

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, March 09, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** Representative Skaug

GUESTS: Guests: Karen Echeverria, ED Idaho School Boards Association, Margie Baker, self, Casey Baker, self

Chairman Crane called the meeting to order at 9:01 a.m.

MOTION: **Rep. Mathias** made a motion to approve committee minutes from January 19, 2021, January 25, 2021, January 28, 2021 and January 29, 2021. **Motion carried by voice vote.**

Chairman Crane stated **RS 28728** will be the last RS presented, not germane to the House State Affairs Committee, during this legislative session. Going forward, legislation not germane to a privileged committee will go through the Ways and Means Committee.

RS 28728: **Rep. Mitchell** presented **RS 28728** which would remove the mandatory driver's education law in the State of Idaho and replace it with the following:

Age 14 – Apply for a learner's permit and pass the written driver's exam and record at least 50 hours of supervised driving by a licensed parent or guardian, 21 years of age or older. Age 16 - Apply for an intermediate license and pass the state driving exam, including the Graduated Driver's License rules, which have been proven to be safer and more effective than driver's education classes. At age 17, there would be no change to current law.

Rep. Mitchell said it is difficult to enroll young people in driver's education in the rural areas of our state. It is oftentimes not offered through the schools. If it is, it costs approximately \$125 with long waiting lists for the class. Private driver's education costs approximately \$450. This proposed legislation would allow parents to teach the driving portion of driver's education. To receive a driver's license, students must pass the written driver's test at the Division of Motor Vehicles.

Rep. Mitchell indicated an amendment is needed on page 3 line 13. ...shall be issued to: upon the successful completion of a written driver's knowledge test, a vision test, and the driving examination provided for in section 49-313, Idaho code.

In response to questions, **Rep. Mitchell** clarified the written portion of the test would be completed first and then the student would be taught how to drive by their parents. Students would be required to log 50 hours of driving time with parents or guardians. Formal driver's education is still an option for new drivers. No negative feedback has been received from law enforcement or elsewhere.

MOTION: **Rep. Holtzclaw** made a motion to introduce **RS 28728** with the proposed amendment on page 3 line 13 ...shall be issued upon the successful completion of a written driver's knowledge test, a vision test, and the driving examination provided for in section 49-313, Idaho code. **Motion carried by voice vote.**

HCR 13: **Rep. Hartgen** presented **HCR 13**, to recognize and celebrate March 14, 2021 as Idaho Women's Day. Last year the Legislature approved a Concurrent Resolution establishing Idaho Women's Day to recognize and commemorate the contributions of women in Idaho's past, present and future. This legislation continues the tradition by honoring and recognizing the influence, impact and importance of women in Idaho. The Idaho State Museum will also open a special exhibition, "Trailblazing Women of Idaho", in conjunction with the celebration of Idaho's Women's Day. The exhibit will run through November 30, 2021 and features 104 trailblazing women who have helped define Idaho history while impacting political, cultural, economic, academic, social, and civic fields.

Janet Gallimore, Executive Director of the Idaho Historic Preservation Office, stated this is a revalidation, to honor Idaho women and will come before the legislature, annually.

MOTION: **Rep. Young** made a motion to send **HCR 13** to the floor with a **DO PASS** recommendation. **Motion carried** by voice vote. **Rep. Hartgen** will sponsor the bill on the floor.

RS 28735C1: **Rep. DeMordaunt** presented **RS 28735C1**. This proposed legislation would increase voter participation in municipal elections by moving the election of all city officers, mayors, and municipal bonds and levies to even-numbered years, on the November general election ballot. Voter turnout is significantly higher in even-year elections. In the last general election, the Secretary of State's Office reported that 81.2% of eligible Idahoan's voted in the general election.

This proposed legislation would align municipal elections with the presidential and congressional elections, held in even years, therefore, dramatically increasing voter participation rates in the municipal elections.

Rep. DeMordaunt stated the fiscal note needs to be changed to say that the savings would be to the local municipalities rather than the general fund.

Rep. Palmer made a motion to introduce **RS 28735C1**. **Motion carried by voice vote.**

H 122: **Rep. Christensen** presented **H 122** which would allow school district employees, with an enhanced concealed weapons license, to carry a concealed weapon on school property. This would require the school district employee to maintain the weapon concealed and within their immediate control. It provides that employees desiring to utilize this statute provide a confidential copy of their enhanced license to school officials who would also share the information with law enforcement.

Rep. Christensen stated Gun Free Zone signs are a target for shooters and most shootings happen in those areas. He said the Bill of Rights and Constitution are protected in the United States and this is a Second Amendment issue. The average police response time in this country is 10 minutes and it is a long time if a shooter is at a school. Staff members could save lives by stopping the shooter. **Rep. Christensen** shared that response times are even longer in his rural district and others like it. A gun is a tool. If something happens, people can be prepared.

