

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, February 22, 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.

GUBERNATORIAL APPOINTMENT: **Chairman Lodge** informed the Committee that the Gubernatorial reappointment of Evelyn Johnson was moved to Wednesday because she could not connect to the meeting. (Note: She connected later in the meeting.)

RS 28406 **Relating to the State Disaster Emergency Account to allow for the recovery of federal funds in certain instances.**

Senator Harris said these were simple changes inserting language for the recovery of federal funds after a declaration of emergency expires.

MOTION: **Senator Lee** moved to send **RS 28406** to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

RS 28620 **Relating to Firearms and Other Deadly Weapons regarding school employees with an enhanced concealed weapons license.**

Ryan Cantrell, Superintendent of Special Services, Bruneau-Grand View Joint School District, read the Statement of Purpose for **RS 28620** to the Committee. He explained this bill allows school districts to maintain local governance, authorizes school boards to set their own standards for training, and ensures that local law enforcement is aware of who has a concealed weapon on campus during an emergency. **Mr. Cantrell** said there are currently several districts in the State that have similar policies already in place allowing for concealed weapons.

DISCUSSION: **Senator Burgoyne** said he will reluctantly support the bill but does not feel this bill will be approved as written.

Senator Guthrie asked that further information be provided at the hearing about the liability section of the bill including whether the school districts or the person carrying the weapon are liable?

MOTION: **Senator Anthon** moved to send **RS 28620** to print. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

RS 28638 **Relating to Martial Law in times of extreme peril.**

Senator Anthon said this bill brings revisions to Idaho Code § 46-601. This bill would clarify definitions of extreme peril, limit government emergency orders to 60 days, stipulate that local governments maintain control in emergencies, allow for legislative review of emergency orders, block the suspension of election laws in Idaho, and cleanup language to define emergencies versus extreme emergencies.

MOTION: **Senator Winder** moved to send **RS 28638** to print. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

RS 28650 **Relating to Insurance to allow individuals to change Medicare supplement plans each year.**

Mike Reynoldson, Blue Cross of Idaho, explained this bill deals with Medicare supplement plans and the 130,000 Idahoans who participate. **RS 28650** seeks to end the "dead pooling" practice carried out by many insurance providers. Under dead pooling, seniors are enrolled at the age of 65-66 and when they reach age 70 or older, premiums are increased by insurance providers and those seniors cannot transfer to another insurance provider due to new pre-existing conditions. The bill will allow all seniors to switch from one insurance provider to another, once a year, without going through the underwriting process and allow them to participate in "community rating" so the price of a Medicare supplement plan is more equal.

Chairman Lodge said if this bill was moved to print, it would then be forwarded to the Commerce and Human Resources Committee.

MOTION: **Senator Guthrie** moved to send **RS 28650** to print. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT: **Committee Consideration of the Gubernatorial Appointment of Evelyn Johnson to the Commission on Human Rights (Commission).**

Chairman Lodge asked Ms. Johnson why she wanted to serve on this Commission. **Ms. Johnson** said she spent the last 25 years working in various fields in special education, and she feels that everyone has the right to an equal education; this opportunity was a natural extension to serve in a larger capacity.

Chairman Lodge asked how long she has been serving on the Committee. **Ms. Johnson** said she has been working for a little over a year as part of the interim panel on the Commission and would like to continue her service.

DISCUSSION: **Senator Burgoyne** asked Ms. Johnson how she determines if there was probable cause in an illegal discrimination case, if it is an adequate process, and whether she is capable of giving a neutral and unbiased decision about the issues before her.

Ms. Johnson said cases are presented to the panel, the panel reviews all aspects of each case, and then votes to determine if there was probable cause. This leads to a continuation of the investigation or a decision of no cause. Panel discussion occurs if needed. As a Committee member, she believes the process is fair and objective, and it allows for a variety of voices to discuss the cases brought forward.

Senator Burgoyne said there was a time when the Commission adopted the recommendation from the Deputy Attorney General without hearing from the claimants and asked if that practice was still in place. **Ms. Johnson** stated that not all recommendations from the Attorney General have been followed.

Chairman Lodge announced the Gubernatorial appointment would be voted on at the Wednesday, February 24, meeting.

S 1111 **Relating to Elections regarding city elections in cities with populations in excess of 100,000.**

Senator Winder said the process resulting in this bill originated over a year ago after the last city elections. There were concerns that outlying suburbs did not have representation on city councils in larger cities. During the past year those cities over 100,000 found it difficult to implement this rule without current census data being made available to establish districts. As part of this bill all city elections with populations over 100,000 would require districts to elect city council members prior to the 2023 election.

TESTIMONY: **Jayme Sullivan**, Boise City Attorney, **Richard Llewellyn**, Boise, **Elizabeth Khan**,

Boise, **Karen Danley**, Boise, **Dave Kangus**, Boise, and **Kathy Logan**, Boise, testified in support of **S 1111**. They expressed their belief that redistricting would provide a much more fair representation for the citizens of Idaho. **Kathy Griesmyer**, Director, Government Affairs, City of Boise, sent in written support of **S 1111**, writing that aligning the district boundary mapping with the State's reapportionment process will save taxpayers money. (see Attachment A)

Sara Baker, Boise, sent in written testimony in opposition to **S 1111**. She cited the delay in implementation of the bill until 2025 as being unfair to citizens of Boise. (see Attachment B)

DISCUSSION: **Senator Heider** asked why the 100,000 population number was used since it seems to eliminate so many cities in Idaho. **Senator Winder** said current Idaho Code designates that cities of 50,000 or more can divide into districts, That law has been on the books since 1967 but was never implemented. As the largest cities have grown, the 100,000 number was deemed the appropriate number for cities to create districts.

Senator Burgoyne commented that this bill cannot move forward without current census data. The virtues of this bill are that it is extremely well written and provides a road map for the future.

MOTION: **Senator Guthrie** moved to send **S 1111** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion carried by **voice vote**

S 1116 **Relating to Education when a student brings a dangerous weapon onto school grounds.**

Senator Kevin Cook, District 30, said this bill allows school boards the ability to determine harmful intent prior to expelling a student in cases of bringing dangerous weapons onto school grounds. He cited a case in point; two second grade girls traded gifts and one girl gave a knife to the other. The teacher took both girls to the principal. He knew he would have to expel both students since they were in a "no-tolerance" environment. No harm was intended, however, they were expelled. **Senator Cook** listed other instances of students being expelled for bringing a nail clipper, a butter-knife to make a sandwich, a clear plastic toy gun, and a camping fork/spoon combination to school. **Senator Cook** stated this bill does not remove the zero tolerance for firearms law. This bill will give school boards the right to determine if harmful intent existed and what level of discipline should be given to the student.

TESTIMONY: **Karen Echeverria**, Executive Director, Idaho School Boards Association, testified in favor of **S 1116**, however she asked for an amendment related to page 1, lines 24-25 striking the words "deadly or dangerous or". **Ms. Echeverria** said when a student is expelled that expulsion stays on their permanent record. The districts would like the ability to refrain from expelling a student. **Ms. Echeverria** clarified that students found to be in possession of a firearm on school property should be expelled.

DISCUSSION: **Senator Burgoyne** said he needed more information to understand the value in having a hard-and-fast rule for bringing a dangerous weapon to school.

Senator Anthon asked if this bill stops a district from expelling a student who is considered to be dangerous. **Ms. Echeverria** said it did not.

Senator Heider asked if this bill also included language relative to a student having a gun in their vehicle. **Ms. Echeverria** said this law does not address that issue.

TESTIMONY: **Scott Woolstenhulme**, Idaho, **Amber Hoover**, Idaho Falls, and **Dr. Eric Studebaker**, Director, Student Engagement and Safety Coordination, State Department of Education, testified in support of **S 1116**. They cited the unfair

expulsions placed on students bringing items to school that are not firearms but considered dangerous weapons such as pocket knives, nail clippers, and kitchen knives.

MOTION: **Senator Harris** moved to send **S 1116** to the 14th Order of Business for possible amendment. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Lodge** adjourned the meeting at 9:22 a.m.

Senator Lodge, Chair

Twyla Melton, Secretary

Florence Lince, Secretary