

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, March 03, 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 8:09 a.m.

RS 28681 **Unanimous Consent Request from the Senate Resources and Environment Committee regarding the Columbia-Snake River System.**

MOTION: **Senator Guthrie** moved to send **RS 28681** to print. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

RS 28683 **Unanimous Consent Request from the Senate Agricultural Affairs Committee honoring Marquee Ricks as the winner of the 2021 Idaho Farm Bureau Federation Discussion Meet.**

MOTION: **Senator Harris** moved to send **RS 28683** to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

RS 28702 **Unanimous Consent Request from the Senate Commerce and Human Resources Committee related to contractors and journeymen.**

MOTION: **Senator Heider** moved to send **RS 28702** to print. **Senator Anthon** seconded the motion.

DISCUSSION: **Senator Winder** asked if the RS is necessary this year and about its prospects for passage in the House. **Senator Guthrie** explained the bill is needed to codify supervision requirements for electrician apprentices. He stated the House failed to approve a rule docket containing the requirements; he added that he is unsure of the bill's prospects in the House. **Senator Winder** said he supports printing the RS.

Senator Stennett inquired whether all RSs sent to print from unanimous consent requests will be returned to their committees of origin for a full hearing. **Chairwoman Lodge** answered that was her understanding. **Senator Winder** and **Senator Anthon** clarified that proclamations and memorials are not required to be returned to committee.

VOTE: The motion to send **RS 28702** to print carried by **voice vote**.

H 136 **Relating to Elections to allow certain small political subdivisions to hold at-large elections.**

Representative Megan Blanksma, District 23, explained the bill creates an option for county commissioners to waive subdistrict requirements in small political subdivisions. **Representative Blanksma** stated that the requirements are difficult to fulfill in some taxing districts, and the bill will allow a taxing district to request a waiver. She commented that the Idaho Association of Counties supports the bill.

Senator Burgoyne asked if the requirements are in law or policy. **Representative Blanksma** responded that they are in law.

MOTION: **Senator Anthon** moved to send **H 136** 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 1135 **Relating to Firearms and other Deadly Weapons to allow weapons on school property under certain conditions.**

Dr. Andy Grover, Executive Director, Idaho Association of School Administrators, presented the bill, which would allow certain school employees with enhanced concealed carry permits to carry a weapon on school grounds. **Dr. Grover** described the approval process and training that would be required for an employee to qualify under the bill, and he stated the decision to allow employees to carry concealed weapons will be included in the schools' annual safety plans. He added that the bill does not allow students to carry concealed weapons on campus. **Dr. Grover** advised the bill gives school districts the authority to determine who is authorized to carry weapons on school grounds, set training standards, and ensure local law enforcement knows who is carrying a concealed weapon in case of an emergency situation. He reported there is no new fiscal impact other than cost to the school districts for training.

DISCUSSION: **Senator Stennett** asked why the bill is needed. Also, who will pay for the training, and what will be the source of funding. **Dr. Grover** answered that the bill would require school districts to work with law enforcement to develop training plans for better safety and usage of weapons, and schools would be responsible for the costs of any training. **Senator Stennett** asked what weapons besides concealed firearms would be allowed on school campuses, and if there will be specialized training for those weapons. **Dr. Grover** responded that schools might have firearms locked in various locations, and other possible weapons include rifles, stun guns, and other nonlethal items. He said employees would be required to have training on any type of weapon that is allowed.

Senator Burgoyne asked if the bill narrows or expands existing Idaho law. **Dr. Grover** replied that the bill specifies additional training requirements to narrow the law, and it expands the law by enhancing school safety. **Senator Burgoyne** inquired whether the bill conflicts with a parent's rights. **Dr. Grover** responded that parents always have the right to determine whether their children attend school based on any school policy.

TESTIMONY: **Greg Pruett**, on behalf of the Idaho Second Amendment Alliance, testified in opposition to **S 1135** because it adds additional restrictions on carrying firearms. **Mr. Pruett** noted that school districts presently have the ability to authorize employees to carry concealed weapons, and the bill will discourage school districts from allowing it.

DISCUSSION: **Senator Lee** asked why more schools are not allowing employees to carry concealed weapons. **Mr. Pruett** answered that some rural schools may find it unnecessary, and many urban districts are opposed on philosophical grounds. **Senator Harris** inquired if it would be a benefit to law enforcement to know who is carrying a concealed weapon on campus in the event of a shooting incident. **Mr. Pruett** replied it is not important to know because the situation is usually over by the time law enforcement arrives, and it is unlikely a school employee would be misidentified as a bad actor.

Chairwoman Lodge asked if Mr. Pruett supports allowing any enhanced carry permit holder to carry a weapon on school properties. **Mr. Pruett** replied yes

and added that people who carry concealed weapons are aware when they are around children and their mentality does not change depending on the location. **Chairwoman Lodge** inquired about the need for active shooter training. **Mr. Pruett** answered the bill does not require that training, but the schools should provide it. **Chairwoman Lodge** requested an explanation of the extra restrictions imposed by the bill. **Mr. Pruett** replied that under existing law, a school employee can carry a concealed weapon without additional requirements, but the bill adds a requirement for training.

TESTIMONY:

Alice Arambarri, of Coeur d'Alene, Idaho, a volunteer with Moms Demand Action for Gun Sense in America, testified in opposition to **S 1135**. **Ms. Arambarri** listed the following concerns: 1.) Requirements to obtain an enhanced concealed carry permit are minimal and training is insufficient; 2.) The bill imposes an undue burden on enforcement agencies to maintain records; 3.) Teachers and staff with weapons will create chaos in the event of a school shooting situation; and 4.) Other jurisdictions have experienced accidental gun discharges, crimes committed by gun-carrying employees, and suicides. **Ms. Arambarri** recommended the following alternatives to improve school safety: 1.) Establish threat assessment programs; 2.) Implement security upgrades; and 3.) Hire more counselors and school resource officers (SROs).

Kieran Donahue, Sheriff, Canyon County, Idaho, representing the Idaho Sheriffs Association (ISA), testified in opposition to **S 1135** for the following reasons: 1.) Law enforcement is best equipped and has substantially more training to handle school threats; 2.) There is potential for weapons to fall into the wrong hands and be misused; and 3.) In high-stress situations it may be difficult to distinguish between good actors and bad actors.

DISCUSSION:

Senator Stennett asked if law enforcement agencies have the resources to provide the required training. **Sheriff Donahue** responded that the ISA has not discussed it, but he believes the training requirements would impose a burden on law enforcement agencies.

Senator Stennett asked Sheriff Donahue for an estimate of costs for the required training. **Sheriff Donahue** replied that the amount of required training time is unknown and would require the agencies to provide simulator training for civilians. He stated a better use of funds would be to put an SRO in every school. **Sheriff Donahue** remarked that in rural school districts, law enforcement can usually identify all the teachers, but that might not be the case in high-stress situations or large urban districts.

Senator Stennett mentioned that the bill does not prohibit an employee from carrying a concealed weapon in a large venue where a sporting event would be held, and she asked if that is a concern. **Sheriff Donahue** responded that any large crowd creates the greater possibility of a mass casualty situation or misidentifying a civilian.

Senator Burgoyne asked the number of hours of law enforcement training needed to serve as an SRO. **Sheriff Donahue** answered that he does not know the exact number of hours. He said Idaho Peace Officer Standards and Training (POST) firearms training is one week long, and the law enforcement agencies require for POST certification, multiple firearms trainings per year in addition to interactive simulator training for high stress situations.

Senator Burgoyne asked whether it is true that law enforcement typically does not arrive on the scene until after an incident has ended. **Sheriff Donahue** replied that can occur. He said depending on the location, response time could vary from 30 seconds to 30 minutes. **Sheriff Donahue** added that SROs serve as a deterrent and are properly trained to assess and neutralize threats.

Senator Winder inquired how many SROs are provided from the Canyon County Sheriff's Department and the cost to employ an officer as an SRO. **Sheriff Donahue** answered he has two and sometimes three SROs provided through contracts with various school districts, who pay at least half the SRO's salary. He stated that the average cost is approximately \$65,000 per year in salary and benefits plus the costs of equipment, laptop computer, and vehicle.

Senator Winder asked if the bill requires law enforcement agencies to provide the training. **Sheriff Donahue** replied his interpretation of the bill is law enforcement would supply the training. **Senator Winder** clarified that the bill only requires consultation with law enforcement, and he commented that most enhanced carry training is conducted by the private sector. **Sheriff Donahue** stated law enforcement would want to provide the training, which would result in costs to the agencies.

Senator Lee asked if it is desirable for school districts to require additional training for employees who already have the right to carry a concealed weapon on a school campus. **Sheriff Donahue** answered it is a good idea.

Chairwoman Lodge inquired if law enforcement agencies can provide instruction to students and teachers on how to respond to an active shooter situation. **Sheriff Donahue** responded that active shooter instruction is provided by SROs or other officers upon request of a school district.

TESTIMONY: **Jeff Lavey**, ISA, testified in opposition to **S 1135** and agreed with prior testimony.

DISCUSSION: **Senator Stennett** asked who would be able to provide the required training if it was not provided by law enforcement. **Mr. Lavey** responded that there is significant private sector training available to the school districts, primarily in the metro areas. He remarked that ISA is concerned about the cost to the agencies, and he added that ISA did not have the opportunity to address concerns in advance with the bill's sponsor. **Senator Stennett** inquired if private trainers would be more cost effective. **Mr. Lavey** replied that he does not know.

TESTIMONY: **Quinn Perry**, Idaho School Boards Association (ISBA), testified in support of **S 1135** because it allows local control for the school districts. **Ms. Perry** agreed that the ideal method of school safety is to place SROs in the schools. She explained that the bill codifies current practice to ensure safety measures and training are in place. **Ms. Perry** pointed out that a school district is liable for the actions of an employee who carries a concealed weapon, unless the employee acted with malice.

DISCUSSION: **Senator Stennett** asked if school districts already have the ability to determine school safety procedures. **Ms. Perry** answered yes, and added that the bill will strengthen existing safety measures in place at schools with a concealed carry policy. **Senator Stennett** inquired if school districts have the budget flexibility to pay for the necessary training. **Ms. Perry** replied that school districts with a concealed carry policy pay for ongoing training, and a school district would have to be prepared for the fiscal impact.

Senator Burgoyne read from the bill regarding school immunity and requested clarification on a school district's liability. **Ms. Perry** stated the district would be immune but other claims would fall under the Idaho Tort Claims Act. She advised if an employee were negligent the claim would be paid by the district's liability provider.

Senator Anthon asked if the bill requires school districts to expend funds for training. **Ms. Perry** replied it is likely a district would be required to do so if it implemented such a policy.

TESTIMONY: **Steven Keyser**, Boise, Idaho, representing himself, testified in opposition to **S 1135**

because he sees it as an attack on Second Amendment rights, on local control, and there are unanswered questions about funding the proposed requirements.

DISCUSSION:

Chairwoman Lodge asked Mr. Keyser for his law enforcement background. **Mr. Keyser** answered he was a Los Angeles police officer for 23 years. **Chairwoman Lodge** inquired how the bill is an attack on the Second Amendment. **Mr. Keyser** replied that the bill adds Statewide training mandates and limits a local school district's ability to implement its own safety measures. **Chairwoman Lodge** expressed the opinion that more training is better, and she has heard many Second Amendment supporters advocate for weapons training. She deemed the bill a way to protect children and gun rights. **Mr. Keyser** agreed that more training is better, but the bill lacks specifics on the training to be required and how it will be funded.

Dr. Grover informed the Committee that none of the teachers surveyed in his rural district were interested in carrying a concealed weapon. He explained that each district can have discussions with its staff and, determine its own training and funding needs. **Dr. Grover** reported that the districts with concealed carry policies have varied budgets for training. He said some law enforcement agencies simply incorporate school employees as part of their regular training, while others hire private companies.

Senator Anthon said he was surprised that law enforcement does not support the bill. He hoped the school districts and law enforcement would agree on it. **Senator Anthon** noted he supports the Second Amendment and disagreed that the bill's training requirement is an attack on it. He observed the goal of the bill was to increase the number of armed teachers and support those who want to arm themselves at school. **Senator Anthon** commented that the Idaho Legislature is very pro-gun and has worked to protect Idahoans' Second Amendment rights. He noted he received many emails misstating the purpose of the bill and advised the law already allows teachers to carry weapons in school.

Senator Burgoyne expressed his unhappiness that law enforcement was not included in drafting the bill. He stated the existing law provides local control due to Idaho's size and lack of uniformity, and he is uncomfortable changing it. **Senator Burgoyne** agreed that an SRO should be placed in every school, and he promised to support an appropriation of funds for that purpose. **Senator Burgoyne** advised that he supports the Second Amendment and the rights of people who want to defend themselves, but that doesn't extend to people presuming others want to be defended.

Senator Stennett commented the law already gives school districts the local control to enact the policies mandated in the bill. She added that the bill does not address how to train someone with other types of weapons besides firearms. **Senator Stennett** observed the bill seems to have no effect on a school district's existing authority.

Chairwoman Lodge explained the bill was intended to help the public understand that schools have safety plans, allow school districts to determine their own safety plans, and protect children. She said schools should conduct active shooter training and ensure that anyone carrying a weapon in school has frequent training on that weapon. **Chairwoman Lodge** encouraged school districts and law enforcement to try to reach consensus on the legislation. She affirmed her support of the Second Amendment and emphasized that training is extremely important.

Senator Heider agreed with other points raised during the Committee's discussion. He noted his concern about law enforcement's opposition of the bill, and he stated he will not support it.

MOTION:

Senator Anthon moved that **S 1135** be held in Committee subject to the call of the Chair. **Senator Winder** seconded the motion.

DISCUSSION: **Senator Burgoyne** mentioned he will probably support the motion but he is not eager to bring forward additional legislation at this point in the Legislative Session.

VOTE: The motion that **S 1135** be held in Committee subject to the call of the Chair carried by **voice vote**.

S 1150 **Relating to Initiatives and Referendums to require signatures be collected in Idaho.**

Chairwoman Lodge explained that **S 1150** requires all activities relating to petitions for initiatives and referendums to be conducted within the State of Idaho, and the signature gatherer must be an Idaho registered voter. She stated someone working outside the State could return to Idaho anytime during the 18-month window to sign a petition, and the bill does not change other initiative requirements.

Senator Stennett reported she researched the bill and is concerned someone in the military or working out of state would be precluded from participating in the initiative process. She advised she will not support the bill.

TESTIMONY: The following testified in opposition to **S 1150**: Joe Evans, representing himself; William Esbensen, Idaho Citizens Coalition; and Russ Belville, Idaho Citizens Coalition.

The following reasons were given in opposition to S 1150:

- The bill is only an attempt to stop a citizen's initiative to legalize marijuana.
- Out-of-state workers would be precluded from participating in the initiative process.
- Idahoans should have the right to vote on proposed legislation.
- Idaho residents who are currently living out of state can vote, so they should also be able to sign petitions out of state.
- There is no evidence of fraudulent signatures, and the bill does not solve a problem.

John Basabe, representing himself stated he was for and against the bill because of the issues already discussed.

In closing, **Chairwoman Lodge** advised the intent of the bill is not to stop any particular petition from being signed but simply to keep the initiative process an Idaho process and not influenced by those who are not Idaho residents. She added that 18 months is a long time to gather signatures, and most people who are out of state will return to Idaho at some point during that period.

Senator Burgoyne commented that the bill could lead to legal challenges and be deemed unenforceable as to military personnel.

MOTION: **Senator Burgoyne** moved to send **S 1150** to the 14th Order of Business for possible amendment. The motion died for lack of a second.

MOTION: **Senator Harris** moved to send **S 1150** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion.

DISCUSSION: **Senator Winder** stated the bill does not prevent anyone from voting on an initiative, and it protects the integrity of the initiative process.

VOTE: The motion to send **S 1150** to the floor with a **do pass** recommendation carried by **voice vote**. **Senator Stennett** and **Senator Burgoyne** were recorded as voting nay.

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 10:04 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Jeanne Jackson-Heim
Assistant Secretary