Law enforcement officers would encourage teachers and staff to train with them. Utah, Alabama, Oregon and Rhode Island allow concealed weapons on school property, with permits. **Rep. Christensen** said this bill has been before the Idaho legislature for the past three sessions.

In response to questions, **Rep. Christensen** believes society is moving away from guns. Most Idahoans who carry shoot often. School boards would still have the authority to determine if they do not want concealed carry in their schools. He clarified law enforcement and school officials would be required to know who has a permit. This legislation would apply only to public schools.

It was noted by the committee that a teacher in Utah was hurt when her gun accidentally discharged in 2014. Other incidents were also sited. There was concern expressed about the potential for accidents. In a stressful situation, a carrier may not be able to respond accurately enough because they simply don't have enough experience. **Rep. Christensen** said most teachers will be in a classroom with their students. If someone broke in, they could defend themselves, even if they miss the target. He feels it would be worth risk.

Karen Echeverria - ED Idaho School Boards Association testified **in opposition** of **H 122**. She stated this should be a local governance issue and does not think it is right to take away the right of school boards to make decisions about conceal carry. There are already laws in place. In this bill, the school has no ability to deny someone to carry if it is felt that they are not stable.

Margie and Casey Baker - citizens, **Greg Pruitt** - ID Second Amendment Alliance and **Adam Maybe** - Soda Springs Sheriff testified **in support** of **H 122**. This is the natural progression in Idaho's gun laws. This bill would result in the ability to have guns on school property in a safe way. The gun isn't the problem, the problem is the person brandishing the gun. Individuals with concealed carry permits would have background checks and training. Idaho is a state where many people have these permits. If a person defends himself, he will do his best not to have any collateral damage. Most of the time when there is a shooting, the attack is over by the time officers arrive. When a person carries on school grounds, they make themselves the target instead of the children.

Alice Aramari - Self, **Diana David** - Gun violence survivor, and **Gina Schlegle** - Parent Psychotherapist testified **in opposition** to **H 122**. They are all committed to keeping children safe and most were not against guns, in general. It was sited officers receive 840 hours of basic training. School staff are not all adequately trained and many incidents of guns discharging accidentally were sited. It was also noted that armed civilians can complicate the response of officers. Rather than arming teachers and staff, increasing the number of resource officers and social workers was recommended. They can help address students' mental health issues.

Jeff Lavey - Executive Director, Idaho Sheriff's Association also testified **in opposition** to **H 122**. Idaho's concealed carry laws are one of the most liberal in the country. Mr. Lavey said a one-size bill does not fit all schools, throughout Idaho. He said it would be impossible for officers to know everyone who carries at each school. It may be possible in rural areas but not in urban areas. Situations are confusing enough when officers arrive at an active shooting scene. To add civilians with guns into the mix is difficult. In response to a question, Mr. Lavey said even with all the training received by officers, shooting a gun with accuracy can be affected by stress. Civilians who do not have that kind of training are going to be under severe pressure. He acknowledged it is possible some civilians may be better trained with their guns, than officers.

In closing, **Rep. Christensen** stated that In Utah, there has been one accident in 25 years. Bad people are always going to have access to firearms. It is important for staff members to be able to protect themselves and the children. There is always risk for human error. He said he believes most Idahoans want this bill to pass and has seen many polls, with most in favor. This is for Idaho citizens, not special interest groups.

MOTION:

Rep. Hanks made a motion to send **H 122** to the floor with a **DO PASS** recommendation.

It was noted Idahoans are well armed and guns are tools. Idahoans want good guys with guns to stop bad guys with guns. It is a matter of constitutional interpretation. In our country people have the right to bear arms. The case was not made that introducing guns into the learning environment of our kids is the best thing.

SUBSTITUTE MOTION:

Rep. Mathias made a substitute motion to **HOLD H 122** in committee.

Roll call vote was requested on both motions.

There was concern expressed about liability and the standard of reckless, wanton behavior. This situation creates difficulty for a person with a concealed weapons permit in a stressful situation. It is difficult for individuals with significant training to shoot accurately under pressure. It comes down to experience.

VOTE ON SUBSTITUTE MOTION:

Motion failed by a vote of 2 AYE and 11 NAY. Voting in favor of the motion: **Reps. Mathias, Gannon. Voting in opposition** to the motion: **Reps. Crane, Armstrong, Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug.**

VOTE ON ORIGINAL MOTION:

Motion carried by a vote of 11 AYE and 2 NAY. Voting in favor of the motion: **Reps. Crane, Armstrong, Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Rep. Skaug was absent/excused. Voting in opposition** to the motion: **Reps. Mathias, Gannon. Rep. Christensen** will sponsor the bill on the floor.

There being no further business to come before the committee, the meeting was adjourned at 10:22 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary