO staff.

2020 Members

Idaho State Police	Kevin Haight - Chairman
City of Nampa 9-1-1	Carmen Boeger - Vice Chair
City of Lewiston Police Department	Cindy Felton - Secretary
*Whitcom 9-1-1	Wendy Berrett - Treasurer
Bingham County Sheriff's Office	Erin Hidalgo
Jefferson County Sheriff's Office	Lynn Parker
Cassia County Sheriff's Office	DeAnn Taylor
Canyon County Sheriff's Office	Roxanne Wade
Idaho State Police	Trisha Marosi
Madison County Sheriff's Office	Cullin Sherman
City of Post Falls Police Department	Charlene Holbrook
City of Pocatello Police Department	Stephanie Harris
Valley County Sheriff's Office	Kelly Copperi

* Whitcom 9-1-1 serves the city of Moscow and Nez Perce Tribe, in Idaho, as well as the city of Pullman, Washington State University, Whitman County, and Asotin County, in Washington.

PSAP Standards & Training Committee Objective

The primary objective of the PSAP Standards & Training Committee is to define, create, and implement standardized training and education, as well as enhance the professional development of ECOs and dispatch centers in the state of Idaho.

2020 PSAP Standards & Training Committee Goals

1. Prepare and Implement the 9th Annual PSAP Conference.

Unfortunately, the 9th Annual PSAP Conference, scheduled for October 19th – 21st, at the Best Western Coeur d'Alene Inn had to be cancelled due to concerns associated with the COVID-19 pandemic.

2. Provide quarterly training opportunities for ECOs in various areas of the state.

This goal was partially accomplished, unfortunately, due to the ongoing concerns associated with the COVID-19 pandemic:

- **Quarter 1:** "Idaho Fusion Center (IC²) / Fusion Liaison Officer" training taught by Sgt. Bret Kessinger, ISP
- **Quarter 2:** No training provided.
- **Quarter 3:** No training provided.
- **Quarter 4:** Free for the ECO/agency, virtual training is being provided by Moetivations, Inc.

Below reflects the approximate POST training hours earned by attendees during the 2020 Quarterly Regional Trainings:

District 1	11 students	44 POST hours
District 2	22 students	88 POST hours
District 3	28 students	112 POST hours
District 4	17 students	68 POST hours
District 5 & 6	32 students	128 POST hours

3. Ongoing collaboration with Idaho POST and the POST Council and other stakeholders in the implementation and ongoing maintenance of ECO basic training curriculum/academy for the state of Idaho.

Mandatory hiring and training standards became Idaho law on July 1, 2017. All stakeholders, the legislative branches, and the executive branch accomplished this goal because of overwhelming support. The PSAP Standards & Training Committee has worked closely with the POST staff and stakeholders for the full and complete implementation of the training, IDAPA rules, and an online training option. Several stakeholders supported this effort after several years of commitment that Idaho and the PSAP Standards & Training Committee will next work towards a state-required use of emergency medical dispatching protocols.

2021 PSAP Standards & Training Committee Goals

1. Prepare and implement the 9th Annual PSAP Conference in Boise.
2. Provide quarterly training opportunities for ECOs, to be presented in various areas of the state.
3. Continue collaboration with POST, stakeholders, and the IPSCC in the implementation and maintenance of mandatory minimum dispatch hiring and training standards, both for the now operational online training academy and for classroom-based academies.
4. The committee will continue to collaborate with the IPSCC, DHW, and all other stakeholders in seeing Idaho adopt and mandate the use of an EMS dispatching protocol for emergency dispatching services by its ECCs and their ECOs. This is also in keeping with national initiatives and trends to ensure standardization, professionalism, and best-practice EMS instructions are provided to emergency callers until first responders arrive at an incident.

National Representation and Associations

The 9-1-1 Program Manager, Craig Logan, who is an employee of the Commission, represented the Commission at two (2) virtual National Association of State Administrators (“NASNA”) meetings. The 2020 National Emergency Number Association Conference (“NENA”) and 2020 Western Regional Association of Public-Safety Communications Officials (“APCO”) conferences were cancelled due to COVID-19. Mr. Logan also attended fifteen (15) District Interoperability Guidance Board (DIGB) meetings throughout the state to assist 9-1-1 administrators and local guidance boards with technical issues. Most of the DIGB meetings were held using virtual resources due to COVID-19.

APPENDICES

Appendix A	Final Fiscal Year 2020 Budget and Grant Budget
Appendix B	Fiscal Year 2021 Budget
Appendix C	Fiscal Year 2021 Grants Budget
Appendix D	2016 Status of Service Map
Appendix E	2017 Status of Service Map
Appendix F	2018 Status of Service Map
Appendix G	2019 Status of Service Map
Appendix H	2020 Status of Service Map
Appendix I	2021 Status of Service Map
Appendix J	Text to 911 Status Map
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Appendix L	2020 Enhanced Grant Fee Status Map
Appendix M	Legislative Authority
Appendix N	9-1-1 Fee Example

Appendix A

**E911 IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION
FINAL FY 2020 Admin Budget**

	2020 BUDGET	2020 EXPENSES
ADMINISTRATIVE EXPENSES		
ADMINISTRATIVE RULES	\$600.00	\$0.00
AWARDS	\$400.00	\$0.00
CONSULTANT	\$250,000.00	\$205,402.00
FUEL	\$3,000.00	\$291.02
OFFICE EQUIPMENT	\$1,500.00	\$0.00
OFFICE SUPPLIES	\$500.00	\$296.15
PHOTOCOPYING	\$300.00	\$249.47
POSTAGE	\$50.00	\$0.00
PROFESSIONAL MEMBERSHIP FEES	\$1,100.00	\$736.00
SALARY/BENEFITS	\$116,530.00	\$116,260.48
SALARY/BENEFITS (COST SHARE FOR ADMIN)	\$10,000.00	\$0.00
STATEWIDE ALLOCATION COSTS	\$5,000.00	\$3,437.29
TELEPHONE	\$1,000.00	\$583.19
TRAVEL- IN STATE	\$5,000.00	\$613.85
TRAVEL- OUT OF STATE	\$8,000.00	\$309.47
VEHICLE PURCHASE	\$0.00	\$0.00
VEHICLE REPAIR AND MAINTENANCE	\$1,000.00	\$390.93
	\$403,980.00	\$328,569.85
COMMISSION AND MEETING EXPENSES		
MEETING EXPENSES	\$3,000.00	\$0.00
TRAVEL - IN STATE/TRAINING	\$9,500.00	\$3,123.65
TRAVEL- OUT OF STATE/TRAINING	\$1,500.00	\$0.00
	\$14,000.00	\$3,123.65
PSAP COMMITTEE EXPENSES		
NON-STATE EMP TRAVEL/TRAINING	\$18,000.00	\$8,408.67
TRAINING SUPPLIES/SERVICES	\$7,000.00	\$5,534.79
	\$25,000.00	\$13,943.46
ADMINISTRATIVE EXPENSES LESS CONSULTANT	\$192,980.00	\$140,234.96
ADMINISTRATIVE EXPENSES TOTAL	\$442,980.00	\$345,636.96
CONTINGENCY FUNDS		
	\$10,000.00	\$0.00
BALANCE (BUDGET-EXPENSE)		\$97,343.04

Appendix A (Continued)

**E911 IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION
FY 2020 Grant Budget-Expended**

	2020 BUDGET	2020 EXPENSES
GRANT EXPENSES		
CONSULTANT	\$0.00	\$2,529.92
FUEL	\$2,000.00	\$593.91
OFFICE EQUIPMENT	\$1,500.00	\$0.00
OFFICE SUPPLIES	\$1,500.00	\$321.05
PROFESSIONAL MEMBERSHIP FEES	\$0.00	\$0.00
SALARY/BENEFITS	\$26,500.00	\$26,522.44
TELEPHONE	\$750.00	\$518.82
POSTAGE	\$250.00	\$165.00
TRAVEL - IN STATE	\$5,500.00	\$2,490.54
TRAVEL - OUT OF STATE	\$0.00	\$0.00
	\$38,000.00	\$33,141.68
BALANCE (BUDGET-EXPENSE)		\$4,858.32

Appendix B

E911 IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION

Approved FY 2021 Admin Budget

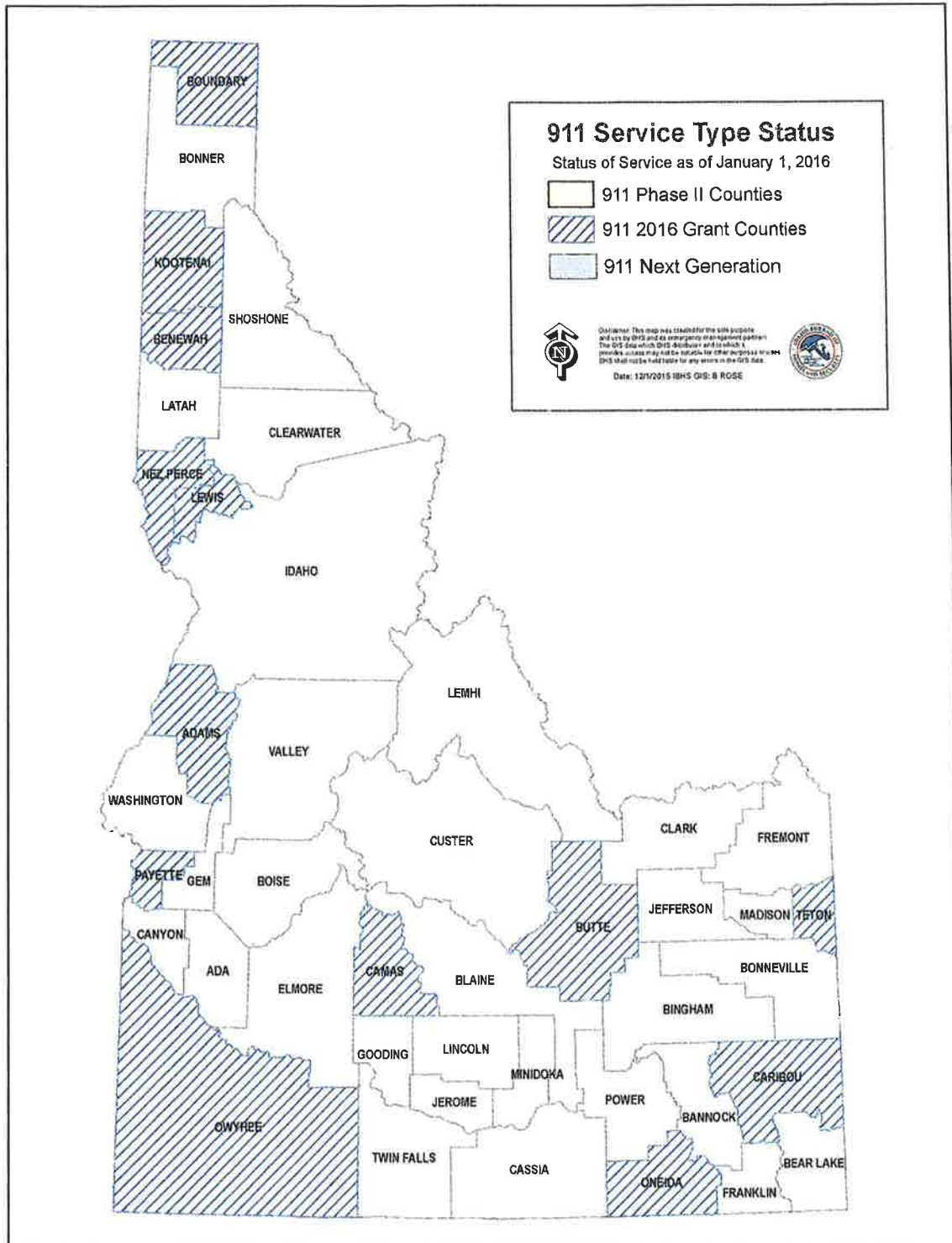
	2020 BUDGET	2021 BUDGET
ADMINISTRATIVE EXPENSES		
ADMINISTRATIVE RULES	\$600.00	\$600.00
AWARDS	\$400.00	\$400.00
CONSULTANT	\$250,000.00	\$0.00
FUEL	\$3,000.00	\$3,000.00
OFFICE EQUIPMENT	\$1,500.00	\$3,000.00
OFFICE SUPPLIES	\$500.00	\$500.00
PHOTOCOPYING	\$300.00	\$300.00
POSTAGE	\$50.00	\$50.00
PROFESSIONAL MEMBERSHIP FEES	\$1,100.00	\$1,100.00
SALARY/BENEFITS	\$116,530.00	\$117,365.00
SALARY/BENEFITS (COST SHARE FOR ADMIN)	\$10,000.00	\$10,000.00
STATEWIDE ALLOCATION COSTS	\$5,000.00	\$5,000.00
TELEPHONE	\$1,000.00	\$1,000.00
TRAVEL- IN STATE	\$5,000.00	\$5,000.00
TRAVEL- OUT OF STATE	\$8,000.00	\$8,000.00
VEHICLE PURCHASE	\$0.00	\$0.00
VEHICLE REPAIR AND MAINTENANCE	\$1,000.00	\$1,000.00
	\$403,980.00	\$156,315.00
COMMISSION AND MEETING EXPENSES		
MEETING EXPENSES	\$3,000.00	\$3,000.00
TRAVEL - IN STATE/TRAINING	\$9,500.00	\$9,500.00
TRAVEL- OUT OF STATE/TRAINING	\$1,500.00	\$2,000.00
	\$14,000.00	\$14,500.00
PSAP COMMITTEE EXPENSES		
PSAP COMMITTEE ALLOCATION	N/A	\$25,000
NON-STATE EMP TRAVEL/TRAINING	\$18,000.00	N/A
TRAINING SUPPLIES/SERVICES	\$7,000.00	N/A
	\$25,000.00	\$25,000.00
ADMINISTRATIVE EXPENSES LESS CONSULTANT	\$192,980.00	
ADMINISTRATIVE EXPENSES TOTAL	\$442,980.00	\$195,815.00
CONTINGENCY FUNDS		
	\$10,000.00	\$10,000.00

Appendix C

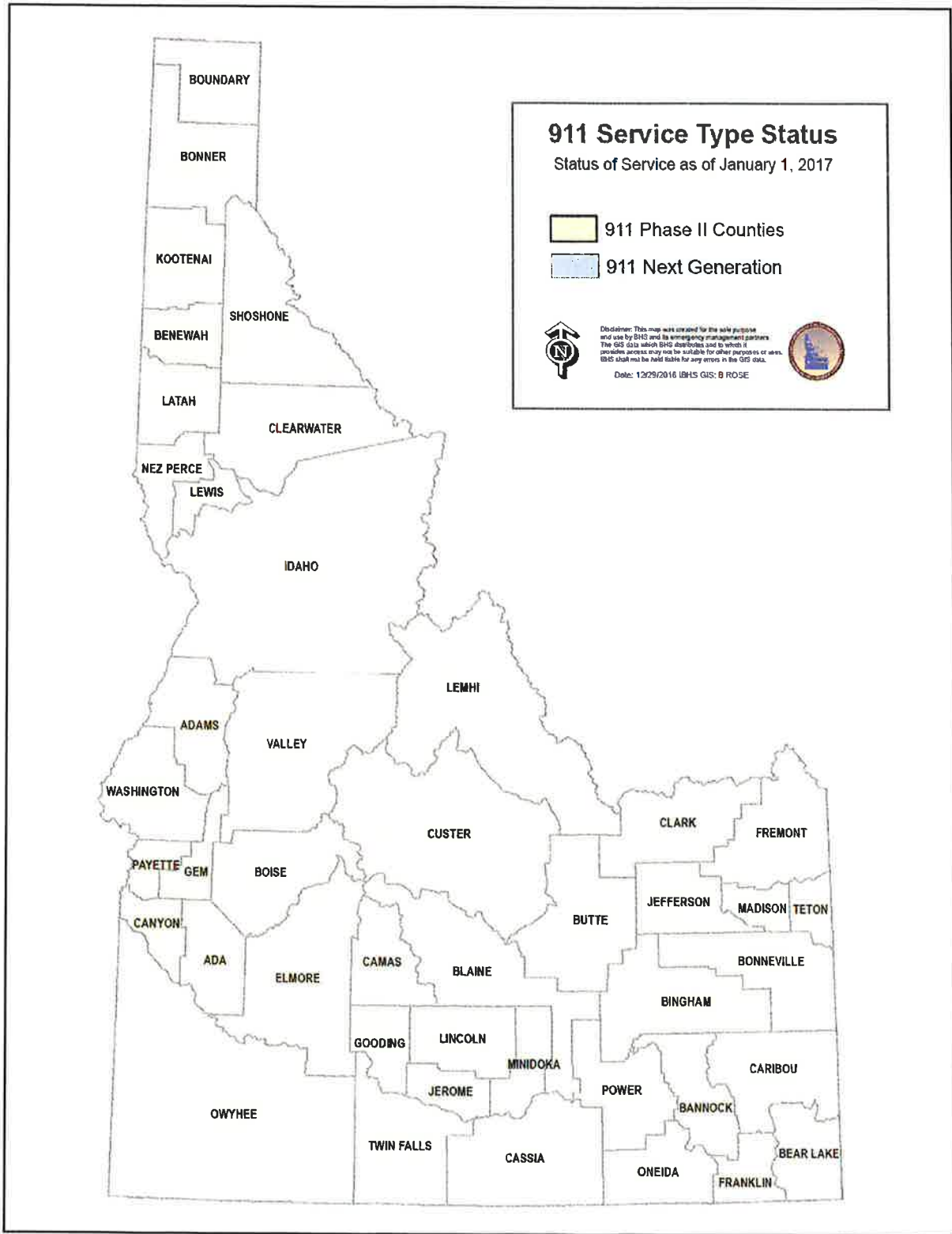
E911 IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION
Approved FY 2021 Grant Budget

	2020 BUDGET	2021 BUDGET
GRANT EXPENSES		
CONSULTANT	\$0.00	\$10,000.00
FUEL	\$2,000.00	\$2,500.00
OFFICE EQUIPMENT	\$1,500.00	\$3,000.00
OFFICE SUPPLIES	\$1,500.00	\$1,500.00
PROFESSIONAL MEMBERSHIP FEES	\$0.00	\$0.00
SALARY/BENEFITS	\$26,500.00	\$28,132.00
TELEPHONE	\$750.00	\$750.00
POSTAGE	\$250.00	\$250.00
TRAVEL - IN STATE	\$5,500.00	\$5,500.00
TRAVEL - OUT OF STATE	\$0.00	\$0.00
	\$38,000.00	\$51,632.00

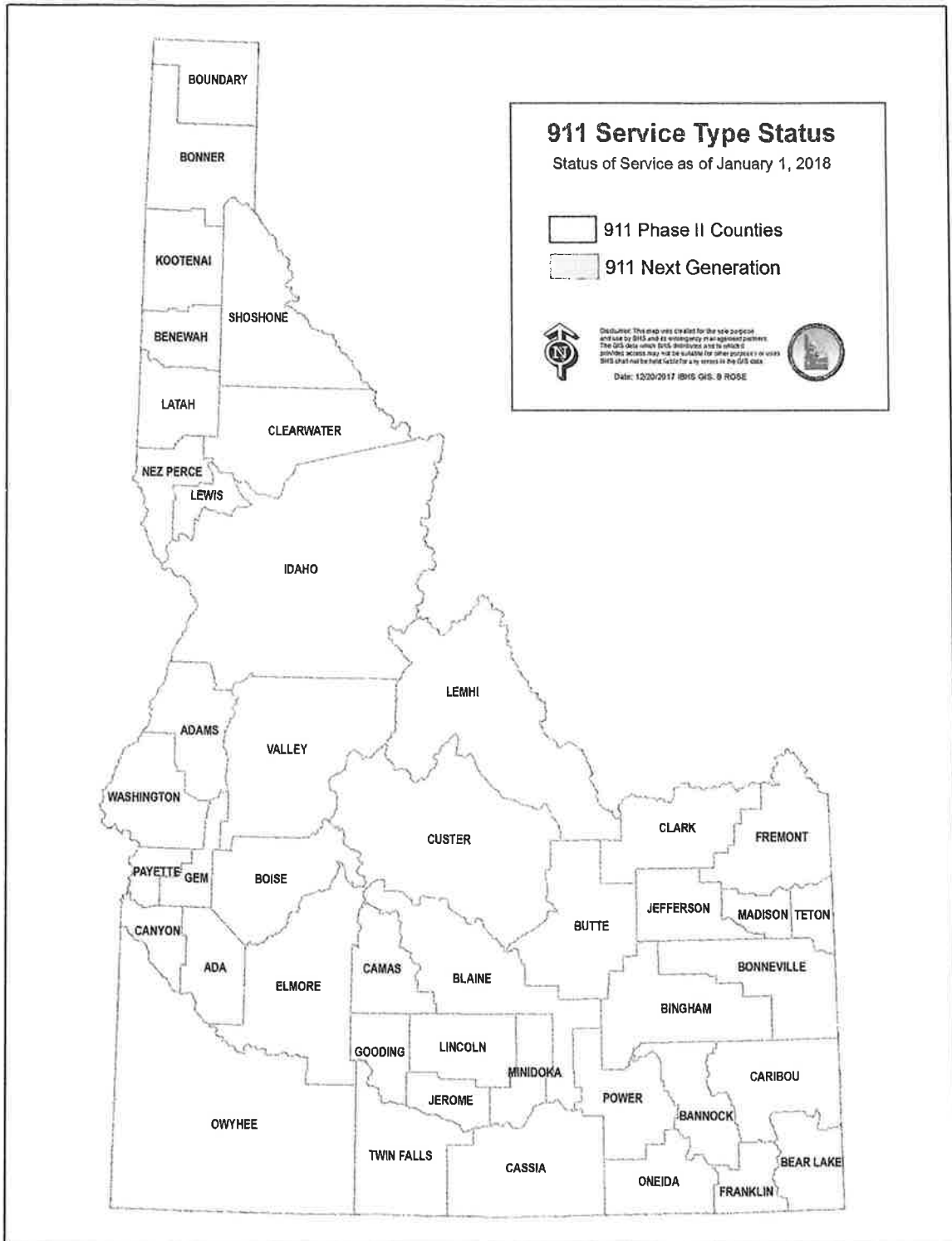
Appendix D 2016 Status of 9-1-1 Service Map



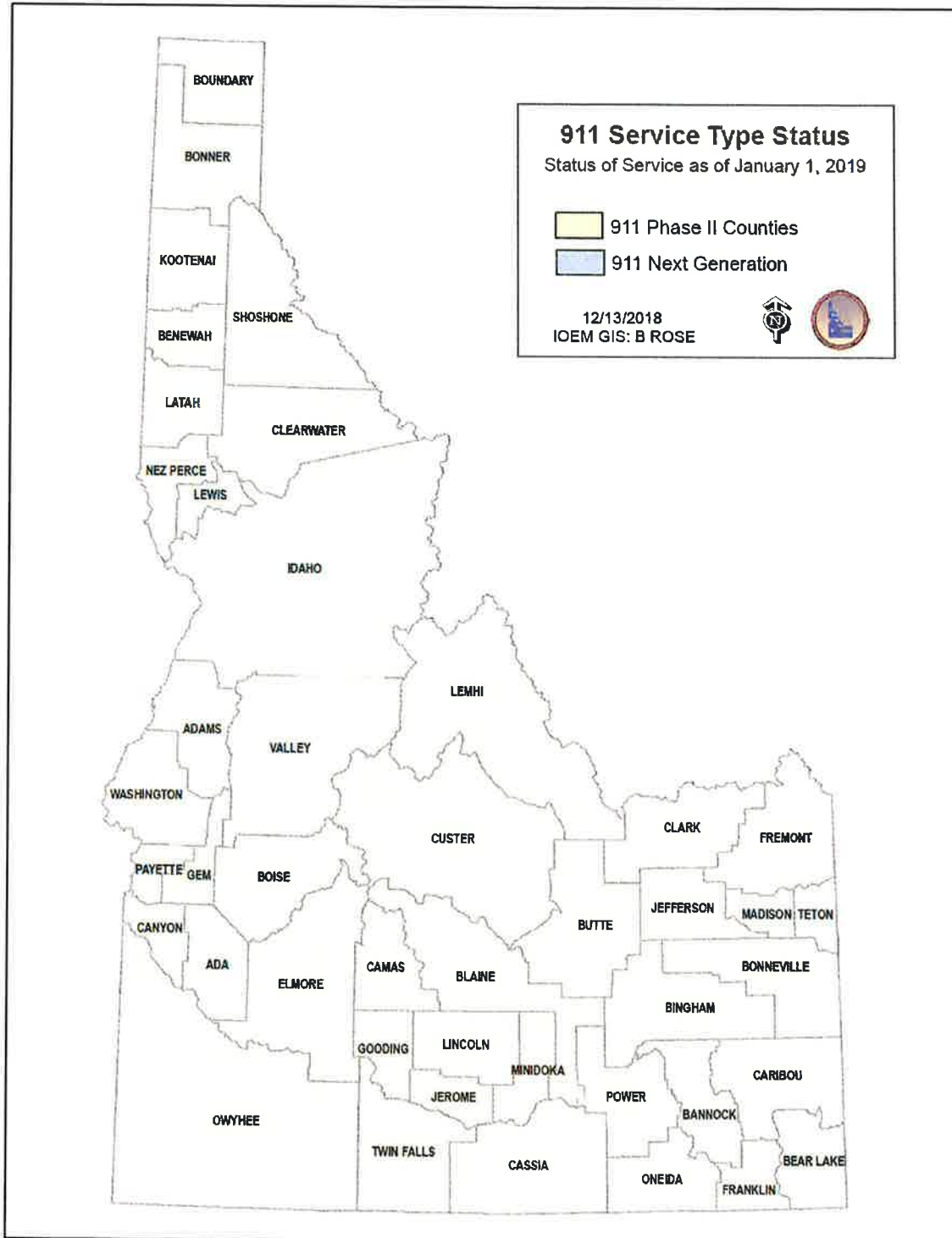
Appendix E 2017 Status of 9-1-1 Service Map



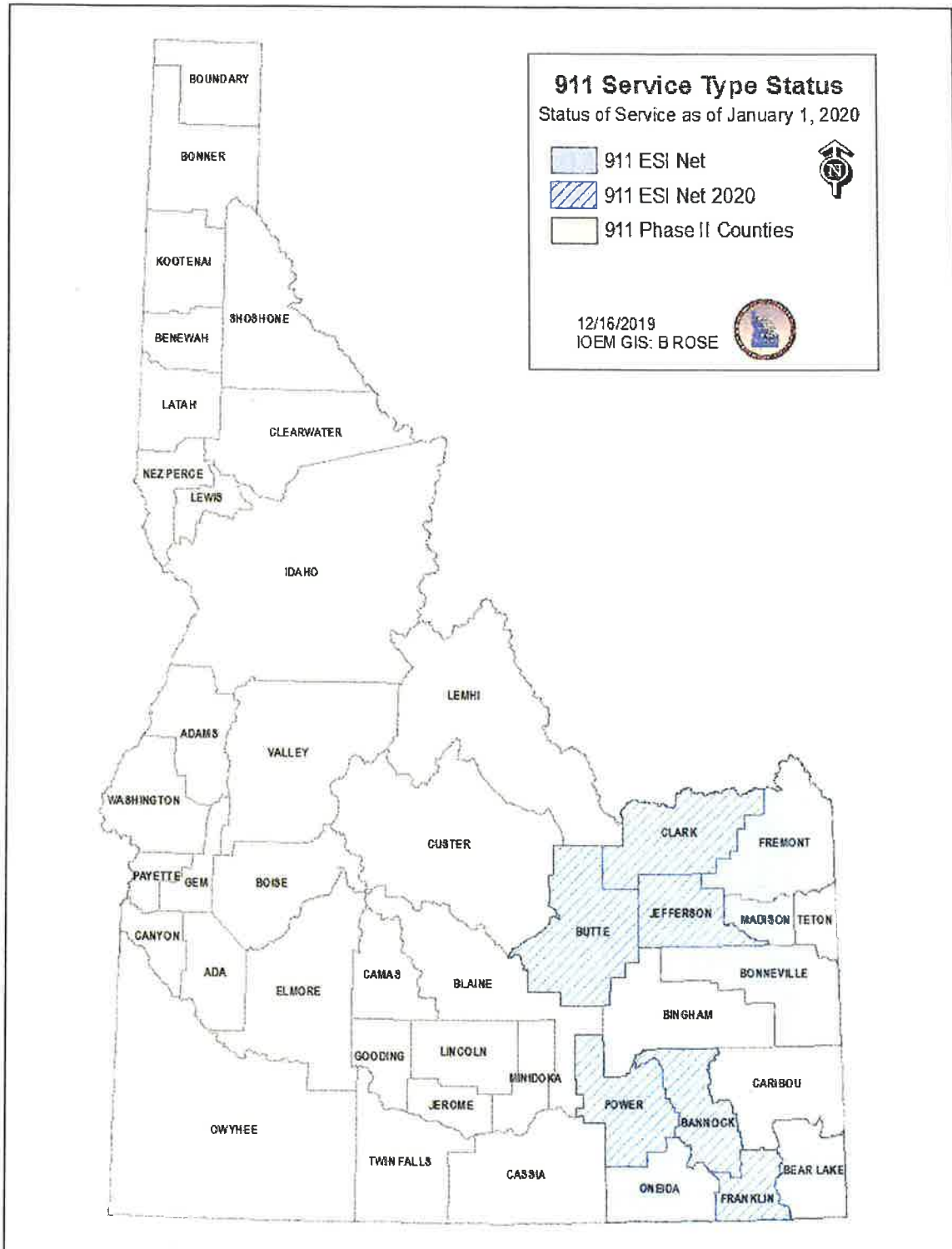
Appendix F 2018 Status of 9-1-1 Service Map



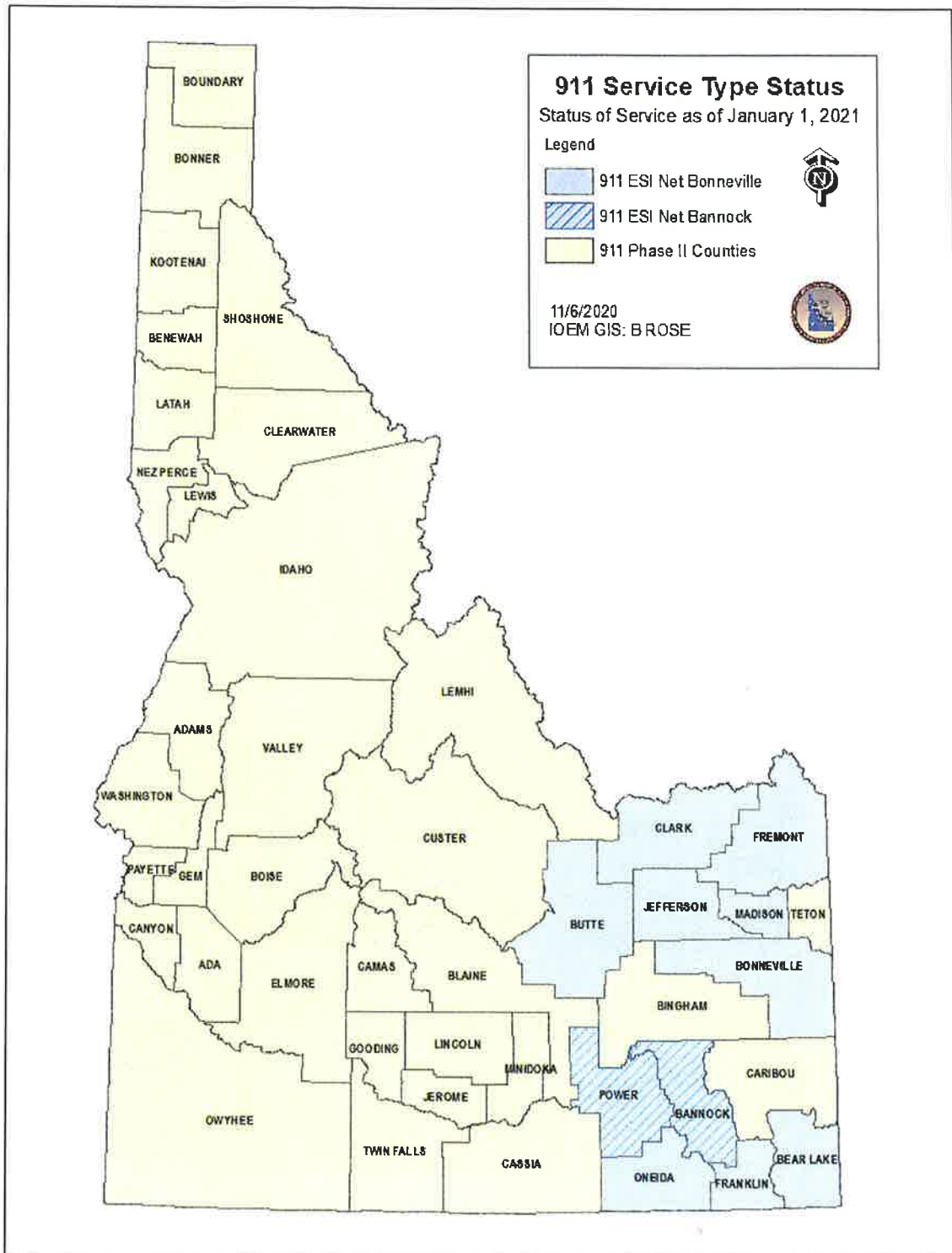
Appendix G 2019 Status of 9-1-1 Service Map



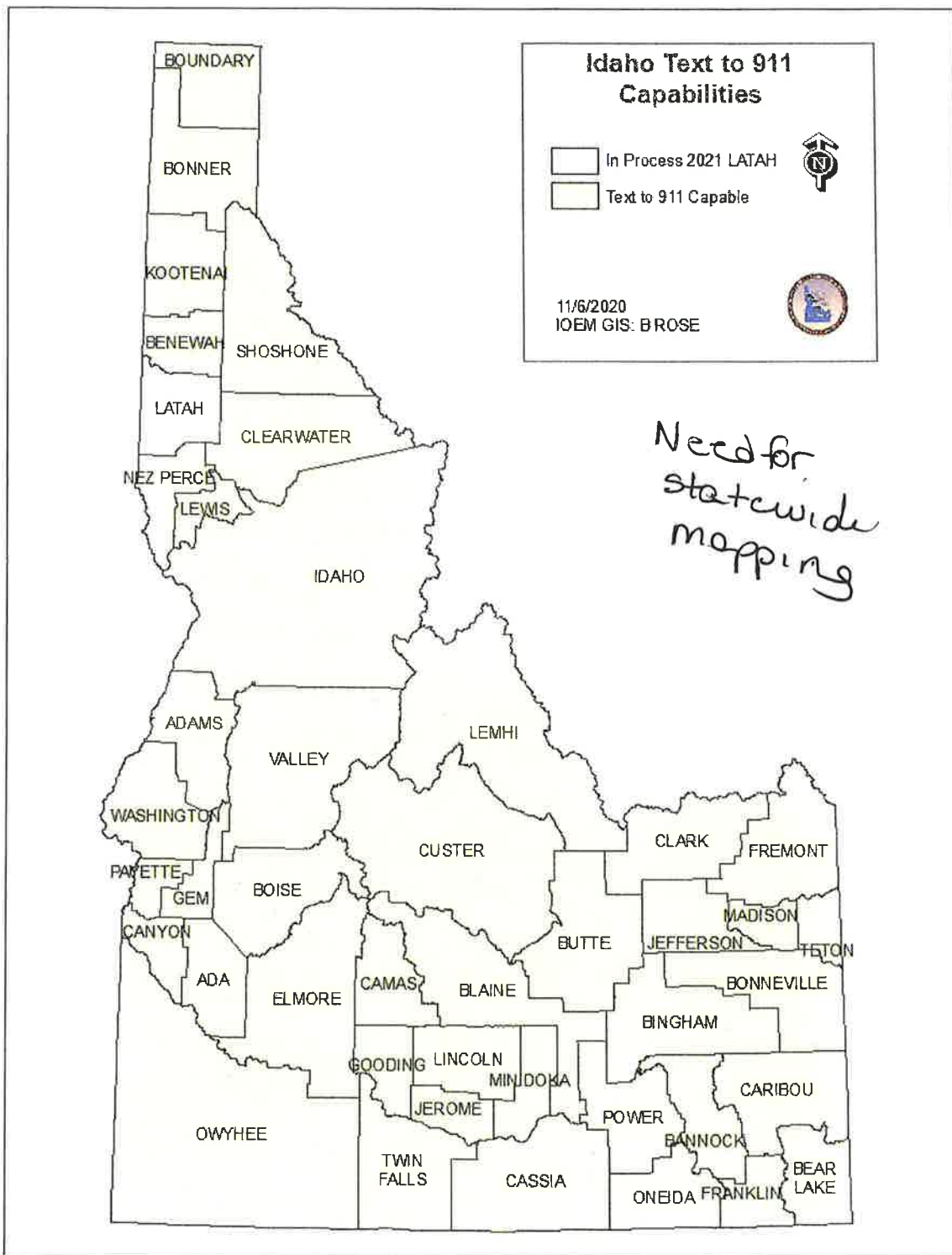
Appendix H 2020 Status of 9-1-1 Service Map



Appendix I 2021 Status of 9-1-1 Service Map



Appendix J Text to 911 Status Map



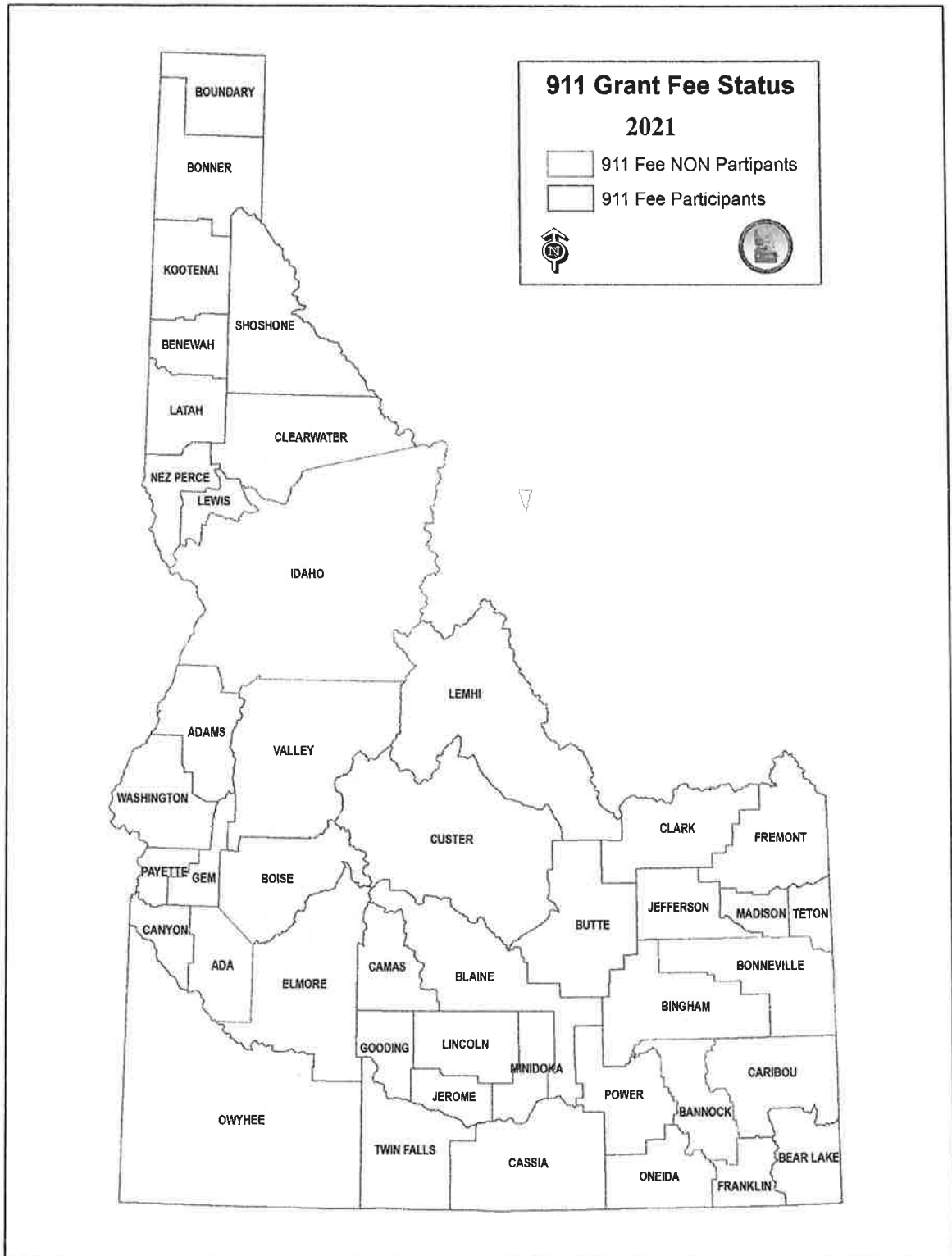
Appendix K
List of Counties Adopting the
Enhanced Grant Fee

In order to collect the Grant Fee, each Board of County Commissioners must pass a resolution to begin collecting the Grant Fee. We will update this website each time the Commission is informed that a county has passed a resolution adopting the Grant Fee.

<u>Counties</u>	<u>Date of Resolution</u>	<u>Effective Date</u>
Adams	06/23/08	07/01/08
Bear Lake	08/04/08	09/01/08
Benewah	06/30/08	07/01/08
Bingham	06/18/08	07/01/08
Blaine	09/18/17	10/01/17
Boise	06/16/08	07/01/08
Bonner	06/24/08	07/01/08
Boundary	12/23/08	02/01/09
Butte	09/22/08	12/01/08
Camas	02/09/09	04/01/09
Canyon	06/25/08	07/01/08
Caribou	06/23/08	07/01/08
Cassia	06/23/08	07/01/08
Clark	06/09/08	07/01/08
Clear Water	07/18/11	09/01/11
Custer	12/22/08	02/01/09
Elmore	06/23/08	07/01/08
Franklin	06/23/08	07/01/08
Fremont	06/16/08	07/01/08
Gem	05/20/13	07/01/13
Gooding	07/28/08	09/01/08
Jerome	09/15/08	11/01/08
Jefferson	06/23/08	07/01/08
Kootenai	07/15/08	08/01/08
Latah	06/18/08	09/01/08
Lemhi	10/27/10	01/01/11
Lewis	12/01/08	01/01/09
Lincoln	11/10/08	01/01/09
Madison	02/23/09	04/01/09
Minidoka	06/23/08	07/01/08
Nez Perce	07/07/08	08/01/08
Oneida	06/24/08	08/01/08
Owyhee	06/16/08	07/01/08
Payette	06/30/08	07/01/08
Power	06/23/09	07/01/08
Shoshone	6/25/08	7/01/08
Teton	8/25/08	10/01/08
Twin Falls	6/25/08	7/01/08
Valley	6/09/08	7/01/08
Washington	09/11/13	11/01/13

Appendix L

Enhanced Grant Fee Status Map



Appendix M

Legislative Authority

After almost 20 years since the original enactment of the Emergency Communications Act, there is still an increasing need in many Idaho communities. In amendments to the Act in 2004, 2007, 2008 and again in 2016, the Legislature found:

- (a) Since the original enactment of the emergency communications act in 1988, many of Idaho's communities have found that they are lacking in the resources to fully fund emergency communications systems at the local level;
- (b) Changes in technology and the rapid growth of communications media have demonstrated that financing such systems solely by a line charge on subscribers to wireline services does not reflect utilization of emergency communications systems by subscribers to wireless and other forms of communications systems;
- (c) There is a need to enhance funding for the initiation and enhancement of consolidated emergency communications systems throughout the state;
- (d) Utilization of cellular telephones and voice over internet protocol (VoIP) communications to access emergency communications systems has substantially increased citizen access to emergency services while at the same time increasing demands upon the emergency response system;
- (e) In order to protect and promote the public health and safety, and to keep pace with advances in telecommunications technology and the various choices of telecommunications technology available to the public, there is a need to plan and develop a statewide coordinated policy and program to ensure that enhanced 911 services, next generation 911 services, and future and emerging public safety technologies are available to all citizens of the state and people in all areas of the state.

(2) Therefore, it is hereby declared that the intent and purpose of the provisions of this act are to:

- (a) Provide authority to counties and 911 service areas to impose an emergency communications fee on the use of telephone lines, wireless, VoIP or other communications services that connect an

individual or entity dialing or accessing 911 to an established public safety answering point;

(b) Provide that the emergency communications fee in section 31-4803, Idaho Code, shall be exclusively utilized by the counties or 911 service areas electing to impose it to finance the initiation, maintenance, operation, enhancement and governance of consolidated emergency systems as well as enhanced consolidated emergency systems or next generation consolidated emergency systems;

(c) Provide for the agreed-to reimbursement to telecommunications providers for their implementation of enhanced consolidated emergency communications systems by counties or 911 service areas that have implemented enhanced consolidated emergency communications systems;

(d) Create the Idaho Public Safety Communications Commission that will have the duty to provide the governance structure through which public safety communications stakeholders can collaborate to advance consistency and common objectives, to provide integrated facilitation and coordination for cross-jurisdictional consensus building, to assist in the standardization of agreements for sharing resources among jurisdictions with emergency response communications infrastructure, to suggest best practices, performance measures and performance evaluation in the integrated statewide strategic planning and implementation of interoperability among public safety communications professionals and entities that serve people in Idaho regardless of jurisdiction, to manage the Idaho public safety interoperable communications and data systems fund as established by section 31-4820, Idaho Code, and to pursue budget authorizations as set forth in this chapter.

Idaho Code § 31-4801 (2016).

With these directives from the Legislature, the Commission has continued to strive to fulfill its purpose and responsibilities as prescribed in Idaho Code § 31-4816. These are to:

- (1) Determine the status and operability of consolidated emergency communications systems and interoperable public safety communications and data systems statewide;
- (2) Determine the needs for the upgrade of consolidated emergency communications systems and interoperable public safety communications and data systems;

- (3) Determine the costs for the upgrades;
- (4) Recommend guidelines and standards for operation of consolidated emergency communications systems and interoperable public safety communications and data systems;
- (5) Recommend funding mechanisms for future implementation of upgrades;
- (6) Serve as a conduit for the future allocation of federal grant funds to support the delivery of consolidated emergency communications systems and interoperable public safety communications and data systems;
- (7) Serve as the statewide interoperability executive committee (SIEC) for issues related to public safety communications and data communication. Such issues may involve the federal communications commission, national telecommunications information administration and first responder network authority;
- (8) Perform an annual review of the statewide communications interoperability plan and provide the statewide interoperability coordinator with guidance to improve operational and interoperable communications in the state;
- (9) Designate working groups or subcommittees as appropriate, which may include consolidated emergency communications, information technology, cross-jurisdictional relations with Native American tribes, interoperable public safety communications and data systems, the national public safety broadband network or future technologies, and others as deemed necessary by the commission;
- (10) Report annually to the legislature of the state of Idaho on the planned expenditures for the next fiscal year, the collected revenues and moneys disbursed from the fund and programs or projects in progress, completed or anticipated;
- (11) Enter into contracts with experts, agents, employees or consultants as may be necessary to carry out the purposes of this chapter;
- (12) Assist public safety communications stakeholders in the establishment of consolidated emergency communications systems and public safety communications and data systems, and to provide the governance structure through which public safety communications stakeholders can collaborate to advance consistency and common objectives;
- (13) Provide integrated facilitation and coordination for cross-jurisdictional consensus building;

- (14) Assist in the standardization of agreements for sharing resources among jurisdictions with emergency response communications infrastructure;
- (15) Suggest best practices, performance measures and performance evaluation in the integrated statewide strategic planning and implementation of interoperability;
- (16) Manage funds as authorized by this chapter;
- (17) Pursue budget authorizations for interoperable public safety communications and data systems; and
- (18) Promulgate rules pursuant to the provisions of chapter 52, title 67, Idaho Code, to carry out the purposes of the commission's duties.

Idaho Code § 31-4816 (2016).

In 2008 the Enhanced Emergency Communications Grant Fee was enacted to help fund E9-1-1, Wireless Phase I and II, and Next Generation 9-1-1 throughout Idaho.

§31-4819 Enhanced Emergency Communications Grant Fee

(1) On and after July 1, 2013, there shall be an enhanced emergency communications grant fee established by virtue of authority granted by this chapter. The fee shall be twenty-five cents (25¢) per month per access or interconnected VoIP service line.

- (a) Such fee shall be authorized by resolution of a majority vote of the board of commissioners of a countywide system or by the governing board of a 911 service area.
- (b) Such fee shall be remitted to the Idaho emergency communications fund provided in section 31-4818

(1) Idaho Code, on a quarterly basis by county, city or consolidated emergency communications systems. Annually, at the discretion of the commission, a budget shall be prepared allocating a portion of the available grant funds for administration of the grant program. The remaining grant funds shall be dedicated for and shall be authorized for disbursement as grants to eligible entities that are operating consolidated emergency communications systems for use to achieve the purposes of this chapter. Grant funds shall coincide with the strategic goals as identified by the commission in its annual report to the legislature. Grant funds may also be budgeted for and utilized for the establishment of next generation consolidated emergency systems (NG911) within the state.

(2) The commission, on an annual basis, shall prepare a budget allocating the grant funds available to eligible entities and the portion of the funds necessary for the continuous operation of the commission to achieve the purposes of this chapter.

(3) To be eligible for grant funds under this chapter, a county or 911 service area must be collecting the emergency communications fee in accordance with section 31-4804, Idaho Code, in the full amount authorized and must also be collecting the enhanced emergency communications grant fee in the full amount authorized in this subsection.

(4) If a county or 911 service area has authorized the collection of the enhanced emergency communications grant fee pursuant to this chapter, such county or 911 service area shall retain the full amount of the emergency communications fee that was set by the board of commissioners or governing board pursuant to section 31-4803, Idaho Code. The county or 911 service area is then also exempt from remitting to the Idaho public safety communications commission one percent (1%) of the total emergency communications fee received by the county or 911 service area as required in section 31-4818(3), Idaho Code. The remaining funds from the enhanced emergency communications grant fee collected shall then be remitted by the county or 911 service area to the Idaho public safety communications commission.

Idaho Code § 31-4819 (2016).

Appendix N

**Example of 911 Fee Collection Differences with Proposed Change
With 1000 Subscribers in County**

	Fee Collected Currently		Fee Collected Under Change	
Subscribers		1000		1000
Current Fee	\$	1.00	\$	1.00
New Fee				0.25
Total Fee	\$	1.00	\$	1.25
Collected by Provider	\$	1,000.00	\$	1,250.00
Provider administration cost	\$	10.00	\$	12.50
Amount sent to County	\$	990.00	\$	1,237.50
Amount Retained for Use by County	\$	980.10	\$	1,000.00
Amount sent to IPSCC		1% of \$990.00	Amount Rec'd	Less Amt of Fee
	\$	9.90	\$	237.50
Available for Grant Pool to Counties		-----		227.60
Amount for IPSCC Administration – 1%			\$	9.90

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Monday, February 14, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
GUBERNATORIAL APPOINTMENT VOTE:	VOTE ON THE GUBERNATORIAL APPOINTMENT of Joseph Forney to the Idaho Endowment Fund Investment Board.	
<u>RS 29365</u>	RELATING TO THE ECONOMIC OUTLOOK AND REVENUE ASSESSMENT COMMITTEE (Committee) to add a new section to establish provisions for the Committee.	Senator Agenbroad
<u>RS 29528</u>	RELATING TO STATE SYMBOLS to designate the Idaho Cut as the official state cut for faceted gemstones.	Senator Den Hartog
MINUTES APPROVAL:	Approval of Minutes of January 31, 2022	Senator Winder and Senator Guthrie
	Approval of Minutes of February 2, 2022	- Senator Lee and Senator Burgoyne

COMMITTEE MEMBERS

Chairman Lodge
Vice Chairman Guthrie
Sen Winder
Sen Anthon
Sen Harris

Sen Lee
Sen McClusky (Heider)
Sen Stennett
Sen Burgoyne

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, February 14, 2022

TIME: 8:00 A.M.

PLACE: Room WW55

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

ABSENT/ EXCUSED: Senator McClusky (Heider)

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 8:05 a.m.

GUBERNATORIAL APPOINTMENT VOTE: **VOTE ON THE GUBERNATORIAL APPOINTMENT** of Joseph Forney to the Idaho Endowment Fund Investment Board.

MOTION: **Senator Winder** moved to send the Gubernatorial Appointment of Joseph Forney to the Idaho Endowment Fund Investment Board to the Senate floor with the recommendation that he be confirmed by the Senate. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

RS 29365 RELATING TO THE ECONOMIC OUTLOOK AND REVENUE ASSESSMENT COMMITTEE to add a new section to establish provisions for the Committee.
Senator Agenbroad, District 13, stated this legislation would put into code the Economic Outlook and Revenue Assessment Committee (Committee). Currently this Committee isn't in code although it has been an active Committee since prior to 1995. There are two reasons it is necessary to put this Committee in code: 1) so that the Committee can continue to operate, and 2) it is important to those who oversee the finances such as the rating companies. They like the current process, but they are concerned that it is not in code because it could be a detriment to the Committee's rating. **Senator Agenbroad** requested **RS 29365** be printed and stood for questions.

MOTION: **Vice Chairman Guthrie** moved to send **RS 29365** to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

Senator Burgoyne said he has been critical of the Committee in the past and resigned from that Committee. This RS is well drafted and it can be a good Committee by following the language of the RS. He will support the legislation.

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

RS 29528 RELATING TO STATE SYMBOLS to designate the Idaho Cut as the official state cut for faceted gemstones.

Senator Den Hartog, District 22, explained that **RS 29528** is to designate a new State symbol related to faceted gemstones; a patented gemstone called the "Idaho Cut" honoring the legacy of Quincy Douglas Howell who was an Idahoan and who patented this cut.

MOTION: **Senator Anthon** moved to send **RS 29528** to print. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: Approval of the Minutes of January 31,2022 and February 2,2022.

MOTION: **Senator Winder** moved to approve the minutes of January 31, 2022. **Vice Chairman Guthrie** seconded the motion. The motion carried by **voice vote**.

MOTION: **Senator Lee** moved to approve the minutes of February 2, 2022. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business, **Chairman Lodge** adjourned the meeting at 8:15 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Wednesday, February 16, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
GUBERNATORIAL APPOINTMENT:	THE GUBERNATORIAL REAPPOINTMENT of Jerry Aldape to the Idaho Endowment Fund Investment Board.	Jerry Aldape, Idaho Endowment Fund Investment Board
MINUTES APPROVAL:	Approval of Minutes for February 4, 2022	Senator Harris and Senator Stennett
<u>S 1263</u>	RELATING TO HOMEOWNER'S ASSOCIATIONS - to amend existing law to provide certain exceptions regarding the imposition of fines for certain violations for notification of meetings.	Senator Heider
<u>S 1308</u>	RELATING TO ALCOHOLIC BEVERAGES - to amend existing law revising age restrictions for persons allowed to serve beer, wine, or other alcoholic liquor.	Pam Eaton, Idaho Retailers Association
<u>S 1309</u>	RELATING TO THE FETAL HEARTBEAT PREBORN CHILD PROTECTION ACT - to amend existing law to revise the prohibitions, penalties, and causes of action of the Fetal Heartbeat Preborn Child Protection Act.	Blaine Conzatti, President, Idaho Family Policy Center

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

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

COMMITTEE MEMBERS

Chairman Lodge	Sen Lee
Vice Chairman Guthrie	Sen Heider
Sen Winder	Sen Stennett
Sen Anthon	Sen Burgoyne
Sen Harris	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: [sstaf@senate.idaho.gov](mailto:ss taf@senate.idaho.gov)

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 16, 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: **Vice Chairman Guthrie** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:03 a.m.

GUBERNATORIAL APPOINTMENT: **THE GUBERNATORIAL REAPPOINTMENT** of Jerry Aldape to the Idaho Endowment Fund Investment Board (IEFIB).

Mr. Aldape introduced himself to the Committee. He provided a brief overview of his professional experience and IEFIB accomplishments during his first term of service.

Vice Chairman Guthrie announced the Committee would vote on Mr. Aldape's reappointment at its next meeting.

MINUTES APPROVAL: **Senator Harris** moved to approve the Minutes of February 4, 2022. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

S 1263 **RELATING TO HOMEOWNER'S ASSOCIATIONS** - to amend existing law to provide certain exceptions regarding the imposition of fines for certain violations for notification of meetings.

Senator Heider presented the bill to waive the 30-day notice requirement for a homeowner's association (HOA) to address a violation involving endangerment to the public or destruction of another's property. He provided examples of situations when the legislation would apply and why it was needed.

DISCUSSION: **Senator Stennett** asked about the bill's effect on a non-resident homeowner or an issue involving a short-term renter. She suggested contacting law enforcement for endangerment or property damage matters. **Senator Heider** answered that the bill would allow an HOA to take more expeditious action. He clarified that the HOA would need to address the matter with the homeowner even if law enforcement was immediately involved.

Senator Harris commented that law enforcement should address this type of issue and not the HOA. **Senator Heider** agreed that sometimes law enforcement should be contacted. He said an HOA was better equipped to handle certain problems.

Senator Burgoyne recommended adding a requirement that the HOA attempt to give notice to the homeowner prior to taking action. He observed that he had heard of HOAs that use fines to impose personal justice. **Senator Heider** responded that the bill was intended to address an immediate situation without waiting 30 days for a hearing.

Senator Lee asked if an HOA could establish rules for handling emergencies that would provide due process to homeowners. She expressed concern that a small group of neighbors could take an action outside of the normal process. **Senator Heider** answered that the notice requirement would not be changed. He said waiting 30 days could result in serious safety or property damage issues.

Senator Stennett inquired if a homeowner could immediately address a situation on his own without involvement of the HOA. **Senator Heider** answered yes. He added that an HOA's options were limited under current law.

TESTIMONY: **Burt Willie**, Community Association Institute (CAI), testified in support of **S 1263** because it would achieve a balance between the HOA's needs and the homeowner's rights. He said some situations were inappropriate for law enforcement involvement. He provided examples of when the 30-day notice requirement was problematic.

DISCUSSION: **Senator Winder** asked why an association manager couldn't respond quickly to address issues without calling a meeting. **Mr. Willie** responded that some homeowners acted in bad faith and ignored issues because of the 30-day notice requirement in Idaho Code. He stated the provision worked for some issues but created a hardship other times.

TESTIMONY: **Brindee Collins**, attorney and member of the CAI, testified in support of **S 1263**. She said the law would not affect the majority of HOAs in Idaho because most did not have fining authority in their governing documents. She advised the bill further limited the waiver to four specific situations.

DISCUSSION: **Senator Burgoyne** asked why the bill should not include an attempt to give notice. **Ms. Collins** described the appeal process in Utah law for HOA violations and suggested it would be a good model for Idaho. She noted the proposed law change limited waiver of the 30-day notice requirement to four circumstances. She added that this section of Idaho Code also applied to condominiums where situations often required more immediate attention.

Senator Anthon asked about due process and an owner's legal recourse when a fine was imposed. **Ms. Collins** responded that the process varied. She said the hearing process in current law was ineffective in addressing homeowner issues. **Ms. Collins** explained a homeowner's options to respond to imposition of a fine. She noted the bill was intended to address one-time situations rather than ongoing violations.

Senator Winder commented that he was unsure this bill was the correct solution to the problem. He suggested adding a requirement to attempt notice and the appeal provisions of the Utah law.

Senator Burgoyne observed that the immediate imposition of a fine would not truly address the issue of endangerment or property damage. He stated an HOA could take immediate action without a law change. He suggested either holding the bill in Committee or sending it to the 14th Order of Business.

MOTION: **Senator Lee** moved to send **S 1263** to the 14th Order of Business for possible amendment. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chairman Guthrie passed the gavel to Chairwoman Lodge.

S 1308 **RELATING TO ALCOHOLIC BEVERAGES** - to amend existing law revising age restrictions for persons allowed to serve beer, wine, or other alcoholic liquor.

Pam Eaton, Idaho Retailers Association and Idaho Lodging and Restaurant Association, introduced herself to the Committee. **Ms. Eaton** advised the bill was brought to help businesses address a labor shortage, increase opportunities for teens, and assist consumers. She noted the bill would allow employees at age 17 or 18 to stock alcoholic beverages, ring up a purchase at the register, or carry a drink to a customer's table. **Ms. Eaton** reviewed the various sections of Idaho Code that would be revised. She added that the bill would not change an employer's rights or obligations under the liquor laws.

MOTION:

Senator Harris moved to send **S 1308** to the floor with a **do pass** recommendation. **Vice Chairman Guthrie** seconded the motion. The motion carried by **voice vote**.

S 1309

RELATING TO THE FETAL HEARTBEAT PREBORN CHILD PROTECTION ACT - to amend existing law to revise the prohibitions, penalties, and causes of action of the Fetal Heartbeat Preborn Child Protection Act.

Blaine Konzatti, President, Idaho Family Policy Center, introduced himself to the Committee. **Mr. Konzatti** stated the bill would add a private enforcement mechanism to the 2021 "heartbeat" law. He reported the bill was modeled after Texas legislation that had withstood several legal challenges. **Mr. Konzatti** advised the bill limited standing to family members of the preborn baby. He explained the bill did not address matters of venue or jurisdiction. He described two changes for a future trailer bill to prevent frivolous lawsuits: the addition of language to allow a prevailing defendant an award of costs and attorney's fees if the defendant complied with the other provisions of the law; and the elimination of section five regarding affirmative defenses. **Mr. Konzatti** reported that the Texas law did not result in numerous lawsuits. He noted there had been voluntary compliance in Texas. **Mr. Konzatti** reminded the Committee that pregnant women had multiple support resources available statewide. He stated that a fetal heartbeat is a reliable indicator that viable life exists. He declared that life begins at conception.

TESTIMONY:

The Committee heard testimony in support of and in opposition to **S 1309** from the persons listed on Attachment A.

Those in support of **S 1309** provided the following reasons: life with a unique genetic code begins at conception; many babies' lives would be saved; abortion was damaging to a woman's mental health; family members also grieved over loss of a baby's life; many social and economic support resources were available to a pregnant woman; the bill would uphold the Idaho Constitution; the rights of the unborn who cannot speak for themselves must be protected; every life deserved the right to live and pursue happiness; abortion was wrong and contrary to God's law; the bill was not new but merely made modifications to the existing Idaho "heartbeat" law; and it was the State's duty to protect a woman and her unborn child.

Reasons given in opposition to **S 1309** included: the bill was unconstitutional; a woman should have the right to make decisions about her own body; it violated a woman's right to privacy; restricting reproductive autonomy was undue government interference; unwanted pregnancies prevented women from reaching their full economic potential; an abortion ban would increase pregnancy related deaths and disproportionately impact underrepresented populations; the bill would encourage spying and family member lawsuits for financial gain; it would exacerbate intimate partner violence and reproductive coercion; abortion providers would be intimidated and harassed; banning abortions was the wrong way to reduce unwanted pregnancies; it interfered with the relationship between a woman and her health care provider; this tactic could be used to restrict other constitutional rights; the bill shifted the burden to a doctor and offered no recourse

to someone who had done nothing wrong; most women did not regret having had an abortion; and a woman would be forced to carry a dead child.

The Committee received written testimony in support of and in opposition to **S 1309** (see Attachment B).

DISCUSSION:

Senator Stennett commented that the bill provided more protection for embryonic life than for live birth children and permitted extended family members to insert themselves into a woman's health care. She asked Mistie DelliCarpini-Tolman if the bill would allow an abusive family member to file suit. **Ms. Tolman** said the bill would allow family members of an abusive partner to sue for up to four years after an abortion.

Senator Stennett asked Linda Thomas if Stanton Health Care actively sought adoption placements for unwanted children. **Ms. Thomas** replied that her organization provided resources to pregnant women and did not handle adoptions. She noted the specifics of an adoption were between a woman and the attorney or adoption agency.

Senator Stennett inquired of Tai Simpson how the ability of a family member to file suit would affect women who experienced intimate partner violence. **Ms. Simpson** said that navigating a lawsuit in response to rape or coerced sex would further traumatize and victimize women enduring abuse.

Senator Stennett remarked that some babies developed inside the mother but could not live on their own due to a severe birth defect. She asked Tammy Payne if a mother should carry to term a non-viable baby without a heartbeat. **Ms. Payne** replied that 95 percent of children with a heartbeat were viable to birth. She said severe birth defects were heartbreaking but life was ordained by God.

Senator Stennett asked Lauren Bramwell if a family member outside of Idaho would have the right to sue for an Idaho abortion. **Ms. Bramwell** said she did not know the answer to that question.

Senator Stennett inquired of Susan Low how she would have managed if this bill had been in effect, when two family members had opposite opinions about whether she should keep her baby. **Ms. Low** replied that she would have had to live with herself and reconcile with her mother. She added that her mother did not understand the process of a baby's development at the time.

Chairwoman Lodge asked Ken McClure to restate his proposed changes to Section 4 on page 4 of the bill. **Mr. McClure** explained that language should be added to allow for attorney's fees to be awarded to a defendant who complied with the law. He advised that Section 5 on page 4 should be deleted.

Senator Burgoyne asked Ken McClure about the legal standards set forth in the current law. He added that the burden of proof seemed to rest on the wrong party. **Mr. McClure** responded that making the proposed changes would shift the burden of proof to the plaintiff. He reported that the Idaho Medical Association would be neutral on the legislation with the addition of the trailer bill. **Senator Burgoyne** declared that the word "unless" would leave the burden of proof resting on the defendant. He urged Mr. McClure to consider different verbiage.

Mr. Conzatti confirmed he would soon present a trailer bill to make changes to Sections 4 and 5 in accordance with Mr. McClure's suggestions.

Senator Lee suggested that Mr. Conzatti should rewrite **S 1309** rather than pass it and bring a subsequent trailer bill. **Mr. Conzatti** stated it would be simpler to proceed with a separate trailer bill. He added he was certain the trailer bill would pass. **Chairwoman Lodge** said it would be up to the Committee whether to proceed with **S 1309**.

Mr. Conzatti responded to testimony and previous discussion by noting that the lawsuits filed against the State of Texas were dismissed. Also, the bill contained exceptions for rape and incest and fetal demise.

MOTION: **Senator Harris** moved to send **S 1309** to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion.

DISCUSSION: **Senator Burgoyne** provided an Attorney General's opinion stating that the bill would likely violate the equal protection clause and due process clause of the United States Constitution and the Idaho Constitution (see Attachment C). He further explained that the bill would be an unconstitutional delegation of executive branch powers to private citizens and violate the separation of powers of the Idaho Constitution. **Senator Burgoyne** stated the United States Supreme Court could not review the constitutionality of the Texas law until its next term. However, the Idaho Supreme Court would be able to review the law more quickly. He observed the Attorney General did not see problems with the jurisdiction and venue provisions of the bill. However, there was a question regarding a plaintiff's standing to sue. **Senator Burgoyne** stated it was unclear whether the statutory damages would reflect an actual injury or a penalty. He said the bill was unconstitutional on its face. He predicted the State would incur an expensive lawsuit over the bill's constitutionality.

VOICE VOTE: The motion to send **S 1309** to the floor with a **do pass** recommendation carried by **voice vote**. **Senator Burgoyne** and **Senator Stennett** requested that they be recorded as voting nay.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 10:28 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Jeanne Jackson-Heim
Assistant Secretary

AMENDED AGENDA #1
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Friday, February 18, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
GUBERNATORIAL APPOINTMENT VOTE:	VOTE ON THE GUBERNATORIAL REAPPOINTMENT of Jerry Aldape to the Idaho Endowment Fund Investment Board.	
GUBERNATORIAL APPOINTMENT:	THE GUBERNATORIAL APPOINTMENT of Robert Donaldson to the Idaho Endowment Fund Investment Board.	Robert Donaldson, Lewiston, ID
<u>S 1310</u>	RELATING TO THE ECONOMIC OUTLOOK & REVENUE ASSESSMENT COMMITTEE to establish provisions to codify the EORAC.	Alex Adams, Department of Financial Management
<u>S 1311</u>	RELATING TO STATE SYMBOLS to add to existing law to designate the Idaho Cut as the official state cut of Idaho for faceted gemstones.	Senator Den Hartog
<u>S 1288</u>	RELATING TO DISTRICT JUDGES to amend existing law to revise provisions regarding the appointed term of certain district judges.	Jason Hancock, Deputy Secretary of State
<u>HCR 32</u>	STATING FINDINGS OF THE LEGISLATURE REGARDING MISSION43 - States findings of the Legislature and urges the Governor and the State of Idaho to recognize Mission43, its efforts, and its leadership in ensuring that military veterans, their spouses, and their children are welcome and given opportunity to pursue the American dream in Idaho.	Senator Winder
MINUTES APPROVAL:	Approval of Minutes of January 28, 2022	Senator Anthon and Senator Burgoyne
	Approval of Minutes of February 14, 2022	Senator Winder and Senator Guthrie

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

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

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Guthrie

Sen Lee

Sen McClusky (Heider)

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Sen Winder
Sen Anthon
Sen Harris

Sen Stennett
Sen Burgoyne

Phone: 332-1326
Email: [sstaf@senate.idaho.gov](mailto:ss taf@senate.idaho.gov)

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, February 18, 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 8:00 a.m. She announced there would be a slight deviation from the order of the agenda.

S 1310 RELATING TO THE ECONOMIC OUTLOOK & REVENUE ASSESSMENT COMMITTEE (EORAC) to establish provisions to codify the EORAC.

Alex Adams, administrator, Division of Financial Management (DFM), explained that **S 1310** formalized a long standing informal process. The reasoning behind the legislation and the governance within the process was one of the things that the rating agencies took into account when looking at a state's credit rating. Good budgets start with good revenue forecasts; having a consensus process within the Joint Finance-Appropriations Committee (JFAC) is seen as a best practice in reducing volatility and political risk. This would formalize the good governance that Idaho saw as a result of the efforts of the Executive Branch and Legislature working together which was, in part, the reason the State was upgraded to a Triple-A status by both Moody's and Fitch. **Mr. Adams** stood for questions.

MOTION: **Senator Anthon** moved to send **S 1310** to the floor with a **do pass** recommendation. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

VOTE ON GUBERNATORIAL APPOINTMENT: **VOTE ON THE GUBERNATORIAL REAPPOINTMENT** of Jerry Aldape to the Idaho Endowment Fund Investment Board.

MOTION: **Senator Winder** moved to send the gubernatorial reappointment of Jerry Aldape to the Idaho Endowment Fund Investment Board (IEFIB) to the Senate floor with the recommendation that he be confirmed by the Senate. **Senator Lee** seconded the motion.

Senator Winder spoke to his motion stating that Mr. Aldape has been very faithful in attendance, brings a wealth of banking and financial background to the IEFIB, and has been a good board member. He would highly recommend him to be reappointed.

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

GUBERNATORIAL APPOINTMENT: **THE GUBERNATORIAL APPOINTMENT** of Robert Donaldson to the Idaho Endowment Fund Investment Board.

Mr. Donaldson stated he grew up in western Pennsylvania but always had a love for this area. In 1983 he came to Idaho to do his doctorate work at the University of Idaho and then went to work for the Lewiston school district retiring thirty two years later after eight years as superintendent of the school district. During that time he was involved in getting a school bond passed to build a new high school and regional career technical center. The \$58 million dollar bond passed with a seventy-five percent approval rate. **Mr. Donaldson** said he sat with the IEFIB for three meetings. He commented about the learning curve but he had experience in the management of a \$40 million budget for the school district.

Senator Anthon thanked Mr. Donaldson for his interest in the IEFIB. He stated that there was a need for a varied background on all committees when looking at how to protect the taxpayer's dollar. **Senator Anthon** acknowledged that Mr. Donaldson's expertise will be very valuable.

Chairwoman Lodge thanked Mr. Donaldson for his interest in this position and noted that he would find it enriching and very important to Idaho. She announced voting would be at the next meeting.

S 1311

RELATING TO STATE SYMBOLS to add to existing law to designate the Idaho Cut as the official state cut for faceted gemstones.

Senator Den Hartog, District 22, introduced **S 1311** that would create a new state symbol for the State of Idaho uniquely connected to Idaho's name as the "Gem State". The Idaho Cut is a patented cut for gemstones that was developed by Mr. Howell. This legislation honors the legacy of Quincy Douglas Howell, an incredible Idahoan who had a unique story to tell. **Senator Den Hartog** stated that there were some family members attending the meeting and turned the time over to them.

Erin Quincy Howell, grandson of Quincy Douglas Howell who was the inventor of the Idaho Cut. Mr. E. Howell passed around samples of stones that were cut by Quincy Howell. **Mr. E. Howell** explained that a cut was an assembly of facets and that was the art form. Those arrangements are put together by the artist so the end result would be of tremendous beauty. The Idaho Cut was his opus because it was the most beautiful cut he had ever put together and he named it after the state he loved. **Mr. E. Howell** gave an overview of his grandfather's life including when he was born, where he lived, his military service and then his decision to facet the precious gems in Idaho, the Gem State. He listed the reviews he had in well known magazines, the art awards he won in competitions, and the trophies he brought home. He was known all over the world for his work with gem stones (see Attachment A). **Mr. E Howell** introduced the rest of the family in attendance: cousins Wendy and Sheree, wife, Sue Howell, and sons Drew Howell, Ben and Angie Howell, Austin and Journey Howell, and Gabriel Howell.

MOTION:

Senator Stennett moved to send **S 1311** to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion.

Senator Anthon said this is a great story: an American and Idaho opportunity. He thanked Senator Den Hartog for bringing this bill forward.

Senator Burgoyne stated life was not all about politics and was grateful for this legislation, for Mr. Howell's grandfather, and what he accomplished. The stone is truly beautiful. Thank you for bringing this to the Committee.

VOICE VOTE:

The motion carried by **voice vote**.

S 1288

RELATING TO DISTRICT JUDGES to amend existing law and to revise provisions regarding the appointed term of certain district judges.

Jason Hancock, Deputy Secretary of State, explained that **S 1288** was brought forward by the Secretary of State's Office because it appeared that the letter of the language in Idaho Code was at variance with the intent of the Legislature when it set up the system for elections for District Court judges, and Code was also at variance with what had been the historic practice with elections. One small change was made to current statute in reference to the general election for district judges. **Mr. Hancock** explained the change on line 15 of the bill changed the reference from general election for district judges (November) to the judicial nominating election (May). This was a clean up between the letter of Code, and the legislative intent and practice.

MOTION: **Senator Stennett** moved to send **S 1288** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion.

Senator Lee stated her concern was about having someone in a position for five years. The questions that should be asked are, who is retiring within this time period, and is there an interest to have them not retire so the judicial council could replace rather than having the position open until an election. Was the intent of the legislation for people to run for these district judge positions, and are there fewer and fewer people available to run. The district judge positions should be watched to ensure that they were open within the communities.

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

HCR 32 **STATING FINDINGS OF THE LEGISLATURE REGARDING MISSION43** to urge the Governor and the State of Idaho to recognize Mission43, its efforts, and its leadership in ensuring that military veterans, their spouses, and their children were welcome and given the opportunity to pursue the American dream in Idaho.

Senator Winder stated that this legislation recognizes veterans and their spouses for their efforts to encourage others to participate in the Mission43 programs.

Senator Winder explained what happens when one was in the military, how it was all absorbing including friends, time, duty, and some very different, difficult, and dangerous activities. When a person exits that environment, they must define what their purpose in life will be. Mission43 encourages those veterans to continue to participate with one another, identify with other veterans and their families, and to be involved and stay connected in order to encourage one another. Mission43 was set up by the J. A. & Kathryn Albertson Foundation.

Senator Stennett asked if the Albertson Foundation continued to be the primary funding and were others involved like any nonprofit that would have contributors. Also, how long ago was this established? **Senator Winder** responded that the Albertson Foundation was the primary benefactor although others were involved. Mission43 was established about ten years ago.

MOTION: **Senator Harris** moved to send **HCR 32** to the floor with a **do pass** recommendation. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **The Approval of the Minutes** of January 28, 2022.

MOTION: **Senator Anthon** moved to approve the minutes of January 28, 2022. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **The Approval of the Minutes** of February 14, 2022.

MOTION: **Senator Winder** moved to approve the minutes of February 14, 2022. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**PAGE
GRADUATION:**

PAGE GRADUATION for Haydon Madison.

Chairwoman Lodge welcomed Haydon Madison to the podium and asked him to tell about his experience here, what he learned, and how he thought it would affect his future.

Haydon said he thoroughly enjoyed being a page and it was one of the greatest opportunities he has had. The people you meet and understanding the processes will help him carry out the tasks that he incurs during his life. Seeing people work together was of great importance and he hoped to carry that same concept throughout his life. Haydon said he was going back to school and then on to Boise State University to continue his education in the mortgage business; he was currently getting his license in this area. He would also like to have his own family here in Idaho.

Senator Winder asked Haydon to share what he has learned with his friends and encourage them to be involved. Most importantly, to realize that this body was not like social media describes it nor how the normal person understands or perceives it. You are an eyewitness so you can share what you learn to students and adults. Hopefully, you will take away a very positive feeling about the business that was carried out here and the importance of having honesty and integrity to carry out that business.

Chairwoman Lodge agreed with Senator Winder and added that those who work here serve the people of Idaho and that was something to look up to. She presented Haydon with gifts from the Committee and a letter of appreciation signed by all members of the Committee.

ADJOURNED:

There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:37 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Senate Bill 1311

Bill Sponsors: Sen. Lori Den Hartog – (R-22) Rep. Megan Blanksma – (R- 23)

67-4515. STATE CUT DESIGNATED. *The Idaho cut is hereby designated and declared to be the official state cut of the state of Idaho for faceted gem- stones.*

SOP

This legislation declares the patented "Idaho Cut" to be a state symbol and the official state cut for faceted gemstones. This designation honors the legacy of Quincy Douglas Howell (1908-1992). A remarkable American, WWII Air Force Officer, and Idahoan who became one of the top five experts in the faceting world who named his most prized patent the "Idaho cut."

Fiscal Note

The proposed legislation will have no fiscal impact to the general fund or local governments because the legislation simply changes a policy for a state symbol which is already managed by the Secretary of State.

About Quincy Douglas Howell:

Quincy Douglas Howell (1908-1992) was a remarkable American and Idahoan who was highly dedicated to his community and to excellence in all endeavors. After retiring as a WWII Air Force Officer, he started the path that led him to become one of the top five experts in the faceting world.

Q.D. "Pappy" Howell's Awards, Ribbons, and Accomplishments:

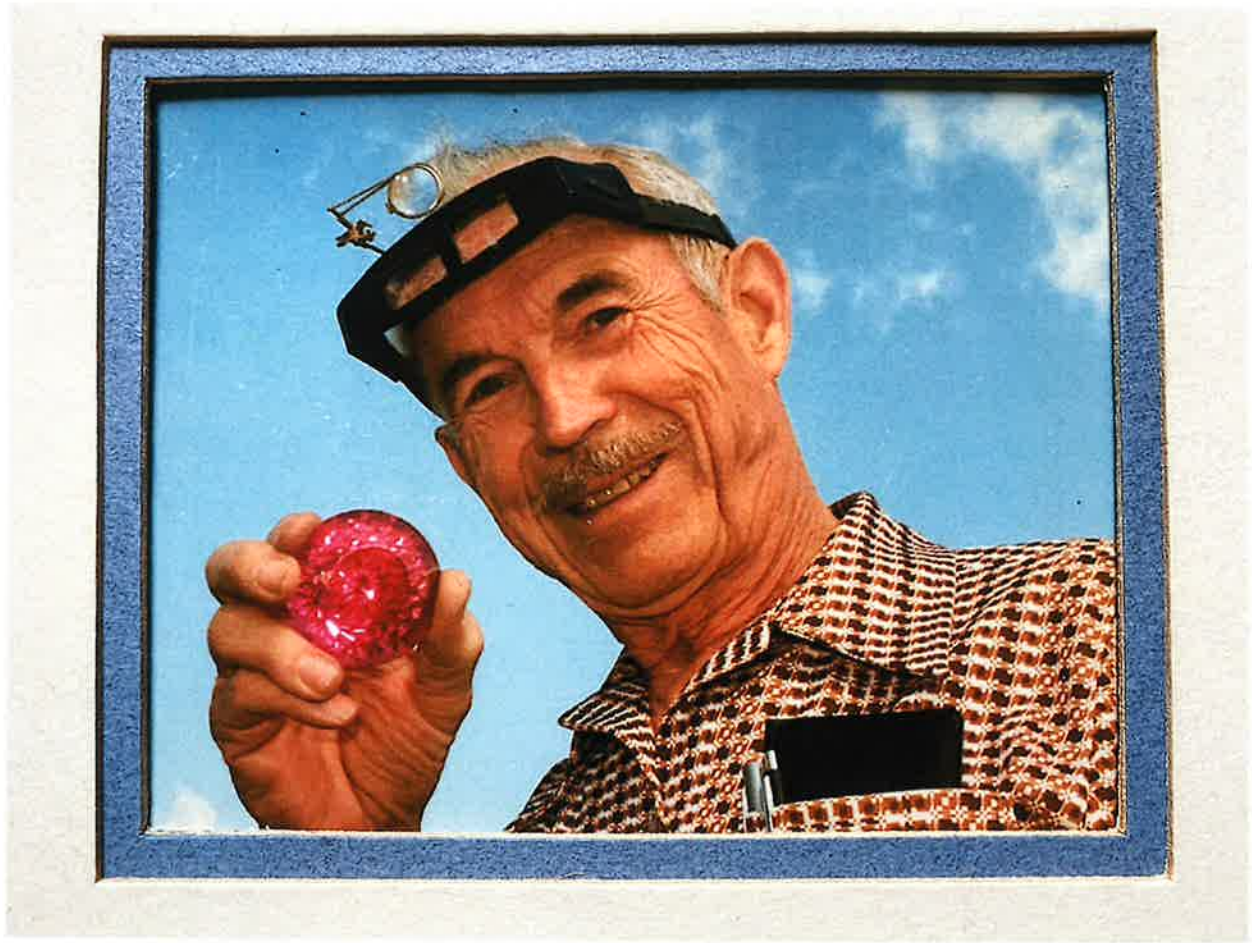
- WWII Air Force Officer
- Idahoan, father and family man with a lasting legacy in the community
- Won the US Championship (1969)
- Awarded the Master Faceter Certificate by the American Federation
- Outstanding Contribution to the Art of Faceting Award recipient (1987)
- Honored at the Northwest Faceter's Conference in Sun Valley, ID (1987).
- Idaho Statesman's "Portrait of a Distinguished Citizen" (1979)
- Featured in National Geographic magazine's article "The Glittering world of Rockhounds" (1974)
- Awarded Lifetime Membership in the Idaho Gem Club
- Outstanding Service Award - Idaho Gem Club
- His faceted stones are in the Smithsonian Institution in Washington D.C.
- Inducted into the National Rockhound and Lapidary Hall of Fame (2001)
- 30+ years of faceting
- Faceted over 6,500 stones
- Trained and instructed over 100 people in the art of faceting
- One of the top five experts in the faceting world
- Invented and named many unique "cuts" or patterns, which are the precise and intended arrangements of facets that reflect light from the stone in infinite combinations.
- His "Idaho Cut" is particularly beautiful and rivals the famous Tiffany Brilliant Cut for diamonds.

His family views his accomplished gemology legacy as uniquely Idahoan and deeply tied to The Gem State. Their goal is to have Quincy D. Howell's "Idaho Cut" adopted as the official gemstone cut for the State of Idaho, which would strengthen the heritage of this great state and provide a pattern of beauty for all Idahoans to enjoy. And because Idaho is considered The Gem State, it is only fitting that the Star Garnett not be so lonely in the list.

Quincy Douglas Howell's "Idaho Cut"



Quincy Douglas Howell's "Idaho Cut"



AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Monday, February 21, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
GUBERNATORIAL APPOINTMENT VOTE:	VOTE ON THE GUBERNATORIAL APPOINTMENT of Robert Donaldson to the Idaho Endowment Fund Investment Board.	
<u>RS 29123</u>	RELATED TO CODIFIER'S CORRECTIONS to make codifier and technical corrections to the Idaho Code.	Elizabeth Bowen, Legislative Services Office
<u>RS 29580</u>	RELATING TO HEALTH to establish provisions that would ensure patients of health facilities could be visited by one essential caregiver of their choice.	Senator Stennett
<u>RS 29604</u>	RELATING TO CAMPAIGN FINANCE to revise provisions regarding campaign finance reporting.	Senator Lodge
<u>RS 29605</u>	RELATING TO CAMPAIGNS to affirm availability of campaign contact information.	Ken Burgess

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Guthrie

Sen Winder

Sen Anthon

Sen Harris

Sen Lee

Sen Heider

Sen Stennett

Sen Burgoyne

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Phone: 332-1326

Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, February 21, 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 meeting of the Senate State Affairs Committee (Committee) to order at 8:03 a.m.

GUBERNATORIAL APPOINTMENT VOTE: **VOTE ON THE GUBERNATORIAL APPOINTMENT** of Robert Donaldson to the Idaho Endowment Fund Investment Board (IEFIB).

MOTION: **Senator Winder** moved to send the Gubernatorial appointment of Robert Donaldson to the IEFIB to the floor with recommendation that he be confirmed by the Senate. **Vice Chairman Guthrie** seconded the motion. The motion carried by **voice vote**.

DISCUSSION: **Senator Winder** stated that Mr. Donaldson was well qualified and motivated. He said Mr. Donaldson's education background will be helpful to the IEFIB.

VOICE VOTE: The motion to send the Gubernatorial appointment of Robert Donaldson to the IEFIB to the floor with recommendation that he be confirmed by the Senate carried by **voice vote**.

RS 29123 **RELATED TO CODIFIER'S CORRECTIONS** to make codifier and technical corrections to the Idaho Code.

Elizabeth Bowen, Legislative Services Office, stated the proposed legislation makes minor technical corrections to 35 sections and 1 chapter of Idaho Code.

MOTION: **Senator Winder** moved to send **RS 29123** to print. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

RS 29580 **Chairwoman Lodge** announced that **RS 29580** would be heard at a later time.

PASSED THE GAVEL: Chairwoman Lodge passed the gavel to Vice Chairman Guthrie.

RS 29604 **RELATING TO CAMPAIGN FINANCE** to revise provisions regarding campaign finance reporting.

Chairwoman Lodge said the proposed legislation would require any candidate for local or state office to begin filing monthly campaign finance reports after receiving a total of \$500 in campaign contributions.

MOTION: **Senator Lee** moved to send **RS 29604** to print. **Senator Burgoyne** seconded the motion.

DISCUSSION: **Senator Winder** asked for clarification that monthly reporting would be required even if the candidate received no additional donations beyond \$500. **Chairwoman Lodge** answered yes. She added the bill would provide transparency throughout the year.

VOICE VOTE: The motion to send **RS 29604** to print carried by **voice vote**.

RS 29605 **RELATING TO CAMPAIGNS** to affirm availability of campaign contact information.

Ken Burgess, Idaho Press Club, informed the Committee the proposed legislation would require the Secretary of State to disclose candidate email addresses and phone numbers as public information upon request. **Mr. Burgess** remarked that the bill included an emergency clause. He expressed his hope that the law could take effect prior to the start of the February 28, 2022 candidate filing period.

MOTION: **Senator Heider** moved to send **RS 29605** to print. **Chairwoman Lodge** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chairman Guthrie passed the gavel to Chairwoman Lodge.

RS 29580 **RELATING TO HEALTH** to establish provisions that would ensure patients of health facilities could be visited by one essential caregiver of their choice.

Senator Stennett presented the proposed legislation which would require health care facilities to admit one caregiver to assist with a patient. She reported difficulties for dementia patients who could not accurately respond to questions and were prohibited from having a caregiver present due to pandemic protocols. **Senator Stennett** added that the caregiver would be required to follow all other facility requirements.

MOTION: **Senator Lee** moved to send **RS 29580** to print. **Vice Chairman Guthrie** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:22 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Jeanne Jackson-Heim
Assistant Secretary

AMENDED AGENDA #2
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Wednesday, February 23, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
INTRODUCTION:	WELCOME TO PAGE KATELYN BERRY for the 2nd Half of the 2nd Regular Session of the 66th Idaho Legislature.	Katelyn Berry
<u>RS 29512</u>	RELATING TO BALLOTS regarding timely release of ballot counts.	Jason Hancock, Deputy Secretary of State
<u>RS 29615</u>	RELATING TO ALCOHOLIC BEVERAGES to provide a requirement for a license issued to a theatre.	Senator Anthon
<u>RS 29617</u>	RELATING TO THE FETAL HEARTBEAT PREBORN CHILD PROTECTION ACT to revise the provision regarding costs and attorney's fees, and remove a provision regarding an affirmative defense.	Blaine Conzatti, President Idaho Family Policy Center
<u>RS 29620C2</u>	RELATING TO THE RURAL VETERINARIANS LOAN REPAYMENT PROGRAM to add a new chapter and to establish provisions for such program.	Senator Stennett
<u>RS 29634</u>	RELATED TO FENCES to update current provisions for careless exposure of barb wire fences.	Senator Harris

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Guthrie

Sen Winder

Sen Anthon

Sen Harris

Sen Lee

Sen Heider

Sen Stennett

Sen Burgoyne

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Phone: 332-1326

Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 23, 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 8:04 a.m.

INTRODUCTION OF PAGE: **WELCOME TO PAGE KATELYN BERRY** to serve for the 2nd Half of the 2nd Regular Session of the 66th Idaho Legislature.

Chairwoman Lodge welcomed Katelyn and asked her to tell the Committee about herself and why she wanted to spend this time with the Legislature.

Katelyn Berry said she attended Borah High School and lived in the Boise area. She joined the Page Program to open herself up to new opportunities and try to discover what she wanted to do after high school. **Chairwoman Lodge** asked Katelyn what she expected to learn here. **Katelyn** responded that she had already learned so much. She is looking forward to learning about Idaho, and what was going on in Boise and throughout the State. **Chairwoman Lodge** thanked Katelyn for joining the program and informed her she will be asked to speak at the end of the session.

INTRODUCTION: **Chairwoman Lodge** welcomed a school group and asked that a representative come forward to introduce them.

Jason Richardson, Headteacher, Deseret Study Abroad Academy, stated he was here with a group from the school located in Eastern Idaho with students from Idaho Falls, Rigby, Blackfoot, and Shelley. Spending a week at the Capitol is part of their educational experience. Last year students traveled 7,000 miles across the United States studying U. S. history. These students have been earning their own financing for a trip to England, Scotland, Wales, and Ireland and will be traveling this year from late April through the month of May. **Mr. Richardson** brings students to the Capitol each year. He was very familiar with activities here since his daughter, Shayanne Richardson, is a Senate Page as have her siblings been before her.

Chairwoman Lodge thanked Mr. Richardson for bringing this group because they learn about government, and also for the trips made available to them; travel enriches lives.

RS 29512 **RELATING TO BALLOTS** regarding timely release of ballot counts.

Jason Hancock, Deputy Secretary of State, said this bill covers one issue, the timing when county clerks report election results. Under current law, county clerks are required to wait until after all the polls in the State have been closed before

they can report any results. This bill continues with current policy when counties have issues on the ballot involving both time zones. The change affects those counties that do not have issues on the ballot related to both time zones. Those counties will be able to report anytime after the local polls close; polls close at 8:00 p.m. Most county elections are very small and are not in both time zones.

DISCUSSION: **Senator Stennett** asked what percentage of the State does this impact. **Mr. Hancock** said it is roughly one-fifth of the State.

MOTION: **Senator Guthrie** moved to send **RS 29512** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

RS 29615 **RELATING TO ALCOHOLIC BEVERAGES** to provide a requirement for a license issued to a theatre.

Senator Anthon introduced Josh Scholar to present **RS 29615**.

Josh Scholer, Legal Extern for Senator Anthon, explained that **RS 29615** does two things: 1) Allows cities that acquire a liquor license up to one year before they must put it into actual use. 2) it allows historic theatres to be compliant with actual use requirements if the theatre offers and sells alcohol at least twice in a calendar year.

DISCUSSION: **Senator Stennett** stated that legislation passed last year for historical theatres did not designate the number of times for usage. This legislation requires that they must use the license twice a year. **Mr. Scholer** said the actual use for a liquor license in administrative code was six days a week, eight hours a day with actual sales. This legislation allows for twice a year use for historical theatres.

MOTION: **Senator Winder** moved to send **RS 29615** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

RS 29617 **RELATING TO THE FETAL HEARTBEAT PREBORN CHILD PROTECTION ACT** to revise the provision regarding costs and attorney's fees, and remove a provision regarding an affirmative defense.

Blaine Conzatti, President, Idaho Family Policy Center, explained that during the hearing for S 1309, the Idaho Medical Association recommended a change in some language pertaining to attorney's fees and affirmative defense. **RS 29617** is a trailer bill to accomplish that with the following changes: On page 1, subsection 4, added lines 35-37 and removed subsection 5. These two changes allows the court to award costs or attorney's fees if the prevailing defendant complied with the law.

MOTION: **Senator Harris** moved to send **RS 29617** to print. **Senator Guthrie** seconded the motion.

Senator Burgoyne stated he would be voting no on the motion. There must be someone to show evidence the defendant has complied and by striking subsection five, the defense is removed that someone sued under this statute would have; that is not appropriate.

VOICE VOTE: The motion carried by **voice vote**. Senator Stennett and Senator Burgoyne were recorded as voting nay.

RS 29620C2 **RELATING TO RURAL VETERINARIANS LOAN REPAYMENT PROGRAM** to add a new chapter and to establish provisions for such program.

Senator Stennett explained that this bill was brought to her by the Idaho Department of Agriculture (Department) because of the extraordinary difficulty in encouraging veterinarians, particularly large animal veterinarians, to reside in

Idaho. This bill creates the Rural Veterinarians Loan Repayment Program that would be administered the by the Department. Money would be allocated to the fund to pay education debt for veterinarians committing to provide care primarily to large animals in a rural area. Payments are capped at \$25,000 per year with a maximum of \$75,000 per qualified applicant.

MOTION: **Senator Guthrie** moved to send **RS 29620C2** to print. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

RS 29634 **RELATED TO FENCES** to update current provisions for careless exposure of barb wire fences.

Senator Harris stated that people are abusing Idaho's open range statute by neglecting their fences so cattle and horses are allowed to get out on public roads and into farmer's fields. The current statute is thorough but needs an update. **Senator Harris** worked with both prosecutors and sheriffs to add language that would allow them to look at fences and decide if there were grounds to write a ticket or prosecute. This legislation updates current provisions for careless exposure of barbed wire fences. It further revises provisions regarding property owner's liability after receiving notice and also adjusts penalties.

Chairwoman Lodge asked what the liability would be if someone else cut the fence. **Senator Harris** responded that if the fence was discovered by the sheriff, notice would be sent out and the owner would have seven days to respond.

MOTION: **Senator Burgoyne** moved to send **RS 29634** to print. **Senator Anthon** seconded the motion.

Senator Stennett asked what would happen if someone cut the fence and was caught; what would be penalties be. **Senator Harris** said that would probably fall under destruction of property and would be in a different code.

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

ADJOURNED: There being no further business, **Chairwoman Lodge** adjourned the meeting at 8:30 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Friday, February 25, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
<u>RS 29630</u>	STATING FINDINGS OF THE LEGISLATURE reaffirming the State of Idaho's commitment to a strong relationship with Taiwan.	Senator Lent
<u>RS 29565C2</u>	UNANIMOUS CONSENT REQUEST from the Senate Health & Welfare Committee relating to hospital assessments to revise provisions regarding the Hospital Assessment Fund.	Juliet Charron, ID Department of Health & Welfare
<u>RS 29598</u>	UNANIMOUS CONSENT REQUEST from the Senate Health and Welfare Committee Related to a Rule Rejection.	Senator Riggs
<u>RS 29606</u>	RELATING TO VOTERS to revise provisions regarding review and reporting of voter registrations.	Senator Heider
<u>RS 29607</u>	RELATING TO ELECTIONS to revise provisions regarding absent elector's ballots.	Senator Heider
<u>RS 29642</u>	UNANIMOUS CONSENT REQUEST from the Senate Health and Welfare Committee to establish provisions for a facility's patient's right to have an essential caregiver visit under certain circumstances.	Senator Stennett
<u>RS 29643</u>	RELATING TO BARBERS & COSMETOLOGY SERVICES to revise definitions pertaining to these services.	Senator Harris
<u>RS 29654</u>	UNANIMOUS CONSENT REQUEST from the Senate Commerce and Human Resources Committee related to commercial transactions.	Senator Wintrow
<u>S 1239</u>	RELATING TO THE LEGISLATURE to amend existing law to provide that a regular session of the Legislature shall adjourn by a certain date and to provide exceptions.	Senator Guthrie
<u>S 1335</u>	RELATING TO CODIFIER'S CORRECTIONS to amend existing law to make codifier's corrections.	Elizabeth Bowen, Legislative Services Office
<u>S 1337</u>	RELATING TO CAMPAIGN FINANCE to amend existing law to revise provisions regarding reporting requirements during a nonelection year.	Senator Lodge
<u>S 1338</u>	RELATING TO CAMPAIGNS to amend existing law to provide for public disclosure of certain campaign contact information.	Ken Burgess, Veritas Advisor

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

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

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Guthrie

Sen Winder

Sen Anthon

Sen Harris

Sen Lee

Sen Heider

Sen Stennett

Sen Burgoyne

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Phone: 332-1326

Email: [sstaf@senate.idaho.gov](mailto:ss taf@senate.idaho.gov)

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, February 25, 2022

TIME: 8:00 A.M.

PLACE: Room WW55

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

ABSENT/ EXCUSED: None

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

CONVENED: **Chairwoman Lodge** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:04 a.m.

RS 29630 **STATING FINDINGS OF THE LEGISLATURE** reaffirming the State of Idaho's commitment to a strong relationship with Taiwan.

Senator Lent, District 33, presented the proposed joint memorial to reaffirm Idaho's support for Taiwan, a strategic partner for many years. He observed the State of Idaho had enjoyed a bilateral trade relationship with Taiwan since 1984. He noted that trade with Taiwan amounted to approximately \$500,000 per year.

MOTION: **Senator Stennett** moved to send **RS 29630** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

RS 29565C2 **UNANIMOUS CONSENT REQUEST** from the Senate Health and Welfare Committee relating to hospital assessments to revise provisions regarding the Hospital Assessment Fund.

Juliet Charron, Medicaid Administrator, Idaho Department of Health and Welfare (IDHW), introduced herself to the Committee. **Ms. Charron** stated the proposed legislation would revise current law to allow the use of a hospital assessment to support General Fund needs for Idaho Medicaid.

DISCUSSION: In response to questions from **Senator Burgoyne** about how the hospital assessment would change and the effect of the change, **Ms. Charron** stated that the current hospital assessment was used to obtain supplemental Medicaid payments for hospitals. She advised the result of the bill would be larger supplemental payments to hospitals and additional support for Idaho Medicaid. **Senator Burgoyne** inquired if the hospital assessment was established in response to the Medicaid expansion initiative. **Ms. Charron** responded that the assessment was in place prior to Medicaid expansion. **Senator Burgoyne** asked for clarification on whether the assessment was a tax on the hospitals. **Ms. Charron** answered that the hospitals contributed the assessment as the State share of Medicaid dollars used to obtain federal funding.

MOTION: **Senator Lee** moved to send **RS 29565C2** to print. **Vice Chairman Guthrie** seconded the motion.

DISCUSSION: **Senator Lee** reported the hospital assessment had been used since 2008 to obtain funding for the difference between Medicare and Medicaid hospital reimbursement rates. She noted the Senate Health and Welfare Committee was more familiar with these issues and would rigorously vet the bill. She said the bill would provide a solution to help the hospitals obtain additional funding.

Senator Winder noted that the Committee traditionally did not specify to which committee a bill would be sent for hearing.

VOICE VOTE: The motion to send **RS 29565C2** to print carried by **voice vote**. **Senators Burgoyne** and **Stennett** requested that they be recorded as voting nay.

RS 29598 **UNANIMOUS CONSENT REQUEST** from the Senate Health and Welfare Committee related to a rule rejection.

Senator Winder, District 20, explained the proposed legislation would reject a portion of pending rules in 16.03.09 related to Medicaid basic plan benefits.

MOTION: **Senator Winder** moved to send **RS 29598** to print. **Senator Harris** seconded the motion.

DISCUSSION: **Senator Burgoyne** said he planned to vote in favor of the motion. He expressed criticism that neither the resolution nor the statement of purpose sufficiently identified what was being rejected.

VOICE VOTE: The motion to send **RS 29598** to print carried by **voice vote**.

RS 29606 **RELATING TO VOTERS** to revise provisions regarding review and reporting of voter registrations.

Senator Heider, District 24, presented the proposed legislation to provide for weekly review of new voter registration cards to ensure people were not registering to vote in more than one location. He advised the bill would require county clerks and the Secretary of State to report annually on maintenance of voter rolls.

MOTION: **Senator Harris** moved to send **RS 29606** to print. **Vice Chairman Guthrie** seconded the motion. The motion carried by **voice vote**.

RS 29607 **RELATING TO ELECTIONS** to revise provisions regarding absent elector's ballots.

Senator Heider stated the proposed legislation would require the county clerk to investigate the validity of the absent elector's registration for a ballot that was returned as undeliverable.

DISCUSSION: **Senator Stennett** asked whether a county clerk would have the time, resources, and ability to conduct an investigation. **Senator Heider** responded that it would be the county clerk's responsibility to ensure the investigation was conducted.

MOTION: **Senator Harris** moved to send **RS 29607** to print. **Senator Anthon** seconded the motion.

DISCUSSION: **Senator Burgoyne** inquired if the investigations would result in additional costs to the counties. **Chairwoman Lodge** noted that further questions could be posed at the full hearing on the bill.

VOICE VOTE: The motion to send **RS 29607** to print carried by **voice vote**. **Senator Burgoyne** requested that he be recorded as voting nay.

RS 29642 **UNANIMOUS CONSENT REQUEST** from the Senate Health and Welfare Committee to establish provisions for a facility's patient's right to have an essential caregiver visit under certain circumstances.

Senator Stennett, District 26, presented the proposed legislation for an essential caregiver to visit a patient in a health care facility. She reported the bill was a rewrite of a previous bill to incorporate minor changes suggested by the medical community.

MOTION: **Senator Lee** moved to send **RS 29642** to print. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

- RS 29643** **RELATING TO BARBERS & COSMETOLOGY SERVICES** to revise definitions pertaining to these services.
- Senator Harris**, District 32, stated the proposed legislation would clarify that junior and senior high school students taking cosmetology classes could accrue instructional hours toward licensure prior to attaining the minimum licensing age.
- MOTION:** **Vice Chairman Guthrie** moved to send **RS 29643** to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.
- RS 29654** **UNANIMOUS CONSENT REQUEST** from the Senate Commerce and Human Resources Committee related to commercial transactions.
- Senator Wintrow**, District 19, presented the proposed legislation relating to subordinate mortgages on certain residential properties. **Senator Wintrow** advised that a junior mortgage holder would be required to notify the homeowner of their obligations if the note was sold or assigned or if the senior mortgage was foreclosed.
- MOTION:** **Senator Stennett** moved to send **RS 29654** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.
- S 1239** **RELATING TO THE LEGISLATURE** to amend existing law to provide that a regular session of the Legislature shall adjourn by a certain date and to provide exceptions.
- Vice Chairman Guthrie**, District 28, stated the bill would require the Legislature to adjourn before the end of March, subject to several exceptions. He requested that the Committee send the bill to the 14th Order of Business to change Section 2(c) from a two-thirds to a simple majority.
- Senator Harris** moved to send **S 1239** to the 14th Order of Business for possible amendment. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.
- S 1335** **RELATING TO CODIFIER'S CORRECTIONS** to amend existing law to make codifier's corrections.
- Elizabeth Bowen**, Legislative Services Office, gave an overview of the annual bill to make technical corrections to Idaho Code. She advised there were revisions to make grammatical changes, renumber or reformat sections, correct an agency or fund name or a code reference, remove surplus verbiage, eliminate confusing or archaic language, and insert Oxford commas. **Ms. Bowen** noted that Oxford commas are important to ensure correct statutory interpretation.
- MOTION:** **Vice Chairman Guthrie** moved to send **S 1335** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.
- PASSED THE GAVEL:** Chairwoman Lodge passed the gavel to Vice Chairman Guthrie.
- S 1337** **RELATING TO CAMPAIGN FINANCE** to amend existing law to revise provisions regarding reporting requirements during a nonelection year.
- Chairwoman Lodge**, District 11, presented the legislation to improve transparency in Idaho's campaign finance system. She reported nearly \$12 million donated to 497 candidates and over \$7 million in campaign expenditures in 2021, a nonelection year. She said that prior to launch of the new campaign finance portal, much of that contribution and expenditure information was unavailable to the public until the end of the year. **Chairwoman Lodge** advised the bill would require any candidate for State or local office who received or spent an aggregate of \$500 or more to begin filing monthly campaign finance reports. She noted that the new portal greatly simplified the reporting process. She added that the bill was developed with the help of the Idaho Secretary of State.

DISCUSSION: **Senator Stennett** asked if the \$500 limit applied to a one-time transaction or an aggregate of transactions. **Chairwoman Lodge** responded a candidate would be required to file a monthly report throughout the year once the candidate's receipts or expenditures reached a total of \$500. She clarified that if the candidate did not spend or receive any money, only the annual report would be required.

Senator Burgoyne stated his appreciation for Chairwoman Lodge's persistence in bringing the legislation.

TESTIMONY: **Elinor Chehey**, League of Women Voters of Idaho, testified in support of **S 1337** because the bill would strengthen transparency and the public's right to know the sources of campaign money.

Phil McGrane, Ada County Clerk, testified in support of **S 1337** because campaigns had begun earlier and campaign contributions had greatly increased in nonelection years.

Chairwoman Lodge said she appreciated the statewide support to update campaign finance reporting.

MOTION: **Senator Burgoyne** moved to send **S 1337** to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chairman Guthrie passed the gavel back to Chairwoman Lodge.

S 1338 **RELATING TO CAMPAIGNS** to amend existing law to provide for public disclosure of certain campaign contact information.

Ken Burgess, Idaho Press Club, presented the bill which would require a candidate to supply a phone number and email address when filing to run for office. He said the bill would also specify that candidate phone numbers and email addresses were public record. **Mr. Burgess** reported difficulties accessing candidate contact information since the launch of the new campaign filing portal.

TESTIMONY: **Mr. McGrane** testified in support of **S 1338** because the requirement to supply contact information would be helpful to the county clerks as well as the public.

Ms. Chehey testified in support of **S 1338** because it would facilitate completion of the League of Women Voters' online voter guide to disseminate candidate information to voters. She advised the Committee that the Secretary of State's office had denied them access to candidate email addresses since 2020.

MOTION: **Senator Lee** moved to send **S 1338** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:52 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Jeanne Jackson-Heim
Assistant Secretary

AMENDED AGENDA #1
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Monday, February 28, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
<u>RS 29619</u>	UNANIMOUS CONSENT REQUEST for the Senate Health and Welfare Committee relating to the Extended Employment Services Program repealing Chapter 63, Title 33, Idaho Code, and adding a new chapter to establish the Extended Employment Services Program in the Division of Medicaid.	Senator Cook
<u>RS 29640</u>	RELATING TO BALLOT MEASURES to provide for the numbering of ballot measures.	Senator Ricks
<u>RS 29675</u>	RELATING TO THE FETAL HEARTBEAT PREBORN CHILD PROTECTION ACT to revise provisions regarding attorney's fees and remove a provision related to affirmative defenses.	Blaine Conzatti, President, Idaho Family Policy Center
<u>S 1339</u>	RELATING TO PUBLIC RECORDS to amend and add to existing law to provide that public records requests be made to the custodian of records, to provide for the Legislative Services Office to be designated as the custodian for legislative records, and to revise terminology.	Senator Lakey
<u>S 1341</u>	RELATED TO BALLOTS to amend existing law to revise provisions regarding when election results may be released to the public.	Jason Hancock, Deputy Secretary of State
<u>S 1342</u>	RELATING TO ALCOHOLIC BEVERAGES to amend existing law to provide an exemption from a certain requirement and to provide a requirement for a license issued to a theater.	Senator Anthon
<u>HJM 5</u>	A HOUSE JOINT MEMORIAL REGARDING TAXATION states findings of the Legislature and requests that Governor Jay Inslee of Washington oppose and veto a proposed tax on fuel exports from Washington to Idaho.	Senator Harris
MINUTES APPROVAL:	Approval of Minutes for February 21, 2022.	Senator Anthon and Senator Heider

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

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

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Guthrie

Sen Winder

Sen Anthon

Sen Harris

Sen Lee

Sen Heider

Sen Stennett

Sen Burgoyne

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Phone: 332-1326

Email: [sstaf@senate.idaho.gov](mailto:ss taf@senate.idaho.gov)

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, February 28, 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 8:02 a.m.

RS 29619 **UNANIMOUS CONSENT REQUEST** for the Senate Health and Welfare Committee relating to the Extended Employment Services Program repealing Chapter 63, Title 33, Idaho Code, and adding a new chapter to establish the Extended Employment Services Program in the Division of Medicaid.

Senator Kevin Cook, District 30, explained that Extended Employment Services (EES) was unique to Idaho and provided for job coaching, support, vocational training and choice of work environment that best meets the needs of individuals with significant disabilities. EES was fully funded by state dollars; no federal money was involved. The focus of **RS 29619** was to move the management of EES to the Department of Health and Welfare, Division of Medicaid, and to codify the services they provide.

Senator Stennett and **Senator Burgoyne** stated their concerns that this legislation was a duplicate of former legislation. This is a unanimous consent request.

MOTION: **Senator Winder** moved to send **RS 29619** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**. Senator Stennett and Senator Burgoyne were recorded as voting nay.

RS 29640 **RELATING TO BALLOT MEASURES** to provide for the numbering of ballot measures.

Senator Doug Ricks, District 34, said that **RS 29640** allowed for consecutive numbering for voter approved ballot initiatives in a general election beginning with the number eight which shall be unique and not reused in subsequent years.

Vice Chairman Guthrie asked if, after several elections and a number might be 27, would it confuse people into thinking that the numbers from 1-26 might be missing. **Senator Ricks** acknowledged that it may be confusing but, currently, if someone was checking on a proposition, it could be any number of the same proposition since the numbers were repeated each year. Luckily, Idaho did not have many ballot initiatives. Using a number once made it unique. It would be made clear that different numbers would be used each year.

MOTION: **Vice Chairman Guthrie** moved to send **RS 29640** to print. **Senator Lee** seconded the motion.

Senator Burgoyne stated two concerns. 1) The reasoning behind starting with No. 8; 2) Idaho usually didn't refer to these ballot measures as propositions but by names such as the "1974 Sunshine Initiative." He also had a concern if the number of propositions increased.

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

RS 29675 **RELATING TO THE FETAL HEARTBEAT PREBORN CHILD PROTECTION ACT** to revise provisions regarding attorney's fees and remove a provision related to affirmative defenses.

Blaine Konzatti, President, Idaho Family Policy Center, stated that **RS 29675** was a trailer bill to **S 1309** which would allow the courts to award attorney's fees and costs to prevailing defendants who complied with the law. The legislation was a rewrite of a previous RS that contained an error related to the effective date as found by the Secretary of the Senate. That error has been corrected. That was the only change in **RS 29675**.

Senator Lee asked why this couldn't have been combined with **S 1309** and made it all one bill. **Mr. Konzatti** responded that they were trying to avoid another full public hearing on **S 1309** to keep it moving through the process. **Senator Lee** stated her agreement with Madam Secretary. **Mr. Konzatti** said that they also agreed with what Madam Secretary found. That was the reason for bringing the bill.

MOTION: **Senator Anthon** moved to send **RS 29675** to print. **Senator Winder** seconded the motion.

Senator Burgoyne will be voting no. This legislation has been about an idea and hasn't been about properly executing the idea.

VOICE VOTE: The motion carried by **voice vote**. Senator Stennett and Senator Burgoyne were recorded as voting nay.

S 1339 **RELATING TO PUBLIC RECORDS** to amend and add to existing law to provide that public records requests be made to the custodian of records, to provide for the Legislative Services Office to be designated as the custodian for legislative records, and to revise terminology.

Senator Todd Lakey, District 12, stated **S 1339** clarified the public records request process, benefited the public seeking a response to a records request, and aided elected officials who received thousands of emails to respond to records requests. **Senator Lakey** went through the bill explaining the changes in the definitions, the verbiage that was removed, who the designated custodian would be, and how they would function. Input was received from the press and trial lawyers to develop language that was acceptable.

Senator Burgoyne noted that the section regarding the Legislature could be viewed as having a different methodology than it did before but there had been some specific issues and problems arise with respect to public records. In his opinion, this legislation would provide a vehicle that was likely to result in greater transparency and responsiveness to the public.

MOTION: **Senator Burgoyne** moved to send **S 1339** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

S 1341 **RELATED TO BALLOTS** to amend existing law to revise provisions regarding when election results may be released to the public.

Jason Hancock, Deputy Secretary of State, explained that current law required county clerks to wait until all the polls in the State had closed before they could

report to the Secretary of State (SOS) regardless of the type of election. The changes in **S 1341** allowed the county clerks to report any time after the polls had closed as long as there was nothing on their ballot that was in the other time zone. **Mr. Hancock** explained that only two, or three in a presidential election cycle, out of eight different election dates would cross the time zone boundary. Most smaller elections were for school levies or city elections.

Chairwoman Lodge asked if everyone who signed up to vote in the precinct had voted, can they report earlier than eight o'clock? **Mr. Hancock** said they could not close earlier because there was always election day registration and that went until eight p.m.

MOTION: **Vice Chairman Guthrie** moved to send **S 1341** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

S 1342 **RELATING TO ALCOHOLIC BEVERAGES** to amend existing law to provide an exemption from a certain requirement and to provide a requirement for a license issued to a theater.

Senator Anthon introduced Jason Scholer to present **S 1342**.

Jason Scholer, Senator Anthon's legal extern, explained there were no changes since the printing of this bill. **S 1342** did two things: 1) it allowed cities one year after a city acquires a building that may come with a liquor license to actually sell liquor. This allowed a buffer period before actual use and when legal requirements in code would become effective. This was especially applicable during city revitalization of downtown areas that may need renovations. Current administrative rules were arduous requiring liquor sales six days a week, eight hours a day. This did not exempt those cities from the requirement, it only gave them time to get established. 2) This bill allowed historical theatres to use a liquor license twice a year to be in compliance with actual use requirements and administrative code. The historical theatres did not have daily use as a general rule so this allowed them to be compliant in the event they get a liquor license.

DISCUSSION: **Senator Stennett** asked for clarification about the requirements in case there was a shutdown that was out of their power, like COVID. Also, was the year transition for a liquor license applicable to historic theatres. **Mr. Scholar** said once the year was up, the code and administrative rules would be applicable. Historic theatres had different requirements.

Vice Chairman Guthrie posed a two part question: 1) If a city buys a building with a liquor license, do they pay a premium for that license and would it be a separate asset; and, 2) could they then keep the building and sell the license? **Mr. Scholar** deferred to Senator Anthon. **Senator Anthon** responded with an example of an incident of a town in his district where the building was separate from the liquor license as assets and selling liquor was not the intent of the city. This bill provided a buffer to provide time to resolve those types of situations. He asked if that answered the question. **Vice Chairman Guthrie** responded in the affirmative and asked if this was an anomaly. **Senator Anthon** said it was not. They had discovered several similar incidents. This did not happen very often but as more cities did revitalization, it was likely to occur more often.

MOTION: **Senator Winder** moved to send **S 1342** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

HJM 5 **A HOUSE JOINT MEMORIAL REGARDING TAXATION** states findings of the Legislature and requests that Governor Jay Inslee of Washington oppose and veto a proposed tax on fuel exports from Washington to Idaho.

Senator Harris introduced **HJM 5**. He said that Washington was fast tracking a bill that would initiate an export tax of six percent on diesel, gas, and jet fuel exported from Washington to Idaho. This proposal would cost Idahoans more at the pump and increase costs for agriculture, mining, and other industries. There was also a question of the constitutionality of this proposal in Article One, Section Eight, of the Dormant Commerce Clause. **HJM 5's** message to the governor of Washington was to oppose Washington's proposed law.

Senator Winder commented that this was a reaction to what Washington was trying to do even though a few of their legislators were starting to say this was a bad idea. However, once something like this started, it opened the door to retaliation.

Senator Burgoyne stated his belief that what Washington was proposing is plainly unconstitutional under the Commerce Clause of the Federal Constitution.

Senator Heider asked if the statement "the Legislature strongly opposes the imposition of the tax" is strong enough. **Senator Harris** stated he thought the legislation was strong enough.

MOTION: **Vice Chairman Guthrie** moved to send **HJM 5** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Approval of the Minutes** for February 21, 2022.

MOTION: **Senator Anthon** moved to accept the minutes of February 21, 2022. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:45 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Wednesday, March 02, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
GUBERNATORIAL REAPPOINTMENT:	THE GUBERNATORIAL REAPPOINTMENT of Irving Littman to the Idaho Endowment Fund Investment Board.	Irving Littman
<u>RS 29585</u>	UNANIMOUS CONSENT REQUEST RELATING TO PROPERTY TAXES from the Senate Local Government and Taxation Committee regarding interest rates on delinquent property taxes.	Senator Ricks
<u>RS 29608</u>	UNANIMOUS CONSENT REQUEST from the Senate Local Government and Taxation Committee relating to tax commission administration and enforcement rules.	Senator Rice
<u>RS 29626C2</u>	RELATING TO CAMPAIGN FINANCE AND LOBBYISTS relating to reporting requirements.	Jason Hancock, Deputy Secretary of State
<u>S 1289</u>	RELATING TO THE LEGISLATURE - Adds to existing law to authorize the Legislature to intervene in certain actions regarding constitutionality of an Idaho statute.	Senator Souza
<u>S 1358</u>	RELATING TO THE FETAL HEARTBEAT PREBORN CHILD PROTECTION ACT - Amends S.B. 1309 and amends existing law to revise a provision regarding attorney's fees, to remove a provision regarding an affirmative defense, and to redesignate a section.	Blaine Konzatti, President, Idaho Family Policy Center
<u>H 501</u>	RELATING TO THE IDAHO STATE CAPITOL BUILDING - Amends existing law to clarify the allocation and control of space in the Idaho Capitol Building.	Senator Ricks
<u>H 532</u>	RELATING TO ELECTIONS - Adds to and amends existing law to allow the Secretary of State or a county clerk to petition for judicial review of an election when it appears that an error occurred in the administration of the election and the error might be sufficient to change the outcome of the election.	Phil McGrane, Ada County Clerk

<u>H 548</u>	RELATING TO ELECTIONS - Amends and adds to existing law to provide that a person's residence for voting purposes shall be the homestead for which the person claims a certain tax exemption and to provide for an investigation into candidate qualifications.	Senator Stennett
<u>H 607</u>	RELATED TO THE IDAHO STATE LOTTERY to amend existing law to provide that the commission may adopt certain rules and to revise provisions regarding joint lotteries.	Senator Guthrie
<u>HCR 31</u>	STATING FINDINGS OF THE LEGISLATURE RECOGNIZING THE IDAHO FALLS BANDITS - States findings of the Legislature and recognizes the accomplishments of the Idaho Falls Bandits baseball team.	Rep. Ehardt
<u>HJM 4</u>	A JOINT MEMORIAL FOR BUTTE COUNTY - States findings of the Legislature and resolves that it must be ensured that rural counties with large federal installations are not negatively affected by core-based statistical area designations.	Rep. Furniss

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

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

COMMITTEE MEMBERS

Chairman Lodge
Vice Chairman Guthrie
Sen Winder
Sen Anthon
Sen Harris

Sen Lee
Sen Heider
Sen Stennett
Sen Burgoyne

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, March 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 meeting of the Senate State Affairs Committee (Committee) to order at 8:03 a.m.

Chairwoman Lodge announced that the agenda would be reordered.

HCR 31 **STATING FINDINGS OF THE LEGISLATURE RECOGNIZING THE IDAHO FALLS BANDITS** - States findings of the Legislature and recognizes the accomplishment of the Idaho Falls Bandits baseball team.

Representative Ehardt, District 33, presented the resolution to recognize the Idaho Falls Bandits baseball team, winners of the American Legion World Series. She described the team's accomplishments and thanked the Committee for acknowledging the team.

MOTION: **Senator Harris** moved to send **HCR 31** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

HJM 4 **A JOINT MEMORIAL FOR BUTTE COUNTY** - States findings of the Legislature and resolves that it must be ensured that rural counties with large federal installations are not negatively affected by core-based statistical area designations.

Representative Furniss, District 35, explained that Butte County was classified as part of the Idaho Falls Metropolitan Statistical Area. He explained the Idaho National Laboratory's location in Butte County made the county ineligible for grants and other opportunities. He stated the memorial would assist Idaho's Congressional delegation in their efforts to correct the classification.

MOTION: **Vice Chairman Guthrie** moved to send **HJM 4** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

RS 29585 **UNANIMOUS CONSENT REQUEST RELATING TO PROPERTY TAXES** from the Senate Local Government and Taxation Committee regarding interest rates on delinquent property taxes.

Senator Ricks, District 34, presented the proposed legislation to reduce the interest rate on delinquent property taxes from 12 percent to 6 percent annually. He stated there were no additional proposed changes at this time.

DISCUSSION: **Senator Burgoyne** asked Senator Ricks to gather information on the impact of the bill on local government revenues.

- MOTION:** **Senator Burgoyne** moved to send **RS 29585** to print. **Vice Chairman Guthrie** seconded the motion. The motion carried by **voice vote**.
- RS 29608** **UNANIMOUS CONSENT REQUEST** from the Senate Local Government and Taxation Committee relating to tax commission administration and enforcement rules.
- Senator Rice**, District 10, stated the proposed concurrent resolution would reject an Idaho State Tax Commission (ISTC) rule. He noted both the House and Senate Local Government and Tax Committees, as well as the ISTC, agreed the rule was problematic.
- MOTION:** **Senator Harris** moved to send **RS 29608** to print. **Senator Anthon** seconded the motion.
- DISCUSSION:** **Senator Burgoyne** asked for more information about the reason for the rule rejection. **Senator Rice** answered that the rule would have allowed ex parte communications during a tax appeal without notice to the taxpayer.
- VOICE VOTE:** The motion to send **RS 29608** to print carried by **voice vote**.
- GUBERNATORIAL REAPPOINTMENT:** **THE GUBERNATORIAL REAPPOINTMENT** of Irving Littman to the Idaho Endowment Fund Investment Board (IEFIB).
- Irving Littman**, Boise, Idaho introduced himself to the Committee. He stated he was completing his first term on the IEFIB. He mentioned he had 40 years of financial and corporate management experience.
- DISCUSSION:** **Senator Burgoyne** said Mr. Littman's credentials were impressive. He thanked Mr. Littman for his service. He stated the IEFIB was lucky to have Mr. Littman as a member.
- Senator Winder** asked Mr. Littman to elaborate on his background and experience. **Mr. Littman** provided highlights of his career as Vice President and Treasurer of Boise Cascade, where he oversaw management of the retirement funds. He reported he received his Master of Business Administration degree from the University of Chicago. He remarked he helped found the Investment Committee of the Idaho Community Foundation and assisted other volunteer groups to grow their endowments.
- Chairwoman Lodge** advised that the Committee would vote on Mr. Littman's reappointment at its next meeting.
- RS 29626C2** **RELATING TO CAMPAIGN FINANCE AND LOBBYISTS** relating to reporting requirements.
- Jason Hancock**, Deputy Secretary of State, Idaho Secretary of State's Office (SOS), introduced himself to the Committee. **Mr. Hancock** explained the proposed legislation would simplify and close loopholes in the campaign finance reporting statutes by:
- standardizing the reporting threshold at \$500 for all candidates except county central committee representatives;
 - consolidating the filing requirements into two sections of Idaho Code;
 - classifying federally registered political action committees as political committees for Idaho campaign reporting purposes;
 - establishing a 60-day filing window prior to all elections for reporting electioneering communications; and
 - allowing the Secretary of State to publish its registered lobbyist reports on its website rather than filing a weekly paper report with the Legislature.

DISCUSSION: **Senator Lee** asked why the bill's implementation date was set at January 1, 2023 rather than July 1, 2022. **Mr. Hancock** answered it would be confusing and difficult to implement the bill's provisions in the middle of the reporting year. He noted programming changes would be needed for the campaign finance software.

MOTION: **Senator Stennett** moved to send **RS 29626C2** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

S 1289 **RELATING TO THE LEGISLATURE** - Adds to existing law to authorize the Legislature to intervene in certain actions regarding constitutionality of an Idaho statute.

Senator Souza, District 4, presented **S 1289** to allow the Legislature to intervene in a lawsuit challenging the constitutionality of an Idaho statute as a matter of right. She reported the Attorney General supported the bill and the Governor's office was neutral.

DISCUSSION: In response to questions from **Senator Stennett** about the legal process for the Legislature to intervene in a lawsuit, **Senator Souza** stated under current law the court determined whether the Legislature had standing. She noted the bill would give the Legislature the right to participate if it chose to do so.

Senator Lakey, District 12, introduced himself to the Committee. He explained the process for challenging an Idaho statute in court. He described possible methods for gaining Legislative approval to intervene. He said the Legislature would be required to retain counsel or work with the Attorney General.

In response to questions from **Senator Burgoyne** about possible constitutional issues, **Senator Lakey** replied that he was unaware of an Attorney General's opinion on the issue. He said the bill would allow the Legislature to respond to a statutory challenge rather than initiate an action. He agreed it would be important to implement rules to manage the process.

Vice Chairman Guthrie remarked that the Legislature already had the right to intervene. He said the bill did not indicate how rules would be promulgated to define the process. **Senator Lakey** pointed out that the bill would give the Legislature standing before the court. He clarified the bill applied to the Legislature as a whole, not individual houses. It would be inappropriate to establish the process in statute, he said.

MOTION: **Senator Anthon** moved to send **S 1289** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion.

DISCUSSION: **Senator Winder** explained that the Senate and the House each had separate legal funds because some legal actions didn't involve both bodies. He noted that the Legislature wasn't always in session when issues arose. He added that the Speaker of the House and the President Pro Tempore made such decisions in the past.

Senator Stennett inquired why the bill was necessary if the process already existed. **Senator Winder** responded that the bill was necessary to codify the Legislature's standing to intervene.

Senator Anthon agreed the bill was important to require the courts to recognize the Legislature's standing to intervene in a case.

Vice Chairman Guthrie stated he would support the motion. He wondered if the bill could restrict the Legislature's ability to intervene when the Legislature was not in session.

VOICE VOTE: The motion to send **S 1289** to the floor with a **do pass** recommendation carried by **voice vote**.

S 1358 **RELATING TO THE FETAL HEARTBEAT PREBORN CHILD PROTECTION ACT** - Amends S.B. 1309 and existing law to revise a provision regarding attorney's fees, to remove a provision regarding an affirmative defense, and to redesignate a section.

Blaine Conzatti, President, Idaho Family Policy Center, stated **S 1358** was a trailer bill to **S 1309** to include revisions suggested by stakeholder groups to reduce the likelihood of frivolous lawsuits. He reported the bill made two changes to (1) clarify a prevailing defendant would be entitled to an award of costs and attorneys fees and (2) strike subsection 5 of § 18-8807 relating to affirmative defenses.

MOTION: **Senator Harris** moved to send **S 1358** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion.

DISCUSSION: **Senator Burgoyne** stated he would not support the motion because the proposed changes would not resolve any issues for the courts or affect **S 1309**.

VOICE VOTE: The motion to send **S 1358** to the floor with a **do pass** recommendation carried by **voice vote**. **Senators Burgoyne** and **Stennett** requested that they be recorded as voting nay.

H 501 **RELATING TO THE IDAHO STATE CAPITOL BUILDING** - Amends existing law to clarify the allocation and control of space in the Idaho Capitol Building.

Senator Ricks presented the legislation to correct an oversight in Idaho Code dating back to the 2009 Capitol renovation. He explained the bill defined the garden level hallways and restrooms as public spaces.

DISCUSSION: **Senator Stennett** stated her understanding that the entire Capitol Building was public space. **Senator Ricks** said the bill would clarify the public was officially allowed to use the restrooms and hallways.

MOTION: **Senator Lee** moved to send **H 501** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion.

DISCUSSION: **Senator Winder** explained some spaces such as committee rooms, the Senate floor, and offices were under the control of the President Pro Tempore or the Speaker of the House. He noted the bill distinguished common area spaces in the Capitol Building.

VOICE VOTE: The motion to send **H 501** to the floor with a **do pass** recommendation carried by **voice vote**.

H 532 **RELATING TO ELECTIONS** - Adds to and amends existing law to allow the Secretary of State or a county clerk to petition for judicial review of an election when it appears that an error occurred in the administration of the election and the error might be sufficient to change the outcome of the election.

Phil McGrane, Ada County Clerk, introduced himself to the Committee. **Mr. McGrane** explained the proposed legislation would grant authority to the Secretary of State and the county clerks to petition the district court for judicial review of an election. He described examples of errors made in recent close elections that could have changed the outcomes of the elections. **Mr. McGrane** said the bill would allow a judge to review an error and determine whether or not to order an immediate new election. He reported under current law either the unsuccessful candidate had to file a petition for review and bear the costs of the case, or the county clerks had to sue themselves.

DISCUSSION: In response to questions from **Senator Burgoyne** about the need for a new election in every circumstance, **Mr. McGrane** advised the bill would apply only to situations that could not be resolved under current statutes. He clarified that often a new election was the best remedy even if it was an imperfect and costly option.

TESTIMONY: **Jason Hancock** advised that the SOS did not have a position on the bill. He affirmed that in the past counties took themselves to court to obtain a judge's order for a new election.

MOTION: **Senator Burgoyne** moved to send **H 532** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

H 548 **RELATING TO ELECTIONS** - Amends and adds to existing law to provide that a person's residence for voting purposes shall be the homestead for which the person claims a certain tax exemption and to provide for an investigation into candidate qualifications.

Senator Stennett, District 26, presented the proposed legislation. She explained that some candidates claimed a business or extended family member address as their home residence although they did not actually live there. **Senator Stennett** said the bill would allow the SOS to investigate a candidate's or elector's claimed residency through an ISTC database of homestead exemptions. She noted the additional benefits of ensuring someone claimed only one homeowner's exemption or was registered to vote in the correct precinct.

TESTIMONY: **Jason Hancock** stated the SOS had no formal position on the proposed legislation. He reported the bill would provide objective criteria to verify a residence address for a majority of registered voters. **Mr. Hancock** noted some timing issues for 2022 elections. He promised to work to implement the legislation if it passed.

DISCUSSION: **Senator Burgoyne** expressed his opinion that the legislation was appropriate. He observed it would preclude people from taking inconsistent positions to advantage themselves.

MOTION: **Senator Harris** moved to send **H 548** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

H 607 **RELATED TO THE IDAHO STATE LOTTERY** to amend existing law to provide that the commission may adopt certain rules and to revise provisions regarding joint lotteries.

Vice Chairman Guthrie, District 28, presented the proposed legislation to allow Idaho's continued participation in the Powerball lottery game after Australia and the United Kingdom were licensed to join in 2022. He described economic benefits to businesses and uses of Powerball revenue for schools, the Permanent Building Fund, and the Bond Levy Equalization Fund. **Vice Chairman Guthrie** noted that Idaho would be required to pass additional legislation if other countries were added in the future. He explained the drawings would occur in the Eastern time zone. There would be no difference in the odds of winning.

TESTIMONY: **Misty Swanson**, Executive Director, Idaho School Boards Association, testified in support of **H 607** because public schools relied on Powerball dividends to fund school building maintenance. She added that schools would be dependent on voter-approved tax levies without Powerball.

Charlie Jones, Owner, Stinker Stores, testified in support of **H 607**. He provided a history of Powerball lottery sales at Stinker stores. He observed Powerball was an important product for his customers.

DISCUSSION: The Committee engaged in discussion about the historic Stinker highway signs. **Vice Chairman Guthrie** commented students in many small school districts were excited to receive financial help with classroom equipment. He noted Powerball revenue was impactful to rural districts.

MOTION: **Senator Harris** moved to send **H 607** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 9:26 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Jeanne Jackson-Heim
Assistant Secretary

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Friday, March 04, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
GUBERNATORIAL APPOINTMENT VOTE:	VOTE ON THE GUBERNATORIAL REAPPOINTMENT of Irving Littman to the Idaho Endowment Fund Investment Board.	
DOCKET NO.: <u>15-1001-2100F</u>	IDAPA 15 - OFFICE OF THE GOVERNOR/ID STATE LIQUOR DIVISION - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule - Pages 62-72.	Tony Faraca, Chief Deputy Director
<u>RS 29687</u>	RELATING TO LANDS regarding alternatives to General Counsel for the State Land Board and Department of Lands.	Senator Harris
<u>RS 29739</u>	UNANIMOUS CONSENT REQUEST from the Senate Education Committee relating to distribution of funding for literacy intervention and full-day kindergarten.	Senator Winder
<u>RS 29732</u>	UNANIMOUS CONSENT REQUEST from the Senate Education Committee relating to provisions for career exploration courses.	Senator Lent
<u>RS 29548C1</u>	RELATING TO VOTER IDENTIFICATION to revise provisions regarding election day registration.	Senator Souza
<u>RS 29733C1</u>	RELATING TO ABSENTEE BALLOTS to revise provisions regarding the return of absentee ballots by persons other than the elector.	Senator Souza
<u>RS 29685</u>	RELATING TO ELECTIONS to provide for more consistent deadlines in the election process.	Jason Hancock, Deputy Secretary of State
<u>RS 29695</u>	RELATING TO IDAHO CODE VOLUMNS regarding distribution, publishing, and printing of Idaho Code.	Jason Hancock, Deputy Secretary of State
<u>RS 29697</u>	RELATING TO ELECTIONS regarding cemetery maintenance board elections.	Jason Hancock, Deputy Secretary of State
<u>RS 29674</u>	RELATING TO ENDANGERED AND MISSING PERSON ALERT (EMPA) to create procedures with standardized requirements to alert the public to any endangered or missing person regardless of age.	Senator Lee

S 1351

RELATING TO VOTERS to Amend existing law to provide for a report to the Legislature on voter registration maintenance actions.

Senator Heider

S 1352

RELATING TO ELECTIONS REGARDING ABSENTEE BALLOTS to amend existing law to provide for an investigation if an absentee ballot is returned to the county clerk as undeliverable.

Senator Heider

MINUTES APPROVAL:

Minutes Approval for February 7, 2022

Senator Winder and Senator Heider

MINUTES APPROVAL:

Minutes Approval for February 11, 2022

Senator Guthrie and Senator Harris

MINUTES APPROVAL:

Minutes Approval for February 18, 2022

Senator Lee and Senator Stennett

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

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

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Guthrie

Sen Winder

Sen Anthon

Sen Harris

Sen Lee

Sen Heider

Sen Stennett

Sen Burgoyne

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Phone: 332-1326

Email: [sstaf@senate.idaho.gov](mailto:ss taf@senate.idaho.gov)

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, March 04, 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 meeting of the Senate State Affairs Committee (Committee) to order at 8:02 a.m.

GUBERNATORIAL REAPPOINTMENT VOTE: **VOTE ON THE GUBERNATORIAL REAPPOINTMENT** of Irving Littman to the Idaho Endowment Fund Investment Board.

Senator Winder moved to send the gubernatorial reappointment of Irving Littman to the Idaho Endowment Fund Investment Board to the floor with recommendation that he be confirmed by the Senate. **Vice Chairman Guthrie** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Chairwoman Lodge passed the gavel to Vice Chairman Guthrie.

DOCKET NO. 15-1001-2100F **IDAPA 15 - OFFICE OF THE GOVERNOR/ID STATE LIQUOR DIVISION -** Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule, pp. 62-72.

Tony Faraca, Chief Deputy Director, Idaho State Liquor Division, introduced himself to the Committee. **Mr. Faraca** reported the agency's fee rules had not changed since the Legislature's last review.

MOTION: **Senator Anthon** moved to approve **Docket No. 15-1001-2100F**. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chairman Guthrie passed the gavel back to Chairwoman Lodge.

RS 29687 **RELATING TO LANDS** regarding alternatives to General Counsel for the State Land Board and Department of Lands.

Senator Harris presented the proposed legislation to allow the Idaho Department of Lands (IDOL) to hire independent counsel. He stated the bill would remove any conflict of interest from the State Board of Land Commissioners (Board).

DISCUSSION: **Senator Stennett** inquired if it would be possible to hire outside counsel with sufficient expertise to understand all the functions of the IDOL. She further inquired if the reason for the bill was because the IDOL had insufficient staff. **Senator Harris** answered that the IDOL had three to four staff attorneys. He said it would be possible to find appropriate outside counsel. He explained the bill was needed due to a perceived conflict of interest by using deputy attorneys general to represent the Board.

MOTION: **Senator Anthon** moved to send **RS 29687** to print. **Senator Lee** seconded the motion.

DISCUSSION: **Senator Burgoyne** stated he would vote no because it would add another bill to the list of legislation yet to be considered. He advised the issue was controversial and he could not support the legislation under any circumstances.

VOICE VOTE: The motion to send **RS 29687** to print carried by **voice vote**. **Senators Burgoyne** and **Stennett** requested that they be recorded as voting nay.

RS 29739 **UNANIMOUS CONSENT REQUEST** from the Senate Education Committee relating to distribution of funding for literacy intervention and full-day kindergarten.

Senator Winder stated the bill would provide for optional full day kindergarten if a school had the necessary facilities and teachers. He noted the proposed legislation also included a requirement for the school to track student reading progress.

MOTION: **Senator Anthon** moved to send **RS 29739** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

RS 29732 **UNANIMOUS CONSENT REQUEST** from the Senate Education Committee relating to provisions for career exploration courses.

Senator Lent, District 33, presented the proposed legislation to require middle school students to take a career exploration course under certain conditions. He advised no new funding would be required.

MOTION: **Senator Lee** moved to send **RS 29732** to print. **Vice Chairman Guthrie** seconded the motion.

DISCUSSION: **Senator Burgoyne** suggested the legislation was a good idea but it should wait until next year.

VOICE VOTE: The motion to send **RS 29732** to print carried by **voice vote**.

RS 29548C1 **RELATING TO VOTER IDENTIFICATION** to revise provisions regarding election day registration.

Senator Souza, District 4, stated the proposed legislation would (a) standardize the list of acceptable identification (ID) documents for voting and voter registration; (b) require a form of ID that proved United States citizenship; (c) require a voter who registers by mail or online to cast their first ballot in person; (d) provide for free state ID cards for anyone who could not afford one; and (e) specify clerical requirements to ensure absentee ballot security.

DISCUSSION: **Senator Stennett** expressed confusion about the reason for disallowing military ID cards. **Senator Souza** answered that the United States Veterans Administration confirmed that proof of citizenship was not required to obtain a military ID.

Senator Burgoyne stated that Idaho had never required proof of citizenship at the time of voting. He did not understand why student and military IDs would be removed from the list. **Senator Souza** responded that neither student nor military IDs proved citizenship, and the student ID did not prove residence. She added that most military members had another form of ID.

MOTION: **Senator Anthon** moved to send **RS 29548C1** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**. **Senators Burgoyne** and **Stennett** requested that they be recorded as voting nay.

RS 29733C1 **RELATING TO ABSENTEE BALLOTS** to revise provisions regarding the return of absentee ballots by persons other than the elector.

Senator Souza presented the proposed legislation to prohibit ballot harvesting in Idaho. She explained the provisions of the bill would limit the number of absentee ballots returned by one person to six in any election. She reported the 2005 Commission on Federal Election Reform called out absentee ballots as the largest source of potential voter fraud.

DISCUSSION: **Senator Stennett** asked if there was a similar bill in the House. **Chairwoman Lodge** advised she had the House bill but the Committee had not heard it yet. **Senator Stennett** mentioned some families like to discuss how to fill out absentee ballots. She asked if they could deliver each other's ballots. **Senator Souza** replied the bill would allow family members or a caregiver to carry up to six ballots including their own.

MOTION: **Senator Harris** moved to send **RS 29733C1** to print. **Senator Anthon** seconded the motion.

DISCUSSION: **Senator Burgoyne** said he would not support the motion. He expressed concern that ballots returned by mail might be disallowed because they were collected by nursing home staff or a postal worker, resulting in someone handling more than six ballots. He remarked that Idaho did not have a problem and the bill was unnecessary.

VOICE VOTE: The motion to send **RS 29733C1** to print carried by **voice vote**. **Senators Burgoyne** and **Stennett** requested that they be recorded as voting nay.

RS 29685 **RELATING TO ELECTIONS** to provide for more consistent deadlines in the election process.

Jason Hancock, Deputy Secretary of State, Idaho Secretary of State's Office (SOS), presented the bill to standardize timelines to prepare and mail ballots for all elections, including recall elections. He explained the bill would also (a) clarify deadlines when the 60th day fell on a weekend or holiday; (b) provide timelines for candidate withdrawals and filling vacancies; and (c) include a deadline for a recall candidate to submit their 200-word statement to the county clerk.

DISCUSSION: **Senator Winder** asked why the bill was brought so late in the session. **Mr. Hancock** answered that there were delays receiving drafts of legislation.

Senator Burgoyne inquired if there would be negative consequences to the State if the legislation waited until next session. **Mr. Hancock** replied that negative consequences were possible.

Senator Stennett noted a typographical error in the emergency clause. She asked why the effective date of the bill was specified as July if there was an urgent need. **Chairwoman Lodge** commented that there was an emergency clause included in every piece of legislation this year. **Mr. Hancock** stated he did not ask for the emergency clause.

MOTION: **Vice Chairman Guthrie** moved to send **RS 29685** to print. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

RS 29695 **RELATING TO IDAHO CODE VOLUMES** regarding distribution, publishing, and printing of Idaho Code.

Mr. Hancock reported the bill would clean up outdated language related to distribution of Idaho Code books. He said the bill would update the statutes to align with current SOS practices. He mentioned the bill could wait until next year.

Senator Winder agreed that the legislation could wait. He said it would be difficult to move the bill through the legislative process at this late date.

MOTION: **Senator Winder** moved to hold **RS 29695** in Committee. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

RS 29697 **RELATING TO ELECTIONS** regarding cemetery maintenance board elections.

MOTION: **Senator Stennett** moved to send **RS 29697** to print. **Senator Harris** seconded the motion.

DISCUSSION: **Senator Winder** asked the reason for the delay in presenting the legislation. He further inquired if it would create a hardship to wait until next year. **Mr. Hancock** answered that the SOS found ambiguous or contradictory language in Idaho Code every year. He said waiting until next year would likely result in a larger bill to include any new items found between now and next session.

ROLL CALL VOTE: **Chairwoman Lodge** called for a roll call vote on the motion to send **RS 29697** to print. **Senators Harris, Stennett, Vice Chairman Guthrie, and Chairwoman Lodge** voted aye. **Senators Winder, Anthon, Lee, Heider, and Burgoyne** voted nay. The motion failed.

RS 29674 **RELATING TO AN ENDANGERED AND MISSING PERSON ALERT (EMPA)** to create procedures with standardized requirements to alert the public to any endangered or missing person regardless of age.

Senator Lee commented that the bill required the work of many stakeholders. She reported the proposed legislation was created as a "silver alert" for missing elderly and dementia patients. **Senator Lee** advised there was a need to include alerts for other types of missing persons. She described the case of Michael Vaughn, a missing five year old Fruitland child, whose circumstances did not qualify for an America's Missing: Broadcast Emergency Response (AMBER) Alert. She noted Idaho was the only state in the northwest without this type of missing persons alert system. **Senator Lee** said the bill underwent a lengthy drafting process to verify it did not conflict with other alerts and to determine implementation costs.

DISCUSSION: **Senator Winder** asked why the bill was brought so late in the session. **Senator Lee** replied that it took time to work with Idaho State Police regarding AMBER Alert requirements and to ensure it would address all stakeholder concerns for other types of missing persons. She said it was important to include all costs of the EMPA.

MOTION: **Senator Stennett** moved to send **RS 29674** to print. **Senator Anthon** seconded the motion.

DISCUSSION: **Senator Burgoyne** expressed his view that the bill was important and he would support the motion.

Senator Anthon stated that lives of Idahoans would be at risk without the bill.

Chairwoman Lodge asked why the missing Fruitland child did not qualify for an AMBER Alert. **Senator Lee** responded that the AMBER Alert system involved an interstate agreement requiring a known abduction and description of a vehicle. She said the proposed legislation would allow for missing children alerts that did not meet those criteria.

Senator Winder explained why some routing slips were printed late in the session and some were held.

VOICE VOTE: The motion to send **RS 29674** to print carried by **voice vote**.

S 1351 **RELATING TO VOTERS** to amend existing law to provide for a report to the Legislature on voter registration maintenance actions.

Senator Heider stated the bill would require the SOS to conduct a weekly review of new voter registrations to ensure prior registrations would be cancelled. He said the bill would also require the SOS to report to the Legislature annually about any maintenance to the voter registration rolls.

Senator Stennett asked how much SOS staff time would be required to conduct the weekly review and oversee the county clerks. She noted the SOS fulfilled its duties with few staff. **Senator Heider** stated the county clerks already conducted a weekly review. He did not anticipate the bill would result in any additional cost or staff time. **Mr. Hancock** affirmed the weekly review currently existed in Idaho law. He said the bill would merely add a requirement for the SOS to compile and present an annual report to the Legislature of all voter maintenance actions throughout the year.

MOTION: **Senator Burgoyne** moved to send **S 1351** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

S 1352 **RELATING TO ELECTIONS REGARDING ABSENTEE BALLOTS** to amend existing law to provide for an investigation if an absentee ballot is returned to the county clerk as undeliverable.

Senator Heider presented the bill to require a county clerk to investigate a voter registration if an absentee ballot was returned as undeliverable by the United States Postal Service. He observed there would be no additional cost to perform the investigation.

MOTION: **Senator Harris** moved to send **S 1352** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Winder** moved to approve the Minutes of February 7, 2022. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

Vice Chairman Guthrie moved to approve the Minutes of February 11, 2022. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

Senator Lee moved to approve the Minutes of February 18, 2022. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:50 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Jeanne Jackson-Heim
Assistant Secretary

AMENDED AGENDA #1
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Monday, March 07, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
<u>RS 29746</u>	RELATING TO PURCHASING BY POLITICAL SUBDIVISIONS to revise provisions regarding procuring services or personal property.	Senator Anthon
<u>RS 29774</u>	RELATING TO THE RURAL VETERINARIANS LOAN REPAYMENT PROGRAM to establish provisions regarding a Rural Veterinarians Loan Repayment Fund.	Senator Stennett
<u>S 1357</u>	RELATING TO BALLOT MEASURES FOR ELECTIONS - Amends existing law to revise provisions regarding the numbering of ballot measures.	Senator Ricks
<u>H 511</u>	RELATING TO BALLOTS FOR ELECTIONS - Amends existing law to revise provisions regarding the order of candidate names on a ballot.	Rep. Nash
<u>HJM 3</u>	A JOINT MEMORIAL FOR YELLOWSTONE NATIONAL PARK - States findings of the Legislature and requests that Congress close a certain legal loophole regarding crimes committed in Yellowstone National Park.	Rep. Nash
<u>H 646</u>	RELATING TO ALCOHOLIC BEVERAGES - Amends and adds to existing law to provide for the production of mead, cider, and other fermented fruit juice beverages for personal use and to provide for the use and storage of homemade beer, wine, and other fermented beverages at licensed premises in certain instances.	Rep. McCrostie
<u>HJM 6</u>	A JOINT MEMORIAL RELATED TO RUSSIA - States findings of the Legislature and condemns the military invasion of Ukraine by Russia.	Rep. Bundy
<u>H 521</u>	RELATING TO ABORTION - Amends existing law to revise provisions regarding certain permitted abortions and to provide that certain abortions shall not be made legal.	Rep. Young
<u>H 566</u>	RELATING TO THE PUBLIC INTEGRITY IN ELECTIONS ACT - Amends existing law to revise the definition of "property or resources."	Rep. Monks

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

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

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Guthrie

Sen Winder

Sen Anthon

Sen Harris

Sen Lee

Sen Heider

Sen Stennett

Sen Burgoyne

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Phone: 332-1326

Email: [sstaf@senate.idaho.gov](mailto:ss taf@senate.idaho.gov)

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, March 07, 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 meeting of the Senate State Affairs Committee (Committee) to order at 8:00 a.m.

Chairwoman Lodge called for a moment of silence in remembrance of the citizens of Ukraine.

RS 29746 **RELATING TO PURCHASING BY POLITICAL SUBDIVISIONS** to revise provisions regarding procuring services or personal property.

Senator Anthon said local governments had requested the proposed legislation to raise the limits for which a competitive bid would be required to purchase personal property. He noted the limits had not been adjusted for some time.

MOTION: **Senator Harris** moved to send **RS 29746** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

RS 29774 **RELATING TO THE RURAL VETERINARIANS LOAN REPAYMENT PROGRAM** to establish provisions regarding a Rural Veterinarians Loan Repayment Fund.

Senator Stennett stated the proposed legislation was similar to a bill she previously presented for a veterinary student loan repayment fund. She said the bill included revisions suggested by stakeholders to change the proposed board to an advisory committee within the Idaho State Department of Agriculture. The new bill also would add a contract obligation for grant recipients to repay the grant if the specified service requirement was not fulfilled.

MOTION: **Senator Anthon** moved to send **RS 29774** to print. **Vice Chairman Guthrie** seconded the motion. The motion carried by **voice vote**.

DISCUSSION: **Chairwoman Lodge** remarked that she had experienced long wait times to obtain veterinary services for her pets and large animals due to a shortage of veterinarians.

S 1357 **RELATING TO BALLOT MEASURES FOR ELECTIONS** - Amends existing law to revise provisions regarding the numbering of ballot measures.

Senator Ricks, District 34, presented the bill to give ballot initiatives a sequential unique number. He advised that the legislation would make it easier to identify previous ballot initiatives. He noted the bill would start the numbering at "8."

DISCUSSION: **Chairwoman Lodge** asked if the numbering system would include the year of the initiative. **Senator Ricks** replied that Montana implemented a numbering system using the year as the first two numbers and it proved to be confusing. He said the bill would provide for sequential numbering going forward.

Senator Stennett stated the Legislature used the same numbers for bills every session. She noted that the numbers were not a meaningful indicator of the initiative topic. She asked why the bill was necessary. **Senator Ricks** answered that there was no compelling reason for the change. He added it would be helpful to identify significant initiatives by a unique number.

MOTION: **Senator Harris** moved to send **S 1357** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion.

DISCUSSION: **Senator Burgoyne** said he would not support the motion. He expressed his opinion that it would not clarify anything and it might create additional confusion. He remarked that his constituents referred to initiatives by nicknames and not their numbers. He stated he could not recall the number of an initiative he helped implement.

VOICE VOTE: The motion to send **S 1357** to the floor with a **do pass** recommendation carried by **voice vote**. **Senators Burgoyne** and **Stennett** requested that they be recorded as voting nay.

H 511 **RELATING TO BALLOTS FOR ELECTIONS** - Amends existing law to revise provisions regarding the order of candidate names on a ballot.

Representative Nash, District 16, explained that candidate names were currently rotated on ballots for federal, state, county, and city elections because research showed the name at the top of the ballot had a significant advantage. He said Idaho Code excluded some smaller races from the requirement because it was cost prohibitive. **Representative Nash** advised the bill would require candidate names to be rotated in other races where the political entity exceeded 100,000 registered voters. He gave examples of elections that would be affected, including races for Ada County Highway District (ACHD), North Idaho College (NIC), College of Western Idaho (CWI), and possibly College of Southern Idaho (CSI). He reported the Secretary of State (SOS) and county clerks were neutral on the legislation.

DISCUSSION: **Senator Stennett** asked how Representative Nash arrived at the 100,000 voter threshold. She further inquired about examples of districts that would be impacted outside the Treasure Valley. **Representative Nash** replied that the known affected races were NIC, ACHD, CWI, possibly CSI, and a couple of Treasure Valley school districts. He reported the 100,000 number was proposed in consultation with the county clerks. They considered races where it would be effective without being cost prohibitive. He related examples about recent close races where the winner's name was at the top of the ballot.

MOTION: **Senator Lee** moved to send **H 511** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

HJM 3 **A JOINT MEMORIAL FOR YELLOWSTONE NATIONAL PARK** - States findings of the Legislature and requests that Congress close a certain legal loophole regarding crimes committed in Yellowstone National Park (YNP).

Representative Nash explained that the federal judicial District of Wyoming includes YNP, created prior to Idaho statehood. Because YNP extended into Idaho and Montana, portions of those two states were also included within the District of Wyoming. He noted a 2005 law review article that pointed out it would be impossible to seat a constitutionally legitimate jury if a crime were committed in the Idaho portion of YNP. **Representative Nash** said a jury must be chosen from the state and district where the crime was committed, but no one lives in the Idaho portion of YNP. He stated the memorial would make the United States Congress aware of this loophole. It would also ask that the Idaho portion of YNP be added to the federal judicial District of Idaho.

MOTION: **Senator Stennett** moved to send **HJM 3** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

H 646 **RELATING TO ALCOHOLIC BEVERAGES** - Amends and adds to existing law to provide for the production of mead, cider, and other fermented fruit juice beverages for personal use and to provide for the use and storage of homemade beer, wine, and other fermented beverages at licensed premises in certain instances.

Representative McCrostie, District 16, advised the bill updated the home brewing statute to (1) expand the beverages that home brewers could produce, such as mead or cider; (2) enable a licensed brewery or winery to hold tasting contests for home brewed products; and (3) allow home brewed products to be stored in a segregated area at a licensed brewery or winery. He noted tasting samples would be limited to a six-ounce size and would not be available for sale to the general public. **Representative McCrostie** stated the goals of the legislation were to support social and educational networks among home brewers and allow home brewers to hold adjudicated events in Idaho. He reported that industry groups had no issues with the bill. He added the Alcohol Beverage Control noted no potential enforcement issues.

DISCUSSION: **Senator Stennett** asked for some examples of how the home brewers would showcase beverages or hold competitions. **Representative McCrostie** replied the participants would be members of home brewers clubs. The events would not be open to the general public to partake of samples.

Senator Winder asked if a definition of "other fermented beverages" was included in Idaho Code or if it precluded making liquor. **Representative McCrostie** answered that the bill contemplated beverages made from fruit juices such as ciders or wines. He explained that dessert wine was made by combining wine with spirits, so dessert wine would not be covered by the bill. He added that home brewers cannot make spirits at home.

Senator Heider inquired who would be liable should someone become ill or die as a result of consuming a home brewed product. **Representative McCrostie** responded that either the licensed brewery or the producer would be liable.

TESTIMONY: **Terry Jones**, President, Snake River Brewers, introduced himself to the Committee to respond to the question. He reported the Home Brewing Organization had no history of anyone becoming ill or dying from drinking home brewed beverages. He said his group could buy liability insurance through the National Home Brewers Association if it was required. **Mr. Jones** remarked that the goal of the competitions was to provide knowledge and get feedback on a home brewer's products.

Senator Burgoyne expressed his opinion that there was strict liability if food was sold to the public. He was unsure of the liability if food was given away. He added that if there was no strict liability, there could be liability for negligence. **Senator Burgoyne** said the premises and producer would likely be liable. He stated that existing liability rules were sufficient to protect the public. He noted people had fermented drinks for thousands of years to avoid getting sick.

Senator Lee said the current law addresses wine and beer. She asked if the bill was intended to allow people to have a home brewed beer party in their backyard. **Representative McCrostie** replied that the statute currently allowed home brewing of beer or wine subject to certain limitations. He said the bill would allow transporting home brewed beverages to a licensed brewery or winery for private events.

Senator Burgoyne observed that his previous comments did not pertain to toxic foreign substances that could taint the beverages and cause bodily injury.

- MOTION:** **Senator Burgoyne** moved to send **H 646** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion.
- DISCUSSION:** **Senator Stennett** stated that the same types of food events already occurred without regard for food safety. She remarked the bill would allow home brewers to have social gatherings to share a common hobby.
- VOICE VOTE:** The motion to send **H 646** to the floor with a **do pass** recommendation carried by **voice vote**. **Senators Anthon, Harris,** and **Heider** requested that they be recorded as voting nay.
- HJM 6** **A JOINT MEMORIAL RELATED TO RUSSIA** - States findings of the Legislature and condemns the military invasion of Ukraine by Russia.
- Representative Bundy**, District 23, presented the memorial to commend the courage and resolve of the Ukrainian people during the Russian invasion of their country and urge further sanctions against Russia. He gave an overview of his military career and described his participation in treaty negotiations related to arms control and nuclear disarmament. He described his time in Ukraine on a one-month teacher exchange where he was the first American some of the host teachers had ever met. **Representative Bundy** noted the Ukrainian people wanted a free economic system and self-determination. He said the memorial would be an important statement to make on behalf of the State of Idaho.
- DISCUSSION:** **Senator Burgoyne** said he appreciated the memorial. He reported he read a number of articles regarding the Ukraine-Russia conflict that criticized the United States' foreign policy. He observed that the United States had made foreign policy mistakes in the past. He said the policy reflected in the memorial was the right step.
- MOTION:** **Senator Winder** moved to send **HJM 6** to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion.
- DISCUSSION:** **Senator Winder** thanked the sponsor for bringing the memorial and for his military service. He agreed the United States had made mistakes. He commented this was an important way to acknowledge the problem and try to make a small difference.
- Chairwoman Lodge** also thanked Representative Bundy for bringing the memorial.
- VOICE VOTE:** The motion to send **HJM 6** to the floor with a **do pass** recommendation carried by **voice vote**.
- H 521** **RELATING TO ABORTION** - Amends existing law to revise provisions regarding certain permitted abortions and to provide that certain abortions shall not be made legal.
- Representative Young**, District 31, presented the bill to clean up outdated language that became obsolete at the time of the United States Supreme Court decision in Roe v. Wade. She said the deleted language included a list of acceptable or recommended reasons to abort a baby. She added that the language did not reflect the values or positions of many Idahoans.
- DISCUSSION:** **Senator Burgoyne** asked if the bill would make it unlawful to take medication to induce an abortion. **Representative Young** responded that the bill drafters sought to remove only certain language that did not reflect Idaho's values or positions. She said the bill would not change the meaning of the statute.
- TESTIMONY:** **David Ripley**, Executive Director, Idaho Chooses Life, testified in support of **H 521** because it cleaned up Idaho Code without changing abortion laws. He noted the stricken language was offensive to Idaho values because it listed casual reasons to discard a human life.

MOTION: **Senator Anthon** moved to send **H 521** to the floor with a **do pass** recommendation. **Senator Harris** seconded the motion. The motion carried by **voice vote**. **Senators Stennett** and **Burgoyne** requested that they be recorded as voting nay.

H 566 **RELATING TO THE PUBLIC INTEGRITY IN ELECTIONS ACT** - Amends existing law to revise the definition of "property or resources."

Representative Monks, District 22, presented the bill to clarify that publicly owned properties could be used by private political groups. He explained that some county attorneys expressed the opinion that under Idaho Code, county political parties could not use a county meeting room. He stated the Attorney General's office believed that opinion was incorrect. **Representative Monks** agreed it would be inappropriate to limit use to one party or the other. The bill would specify that government facilities available to the general public could be used on an equal basis by political parties.

DISCUSSION: **Senator Stennett** asked if the bill would distinguish between general public areas and private properties with meeting rooms. **Representative Monks** responded that the bill applied only to publicly owned properties. He said the bill would only apply to areas where one had to request authorization for the use, such as a meeting room. He clarified that a space would not have to be always open to be considered generally available to the public, as long as it was open fairly to all parties.

Senator Stennett inquired whether it would be better to disallow all political activities to avoid the appearance of favoritism. **Representative Monks** replied the bill did not require a public building to be open to anyone, it merely gave the option.

MOTION: **Senator Winder** moved to send **H 566** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion.

DISCUSSION: **Senator Winder** commented that it was important to codify this change. He noted the bill represented the policy followed at the Statehouse to allow public use on an equal and fair basis. He said the legislation addressed a problem with Ada County not allowing use of the commissioner's room.

Senator Burgoyne stated that he was not in favor of the bill. He said political meetings in public buildings made him uncomfortable because it gave the appearance of a government endorsement. He observed that many actions were now interpreted as political statements. **Senator Burgoyne** said it would be best to declare government buildings off limits to political organizations. He added that public building exteriors and parks could still be used for peaceable assembly. He noted it could be potentially intimidating to hold a political event on school property.

VOICE VOTE: The motion to send **H 566** to the floor with a **do pass** recommendation carried by **voice vote**. **Senator Burgoyne** requested that he be recorded as voting nay.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 9:03 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Jeanne Jackson-Heim
Assistant Secretary

AMENDED AGENDA #2
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Wednesday, March 09, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
GUBERNATORIAL APPOINTMENT:	THE GUBERNATORIAL APPOINTMENT of Joni Stright to the Idaho Lottery Commission.	Joni Stright
<u>H 476</u>	RELATING TO THE IDAHO YOUTH CHALLENGE PROGRAM to amend existing law to revise provisions regarding the governing board and to provide for eligibility requirements.	Steve Stokes, MAJ, ID Military Division/ID National Guard
<u>H 477</u>	RELATING TO THE MILITARY to amend existing law to revise terminology.	Nate Peterson, ID Army National Guard
<u>H 478</u>	RELATING TO THE MILITARY DIVISION to amend existing law to authorize the Military Division to charge and receive payment for expenses incurred in providing services to units of state government.	Lauren Tschample, Lt. Colonel, Idaho Air National Guard

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

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

COMMITTEE MEMBERS

Chairman Lodge	Sen Lee
Vice Chairman Guthrie	Sen Heider
Sen Winder	Sen Stennett
Sen Anthon	Sen Burgoyne
Sen Harris	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, March 09, 2022

TIME: 8:00 A.M.

PLACE: Room WW55

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

ABSENT/ EXCUSED: Senator Lee

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

CONVENED: **Chairwoman Lodge** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:06 a.m.

GUBERNATORIAL APPOINTMENT: **THE GUBERNATORIAL APPOINTMENT** of Joni Stright to the Idaho Lottery Commission.

Jeff Anderson, Director, Idaho Lottery Commission (ILC), came to the podium to introduce Joni Stright. **Director Anderson** described the backgrounds of several current and former commissioners. He stated it was helpful to have a variety of experience represented on the ILC. **Director Anderson** said another commissioner recommended Ms. Stright. He reviewed Ms. Stright's business career.

Joni Stright introduced herself to the Committee. She gave an overview of her background, family, education, professional experience, and journey to Idaho. She said she came from a family of educators. **Ms. Stright** advised she became interested in joining the ILC after learning more about the position from a good friend who served as an ILC commissioner. She stated her nonprofit experience and financial acumen would be helpful to the ILC.

Senator Burgoyne observed that the ILC seemed to be a more enjoyable appointment than other boards.

Chairwoman Lodge thanked Ms. Stright for her enthusiasm. She announced that the Committee would vote on Ms. Stright's appointment at its next regular meeting.

H 476 **RELATING TO THE IDAHO YOUTH CHALLENGE PROGRAM** to amend existing law to revise provisions regarding the governing board and to provide for eligibility requirements.

Major Steve Stokes, General Counsel, Idaho Military Division (IMD), introduced himself to the Committee. **Major Stokes** explained the proposed legislation would (1) clarify the recommending and appointing authority for the Youth Challenge Academy (YCA) governing board; and (2) move student eligibility criteria from administrative rule to statute. **Major Stokes** explained the purpose of the YCA. He noted the YCA had graduated hundreds of students.

DISCUSSION: **Chairwoman Lodge** expressed her opinion that a longer program would be helpful to keep students from slipping back when they returned to their home environments. She noted great improvement in students she mentored. **Major Stokes** said he would take that feedback back to the adjutant general.

Senator Stennett inquired about the YCA selection criteria. **Major Stokes** replied that the YCA was a program for troubled youth who had dropped out of traditional school. He advised a steering committee reviewed the applications, taking into account the risk factors set forth in the administrative rule. He noted the program provided military-type structure and group activities to teach self-discipline.

Vice Chairman Guthrie said the criteria for admission were stated in a negative fashion. He asked if it would be necessary to quit school to be eligible for the program. He wondered if the selection committee could use more discretion in admitting students. **Major Stokes** replied that the program was a joint effort of the federal and state governments. He said the federal government specified the criteria and at-risk elements. The YCA was required to use those criteria to obtain federal funding.

Senator Burgoyne inquired if the reason for moving the criteria from administrative rule to statute was that the federal criteria were inflexible. **Major Stokes** pointed out that the bill included a provision to allow for consideration of other criteria. He said this would accommodate any future changes in federal regulations without the need to bring new legislation.

Chairwoman Lodge related an anecdote reflecting a student success story. She expressed appreciation for the YCA program because it taught discipline to help students succeed and build character.

MOTION: **Vice Chairman Guthrie** moved to send **H 476** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

H 477 **RELATING TO THE MILITARY** to amend existing law to revise terminology.

Major Nate Peterson, Brigade Judge Advocate, 116th Cavalry Brigade Combat Team, IMD, introduced himself to the Committee. **Major Peterson** stated the bill would update multiple sections of Idaho Code relating to the Idaho National Guard (ING). He explained the changes would add feminine pronouns and other references to women serving in the ING. He provided statistics on women serving in various branches of the Idaho military. **Major Peterson** mentioned several accomplishments of Idaho military women.

MOTION: **Senator Stennett** moved to send **H 477** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion.

DISCUSSION: **Senator Burgoyne** commented he had encouraged the Legislative Services Office for many years to use inclusive terminology. He was told that was not part of the style manual and could not be done. He suggested wearing a military uniform was necessary to implement the change. He said the bill was an important piece of legislation.

VOICE VOTE: The motion to send **H 477** to the floor with a **do pass** recommendation carried by **voice vote**.

H 478 **RELATING TO THE MILITARY DIVISION** to amend existing law to authorize the Military Division to charge and receive payment for expenses incurred in providing services to units of state government.

Lieutenant Colonel Lauren Tschample, Staff Judge Advocate, Idaho Air National Guard, introduced herself to the Committee. **Lieutenant Colonel Tschample** explained the legislation would authorize the IMD to continue to bill other state agencies for certain services. She noted the IMD's Public Safety Communications group installed communication equipment and microwave services in emergency and first responder vehicles statewide.

Chairwoman Lodge asked if the bill would allow the IMD to utilize its helicopters for law enforcement or rescue services. **Lieutenant Colonel Tschample** responded no.

Vice Chairman Guthrie inquired if the IMD currently charged for installation services. **Lieutenant Colonel Tschample** responded yes. She added the bill would move the current authorization language from administrative rule to statute.

MOTION;

Senator Stennett moved to send **H 478** to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

ADJOURNED:

There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:30 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Jeanne Jackson-Heim
Assistant Secretary

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Thursday, March 10, 2022

Note: Thursday Morning

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1383</u>	RELATING TO ALCOHOL to provide for retail sale of liquor by the drink and to provide certain restrictions on the sale of liquor. This hearing is for study purposes and Committee recommendations will be made during the Friday morning meeting.	Senator Lodge

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

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

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Guthrie

Sen Winder

Sen Anthon

Sen Harris

Sen Lee

Sen Heider

Sen Stennett

Sen Burgoyne

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Phone: 332-1326

Email: ssfaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Thursday, March 10, 2022

TIME: 8:00 A.M.

PLACE: Room WW55

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

ABSENT/ EXCUSED: Senator Stennett

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: **Vice Chair Guthrie** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:06 a.m.

S 1383 RELATING TO ALCOHOL to provide for retail sale of liquor by the drink and to provide certain restrictions on the sale of liquor. This hearing is for study purposes and Committee recommendations will be made during the Friday morning meeting.

PRESENTATION: **Chairman Lodge** gave a brief history and overview of the Idaho liquor laws. She noted current policies did not allow for new businesses to obtain a liquor license.

Luke Malek, Attorney and former Idaho Representative, outlined the items in the bill. He indicated when he was in the Legislature, he worked with former Governor Otter, the Alcohol Beverage Control Board (ABC), and with restaurateurs on this issue. He stated the system was unjust and discriminated against vast rural areas. Each person who was qualified and wanted to operate a business that served liquor by the drink should have equal access, even if that access was stringent. He noted instead, a market unrelated to the State issuance of this privilege had grown, and businesses were left scouring the expensive private market seeking a license which could cost over \$400,000 from a private citizen who had no intention of operating a business that sold liquor by the drink. **Mr. Malek** stated many people had been on a waiting list for over 30 years and it was unclear when a permit would be issued. The regulations were preventing business owners from creating more jobs and contributing to the local economy.

Mr. Malek reported the legislation created a balance that would protect the value the current license holders had in their State-issued licenses, but a new tier of licenses would be created for restaurants that wanted to sell liquor by the drink. Counties and cities would have authority over licenses moving forward and he listed the qualifications to serve liquor under this law.

Mr. Malek indicated current business owners who held a State liquor license would continue to see the value in their investment under this legislation. While restaurants operating under a new municipal license would have to meet certain requirements, follow strict guidelines, and pay \$6,000 to receive a license the first year with an annual renewal fee of up to \$5,250; state license holders would not be subject to these same rules. State licenses would license bars and restaurants. A fund would also be created to reimburse current license holders if their license was sold for less than what they paid.

Mr. Malek noted this legislation would have an increased fiscal impact on both the State and local level. Increased sales tax revenues and economic development in cities and counties would be positive. The impact depended on how many municipal licenses were issued.

DISCUSSION: **Senator Burgoyne** and **Mr. Malek** discussed the impact of this legislation on bars and restaurants.

PRESENTATION: **Chip Schwarze**, President and Chief Executive Officer, Idaho Falls Chamber of Commerce and Chairman of the Chamber Alliance, reported the current State liquor license had created a monopoly by the State of Idaho that was controlling the market. The monopoly created scarcity as a result of higher demand and cost. Licenses were not property but a privilege. Because of the longer wait to remedy the situation this had caused an increase in costs. Barriers had impacted communities with tourism and other instances. This bill would allow counties and cities to regulate the number of licenses with local control where voters had an impact.

DISCUSSION: **Senator Burgoyne** queried how would the legislation address the issuance of current liquor licenses. **Mr. Schwarze** indicated the legislation was set up for compensation as the licenses were not property, but a privilege and not considered as property.

In response to questions posed by Senators Harris and Heider, **Mr. Schwarze** remarked the only real concern was the protection of the investment with a concern businesses would not be able to sell their current license. No other business class in the State had investment protection forever. He said there was a sentence in the bill that protected younger people and in order to purchase or partake of liquor a person must be 21 years of age.

TESTIMONY: **Caroline Merritt**, Idaho Chamber Alliance, testified in support of the bill. She said the current law was unfair for existing license holders. The solution in this legislation was not perfect but it was helpful.

Dave Krick, Bearcreek, Managing Partner and Board President, Fair Idaho, testified remotely in opposition to the bill. He noted stakeholders needed time to respond and he asked that an interim committee be formed to study the ramifications of these changes.

Matt Hunter, President and Chief Executive Officer, Chubbuck Chamber of Commerce, testified in support of the bill. He stated the bill provided some value for State licenses, many of which had been used by their owners for a number of years. For many communities, this was an issue of economic development.

Whitney Hruza, One Shot Charlie's, testified remotely in opposition to the bill. She said she felt the bill needed more study.

Shawn Evans, Meridian Chamber of Commerce, testified in support of the bill. He noted since there had been tremendous growth in Meridian, restaurants could not keep up with the demand and with the challenge in finding a liquor license that was affordable.

Jake Schaefer, The Frosty Gator, Idaho Falls, testified remotely in opposition to the bill. He stated no stakeholders were involved in giving input for this bill.

August Christensen, Mayor, City of Driggs, testified remotely in support of the bill. He said business owners wanted to have the option of selling drinks with meals.

Ted Challenger, Challenger Hospitality Group, testified in opposition to the bill. He

stated he purchased a liquor license for \$175,000 plus a transfer fee of \$40,000 imposed by the ABC. He was given 90 days to put the license in place. He was concerned about the value of his license moving forward.

Lisa McGeachin, The Celt Pub, Idaho Falls, testified remotely in opposition to the bill. She stated this bill did not meet the needs of the current licensees. She did not like the five-year deadline to sell her liquor license as the value would result in a loss of equity for those businesses.

Ryan Haworth, Teton Thai, Inc., Driggs, testified in support of the bill. He reported he had not been able to obtain a liquor license for a decade. He stated this was not the perfect bill, but it was a good place to start. He cited examples of other states that made these changes and the licenses did not lose value.

Ralph Mossman, representing himself, Driggs, testified remotely in support of the bill. He noted the issue of liquor licenses was a big problem that needed to be changed.

Jeremy Pisca, Hagadone Corporation, testified in opposition to the bill and asked the Committee to hold the bill. He outlined the history of the liquor laws in Idaho. He noted laws that were in place came about from the idea that America had a serious drinking problem. Overconsumption contributed to societal problems. Idaho chose to enact laws to control the sale of alcohol through the State Liquor Division by trying to control the density of outlets through the quota system.

Brody Aston, representing the Idaho License Beverage Association, testified in opposition to the bill. He urged all stakeholders come to the table to find a solution.

Jefferson Jenkins, Huck-N-Finns Sports Bar, testified in opposition to the bill. He noted this bill did not account for investing into local communities.

Written testimony in support of the bill was received from: Brian McDermott, Executive Director, Teton Regional Economic Coalition. Written testimony in opposition to the bill was received from Russell Westerberg, Westerberg & Associates.

DISCUSSION: **Chairman Lodge** remarked this bill was brought forward not to hurt anyone, but to help. She stated input had been received from others throughout the State. There should be equal access to these licenses. She said there were severe penalties for serving alcohol to those who were underage. She remarked this bill was not perfect but a start. There was a problem and there was a need to fix it.

Vice Chair Guthrie stated there would not be a motion or a vote at this meeting.

ADJOURNED: There being no further business at this time, **Vice Chair Guthrie** adjourned the meeting at 9:17 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Linda Kambeitz, Asst. Secretary

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Friday, March 11, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
GUBERNATORIAL APPOINTMENT VOTE:	VOTE ON THE GUBERNATORIAL APPOINTMENT of Joni Stright to the Idaho Lottery Commission.	
<u>S 1383</u>	RELATING TO ALCOHOL - VOTE ON BILL - Amends, adds to, and repeals existing law to revise provisions regarding alcohol, including licensing.	Senator Lodge
<u>RS 29788</u>	RELATING TO THE TERRORIST CONTROL ACT to provide for domestic terrorism.	Senator Anthon Josh Scholer, Legal Extern
<u>RS 29755C2</u>	UNANIMOUS CONSENT REQUEST from the Senate Health and Welfare Committee related to the Extended Employment Services Program.	Senator Cook
<u>S 1375</u>	RELATING TO VOTER IDENTIFICATION FOR ELECTIONS - to amend existing law to revise provisions regarding voter identification and registration.	Senator Souza
<u>S 1376</u>	RELATING TO ABSENTEE BALLOTS to amend existing law to revise provisions regarding who may return an absentee ballot.	Senator Souza
<u>S 1367</u>	RELATING TO CAMPAIGN FINANCE AND LOBBYISTS to amend, repeal, and add to existing law to revise reporting requirements for lobbyists and to revise campaign finance requirements for candidates.	Jason Hancock, Deputy Secretary of State
<u>S 1377</u>	RELATING TO ELECTIONS to amend and repeal existing law to revise provisions regarding election-related deadlines.	Jason Hancock, Deputy Secretary of State
<u>S 1379</u>	RELATING TO PURCHASING BY POLITICAL SUBDIVISIONS to amend existing law to revise provisions regarding procuring services or personal property.	Senator Anthon Josh Scholer, Legal Extern
<u>S 1372</u>	RELATING TO LANDS to amend existing law to provide for legal representation.	Senator Harris
<u>S 1378</u>	RELATING TO AN ENDANGERED MISSING PERSON ALERT to add to existing law to establish endangered missing person alerts and to provide criteria for activation of an alert.	Senator Lee
MINUTES APPROVAL:	Minutes Approval for February 16, 2022	Senator Harris Senator Burgoyne

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

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

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Guthrie

Sen Winder

Sen Anthon

Sen Harris

Sen Lee

Sen Heider

Sen Stennett

Sen Burgoyne

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Phone: 332-1326

Email: [sstaf@senate.idaho.gov](mailto:ss taf@senate.idaho.gov)

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, March 11, 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 meeting of the Senate State Affairs Committee (Committee) to order at 8:07 a.m.

GUBERNATORIAL APPOINTMENT VOTE: **VOTE ON THE GUBERNATORIAL APPOINTMENT** of Joni Stright to the Idaho Lottery Commission.

MOTION: **Vice Chairman Guthrie** moved to send the Gubernatorial appointment of Joni Stright to the Idaho Lottery Commission to the floor with the recommendation that she be confirmed by the Senate. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

S 1383 **Chairwoman Lodge** announced that consideration of **S 1383** would be continued to March 14, 2022.

RS 29788 **RELATING TO THE TERRORIST CONTROL ACT** to provide for domestic terrorism.

Senator Anthon stated the legislation would preclude parents being designated as domestic terrorists because they were unhappy with decisions made by their local school boards. He said Idaho Code was vague and did not adequately address the issue. He explained the proposed legislation would define domestic terrorism and provide that the domestic terrorist label could not be applied without due process.

MOTION: **Senator Harris** moved to send **RS 29788** to print. **Vice Chairman Guthrie** seconded the motion.

DISCUSSION: **Senator Burgoyne** said he would not support the motion because it was late in the session and the bill did not adequately address the issue.

VOICE VOTE: The motion to send **RS 29788** to print carried by **voice vote**. **Senator Burgoyne** requested that he be recorded as voting nay.

RS 29755C2 **UNANIMOUS CONSENT REQUEST** from the Senate Health and Welfare Committee related to the Extended Employment Services Program.

Senator Cook, District 30, introduced himself to the Committee. He reported the Senate Health and Welfare Committee previously considered two competing bills related to extended employment services (EES) for people with disabilities. He advised supporters of each bill collaborated and decided on the language of **RS 29755C2**. **Senator Cook** stated the bill would move the EES program from the Idaho Division of Vocational Rehabilitation to the Department of Health and Welfare's Division of Medicaid.

MOTION: **Senator Lee** moved to send **RS 29755C2** to print. **Senator Stennett** seconded the motion.

DISCUSSION: **Senator Lee** acknowledged the good work of the legislation's supporters. She hoped the bill addressed all concerns.

VOICE VOTE: The motion to send **RS 29755C2** to print carried by **voice vote**.

S 1375

RELATING TO VOTER IDENTIFICATION FOR ELECTIONS - to amend existing law to revise provisions regarding voter identification and registration.

Senator Souza, District 2, presented the bill. She referenced a 2005 report from the Carter-Baker Commission on Federal Election Reform. The report pointed out that absentee voting was susceptible to voter fraud and photo identification (ID) should be required to vote. **Senator Souza** stated absentee voting requirements in Canada, Mexico, and European countries were more restrictive than those of the United States. She presented polling data showing United States voters favored requiring photo identification for in person and absentee voting.

Senator Souza handed out a Heritage Foundation election integrity scorecard showing Idaho ranked 38th out of 50 states. She reviewed Idaho's low scores relating to ballot harvesting and voter identification. She said **S 1375** and **S 1376** would close gaps in Idaho voting laws. She reported that prior legislation addressed the issues of private election funding and election litigation practices.

Senator Souza said **S 1375** would (a) standardize the list of acceptable ID documents for voting and voter registration; (b) require a form of ID that proved United States citizenship; (c) require a voter who registers by mail or online to cast their first ballot in person; (d) provide for free state ID cards for anyone who could not afford one; and (e) specify signature, transmission, and clerical requirements for absentee ballots. She explained the fiscal impact related to the cost of free state ID cards and additional costs to the counties.

DISCUSSION: In response to questions from **Senator Stennett**, **Senator Souza** answered that the Division of Motor Vehicles (DMV) had no concerns about the legislation. She described the potential process for providing free state ID cards. **Brendan Floyd**, DMV Policy Analyst, Idaho Transportation Department (ITD), introduced himself to the Committee to respond. He advised a citizenship requirement was not set forth in the bill. He said the criteria to obtain either a driver's license or state ID card included proof of identity, date of birth, and lawful presence in the United States.

In response to questions from **Senator Burgoyne**, **Mr. Floyd** replied that the requirement to show lawful presence in the United States had been in place for a number of years. To get a Star Card, one must submit a birth certificate or United States passport, both of which would prove lawful presence as a United States citizen.

Senator Stennett asked if there were exceptions to the requirement that a newly registered voter must vote the first time in person. **Senator Souza** answered that the local elections office could send staff or a trained volunteer to assist a person who was physically unable to vote in person. She added the \$16,000 referenced in the fiscal note was an estimate of the cost to provide free state ID cards. It did not reflect any additional costs of staff time.

Senator Burgoyne inquired if the legislation was premised on the Idaho driver's license showing proof of citizenship. **Senator Souza** replied that a Star Card driver's license required proof of citizenship. She added a state ID card had similar requirements.

Senator Winder asked how many violations of issues on the Heritage Foundation scorecard actually occurred in Idaho in the last election. **Senator Souza** responded that Idaho had no regular audit procedure. She said one can't find problems if one doesn't look. She referenced a recent Wisconsin investigation of the 2020 election that identified multiple instances of election fraud. **Senator Winder** inquired how to send the message that the bill was only a way to prevent future problems without scaring people or implying the county clerks were negligent. **Senator Souza** replied the message should be that Idaho was confident in its ability to shore up its election system.

TESTIMONY:

Jason Snead, Executive Director, Honest Election Project, testified in support of **S 1375** because photo ID requirements and prohibitions on ballot harvesting were considered best practices to protect voters and their ballots and inspire election confidence.

The following testified in opposition to **S 1375**: Jennifer Beazer, Boise, Idaho; Hollie Conde, Conservation Voters for Idaho; Elinor Chehey, League of Women Voters of Idaho; Kathy Ackerman, Idaho Association of County Recorders and Clerks (IACRC); Josi Christensen, National Organization for Women; and Blake Youde, IACRC.

The Committee received written testimony in opposition to **S 1375** from Amy Cunningham, DisAbility Rights Idaho.

Issues and concerns that were addressed included:

- Requiring address disclosure and adding requirements to absentee balloting would discriminate against survivors of domestic violence.
- It would be dangerous and a cost prohibitive burden to send clerks to private homes to assist persons with mobility issues.
- There have been no problems identified with drop boxes in Idaho and all current dropboxes have video surveillance.
- The fiscal note did not account for the military members or students who would need state ID cards.
- The requirements are unnecessarily burdensome or impossible for military personnel and persons with disabilities.
- Having to prove citizenship is an unnecessary assault on citizens' voting rights and discriminates against new United States citizens.
- The bill sets up a process for provisional ballots which would delay election results.
- The free state ID card would only be free one time but does not expire, creating a financial burden if the voter moves to a new address.
- The requirement to provide the last four digits of an ID document could create problems for long-time voters.
- It would be expensive and difficult for the county clerks to implement the absentee envelope and ballot requirements.
- With so many election bills having been introduced, it would be better to establish an interim committee with stakeholder groups to take a systematic approach.
- There is already new legislation addressing post-election audits.

DISCUSSION: **Senator Stennett** commented that her constituents complained about long lines to vote in person, not about absentee ballot fraud. She asked Ms. Conde if she was aware of issues with absentee voting or ballot dropboxes. **Ms. Conde** replied the Secretary of State investigated and found no voter fraud in 2020, with more than 100,000 absentee ballots cast. She said ballot dropboxes were popular and generally monitored.

Senator Stennett asked Ms. Christensen if she would be concerned about returning as a poll worker or recruiting enough poll workers if the bill passed. **Ms. Christensen** replied that it would be scary to tell someone they can't vote. She expressed uncertainty about returning as a poll worker.

Senator Stennett asked Mr. Youde if eliminating dropboxes would compromise voting in rural areas. **Mr. Youde** answered that the first time in person voting requirement would be problematic for voters in remote areas and at care centers, as well as college students and military personnel.

Senator Souza concluded her remarks by stating the feedback from the clerks would have been helpful to receive earlier in the process. She reminded the Committee that the bill would make a consistent list of acceptable ID for voter registration and in person and absentee voting. She suggested some of the requirements could be simplified. **Senator Souza** clarified the bill did not establish a system of provisional ballots. She advised the bill established a process for use during the phase out of the personal affidavit so a ballot could be segregated until a voter's ID was verified. She asked the Committee to send the bill to the 14th Order of Business to address concerns.

MOTION: **Senator Anthon** moved to send **S 1375** to the 14th Order of Business for possible amendment. **Senator Heider** seconded the motion.

DISCUSSION: **Senator Anthon** agreed Idaho had done a good job with elections. He remarked that fact should not preclude the Legislature from taking action to improve voting security. Requiring ID to prove citizenship would not be unreasonable, he said.

Senator Burgoyne expressed his opinion that the bill would suppress voting. He noted the Republican vote in his district was somewhat inconsistent. He continued by saying everybody deserved the right to vote. He stated there was no problem in Idaho. He commented that the numerous election bills introduced this session undermined voter confidence in Idaho elections. He said he would vote no.

ROLL CALL VOTE: **Chairwoman Lodge** called for a roll call vote. **Senators Winder, Anthon, Harris, and Heider** voted aye. **Vice Chairman Guthrie, Senators Lee, Stennett, Burgoyne, and Chairwoman Lodge** voted nay. The motion failed.

S 1376 **RELATING TO ABSENTEE BALLOTS** to amend existing law to revise provisions regarding who may return an absentee ballot.

Senator Souza advised the bill would limit ballot harvesting. She said Idaho was one of a very few states without any law regulating or prohibiting the practice. She declared ballot harvesting increased the chance of election fraud. **Senator Souza** advised that video surveillance was ineffective in preventing fraud. The most secure way to deliver absentee ballots was by handing them to election workers. She explained delivery services such as the United States Postal Service would not be included in the six-ballot limitation on delivering absentee ballots.

TESTIMONY: The following testified in opposition to **S 1376**: Jennifer Beazer, Boise, Idaho; Alicia Abbott, Sandpoint, Idaho; Kendal Shaber, League of Women Voters Idaho; Hollie Conde, Conservation Voters for Idaho; and Kathy Ackerman, Idaho Association of County Recorders and Clerks.

The Committee received written testimony in opposition to **S 1376** from Amy Cunningham, DisAbility Rights Idaho.

Issues and concerns that were addressed included:

- Survivors of domestic violence would be placed at a disadvantage.
- The bill attempts to fix a problem that doesn't exist.
- Some voters find it neighborly to hand deliver their friends' ballots to the election office.
- The bill would negatively impact the elderly, large families, rural voters, and those with disabilities who need people to help them vote.
- The Carter-Baker report is obsolete.
- There are many unanswered questions about how to implement the bill's provisions.
- Many terms in the bill are undefined.
- The bill is inconsistent with the Legislative intent of the Idaho Treatment and Care of the Developmentally Disabled Act and the Americans with Disabilities Act.

Senator Souza noted that change was difficult to accept. She added some pushback was motivated by partisanship. She thanked the Committee for the time devoted to considering **S 1375** and **S 1376**.

MOTION:

Senator Burgoyne moved to hold **S 1376** in Committee. **Senator Stennett** seconded the motion.

DISCUSSION:

Senator Burgoyne commented that some of the testimony made an impact. He related an incident when he was campaigning and a Republican voter asked Senator Burgoyne to deliver his absentee ballot. **Senator Burgoyne** said he delivered the ballot because being neighborly was an Idaho value. He said he couldn't support the bill.

Senator Lee said she would support the motion. She complimented Senator Souza for her passion for election integrity and her efforts to improve the Idaho election process.

Chairwoman Lodge also thanked Senator Souza for raising awareness of election issues.

VOICE VOTE:

The motion to hold **S 1376** in Committee carried by **voice vote**.

Senator Winder promised to discuss coordinating a working group of the clerks and interested parties to address the issues collaboratively. He also offered to consult with House leadership about a possible interim committee.

Chairwoman Lodge announced that the remaining items on the agenda would be reordered.

S 1378

RELATING TO AN ENDANGERED MISSING PERSON ALERT to add to existing law to establish endangered missing person alerts and to provide criteria for activation of an alert.

Senator Lee presented the bill to create a comprehensive alert system for endangered and missing people. She handed out a flyer regarding a missing Fruitland child to illustrate the need for the legislation. She urged the Committee to move the legislation forward.

TESTIMONY: The following persons testified in support of **S 1378**: Lisa Anderson, Alzheimer's Association of Greater Idaho; Bernadette LaSarte, Coeur d'Alene Tribe; and Tai Simpson, Idaho Coalition Against Sexual and Domestic Violence.

Reasons given for support of the bill included:

- The new system will provide safety and security for people with Alzheimer's Disease or other dementias.
- The bill will further the cause of groups working on the issue of missing and murdered indigenous women.

Chairman Lodge recognized others present in the room who did not have time to testify in support of **S 1378**: Christine Pisani, Idaho Council on Developmental Disabilities; Francoise Cleveland, American Association of Retired Persons Idaho; Heather Cunningham, Idaho Council on Domestic Violence and Victim Assistance; and Jennifer Zielinski, Idaho Anti-Trafficking Coalition.

MOTION: **Vice Chairman Guthrie** moved to send **S 1378** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

S 1372 **RELATING TO LANDS** to amend existing law to provide for legal representation.

Senator Harris stated the bill would remove any real or perceived conflict of interest between the Attorney General's Office and the State Board of Land Commissioners (Land Board) due to the AG's involvement as a Land Board member and counsel for the Land Board and Idaho Department of Lands (IDL). He stated **S 1372** would allow the IDL to hire independent general counsel and staff support. The Land Board would maintain discretion to use the AG's Office if needed. He noted other State agencies hired in-house counsel employees.

TESTIMONY: **Jonathan Oppenheimer**, Idaho Conservation League, testified in opposition to **S 1372** because the bill was unnecessary and rushed through without adequate study. He said it undermined the AG's constitutional authority.

DISCUSSION: **Senator Stennett** asked why the bill was needed and the cost to hire additional legal representation. **Adam Jarvis**, Analyst, Idaho Division of Financial Management, came to the podium to respond. **Mr. Jarvis** said he could not answer policy questions. He explained his cost calculations based on current AG staff assigned to the IDL and average salaries for the classified positions. He added that some litigation could be more expensive, possibly requiring a supplemental appropriation.

Senator Harris commented that the bill did not change the IDL's ability to hire outside counsel or undermine constitutional authority.

MOTION: **Senator Lee** moved to send **S 1372** to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion.

DISCUSSION: **Vice Chairman Guthrie** stated he would support the motion but wanted to vet the bill further. He reserved the right to make a different vote on the floor.

VOICE VOTE: The motion to send **S 1372** to the floor with a **do pass** recommendation carried by **voice vote**. **Senators Burgoyne** and **Stennett** requested that they be recorded as voting nay.

S 1379 **RELATING TO PURCHASING BY POLITICAL SUBDIVISIONS** to amend existing law to revise provisions regarding procuring services or personal property.

Josh Scholer, Legal Extern to Senator Anthon, presented the legislation. He explained the bill would raise the thresholds at which competitive bidding would be required for political subdivision personal property purchases. He stated the increases were necessary to account for inflation.

MOTION:

Senator Harris moved to send **S 1379** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

Chairwoman Lodge announced that the remaining business on the Committee's agenda would be heard on Monday, March 14, 2022.

ADJOURNED:

There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:25 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Jeanne Jackson-Heim
Assistant Secretary

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Monday, March 14, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1383</u>	RELATING TO ALCOHOL-VOTE ON BILL - Amends, repeals, and adds to existing law to revise provisions regarding alcohol, including licensing.	Senator Lodge
<u>RS 29811</u>	RELATING TO DISFAVORED STATE INVESTMENTS to clarify public entity investment activities.	Senator Vick
<u>S 1367</u>	RELATING TO CAMPAIGN FINANCE AND LOBBYISTS - Amends, repeals, and adds to existing law to revise reporting requirements for lobbyists and to revise campaign finance requirements for candidates.	Jason Hancock, Deputy Secretary of State
<u>S 1377</u>	RELATED TO ELECTIONS - Amends and repeals existing law to revise provisions regarding election-related deadlines.	Jason Hancock, Deputy Secretary of State
<u>H 744</u>	RELATING TO ALCOHOLIC BEVERAGES - Adds to existing law to provide for the donation of liquor for benevolent, charitable, or public purposes.	Kate Haas, Kestrel West
<u>H 572</u>	RELATING TO CIVIL AIR PATROL - Amends existing law to revise provisions regarding civil air patrol and to provide for memorandums of understanding regarding operational and training missions.	Rep. Kauffman
<u>H 705</u>	RELATING TO MARTIAL LAW - Amends existing law to provide for certain limitations during a state of extreme emergency.	Rep. Monks
<u>H 728</u>	RELATING TO PERSI - Adds to existing law to provide for the divestment of certain assets related to Russia.	Rep. Gannon
<u>HCR 41</u>	STATING FINDINGS OF LEGISLATURE DIRECTING THE ENDOWMENT FUND INVESTMENT BOARD - States findings of the Legislature and directs the Endowment Fund Investment Board to divest from Russian governmental assets and certain other assets connected to Russia.	Rep. Gannon
MINUTES APPROVAL:	Approval of Minutes for February 16, 2022	Senator Harris Senator Burgoyne

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

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

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Guthrie

Sen Winder

Sen Anthon

Sen Harris

Sen Lee

Sen Heider

Sen Stennett

Sen Burgoyne

COMMITTEE SECRETARY

Twyla Melton

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MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, March 14, 2022

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman 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: **Chairman Lodge** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:03 a.m. and reordered the bills.

S 1383 **Relating to Alcohol.** **Chairman Lodge** announced that she was holding **S 1383** until Wednesday.

RS 29811 **Relating to Disfavored State Investments.** **Senator Vick** said this legislation was to help endowment boards and the treasurer by giving them direction in making good investments. **Senator Vick** explained the bill. The first section emphasizes the purpose of investing, which was that they shall apply the Idaho Uniform Prudent Investor Act. One of the reasons this was necessary was because many companies have included environmental, social, and governance standards in their investment portfolios. What we wanted our investment boards to do was to invest to make the best return on the money. **Senator Vick** said section three talks about proxy votes and clarifies that proxy votes belong to the public entity and shall be exercised in the best interest of the entity and available to the public.

Senator Vick also mentioned the concurrent resolution to come before the Committee regarding investments in Russia. He stated that if this legislation was law right now, the resolution would be more effective. This legislation has been reviewed by the Attorney General and also the Governor's staff and encouraged the Committee to print **RS 29811**.

MOTION: **Senator Harris** moved to send **RS 29811** to print. **Senator Heider** seconded the motion. The motion carried by **voice vote**. **Senator Burgoyne** asked to be recorded as voting **nay**.

Chairman Lodge announced that due to conflicting schedules, **H 744** will be heard next.

H 744 **Relating to Alcoholic Beverages.** **Kate Hass**, with Kestrel West, said she was here on behalf of the Distilled Spirits Council. This Committee earlier passed **S 1272** which created an allowance so that distilleries can donate their product to charities. The House wanted to make one change and rather than amend the bill, they chose to write a new one. They removed the language that imposed a \$20 fee.

MOTION: **Senator Guthrie** moved to send **H 744** to the floor with a **do pass** recommendation.. **Senator Anthon** seconded the motion. The motion carried by **voice vote**. **Senator Harris** asked to be recorded as voting **nay**.

H 572

Relating to Civil Air Patrol. **Senator Winder** said H 572 is a bill that basically establishes a reason for payment as it relates to the Civil Air Patrol Wing in Idaho. There are 480 members and aerospace education, cadet programs, and emergency services are provided. Last year, the Wing did search and rescue missions helping to identify and rescue five lives that were related to aircraft. They also helped in ground searches for missing people.

Senator Winder said the Civil Air Patrol is a support function of the Air Force and provides opportunities for training for young men and women to experience the opportunity to fly. They are educated in aerospace, flight, and emergency operations. **Senator Winder** explained that the Civil Air Patrol was established around World War Two as an effort to use civilian aircraft to search for and look for submarines and other types of potential enemy activities. It has transformed to be an auxiliary of the Air Force.

Senator Winder said the request for \$50,000 would be used for an expansion of what was now allowed under the current code and would allow for training and travel expenses related to Civil Air Patrol training and educational missions.

TESTIMONY:

Colonel Robin West, Commander of Idaho Wing, Civil Air Patrol, expanded on the history of the Civil Air Patrol. She said was formed on December 1, 1941, just six days before the attack on Pearl Harbor. Its purpose was to provide a means for members of the general population who are involved in aviation, but who could not serve in the military, to participate in the war effort. Personal aircraft was used to ferry war materials between military bases and various other activities. The United States Congress recognized the service and sacrifice of those Civil Air Patrol members by awarding them a Congressional Gold Medal on December 19, 2014. **Colonel West** stated she witnessed the ceremony.

MOTION:

Senator Heider moved to send H 572 to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

H 728

Relating to PERSI. **Representative John Gannon** said several weeks ago, the world changed when Russia, without provocation, ruthlessly and violently invaded Ukraine with soldiers, tanks, missiles, mortars, and airplanes. **Representative Gannon** said the least we can do as a state is not support Russia by disposing of their currency, bonds, and assets. The bill says that PERSI shall make a good faith effort to immediately sell, trade, or otherwise completely divest itself of any asset of Russian currency and any other investment of the Russian government.

DISCUSSION:

Senator Guthrie inquired as to how far reaching was this and how much in terms of dollars. **Representative John Gannon** replied there was about \$5 million in currency and \$3 million in bonds. **Senator Guthrie** then asked if PERSI was expected to liquidate regardless of loss. **Representative Gannon** said there are no parameters, just good faith.

Senator Burgoyne said Russia has been an enemy since the 1940's and we don't trade with the enemy. There is a fundamental principle that we do not trade with the enemy regardless of how good an investment is and that we sustain any loss necessary by refusing such trade. **Senator Burgoyne** also stated that it would be completely contrary to what we are attempting to accomplish with our current foreign policy actions.

Senator Stennett directed her questions to Don Drummond, Executive Director of PERSI. The first question was how does PERSI divest itself of things within the portfolio. **Mr. Drummond** said the PERSI fund had a minimal investment. It was a total of \$8.5 million. Everything had been disposed of prior to it being frozen by the Russian government. It is a fiduciary responsibility of the Board to do it in a manner that results in a minimal impact. **Mr. Drummond** said one of the concerns regarding this bill if it was passed was the taking on of fiduciary responsibilities by the legislature. The board understands the fiduciary responsibilities and they are doing what was appropriate, in this case, to divest and get rid of those assets.

Senator Stennett asked if the time frame of the seven day requirement of publicly disclosing all other investments it has in any company domiciled in Russia was workable. **Mr. Drummond** said at this point, they have gotten rid of all the assets except those frozen by the Russian government and did not know if they would be unfrozen by seven days. Having time frames like this puts them in an awkward position, as fiduciaries to the fund, stated **Mr. Drummond**.

Senator Guthrie inquired about the language on line 27 of the bill which says "in any company that significantly uses Russian materials in the production of its products" and asked how far reaching was that. **Mr. Drummond** said the Board had offered some different language to take place of the good faith language. The broad language for all companies is far reaching and really limits things that can be invested in. The goal is not to invest in Russia but to support Ukraine. **Mr. Drummond** stated their position was to fulfill fiduciary duties and they are worried about the broadness of the language.

Senator Winder said **HCR 41** appears to be a statement of what we are trying to do without the potential unintended consequences of this. The resolution expresses the condemnation of Russia and war crimes against Ukraine. The intent of the legislature was to get out of investments in a reasonable way. **Senator Winder** asked if the concurrent resolution provided the direction to do an orderly divestiture. **Mr. Drummond** said it did provide the guidance that they would need and they could comply with the House resolution and fulfill their fiduciary responsibilities to the members.

Senator Stennett asked Mr. Drummond about the other language that he would have preferred. **Mr. Drummond** indicated that the language was recommended by the Board's fiduciary counsel and he could provide it to the Committee. **Senator Burgoyne** said the legislative intent section provides PERSI plenty of cover with respect as to how to assess the risk of Russian investments and the good faith effort language does its job.

MOTION: **Senator Burgoyne** moved to send **H 728** to the floor with a **do pass** recommendation. The motion **failed** for lack of a second.

DISCUSSION: **Representative Gannon** said he wanted to make a clarification. The seven days was to just publicly disclose the assets. That was all that it does.

MOTION: **Senator Winder** moved to hold **H 728** in Committee until Wednesday to allow for proper amendment. **Senator Lee** seconded the motion. The motion carried by **voice vote**. **Senator Burgoyne** asked to be recorded as voting **nay**.

HCR 41 **Stating Findings of Legislature Directing the Endowment Fund Investment Board.** **Representative Gannon** said **HCR 41** is identical to **H 728** only as a resolution because endowments are a separate legal entity and the Land Board had considerable supervision over those investments.

TESTIMONY: Three guests from Ukraine spoke about what was happening in their country and asked for support. **Chairman Lodge** thanked the ladies for their testimonies and said our prayers and thoughts are with them.

MOTION: **Senator Lee** moved to send **HCR 41** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

Chairman Lodge said **H 705** was overlooked and would be put on Wednesday's agenda.

S 1367

Relating to Campaign Finance and Lobbyists. **Jason Hancock**, Deputy Secretary of State, said this legislation deals with campaign finance and Idaho's sunshine laws. The legislation was attempting to simplify certain things and close certain loopholes that have become exploitable in our sunshine laws. The current law had a series of different trigger thresholds for when reporting was required. Some of those thresholds are zero and up to \$5,000. **Mr. Hancock** said this legislation attempts to simplify that and create a more uniform \$500 trigger for when reporting was required. Activities that were minor at \$500 would not need to be reported. The \$5,000 threshold would still be retained that exists for county central committees or political parties. Legislation also consolidates all of the campaign finance reporting requirements into two sequential sections in the code. Currently, those requirements were scattered throughout the chapter in different places.

Mr. Hancock said this legislation also closed a loophole that has allowed certain political committees that were filed with the Federal Elections Commission (FEC) to spend significant money in Idaho's state and local races and not report their donors until well after the election was over. Right now, any political committee that was registered with the FEC had a blanket exemption from having to report their donors. **S 1367** narrows that exemption down so that it would only apply to FEC entities that were limiting their activities to those federal races or races in other states. If they came into Idaho and spent money on state and local races, then they would have to report according to our timelines and schedules, which would require them to disclose who their donors were before the election.

Mr. Hancock stated there were some smaller technical corrections and modernizations relating to lobbyist reporting, such as replacing the current requirement that we provide a weekly paper report to the Legislature of who the lobbyists were to requiring our office to simply maintain all that information online in a public format for everybody to be able to get to at any point in time.

There have been concerns regarding electioneering communications and timelines. This legislation creates a uniform timeline that electioneering communications need to be reported 60 days before any election. Right now, it is 60 days before general elections, but it is 30 days before primaries. By moving it to 60 days, it was pointed out that it could get into the legislative session.

Mr. Hancock said they had developed some amendments that were agreeable to the people who brought those concerns forward. If the legislature adjourned 50 days before the primary election, then that electioneering communications clock would start at that 50 day point. **Mr. Hancock** said he had some language for amendments if the Committee should choose to send **S 1367** to the 14th Order.

TESTIMONY: Opposing **S 1367** was Douglas Kellogg, Projects Director with Americans for Tax Reform.

Testifying in support of **S 1367** was Alicia Abbott from Sandpoint and Kendal Shaber on behalf of the League of Women Voters.

MOTION: **Senator Guthrie** moved that **S 1367** be referred to the 14th Order for possible amendment. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

S 1377 **Relating to Elections.** **Mr. Hancock** stated this legislation does a number of things. It deals with dates and deadlines within the election process. It aligns the 60 day standard for election orders from the clerk for major elections for the presidential primary as opposed to the 50 day standard for less major elections. It also clarified that all deadlines that occur on a weekend will fall on the next business day. Another provision was a system for when candidate withdrawals could occur and when vacancies could get filled on the ballot that allowed time for a ballot to be produced for absentee voters. The last change creates a deadline for the officer subject to a recall election to get their 200 word statement into the clerk for the ballot, which was their argument for why they should remain in office. Currently, there was no deadline when they have to provide it.

MOTION: **Senator Lee** moved to send **S 1377** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

ANNOUNCEMENTS: **Chairman Lodge** announced that **H 705**, **H 728**, and **S 1383** would be heard on Wednesday. She advised people to get together to come up with some amendments for **S 1383** as there have been people on the waiting list since 1975.

APPROVAL OF MINUTES: **Senator Harris** moved to approve the Minutes of February 16, 2022. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Lodge** adjourned the meeting at 9:30 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Juanita Budell
Majority Staff Assistant

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Wednesday, March 16, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1383</u>	RELATING TO ALCOHOL - VOTE ONLY - Amends, repeals, and adds to existing law to revise provisions regarding alcohol, including licensing.	Senator Lodge
GUBERNATORIAL APPOINTMENT:	THE GUBERNATORIAL APPOINTMENT of Mathew Woodington to the Idaho State Racing Commission.	Mathew Woodington, Woodington Veterinary Services
<u>S 1398</u>	TERRORIST CONTROL ACT - Amends existing law to provide for the crime of domestic terrorism.	Senator Anthon
<u>S 1405</u>	STATE GOVERNMENT AND STATE AFFAIRS - Adds to existing law to establish provisions regarding disfavored state investments.	Senator Vick
<u>H 695</u>	RECALL ELECTIONS - Amends existing law to revise a provision regarding the number of signatures required on a recall petition.	Rep. Young
<u>H 705</u>	RELATED TO MARTIAL LAW - Amends existing law to provide for certain limitations during a state of extreme emergency.	Rep. Monks
<u>H 728</u>	RELATED TO PERSI - Adds to existing law to provide for the divestment of certain assets related to Russia.	Rep. Gannon
<u>H 747</u>	STATE ELECTIVE OFFICERS - Amends existing law to revise provisions regarding the salaries of state elective officials.	
MINUTES APPROVAL:	Minutes of February 9, 2022	Senator Lee Senator Burgoyne
MINUTES APPROVAL:	Minutes of February 23, 2022	Senator Winder Senator Heider
MINUTES APPROVAL:	Minutes of February 25, 2022	Senator Guthrie Senator Stennett

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

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

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Guthrie

Sen Lee

Sen Heider

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Sen Winder
Sen Anthon
Sen Harris

Sen Stennett
Sen Burgoyne

Phone: 332-1326
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MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, March 16, 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: **Chairman Lodge** called to order the meeting of the Senate State Affairs Committee (Committee) at 2:01 pm.

S 1383 **RELATING TO ALCOHOL - VOTE ONLY - Amends, repeals, and adds to existing law to revise provisions regarding alcohol, including licensing.** **Vice Chairman Guthrie** acknowledged the hard work that had been done on **S 1383** but felt that modifications were needed.

MOTION: **Vice Chairman Guthrie** moved to hold **S 1383** in committee. **Senator Stennett** seconded the motion. The motion passed by **voice vote**. **Chairman Lodge** was recorded as voting nay.

GUBERNATORIAL APPOINTMENT: **THE GUBERNATORIAL APPOINTMENT of Matthew Woodington to the Idaho State Racing Commission.** **Dr. Matthew Woodington** introduced himself to the Committee and shared about his background. He grew up in the Treasure Valley in a family that was involved in horse racing. That led him to become a veterinarian. He worked at Les Bois racetrack caring for the horses until it closed.

DISCUSSION: **Senator Stennett** thanked Dr. Woodington and asked him how far reaching his veterinary practice was. **Dr. Woodington** responded that his practice served the whole valley. **Chairman Lodge** asked whether Dr. Woodington did the inspections required for out of state and international sales. **Dr. Woodington** replied that he did. **Chairman Lodge** stated that the Committee would vote on his appointment at its next meeting.

S 1398 **TERRORIST CONTROL ACT- Amends existing law to provide for the crime of domestic terrorism.** **Senator Anthon** presented **S 1398**. He explained that **S 1398** defined "terrorism" and "domestic terrorism." In addition, it required due process prior to a designation of an individual as a terrorist or domestic terrorist. **Senator Anthon** stated that the increase in protests and violence at school board, highway district and other hearings and meetings had led to the need for clarification of these terms.

DISCUSSION: **Senator Stennett** asked for an example of what would be required for an individual to be labeled as a terrorist or domestic terrorist. **Senator Anthon** stated that **S 1398** contemplated an individual who worked in a substantial way with a terrorist organization that had been clearly defined as such by the federal government.

MOTION: **Senator Harris** moved to send **S 1398** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion.

DISCUSSION: **Senator Burgoyne** expressed several concerns regarding **S 1398** and stated that he would vote against the motion. First, **S 1398** required that whatever action criminalized must be in cooperation with a federally designated international terrorist organization. **Senator Burgoyne** noted that usually a terrorist organization was not known until after they claimed responsibility for an act. His second concern was that there was no language regarding conspiracy to commit terrorism in **S 1398**. That related to his third concern regarding the intent language.

VOICE VOTE: The motion to send **S 1398** to the floor with a **do pass** recommendation passed by **voice vote**. **Senator Burgoyne** was recorded as voting nay.

S 1405 **STATE GOVERNMENT AND STATE AFFAIRS - Adds to existing law to establish provisions regarding disfavored state investments.** **Senator Vick** presented **S 1405**. He explained that section 1 stated the purpose of investing was to be prudent in investing. Section 2 set forth notifications an investment agent was required to make to the state. Section 3 provided that proxies for all public entities belonged to that entity. **Senator Vick** explained proxy voting and stated that this was a mechanism used to influence decisions and votes of shareholders. He then explained that a disfavored investment was one which went against certain values. **Senator Vick** argued that of primary importance in investing was application of the Prudent Investor Act.

DISCUSSION: **Senator Burgoyne** asked whether the Prudent Investor Act prevented an entity from considering environmental, social or governance (ESG) factors. **Senator Vick** replied that he didn't think that issue was addressed in the Prudent Investor Act. **Senator Guthrie** asked whether it would have made sense to define ESG scoring in this legislation. **Senator Vick** responded no and stated that not all companies use ESG scoring, that they were just characteristics. **Senator Burgoyne** asked whether **S 1405** prohibited public entities from investing in companies such as Idaho Power that used ESG scoring? **Senator Vick** explained that **S 1405** permitted consideration of ESGs, but that it shouldn't be the only consideration. **Senator Burgoyne** asked whether the intent of **S 1405** was to require prudent investments or to require that they made decisions consistent with Idaho values. **Senator Vick** responded that the intent was to require prudent investments and to ensure that those investments were consistent with Idaho's values.

TESTIMONY: **State Treasurer Julie Ellsworth** shared 3 letters which showed the increased consideration of ESGs in disregard of the Prudent Investor Act. She further cited examples of the use of proxy votes to promote ESGs in disregard of the Prudent Investor Act. Finally, **Treasurer Ellsworth** stated that it was important for proxy votes to belong to public entities.

DISCUSSION: **Senator Stennett** asked what safeguards were in place to ensure that the voice of the people was heard where an industry acted with the approval of the state. **Treasurer Ellsworth** responded that **S 1405** required compliance with the fiduciary duties under the Prudent Investors Act. **Senator Burgoyne** asked to address a question to Deputy Attorney General Andy Snook. **Senator Burgoyne** asked for clarification of **S 1405** which required that public entities must or shall apply the Prudent Investor Act, but then stated that the Prudent Investor Act did not prohibit consideration of ESGs. **Mr. Snook** responded that **S 1405** did not prohibit consideration of ESGs, but that those considerations were secondary to compliance with the Prudent Investor Act.

TESTIMONY: **Johnathon Oppenheimer**, External Relations Director with the Idaho Conservation League, stated opposition to **S 1405**. He argued that the provision in **S 1405** that required notification to public entities of investments that adopted a policy related to disfavored investments was too broad and could be used to require businesses to provide excessive information. In addition, **Mr. Oppenheimer** argued that **S 1405** went against free market principles. Finally, he asserted that **S 1405** gave concurrent resolutions dating back to territorial days the effect of law.

DISCUSSION: **Senator Vick** stated that **S 1405** was not retroactive and, therefore, he felt that Mr. Oppenheimer's concerns regarding concurrent resolutions were not valid.

MOTION: **Senator Anthon** moved to send **S 1405** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion.

DISCUSSION: **Senator Burgoyne** stated that he felt Mr. Oppenheimer's concern about concurrent resolutions having the effect of law was warranted.

VOICE VOTE: The motion to send **S 1405** to the floor with a **do pass** recommendation passed by **voice vote**. **Senators Stennett** and **Burgoyne** were recorded as voting nay.

H 695 **RECALL ELECTIONS - Amends existing law to revise a provision regarding the number of signatures required on a recall petition.** **Representative Young** presented **H 695**. She explained that **H 695** clarified how signatures required for a recall election were calculated and ensured that the calculation is based on the electors who were eligible to vote.

TESTIMONY: **Jason Hancock** explained that the reason **H 695** was necessary was that historically special districts below the city level elected officials and boards by zone. **H 695** adopted more generic language that required that the signatures for a recall election be signed by registered electors residing within the district, subdistrict, or zone in which the electors were eligible to vote for the official.

DISCUSSION: **Senator Lee** asked for clarification on where the signatures must come from. **Mr. Hancock** replied that the signatures must come from individuals within the district, sub district or zone electing the individual who the petition to recall was against.

MOTION: **Senator Guthrie** moved to send **H 695** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion passed by **voice vote**.

H 705 **RELATED TO MARTIAL LAW - Amends existing law to provide for certain limitations during a state of extreme emergency.** **Representative Monks** presented **H 705**. It amended Idaho Code § 46-601 to guarantee the same protections and to be consistent with the amendment to Idaho Code § 46-1008 in **S 1262** signed by the governor earlier this session.

DISCUSSION: **Senator Burgoyne** expressed concern about the ability of the Idaho National Guard to determine which weapons were lawful and which were not.

VOICE VOTE: The motion to send **H 705** to the floor with a **do pass** recommendation passed by **voice vote**. **Senators Burgoyne** and **Stennett** were recorded as voting nay.

H 728 **RELATED TO PERSI - Adds to existing law to provide for the divestment of certain assets related to Russia.** **Representative Gannon** presented **H 728**. **H 728** required PERSI to divest certain assets related to Russia. **Representative Gannon** noted that PERSI had already divested \$7 million of \$8.4 million of investments related to Russia.

MOTION: **Senator Winder** moved to send **H 728** to the 14th Order of Business for possible amendment. **Senator Anthon** seconded the motion.

DISCUSSION: **Senator Burgoyne** stated support for **H 728** and expressed a desire to see it move forward. **Senator Winder** expressed concern with how to identify and dispose of assets within seven days.

VOICE VOTE: The motion to send **H 728** to the 14th Order of Business for possible amendment passed by **voice vote**.

H 747 Consideration of **H 747** was postponed to a future meeting.

MINUTES APPROVAL: **Senator Lee** moved that the Minutes of February 9, 2022 be approved. **Senator Burgoyne** seconded the motion. The motion passed by **voice vote**.

Senator Winder moved that the Minutes of February 23, 2022 be approved. **Senator Heider** seconded the motion. The motion passed by **voice vote**.

Senator Guthrie moved that the Minutes of February 25, 2022 be approved. **Senator Stennett** seconded the motion. The motion passed by **voice vote**.

ADJOURNMENT: There being no further business at this time, **Chairman Lodge** adjourned the meeting at 9:10 am.

Senator Lodge
Chair

Twyla Melton
Secretary

Meg Lawless
Assisting Secretary

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Friday, March 18, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
GUBERNATORIAL REAPPOINTMENT:	Gubernatorial Reappointment of Kevin Settles to the Commission on Human Rights	Kevin Settles
GUBERNATORIAL REAPPOINTMENT:	Gubernatorial Reappointment of Hyrum Erickson to the Commission on Human Rights	Hyrum Erickson
GUBERNATORIAL REAPPOINTMENT:	Gubernatorial Reappointment of Paul Jagosh to the Commission on Human Rights	Paul Jagosh
GUBERNATORIAL REAPPOINTMENT:	Gubernatorial Reappointment of Evelyn Johnson to the Commission on Human Rights	Evelyn Johnson
GUBERNATORIAL REAPPOINTMENT:	Gubernatorial Reappointment of Daniel Cravens to the Commission on Human Rights	Daniel Cravens
GUBERNATORIAL APPOINTMENT VOTE:	VOTE on the Gubernatorial Appointment of Matthew Woodington to the Idaho State Racing Commission	
<u>H 682</u>	ELECTIONS - Adds to existing law to require notification of boundary changes for election zones, districts, and subdistricts.	Rep. Skaug Jason Hancock
<u>H 694</u>	VOTERS - Amends existing law to revise provisions regarding listings of deceased Idaho residents to correct the election register.	Rep. Giddings
<u>H 707</u>	VOTERS - Amends existing law to revise provisions regarding voter registration.	Rep. Andrus Jason Hancock
<u>H 720</u>	PERSONHOOD - Adds to existing law to provide that environmental elements, artificial intelligence, nonhuman animals, and inanimate objects shall not be granted personhood.	Rep. Nichols
<u>H 747</u>	STATE ELECTIVE OFFICERS - Amends existing law to revise provisions regarding the salaries of state elective officials.	Rep. Harris

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

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

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Guthrie

Sen Winder

Sen Anthon

Sen Harris

Sen Lee

Sen Heider

Sen Stennett

Sen Burgoyne

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Phone: 332-1326

Email: [sstaf@senate.idaho.gov](mailto:ss taf@senate.idaho.gov)

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, March 18, 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 to order the meeting of the Senate State Affairs Committee (Committee) at 8:06 a.m. She stated that the Committee would take up **H 747** before **H 707** and **H 720**.

GUBERNATORIAL REAPPOINTMENT: **Gubernatorial Reappointment of Kevin Settles to the Idaho Commission on Human Rights (Commission).** **Mr. Settles** introduced himself and shared his background. He had been on the Commission for three or four terms and felt that it served a very important role and addressed situations that were not fair. **Mr. Settles** further stated that his experience as an employer brought a unique perspective to the Commission.

DISCUSSION: **Chairwoman Lodge** and **Senator Burgoyne** expressed appreciation for Mr. Settles' contributions to the Commission and thanked him for his service.

GUBERNATORIAL REAPPOINTMENT: **Gubernatorial Reappointment of Hyrum Erickson to the Commission.** **Mr. Erickson** introduced himself and shared his background. He stated that he was an attorney in Rexburg and had dealt with a modest number of employment law cases prior to joining the Commission. **Mr. Erickson** further stated that his experience enabled him to understand the view of the employer and employee.

GUBERNATORIAL REAPPOINTMENT: **Gubernatorial Reappointment of Paul Jagosh to the Commission.** **Mr. Jagosh** introduced himself and shared his background. He stated that he was an investigator of violent crimes and a legislative adviser for the Fraternal Order of Police. **Mr. Jagosh** further stated that he felt the work of the Commission was important in addressing unfair employment situations such as not being hired, being passed over for a promotion or being fired as a result of discrimination based on disability, race, or other considerations that violate the law. He shared that he had enjoyed his work on the Commission.

DISCUSSION: **Chairwoman Lodge** thanked Mr. Jagosh for his service.

GUBERNATORIAL REAPPOINTMENT: **Gubernatorial Reappointment of Evelyn Johnson to the Commission.** **Ms. Johnson** introduced herself and shared her background. She stated that she was the Vice President for Research and Development for an educational technology company and that she had been a professor of Special Education at Boise State University. She explained that her background was in working with people with disabilities and she felt that was what she contributed to the Commission. Finally, **Ms. Johnson** stated that it had been an honor to serve on the Commission.

DISCUSSION: **Senator Stennett** thanked Ms. Johnson for her work on the International Women's Forum and the Commission.

GUBERNATORIAL REAPPOINTMENT: **Gubernatorial Reappointment of Daniel Cravens to the Commission.** Mr. Cravens was not present due to technical difficulties. Consideration of his reappointment was postponed.

GUBERNATORIAL APPOINTMENT VOTE: **Gubernatorial Appointment of Dr. Matthew Woodington to the Idaho State Racing Commission.** **Senator Anthon** moved to send the Gubernatorial appointment of Dr. Matthew Woodington to the Idaho State Racing Commission to the floor with the recommendation that he be confirmed. **Senator Stennett** seconded the motion. The motion passed by **voice vote**.

H 682 **RELATING TO ELECTIONS.** **Representative Skaug** presented **H 682**. He explained that **H 682** required cities and special districts that were subject to election consolidations to provide timely notice to the county clerk of any changes to their election zones, districts or subdistricts to allow the clerks to prepare for elections.

MOTION: **Senator Anthon** moved to send **H 682** to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion. The motion passed by **voice vote**.

H 694 **RELATING TO VOTERS.** **Representative Giddings** presented **H 694**. She explained that **H 694** allowed the public to examine the list of Idaho residents who have passed away to help ensure they are removed from the election register. She said the Idaho Department of Health and Welfare (Department) provided a list of deceased individuals to the Secretary of State's office at the end of each month. That list included the name, age, county of residence and resident's address. The Department added the date of birth and the last four digits of the social security number. **Representative Giddings** explained that **H 694** allowed public access to the list of decedents provided by the Department, but without the date of birth or last four digits of the social security number.

DISCUSSION: **Senator Stennett** asked what basic information would be provided in this record request. **Representative Giddings** responded that only the name, age, county of residence and resident's address was provided, not the date of birth or last four digits of the social security number. **Senator Stennett** then asked how we would know the person was deceased. **Representative Giddings** replied that the Department verified that the individual was deceased.

Senator Winder asked for clarification that there was no fiscal note when **H 694** required additional time for staff to provide this information to the public. **Representative Giddings** explained that the information was provided from the Department on an Excel sheet and it would not require much additional time to remove the columns containing the date of birth and last four digits of the social security number.

TESTIMONY: **Joseph Gish**, a former navy pilot, explained that he had examined the election register to determine whether any inaccuracies or fraud had occurred. However, he was not permitted access to the list of decedents provided by the Department to the Secretary of State's office.

MOTION: **Senator Heider** moved to send **H 694** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion passed by **voice vote**.

Chairwoman Lodge announced the agenda would be reordered.

H 747 **RELATING TO STATE ELECTIVE OFFICERS.** **Representative Harris** presented **H 747**. He explained that **H 747** was the quadrennial pay increase for our state officials. He further explained that the last pay increase was a 9.5 percent increase for that four year period. **H 747** proposed a 9.5 percent increase once again.

TESTIMONY: **Delbert Chappel**, a resident of District 11, stated that he felt the legislators deserved a raise.

MOTION: **Senator Stennett** moved to send **H 747** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion passed by **voice vote**

H 707 **RELATING TO VOTERS.** **Jason Hancock**, Deputy Secretary of State, presented **H 707**. He explained that, first, **H 707** aligned electronic registration procedures with those used in registration by mail and required a clerk to send a verification of electronic voter registration by non-forwardable first class mail. Second, **H 707** required that the full legal name be used on voter registration. Third, **H 707** exempted phone numbers and e-mail addresses from public records. Fourth, **H 707** removed the exemption for United States and Allied military personnel from having their voter registration cancelled if they were not a U.S. citizen.

DISCUSSION: **Senator Harris** expressed a concern regarding the use of non-forwardable first class mail that would be returned to the clerk and resulted in the cancellation of a voter registration without the voter being aware. **Mr. Hancock** explained that the clerk mailed the verification to the mailing address so an individual who did not receive delivery at home would still receive it.

Senator Burgoyne expressed a similar concern and asked whether there was an effort to contact the voter by phone or e-mail prior to cancelling their registration. **Mr. Hancock** replied that nothing in the statute precluded the clerk from doing that, however, nothing required them to do that either.

Senator Lee expressed a concern that, by not providing phone numbers which were currently public, we were not being transparent.

MOTION: **Senator Harris** moved to hold **H 707** in committee. **Senator Lee** seconded the motion.

DISCUSSION: **Senator Winder** and **Senator Burgoyne** expressed the opinion that if the clerk had the phone number or e-mail address, there ought to be an attempt to contact the voter prior to cancelling their registration.

SUBSTITUTE MOTION: **Senator Burgoyne** made a substitute motion that **H 707** be sent to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion.

ROLL CALL VOTE: **Chairwoman Lodge** called for a roll call vote on the substitute motion. **Vice Chairman Guthrie**, **Senators Winder**, **Heider**, **Stennett**, and **Burgoyne** voted aye. **Senators Harris**, **Lee**, and **Chairwoman Lodge** voted nay. The motion carried.

H 720 **RELATING TO PERSONHOOD.** **Representative Tammy Nichols** presented **H 720**. She explained that **H 720** provided that environmental elements, artificial intelligence, non-human animals and inanimate objects shall not be granted personhood. She cited several examples of attempts to grant environmental elements, artificial intelligence, non-human animals and inanimate objects personhood and cautioned that the movement was gaining momentum.

DISCUSSION: **Senator Stennett** asked how we could reconcile corporations being granted personhood, but not environmental elements, artificial intelligence, non-human animals or inanimate objects. **Representative Nichols** responded that **H 720** specified environmental elements, artificial intelligence, non-human animals and inanimate objects.

Senator Burgoyne suggested that a better approach might be to wait until Idaho had an attempt to grant one of these items personhood and then enact legislation.

MOTION: **Senator Winder** moved to send **H 720** to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion. The motion passed by **voice vote**.

ADJOURNMENT: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 9:26 am.

Senator Lodge
Chair

Twyla Melton
Secretary

Meg Lawless
Assisting Secretary

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Monday, March 21, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
GUBERNATORIAL APPOINTMENT VOTE:	VOTE on the Gubernatorial Reappointment of Kevin Settles to the Commission on Human Rights	
GUBERNATORIAL APPOINTMENT VOTE:	VOTE on the Gubernatorial Reappointment of Hyrum Erickson to the Commission on Human Rights	
GUBERNATORIAL APPOINTMENT VOTE:	VOTE on the Gubernatorial Reappointment of Paul Jagosh to the Commission on Human Rights	
GUBERNATORIAL APPOINTMENT VOTE:	VOTE on the Gubernatorial Reappointment of Evelyn Johnson to the Commission on Human Rights	
GUBERNATORIAL REAPPOINTMENT:	Gubernatorial Reappointment of Daniel Cravens to the Commission on Human Rights	Daniel Cravens
<u>RS 29862</u>	FEE RULES - HOUSE AND SENATE STATE AFFAIRS COMMITTEES	Senator Guthrie
<u>HCR 35</u>	LOUISE MCCLURE - States findings of the Legislature and recognizes the outstanding contributions that Louise McClure made to the people of Idaho through her selfless public service and commitment to the arts and recognizes March 30, 2022, as Louise McClure Day in honor of her extraordinary impact on Idaho and the world.	Rep. Troy
<u>H 671</u>	SCHOOL TRUSTEES - Amends existing law to provide for the filling of certain school board trustee vacancies.	Rep. Ehardt

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

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

COMMITTEE MEMBERS

Chairman Lodge	Sen Lee
Vice Chairman Guthrie	Sen Heider
Sen Winder	Sen Stennett
Sen Anthon	Sen Burgoyne
Sen Harris	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: [sstaf@senate.idaho.gov](mailto:ss taf@senate.idaho.gov)

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, March 21, 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: **Chairman Lodge** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:03 am.

GUBERNATORIAL REAPPOINTMENT VOTE: **Senator Winder** moved to send the Gubernatorial reappointment of Kevin Settles to the Commission on Human Rights to the floor with recommendation that he be confirmed by the Senate. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT VOTE: **Senator Guthrie** moved to send the Gubernatorial reappointment of Hyrum Erickson to the Commission on Human Rights to the floor with recommendation that he be confirmed by the Senate. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT VOTE: **Senator Winder** moved to send the Gubernatorial reappointment of Paul Jagosh to the Commission on Human Rights to the floor with recommendation that he be confirmed by the Senate. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT VOTE: **Senator Stennett** moved to send the Gubernatorial reappointment of Evelyn Johnson to the Commission on Human Rights to the floor with recommendation that she be confirmed by the Senate. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT: **Chairman Lodge** placed a call to Daniel Cravens, Gubernatorial candidate for reappointment to the Commission on Human Rights, and asked him to tell the Committee why he would like to serve on the Commission. **Mr. Cravens** replied that his background was assistive technology. The approach to service was designed to assist individuals with disabilities with their daily activities of daily living. Also, **Mr. Cravens** said his program at Idaho State University (ISU) was a business consulting program to assist entrepreneurs helping in the technology industry. Mr. Cravens is a Clinical Professor of Management at ISU and has a Doctorate in Distress. **Mr. Cravens** indicated that he feels strongly about providing equal access to individuals with disabilities.

Chairman Lodge thanked Mr. Cravens for his desire to serve on the Commission and said voting would take place at the next meeting. It was suggested that voting be held today as the Legislature was in its last few days. **Chairman Lodge** agreed and said it would move the process along.

GUBERNATORIAL REAPPOINTMENT VOTE: **Senator Winder** moved to send the Gubernatorial reappointment of Daniel Cravens to the Commission on Human Rights to the floor with recommendation that he be confirmed by the Senate. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

RS 29862 **Fee Rules.** **Senator Guthrie** presented **RS 29862** and said this RS is a Concurrent Resolution for the three fee rules that were heard this year. There were no questions from the Committee.

MOTION: **Senator Harris** moved to send **RS 29862** to print, then to the 10th Order. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.
Chairman Lodge reordered the bills, due to the absence of a sponsor.

H 671 **Relating to School Trustee Recall Elections.** **Representative Ehardt**, sponsor of this legislation, said the purpose of **H 671** was because school districts' recalls could be disruptive to their communities. **Representative DeMordaunt**, co-sponsor of the bill, suggested that if a recall was within 120 days of an election, no appointment should be made. Let the voters decide. If the recall was more than 120 days of an election, appointments should only be until the next election.
Representative DeMordaunt said the majority of trustees were appointed while filling a vacancy of a residency that was under recall. This created discord in the community. It doesn't necessarily just happen in large school districts, it had affected smaller ones too.

DISCUSSION: **Senator Stennett** inquired if a quorum was not maintained, what would happen. She commented that 120 days was too long for a vacancy, a tie would stall the board from doing business. **Representative DeMordaunt** said the county commissioners would make the temporary appointments and they would be only until the next election. School board elections are held every four months - March, May, August, and November.
Senator Burgoyne said the bill doesn't make anything better, just changes the advantages and disadvantages and doesn't think there is a political problem, but a social problem. **Senator Burgoyne** stated he was disappointed when trustees run into flak and they resign.
Discussion ensued regarding County Commissioners filling vacancies, public bullying, and making sure local school boards don't cede their authority to another entity. One hundred twenty days are too long for a vacancy, a tie would stall the board from doing business.

MOTION: **Senator Winder** moved to send **H 671** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion failed by **voice vote**.

HCR 35 **Louise Miller McClure – Concurrent Resolution.** **Representative Caroline Troy** presented **HCR 35**, a Concurrent Resolution honoring Louise Miller McClure. **Representative Troy** said Louise was an Idaho icon and a treasure. She attended the University of Idaho, studying music and education, and that was where she met her husband, Jim McClure. Louise was an equal partner to Jim and she had her own set of values and opinions, working diligently by his side as he moved up the political ladder. **Representative Troy** asked that Idaho recognize Louise's contributions to the arts, to the culture, and to the fabric of Idaho over her lifetime on March 30th, which was her birthday.
Accolades were given by **Senator Winder**, **Senators Burgoyne**, **Lee**, and **Chairman Lodge**.

MOTION: **Senator Lee** moved to send **HCR 35** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Lodge** adjourned the meeting at 9:08 a.m. and announced that further meetings are subject to call of the Chair.

Senator Lodge
Chair

Twyla Melton
Secretary

Juanita Budell
Majority Staff Assistant

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Wednesday, March 23, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
RS 29860	UNANIMOUS CONSENT REQUEST from the Senate Resources and Environment Committee related to pending fee rules.	Senator Vick
MINUTES APPROVAL:	Minutes of February 28, 2022	Senator Anthon Senator Lee
MINUTES APPROVAL:	Minutes of March 2, 2022	Senator Guthrie Senator Lee
MINUTES APPROVAL:	Minutes of March 4, 2022	Senator Harris Senator Winder
PRESENTATION:	Page Graduation - Honoring Katelyn Berry	

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Guthrie

Sen Winder

Sen Anthon

Sen Harris

Sen Lee

Sen Heider

Sen Stennett

Sen Burgoyne

COMMITTEE SECRETARY

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MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, March 23, 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 meeting of the Senate State Affairs Committee (Committee) to order at 8:01 a.m.

RS 29860 **UNANIMOUS CONSENT REQUEST** from the Senate Resources and Environment Committee related to pending fee rules.

Senator Vick, District 4, explained the proposed legislation would approve fee rules for the Idaho Department of Environmental Quality. He apologized for the delay in bringing the RS. He noted one set of rules was inadvertently overlooked.

MOTION: **Senator Burgoyne** requested unanimous consent to send **RS 29860** to print. There were no objections.

MINUTES APPROVAL: **Senator Anthon** moved to approve the Minutes of February 28, 2022. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

Vice Chairman Guthrie moved to approve the Minutes of March 2, 2022. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

Senator Harris moved to approve the Minutes of March 4, 2022. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

PRESENTATION: **Page Graduation** - Honoring Katelyn Berry. **Chairwoman Lodge** recognized Senate Page Katelyn Berry for her service to the Committee. She gave an overview of Ms. Berry's background and interests. **Ms. Berry** introduced herself to the Committee. She reviewed her future education and career plans.

Senator Lee noted Ms. Berry was always cheerful and helpful. She asked Ms. Berry what was her favorite part about serving as a page. **Ms. Berry** replied she enjoyed meeting her fellow pages and making new friends. She remarked that everyone was kind and considerate of each other.

Chairwoman Lodge encouraged Ms. Berry in her career and family goals. She presented Ms. Berry with a gift and thank you letter from the Committee.

Senator Burgoyne commented that being one of only three pages for the second half of the Legislative Session was a unique experience. He enjoyed seeing them with smiles on their faces at 8 a.m. each morning.

Chairwoman Lodge invited Senate Page Shayanne Richardson to the podium to apprise the Committee of her future plans. **Ms. Richardson** stated she intended to attend Brigham Young University-Idaho to study art, communication, or accounting. Chairwoman Lodge presented Ms. Richardson with a thank you letter from the Committee.

Chairwoman Lodge thanked the Committee and Trooper Jim Love for their help and service. She stated it had been an honor and learning experience to chair the Committee. **Chairwoman Lodge** wished everyone the best and expressed her hope they would meet again.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:14 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Jeanne Jackson-Heim
Assistant Secretary

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Thursday, March 24, 2022

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww55/>

SUBJECT	DESCRIPTION	PRESENTER
<u>H 778</u>	IDAHO PATIENT ACT - Amends and adds to existing law to revise and clarify provisions regarding requirements for extraordinary collection actions by health care providers against patients.	Rep. Monks

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

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

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Guthrie

Sen Winder

Sen Anthon

Sen Harris

Sen Lee

Sen Heider

Sen Stennett

Sen Burgoyne

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Phone: 332-1326

Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Thursday, March 24, 2022

TIME: 8:00 A.M.

PLACE: Room WW55

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

ABSENT/ EXCUSED: Senator Heider

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: **Chairman Lodge** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:04 a.m.

H 778 **IDAHO PATIENT ACT - Amends and adds to existing law to revise and clarify provisions regarding requirements for extraordinary collection actions by health care providers against patients.** **Josh Scholer**, Legal Extern for Senator Anthon, stated the legislation modified the Idaho Patient Act (IPA) by clarifying that the pursuit of overdrawn checks for the amount of the overdrawn check was not an extraordinary collection action, provided a faster timeline for adverse credit reporting in exchange for giving up the ability to pursue other extraordinary collection action, adjusted the timing and content of certain necessary patient communications as well as the burden of proof, before engaging in an extraordinary collection action against a patient. The legislation also provided intent language to further clarify that the limits on costs, fees, and attorney's fees began with any extraordinary collection action commenced on or after January 1, 2021, regardless of when the goods or services were delivered to the patient.

Mr. Scholer noted this legislation had no impact on the General Fund because it only dealt with changes to the existing IPA and did not call for any new appropriation.

Mr. Scholer gave a brief overview of the changes in the bill. He noted the biggest issue was on page 2, line 45, where striking "and patient's group and membership numbers" had the largest impact for providers since it was cost prohibitive. He stated the burden was on the provider after billing the insurance company. No extraordinary collection action could be brought unless the provider could prove the insurance company had been properly billed.

DISCUSSION: **Senator Stennett** and **Mr. Scholer** discussed the problems associated with billing codes as related to global services versus consolidated summaries of services and why one facility was exempted over another.

TESTIMONY: **Mark Ness**, North Idaho Credit Corporation, Coeur d'Alene, testified in opposition to the bill. He described issues with a patient who did not have current insurance information because they thought the prior service had the information in the system that would have an effect on billing. He stated the burden of proof and the requirement to file electronically with the court, now required to disclose the name, insurance, and so on, and that was a violation of the Health Insurance Portability and Accountability Act (HIPAA).

DISCUSSION: **Mr. Ness** and **Mr. Scholer** discussed the idea that HIPAA did not apply to credit agencies or anyone else filing a lawsuit. **Mr. Scholer** indicated there was no contract for attorney's fees and those fees could not be charged under these conditions. He stated the bill would make it easier for providers and any collection agencies to comply with the law and take action as necessary.

MOTION: **Senator Harris** moved to send **H 778** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion.

DISCUSSION: **Senator Lee** acknowledged Mr. Scholer's effort and that of all of the stakeholders. She stated this bill was hard fought and a great compromise. This bill entailed hundreds of hours of work and would benefit patients and providers.

Senator Burgoyne commended all who worked on the bill. He stated it was a hardship on small providers when they were not paid. The objective was to achieve a fair system that worked. With this bill, those responsible for communicating billing to patients should make the notices understandable and not just lifted out of the statute. He stated he was in support of the bill.

VOICE VOTE: The motion to send **H 778** to the floor with a **do pass** recommendation carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Lodge** adjourned the meeting at 8:34 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Linda Kambeitz, Asst. Secretary