

MINUTES  
**SENATE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, March 11, 2024

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

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Guthrie, Vice Chairman Bernt, Senators Winder, Anthon, Harris, Lee, Toews (Toews), Wintrow, and Ruchti

**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 Guthrie** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:00 a.m.

**WELCOME:** **Chairman Guthrie** welcomed all to the Committee meeting.

**NOTE:** **Chairman Guthrie** stated that **H 691** was pulled from the agenda at the request of the sponsor.

**MINUTES APPROVAL:** **Senator Winder** moved to approve the Minutes of March 4, 2024. **Senator Toews** seconded the motion. The motion carried by **voice vote**.

**RS 31612** **Relating to Solid Waste Disposal.** **Senator Winder** stated that he yielded to Senator Schroeder to present **RS 31612**. **Senator Schroeder** stated that there were solid waste facilities operated by the private sector, the county, and the city. He remarked that **RS 31612** defined the practice of "flow control" and ensured that there was a process to make the public aware of pending decisions to create new solid waste facilities. He stated that counties and cities could not mandate where solid waste was delivered.

**MOTION:** **Senator Winder** moved to send **RS 31612** to print. **Senator Bernt** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Chairman Guthrie passed the gavel to Vice Chairman Bernt.

**RS 31626C1** **Relating to Liquor.** **Chairman Guthrie** stated that **RS 31626C1** related to liquor licensing laws and furthered and clarified S 1120, which went into effect in 2023. He remarked that liquor licenses were allowed to move to a different location if a business moved. He stated that the license could not be sold. He remarked that as long as the lease remained between the same parties, it could be continued. He stated that **RS 31626C1** permitted flexibility and tied a license to a property, and in exchange, the license could not be moved or sold. He remarked that this limited speculation, and there was flexibility when a licensee name came off the list.

**MOTION:** **Senator Toews** moved to send **RS 31626C1** to print. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Vice Chairman Bernt passed the gavel back to the Chairman.

- RS 31569**                    **Relating to the State Procurement Act.** **Senator Lee** stated that **RS 31569** addressed concerns regarding purchasing. She remarked that a broader flexibility was allowed when agencies evaluated criteria in a request for proposal.
- MOTION:**                    **Senator Harris** moved to send **RS 31569** to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.
- RS 31586**                    **Relating to Purchasing.** **Senator Lee** stated that there were challenges for agencies when a request for proposal (RFP) was prepared for a bid. She remarked there were limitations because the agencies could not gather expertise from local vendors to prepare the RFP, because if those vendors participated, there was an understanding that they could not bid on the project.
- MOTION:**                    **Senator Bernt** moved to send **RS 31586** to print. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.
- GUBERNATORIAL REAPPOINTMENT:**    **The Gubernatorial Reappointment of Richelle Sugiyama to the Treasurer's Investment Advisory Board** to serve a term commencing on July 1, 2022 and expiring on July 1, 2026. **Richelle Sugiyama** stated that she was the Chief Investment Officer for the Public Employee Retirement System of Idaho (PERSI), and she worked for PERSI for over 22 years. She served on the Endowment Fund Investment Board, the Treasurer's Investment Advisory Board, the State of Idaho Board of Education Retirement Plan Committee, the Boise State University Foundation Board, and the Institute of Electrical and Electronics Engineers Investment Committee.
- DISCUSSION:**                **Chairman Guthrie** stated that the reappointment vote would occur at the next Committee meeting.
- GUBERNATORIAL REAPPOINTMENT:**    **The Gubernatorial Reappointment of Evelyn Johnson to the Commission on Human Rights** to serve a term commencing July 1, 2023 and expiring July 1, 2026. **Evelyn Johnson** stated that her background was special education and serving people with disabilities. She worked as a professor of special education at Boise State University, and served as the Chief Executive Officer of Lee Pesky Learning Center. She remarked that she was the Vice President for research and development for Riverside Insights. She stated that she believed strongly in the work done by the Human Rights Commission (Commission), and that the Commission promoted a more inclusive and just community.
- DISCUSSION:**                **Senator Lee** remarked that there was a high profile case that experienced a significant delay in the final report. She asked if the Commission needed more resources to arrive at a more timely determination of reports. **Ms. Johnson** replied that she would defer to the person who oversaw the reports. She remarked that more complex and involved cases required additional investigation.
- Chairman Guthrie** stated that the reappointment vote would occur at the next Committee meeting.

H 664

**ELECTIONEERING COMMUNICATIONS - Adds to existing law to provide for relief prohibiting the publication of synthetic media in electioneering communications, to provide for an action prohibiting the publication of synthetic media in electioneering communications, and to provide exceptions. Representative Rubel** stated that H 664 pertained to the use of "deep fake" audio and video in electioneering. She remarked that it took less than 15 minutes and cost less than \$5 to create realistic images. She stated that "deep fakes" upended elections. She remarked that legislation similar to H 664 had passed in a number of other states. She stated that H 664 permitted "deep fakes" in electioneering communication, but required that the material be disclosed as being digitally altered so that the public was not misled.

**TESTIMONY:**

**Kayla Dodson**, League of Women Voters, testified in support of H 664. She remarked that anyone could be fooled, and the public relied on social media as a tool to research candidates. She remarked that the public needed help detecting "deep fakes". She stated that H 664 clearly stated how "deep fakes" would be labeled, and that there was recourse for elected officials.

Written testimony on H 664 and H 572 appears in Attachment 1.

