

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, February 09, 2024

TIME: 8:00 A.M.

PLACE: Room WW55

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

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: **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.

MINUTES APPROVAL: **Senator Winder** moved to approve the Minutes of January 31, 2024. **Senator Toews** seconded the motion. The motion carried by **voice vote**.

RS 31187 **Relating to Concealed Weapons.** **Senator Herndon** stated that **RS 31187** modified and added to Idaho Code § 18-3302. It concerned the right to carry a firearm on public property in the State of Idaho when that property was leased, rented, or provided by contract to a group holding an event. An Idaho Supreme Court decision stated that when a private group rented public property, that area was private property for the duration of the event. This enabled groups who rented the property, yet allowed all members of the public to enter the event, to prohibit firearms on the property. This resulted in confusion. **Senator Herndon** remarked that **RS 31187** maintained the right to carry a firearm into an event if the event was not restricted, but open to the public. If an event was restricted and a fee or ticket was required for entry, then a firearm would not be allowed into the event area.

DISCUSSION: **Senator Bernt** asked for an example that was supported by the bill. **Senator Herndon** replied that when a concert was held and a fee was required for entry, then the organizers could restrict the right to carry a firearm and the attendees must comply. If a group scheduled an event that was free and open to the public, the right to carry firearms could not be restricted. **Senator Ruchti** asked if the organizers of a farmer's market charged a can of food as admission for entry, could they restrict the right to carry a firearm? **Senator Herndon** replied that if the can of food was required for entry, then the event could be restricted. **Senator Winder** asked if a barrier was required for restricted access. **Senator Herndon** replied that other methods were allowed. He stated that an example was a wedding, in which access was restricted even though there was no barrier around the event.

MOTION: **Senator Toews** moved to send **RS 31187** to print. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

RS 31219 **Relating to Veterans Cemeteries.** **Senator Trakel** stated that **RS 31219** required veterans cemeteries to allow the use of their facilities for military honors even if the deceased was not interned there.

DISCUSSION: **Senator Winder** asked to clarify that even if the veteran was not buried in the cemetery, the ceremony could still be held there. **Senator Trakel** replied yes. He remarked that families had been denied those services. He stated that he would seek clarification.

MOTION: **Senator Lee** moved to send **RS 31219** to print. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

RS 31021 **Relating to State Budgets.** **Senator Lee** stated **RS 31021** created parity and consistency in budget deadlines. She remarked that the executive branch had a September 1 deadline for all budget requests. **RS 31021** set September 1 as the budget deadline for the legislative and judicial branches as well. She remarked that in the last few years, this deadline was met, so this was not a significant change.

MOTION: **Senator Harris** moved to send **RS 31021** to print. **Senator Bernt** seconded the motion. The motion carried by **voice vote**.

RS 31247 **Relating to the Idaho Council on Indian Affairs (Council).** **Senator Hart** stated that **RS 31247** concerned the Idaho Council of Indian Affairs. He remarked that the Council was currently comprised of a chairman and a vice chairman. There was confusion in the September election because the council thought two co-chairmen were elected, one tribal member and one legislative member. Senator Hart did not want to run against the tribal member, so he dropped out of the election. He was later elected to the vice chairman position. He remarked that this caused confusion. **RS 31247** allowed for two co-chairmen.

MOTION: **Senator Winder** moved to send **RS 31247** to print. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

RS 31163 **Relating to the State Treasurer.** **Senator Hart** stated that **RS 31163** permitted the state treasurer to hold some portion of state funds in physical gold and silver to help secure assets against the risk of inflation. He remarked that a new authority was confined to holding gold and silver directly and in a manner that did not assume the counter party risks involved with other state holdings. The gold and silver would be secured in a depository or any bank or credit union with a class 1 vault and licensed by the Department of Finance.

MOTION: **Senator Lee** moved to send **RS 31163** to print. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

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

RS 31240 **Relating to the Public Employee Retirement System.** **Senator Guthrie** stated **RS 31240** repealed language in Idaho Code § 59-1356 that addressed first responders and the conditions under which they could retire and then return to work within 30 days with no break in service. S 1054 passed in 2023 and addressed officers 50 years of age and over who retired and returned to work, but continued to receive PERSI retirement benefits. He remarked that many returned to the same job. **RS 31240** repealed the language in S 1054 because the results proved contrary to the intent of the original bill.

DISCUSSION: **Senator Ruchti** stated that he remembered concerns expressed in Committee in 2023 and asked if those predictions came true. **Senator Guthrie** replied that there were enough concerns that a hearing was warranted.

MOTION: **Senator Lee** moved to send **RS 31240** to print. **Senator Toews** seconded the motion. The motion carried by **voice vote**.

RS 31276 **Relating to Cemetery Maintenance Districts. Senator Guthrie** stated **RS 31276** related to cemetery district maintenance boards. He remarked the legislation raised the bar for registered electors from 150 to 5,000 before the commissioners were required to be elected from a subdistrict. He stated that small, rural districts had struggled to find board members.

