

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, April 12, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

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

**ABSENT/
EXCUSED:** Representative Monks

GUESTS: Amos Rothstein - Self, Phil McGrane - Ada County Clerk, Bob Aldridge - Attorney, Del Chapel - Self, Allen Gorin - Director of Christians United for Israel in Idaho, Dave McGarrah - Pastor, Rabbi Mendel Lipschitz - Chabad Jewish Center, Sandra Hagee Parker - Christians United for Israel Action Fund, Bob Aldridge - Attorney, Lauren Bramwell - Policy Director ACLU of Idaho, Tyler Hurst - Self

S 1086: **Allen Gorin** introduced **S 1086**. This legislation will prohibit entities from entering into contracts which would boycott goods or services from Israel or territories under its control. The provisions of this legislation shall not apply to contracts with a total potential value of less than \$100,000 or to contractors with less than ten employees.

Mr. Gorin is the Founder and Director of Idahoans United for Israel. The group is made up of a diverse group of Idahoans who put differences aside to support Israel. He stated Idaho is welcoming to its Jewish citizens and Jewish concerns. Mr. Gorin said Israel has fought many military battles since its founding. It is now fighting a movement to Boycott, Divest from and Sanction (BDS) the Jewish state.

Pastor Dave McGarrah, representing Christians United for Israel Action Fund, stated there are 40,000 members in Idaho and 10 million throughout the United States and the US House of Representatives has overwhelmingly passed an anti-BDS resolution. He said the main goal of BDS is destruction of the Jewish state of Israel. The goal of this legislation is to ensure Idaho is not complicit in that immoral effort. Israel is an integral part of the world's economy and Idaho's economy, especially through technology. Idaho exports to Israel were almost \$19 million last year. Since 1996 Israel / Idaho involvement has been approximately \$418 million in exports and business.

In response to questions, **Pastor McGarrah** stated **S 1086** is a preemptive measure. He is not aware of any Idaho businesses currently boycotting Israeli businesses.

There was concern in committee. It was stated Idaho should not pass regulations unless there is market failure or an issue of health and safety.

Amos Rothstein testified in support of **S 1086**. He stated he serves as the Executive Director of the Republican party and while he is the only Republican in his family, they are all united in their support for Israel and its western values. Israel was a leader in helping President Trump in developing the Corona Virus vaccine and now is helping President Biden get the vaccine distributed. Israel is an irreplaceable ally. The BDS movement seeks to hurt the people they think they are helping. By boycotting Israel, they are boycotting Palestine. Israel is responsible for 85% of exports from the Palestinian territory. 75,000 American jobs are tied to Israel and 20,000 Israeli jobs are tied to the United States.

In response to questions, **Mr. Rothstein** said Israel has been integral in developing and testing Corona Virus vaccines. They have been efficient and effective in sharing how to distribute the vaccine.

Bob Aldridge testified in support of S 1086. He addressed the practical method of the anti-boycott efforts to be carried out in Idaho. Through negotiated rule-making, companies can voluntarily sign a statement declaring they are not engaging in boycott activities. It is on the honor system. There is a possibility that whistle-blowers could come forward.

In response to questions, **Mr. Aldridge** said the First Amendment protects speech but not conduct. Conduct is allowed to be regulated, speech is not.

Del Chapel testified in opposition, this bill in the Senate. He does not understand this bill. He stated Idaho and the United States are strong allies of Israel. He feels like this is a pre-crime bill and is not necessary.

Lauren Bramwell testified in opposition of **S 1086**, stating political boycotts are protected under the First Amendment. Requiring people to choose between their livelihood and First Amendment rights is not a choice government can impose on people.

In response to questions, **Ms. Bramwell** stated the right to boycott is protected political speech. Lawsuits have been struck down on First Amendment grounds. It is a core part of democratic principles. She said regardless of one's stance on Israel she does not believe citizens want Idaho to prohibit political speech.

Rep. Mathias provided a handout to the committee with talking points in support of Anti-BDS Legislation in Idaho. (See Attachment 1)

Rabbi Lipschitz - Boise - testified in support of S 1086. He said while he is a Rabbi, this he supports this legislation on simple economic and sovereignty grounds. The Jewish people did not cause the need for this bill. BDS seeks to disrupt the economy. There is a fiduciary responsibility to ensure that companies will not deny business with Israel because of their beliefs.

Sandra Hagee Parker testified in support of **S 1086**. She said there are no free speech concerns in this bill. This legislation regulates commercial conduct but not speech. Ms. Parker indicated the Supreme Court held contractors are able to express their views of Israel. She talked about morality in contracting.

In response to questions, **Ms. Parker** said evidence of boycotting does not just involve a statement but conduct may also be considered evidentiary. If there is not a legitimate business reason to not contract with Israel, that may also be construed as BDS. There is not a concern about being vague but it allows the necessary room to move from documentation and implementation. Ms. Parker said that 31 states have already passed Anti-Boycotting of Israel legislation. This legislation is not meant to punish small businesses but to be enforced against those companies in the best position to have material economic effect if they choose to engage in a BDS boycott of Israel.

In closing, **Mr. Goren** said there is no restriction to free speech. If an Israeli company reaches out to a company to do business in Idaho but receives no response, it is appropriate for that company to contact the Idaho Department of Administration to inquire if there is a legitimate reason why the company did not receive a response.

Rep. Skaug said anti-Semitism has no place in Idaho. It is based on discrimination against a national origin and the BDS movement is poison. He stated BDS has called for a boycott against Caterpillar.

MOTION: **Rep. Skaug** made a motion to send **S 1086** to the floor with a **DO PASS** recommendation.

Rep. Gannon will support the motion because of Israel's response to the COVID-19 vaccine research and distribution.

Rep. Barbieri will support the motion but he has concerns about details in the language and is unsure who would have standing if the Department of Administration did not act properly. Rep. Barbieri wants to review the language dealing with clear authority over the Department Administration, in respect to the Administrative Rules.

Rep. Mathias will support the motion but reserves the right to change his vote on the floor. He stated his fiduciary responsibility is to the people and businesses of Idaho and he needs to do more research.

Rep. Scott stated she will not support this bill because the bill is poorly written and she does not like Section 5. She stated when handing off legislative authority to department administrators it always creates problems.

VOTE ON MOTION:

Motion carried by voice vote. Rep. Crane will sponsor the bill on the floor.

H 350:

Rep. Ehardt presented **H 350**. This legislation will change the manner in which school board trustees fill positions that are vacated due to a recall. This process will be applied when a recall was: a) Initiated and then the trustee chose to resign; b) Initiated and then recalled through the voting process; It further states if a regularly scheduled election date is upcoming within 90 days of a successful recall, then no one shall be appointed to a position and it shall remain open and allow candidates to run for the vacated trustee office. If such a position is farther out than 90 days, the trustee position will be filled as a "temporary" position only and will be up for election at the next possible election cycle where the permanent trustee position will be decided.

Rep. DeMordaunt stated governance is the foundation of our government.

Tyler Hurst testified in support of **H 350**. He stated parents are very involved in policy and he cannot think of a more patriotic effort for citizen participation. Trustees should be elected and work on policy. A school board's purpose is to provide a good education for Idaho students. Mr. Hurst said tax payer dollars are also critical and the electorate needs to choose the school board trustees.

Phil McGrane testified in support of **H 350**. He said he has been in the center of several recall efforts and it can be difficult. This bill lays out a plan for replacing vacant seats.

MOTION: **Rep. Scott** made a motion to send **H 350** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Ehardt** will sponsor the bill on the floor.

ADJOURN: There being no additional business to come before the committee, the meeting was adjourned at 10:05 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary