

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 10, 2021

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.

S 1055 **Relating to Sport Shooting Ranges to clarify legislative intent and remove certain word ambiguities.**

Senator Jeff Agenbroad, District 13, presented **S 1055**, which is supported by the National Rifle Association, the Idaho State Rifle and Pistol Association, and the Idaho Sportsmen (IS). He specified the purpose of the bill is to clarify existing law passed by the Idaho Legislature in 2008, by defining "area," "expanding," and "increasing." He pointed out that existing legislation suggests a limitation on the use of a gun club's property; no such limitation was intended. Lastly, he explained the bill would resolve current conflicting interpretations, definitions, and intent of the original laws.

DISCUSSION: **Senator Stennett** inquired if the scattering of debris from expansion of existing targets is appropriate when the activity remains entirely on the property where it originates. **Senator Agenbroad** confirmed the intent is to keep all activity, including the projectiles of shooting, on the property owned by the gun range. **Senator Stennett** requested a review of the jurisdiction of local ordinances cited for property use. **Senator Agenbroad** explained the boundaries of local jurisdiction allow existing sport shooting ranges to expand their operations on their own property without obtaining approval from the county or its planning and zoning commission. He noted substantial changes in the use of the property are subject to planning and zoning review.

Senator Burgoyne inquired about unintentional deposit of shot fall onto property not owned by the gun club. **Senator Agenbroad** referenced page 1, line 17 stating shot fall is the responsibility of the gun club. **Senator Burgoyne** asked whether this statute included designated land as a buffer for shooting to protect surrounding property owners. **Senator Agenbroad** explained there are range management policies in the existing law to maintain buffers, screens, and noise barriers for safety. **Senator Burgoyne** questioned, under current Idaho Code, the involvement of local government's influence over the protection of property. **Senator Agenbroad** explained local government can be involved as a condition on new shooting ranges. However, in existing shooting ranges local government has no involvement.

TESTIMONY: **Geoffrey Wardle**, legal council for TC Property Management Ltd., dba Canyon Springs RV Resort, described pending litigation filed against the Caldwell Chapter of the Izaak Walton League of America, dba the Caldwell Gun Club. He alleged

this legislation was drafted to terminate this lawsuit. He respectfully requested the Idaho Legislature not to interject a clause related to issues of the Idaho 3rd Judicial District Court.

Chairwoman Lodge inquired about the total number of years the Caldwell Gun Club has been in operation. **Mr. Wardle** responded they have been in that location since the 1940s. **Chairwoman Lodge** asked how long Canyon Springs RV Resort has been established. **Mr. Wardle** stated they have occupied their location for seven years. **Chairwoman Lodge** asked whether the Canyon Springs RV Resort knew the Caldwell Gun Club was located near them. **Mr. Wardle** stated they did know and were amenable with the layout of the Gun Club's operation. He emphasized the real problem with **S 1055** is there is no recourse for Idaho citizens to challenge any gun club's intensification in the use of property.

TESTIMONY: **Benn Brocksome** with (IS), testified in favor of **S 1055** and cited the access to and opportunity for recreational shooting on ranges that provide safe and appropriate space for handling firearms.

Michael Brown testified as an original author of Idaho Code § 55-2604 and in favor of this bill. He explained the intent of the language was always to protect shooting ranges from being pushed out of their operation by neighboring occupants. He stated defining specific terms in the legislation would be beneficial.

Representative Mike Moyle, District 14, testified in favor of **S 1055** voicing the current issue heard as the same that originated in a similar bill in 2008. He explained the continued importance of gun range preservation and their contribution to community.

Jerry Payne from Parma, Idaho, testified in favor of **S 1055**, as a board member of the Caldwell Gun Club, he detailed initiatives taken to collaborate with Canyon Springs RV Resort that have not produced a resolution.

MOTION: **Senator Anthon** moved to send **S 1055** to the Senate floor with a **do pass** recommendation. **Senator Heider** seconded the motion.

DISCUSSION: **Senator Anthon** explained **S 1055** clarifies the existing law preserving two fundamental rights of Idahoans: property rights and the right to bear arms. He voiced concern of future land use being over-regulated at the local level.

Senator Burgoyne agreed with Senator Anthon and Representative Moyle's previous testimony. He could support this legislation if it was amended. The amendment would need to state that **S 1055** would have no effect on pending litigation.

SUBSTITUTE MOTION: **Senator Burgoyne** moved to send **S 1055** to the 14th Order of Business for possible amendment. The substitute motion died for lack of a second.

VOICE VOTE: The motion to send **S 1055** to the Senate floor with a **do pass** recommendation carried by **voice vote**.

RS 28386 **Relating to the Fetal Heartbeat Preborn Child Protection Act outlining procedures when a fetal heartbeat is detected.**

Blaine Conzatti, Family Policy Alliance of Idaho, presented the legislative intent of **RS 28386** as protection of preborn children from abortion procedures when a fetal heartbeat is detected. He addressed the exception permitting abortion related to rape, incest, or medical emergency. The legislation would be effective upon issuance of any decision upholding a restriction or ban on abortion of a preborn child with a heartbeat by any United States appellate court. **Mr. Conzatti** explained the triggers in **RS 28386** compared to the triggers of S 1385 which passed in 2020. He indicated they are not in conflict with one another.

DISCUSSION: **Senator Stennett** requested clarity should the legislative trigger clause require a court decision. **Mr. Conzatti** explained there may be a time if **RS 28386** is signed into law that it could be challenged in court. It is important that court precedent be set prior to the issue appearing before any court reviewing the Idaho law.

MOTION: **Senator Guthrie** moved to send **RS 28386** to print. **Senator Winder** seconded the motion. The motion carried by **voice vote**. **Senator Stennett** and **Senator Burgoyne** were recorded as voting nay.

RS 28462 **Relating to the Anti-Boycott Against Israel Act regarding contractual requirements.**

Allen Gorin, Founder/Director of Idahoans United for Israel (IUFI), provided the context of the bill which prohibits State entities from entering into contracts that boycott goods and services from Israel or territories under its control. **Mr. Gorin** was representing IUFI, Rabbi Mendel Lifshitz of Chabad Lubavitch of Idaho, and Christians United for Israel. He described the economic threat of the Boycott, Divestment, and Sanctions (BDS) movement and their intention to cripple Israel's sustainable development.

Senator Lee requested when Mr. Gorin returns for the full hearing that he provide clarification of lines 35 - 38, identifying companies that are participating in boycotting Israel and a list of companies that are not boycotting Israel.

MOTION: **Senator Burgoyne** moved to send **RS 28462** to print. **Senator Winder** seconded the motion.

DISCUSSION: **Senator Burgoyne** recognized that individual states do not have foreign-affairs policies. He noted that the Idaho Jewish community, those who are pro-Israel, and the State of Israel did not start this problem; he inferred the BDS movement seeks to inject political policy and foreign-affairs policy at a state level and hold businesses hostage to their views.

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

RS 28435 **Relating to Tobacco and Electronic Smoking Devices to ensure uniform laws on the sale of these products.**

Pam Eaton, Idaho Retailers Association, stated the bill will bring uniformity to laws involving cigarettes and electronic smoking devices. **RS 28435** increases the purchase age for tobacco products from 18 to 21 in compliance with federal law passed in 2019. It also adds a state preemption blocking local authorities from implementing varying regulations that are more restrictive than State law. It would not interfere with or limit local government from regulating public use or planning and zoning ordinances related to the Clean Air Indoor Act.

DISCUSSION: **Senator Burgoyne** asked if someone under 21 years of age attempted to purchase tobacco products or anyone selling tobacco products to someone who is under 21 years of age, would be liable for criminal, civil, or administrative penalties under Idaho law. **Ms. Eaton** explained the State of Idaho's existing law does have a penalty for selling to minors.

MOTION: **Senator Harris** moved to send **RS 28435** to print. **Senator Lee** seconded the motion.

DISCUSSION: **Senator Burgoyne** recounted a bill from last session that would have made a misdemeanor out of the tobacco 21 issue for those between 18 and 21 years old. He would support sending the RS to print.

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

S 1068 **Relating to the Legislature to establish uniformity to the legislative session and process.**

Senator Guthrie indicated a "not to exceed" sine die date will help the Legislature be deliberate and timely in doing the people's business. He cited March 26th as the end date for a Legislative session. He said exceptions to address a gubernatorial veto or unforeseen anomaly are provided for in this legislation. He added, with a two-thirds vote of a concurrent resolution by both the Senate and the House of Representatives, the session could be extended. He emphasized cost savings for the State and an endorsement of a regulated part-time legislature.

DISCUSSION: **Senator Harris** inquired if the Legislature decided to extend the session by a concurrent resolution, would there be a time limit or a certain number of days established for the extension. **Senator Guthrie** indicated an extension would be for a particular piece of legislation or situation that once resolved, would end the necessity to convene and there would not be an identified time frame limitation.

Senator Stennett asked if **S 1068** predisposes the Legislature to a greater workload with a firm time frame that would not allow the completion of legislative concerns. **Senator Guthrie** explained the structure of an identified time frame would create an initiative for the Legislators to use their time and manage their workload better. It may prevent putting heavier issues off until the deadline.

Chairwoman Lodge conveyed her concern about when legislation is drafted and then more information is acquired and then drafted again. A set time frame may create an environment where legislation could be passed too quickly.

Senator Guthrie stated he has seen responsible legislative ideas processed quickly with problems. He explained that after 9 months pass, legislation can be revisited to amend or revise details that are not correct.

MOTION: **Senator Harris** moved to send **S 1068** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion.

DISCUSSION: **Senator Burgoyne** credited our past and present Pro Tems for modeling true deadlines. Self discipline is good for the Legislature.

Senator Lee acknowledged Senator Guthrie's solution as well-formulated to establish a part-time Legislature. It will signal to Idahoans that there will be discipline to tackle difficult issues during the interim and then bring those ideas to be addressed in session.

Senator Winder concurred that this is a step in the right direction and lends reinforcement of deadlines to convince the public that the Legislature wants to be part-time.

Senator Anthon reaffirmed the previous comments. In addition he reflected on the balance of governing powers beginning with a self-regulated and introspective Legislature.

Chairman Lodge agreed with all that has been said and will support this legislation.

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

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 9:29 a.m.

Senator Lodge, Chair

Twyla Melton, Secretary

Shelley E. Turley, Assistant
Secretary