**DISCUSSION:**

**Representative Rubel** stated that "deep fakes" were not adequately addressed under defamation law because there was a high threshold to establish liability. She remarked that H 664 was about protecting the public.

**MOTION:**

**Senator Wintrow** moved to send H 664 to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

H 477

**AUDITORIUM DISTRICTS - Amends existing law to require a certain percentage of qualified electors of the district sign a petition for a vote to repeal the district. Representative Furniss** stated that H 477 allowed communities to enter into an auditorium district and dissolve it when necessary. He remarked that there were three auditorium districts in Idaho. He stated that smaller communities were interested in auditorium districts. He remarked that current statute dictated that 3,000 votes were required to dissolve an auditorium district, but there were communities that did not have populations that large. He stated that H 477 allowed that 15 percent of the population or 3,000 votes, whichever was smaller, was required to dissolve an auditorium district. He remarked that this enabled smaller communities to establish an auditorium district without fear that it could not be dissolved if necessary.

**DISCUSSION:**

**Senator Bernt** asked to clarify that H 477 did not prevent a community from entering into an auditorium district, but rather enabled the district to be dissolved at a future date. **Representative Furniss** stated that was correct.

**Chairman Guthrie** asked if there was anyone present or online who wanted to testify. There were none.

**MOTION:**

**Senator Bernt** moved to send H 664 to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

## H 572

**GUARANTEED INCOME PROGRAMS - Adds to existing law to preempt laws regarding guaranteed income programs that are not expressly authorized by state statute.** **Senator Lenney** stated that in states across the country, local governments instituted universal basic income pilot programs with no work requirements and no strings attached. He remarked that **H 572** was a preemptive bill that prohibited local governments in Idaho from establishing universal basic income programs that provided guaranteed income payments to individuals. He remarked that, unlike welfare, these programs had no eligibility requirements and no requirements for work. He stated that **H 572** prohibited universal income programs unless the Legislature expressly authorized it.

### DISCUSSION:

**Senator Lee** asked if Senator Lenney was aware of the processes in place for awarding cash assistance funds in the State of Idaho. **Senator Lenney** replied that he was not. **Senator Lee** asked if Senator Lenney would be surprised to learn that only a handful of citizens in Idaho qualified for cash assistance. **Senator Lenney** replied that he would not be.

**Senator Bernt** asked if **H 572** impacted local funds awarded to individuals to help them qualify for mortgages. **Senator Lenney** replied that there was no effect on existing grants or funds. **Senator Bernt** asked for an example. **Senator Lenney** replied that in the state of California, two cities launched state-funded universal income pilot programs. In one case, 300 adults were given \$1,000 per month for 18 months with no strings attached.

**Senator Toews** commented on line 14 and 15. He stated that universal income programs were defined as "regular cash payments that were unearned".

**Senator Wintrow** asked if **H 572** interfered with regular cash assistance payments from boards or organizations to prevent homelessness. **Senator Lenney** replied that those payments were not impacted by **H 572**. He remarked that those programs had sideboards. He stated that **H 572** was preemptive in nature. **Senator Wintrow** stated that she was concerned with the intent of the language. She remarked that she did not want **H 572** to impact current assistance programs.

**Senator Lenney** stated that universal income programs tore at the economic fabric of a free market society.

**Senator Winder** quoted line 18, "except as expressly authorized by State statute." He asked Senator Lee if the cash payments she mentioned were authorized by State statute. **Senator Lee** replied that it depended on the circumstance. She stated that she was concerned that the language prohibited these funds. She was concerned about temporary assistance for needy families.

### MOTION:

**Senator Toews** moved to send **H 572** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion.

**DISCUSSION:**

**Senator Toews** commented that the language "expressly authorized by State statute" indicated that the funds were targeted and approved by the Legislature. He remarked that line 15 stated that universal income funds were not targeted.

**Senator Anthon** stated community development block grants were very clear and could only be used for targeted purposes, so **H 572** did not apply. He remarked that **H 572** preempted any political subdivision of the State, and not a nonprofit board.

**Senator Lee** remarked that she understood the intent, but she was concerned that local efforts that targeted children and families required more specific language to ensure there were no impacts.

**Senator Winder** remarked that he had concerns of unintended consequences. He suggested that **H 572** be amended to clarify the language and resolve the concerns.

**Senator Ruchti** remarked that he supported local control and did not want to negatively impact local governments as they addressed local concerns.

**Senator Toews** commented that a clear reading of **H 572** indicated that targeted programs were not impacted. He stated that he would support sending **H 572** to the 14th Order to clarify the language.

**Senator Winder** stated that **H 572** was easily amended. He asked if Senator Lee was willing to work on language to reach an acceptable approach. **Senator Lee** replied that she was.

**TESTIMONY:**

Written testimony on **H 664** and **H 572** appears in Attachment 1.

A letter from the American Civil Liberties Union in opposition to **H 572** appears in Attachment 2.

**SUBSTITUTE MOTION:**

**Senator Winder** moved to send **H 572** to the **14th Order of Business** for possible amendment. **Senator Harris** seconded the motion. The motion carried by **voice vote**. **Senators Anthon, Wintrow, and Ruchti** asked to be recorded as voting nay.

**ADJOURNED:**

There being no further business at this time, **Chairman Guthrie** adjourned the meeting at 8:50 a.m.

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Senator Guthrie  
Chair

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Peggy Caraway  
Secretary