MOTION: **Senator Lee** moved to send **RS 31276** to print. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

RS 31277 **Relating to Joint Memorial - Immigration. Senator Guthrie** stated **RS 31277** was a Senate memorial related to immigration. The intent was the same as a bill introduced in 2023 with a few modifications. He remarked that the legislature recognized the problems that occurred at the country's borders. These problems had not been addressed. He also recognized that foreign-born labor supplied a tremendous amount of Idaho's workforce needs. He stated that **RS 31277** was an appeal to the federal government to address the immigration issues. He remarked that this legislation did not grant amnesty.

MOTION: **Senator Harris** moved to send **RS 31277** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

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

S 1274 **HIGHER EDUCATION - Adds to existing law to prohibit institutions of higher education from requiring diversity statements as a condition of employment or admission. Senator Bernt** stated **S 1274** required that hiring and admissions decisions at any public postsecondary institution be made on merit. He remarked **S 1274** stated that there were no conditions or requirements that applicants submit or ascribe to a diversity statement in hiring and admissions. Finally, no public postsecondary educational institution in Idaho required or solicited a diversity statement as a part of an admissions process, an employment application process, a hiring process, a contract renewal process, or a promotion process.

Senator Bernt stated that a diversity statement could not be required as a condition of any administrative or decision-making function of the institution. He remarked that the focus was on merit rather than identity politics. He remarked that **S 1274** fostered a climate of inclusiveness and merit. He requested permission to make a small punctuation change on page 2 (a semicolon after the word 'approaches') rather than send **S 1274** to the 14th order.

DISCUSSION: **Senator Winder** stated that the bill needed to be corrected on the Senate floor. **Senator Wintrow** commented that she worked in higher education for her entire career. She stated that candidates were always interviewed based on merit. She asked why religion was not included. **Senator Bernt** replied that it was not part of the discussion. **Senator Wintrow** remarked that religion should be included. She asked if interview questions that related to inclusiveness were prohibited. **Senator Bernt** replied that diversity statement definitions that were allowed were listed in the legislation. **Senator Wintrow** asked to clarify if broad questions that supported diversity and inclusion were allowed. **Senator Bernt** highlighted that all hiring and admissions decisions were based on merit.

Senator Lee stated that adding religion made sense. She remarked that diversity, equity, and inclusion was not defined in the legislation. She asked about situations when candidates with specific experiences were needed to work with special populations, such as veterans. **Senator Bernt** stated that he could not give advice on a specific hiring process. He remarked that the focus should be on merit. He recommended following the process and asking

questions in an inclusive way. **Senator Lee** wanted to ensure that violations were not made due to lack of clarity. The intent was that all students were included. She commented that definitions were important. **Senator Bernt** stated that the policy was developed by the State Board of Education in 2023. **S 1274** codified the policy.

Senator Winder noted that line 28 in the legislation discussed partisan politics and religion. He asked if this answered Senator Wintrow's question regarding religion. He remarked that **S 1274** provided an outline and good guidelines to follow. **Senator Bernt** replied that line 28 did address Senator Wintrow's question.

Senator Ruchti asked to clarify situations in which a university developed a specific problem in an area such as racism, then made a decision to create an office to address this. He asked if it was not necessary to ask job candidates what they had done related to this specific issue? **Senator Bernt** replied that most universities had policies in place to address this. **Senator Ruchti** inquired if asking candidates about these experiences violated **S 1274**. **Senator Bernt** stated he was not in a position to give advice on specific situations. He recommended that universities rely on the policies that were developed. **S 1274** codified those policies.

Senator Guthrie inquired if a candidate could voluntarily offer their background, education, or job experience. **Senator Bernt** replied that they could. **Senator Toews** commented that line 36 of **S 1274** stated that the legislation did not prevent candidates from disclosing the content of their scholarly creative works or research. He added that **S 1274** did not prevent universities from certifying compliance with state or federal anti-discrimination law. He remarked that candidates were not prohibited from providing this information of their own initiative. **Senator Winder** commented that diversity discussions could take place within the language of **S 1274**.

Chairman Guthrie asked if anyone present or online wanted to testify. There were none.

TESTIMONY:

Emile Jackson-Edney and Amy Dundon registered online in opposition to **S 1274**. Jennifer Holmes registered in support of **S 1274**. Written testimony was provided by Amy Dundon. The testimony is appended to these minutes.

DISCUSSION:

Senator Lee stated that she understood the intent of **S 1274** but had concerns. She remarked that the terms needed to be defined. **Senator Wintrow** stated that many of her questions were answered. She still had concerns regarding Title 7 and Title 9 candidates. She remarked that she was trained to ask appropriate questions in interviews and to create an inclusive environment. She thanked Senator Bernt for his goal to codify existing policy. She remarked that things had been blown out of proportion regarding diversity and social justice on college campuses.

Senator Toews stated he supported the motion. He remarked that **S1274** codified existing policy. He was present at the State Board of Education meeting when the policy was passed. He thanked Senator Bernt and the other Senators involved in developing the policy.

MOTION:

Senator Winder moved to send **S 1274** to the floor with a **do pass** recommendation. **Senator Toews** seconded the motion. The motion carried by **voice vote**. **Senator Wintrow** requested to be recorded as voting nay.

ADJOURNED:

There being no further business at this time, Senator Guthrie adjourned the meeting at 8:47 a.m.

Senator Guthrie
Chair

Peggy Caraway
Secretary