AMENDED AGENDA #1  
SENATE STATE AFFAIRS COMMITTEE  
8:00 A.M.  
Room WW55  
Wednesday, January 13, 2021

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<th>SUBJECT</th>
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<tbody>
<tr>
<td>PAGE INTRODUCTION:</td>
<td>INTRODUCTION of Page Jaylee Harris</td>
<td>Chairwoman Lodge</td>
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<tr>
<td>RS28186</td>
<td>RELATING TO Emergency Powers of the Governor</td>
<td>Senator Winder</td>
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<td>RS28210</td>
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<td>Senator Winder</td>
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If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS
Chairman Lodge
Vice Chairman Guthrie
Sen Winder
Sen Anthon
Sen Harris

COMMITTEE SECRETARY
Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov
DATE: Wednesday, January 13, 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 8:14 a.m. and introduced the 2021 Committee members.

PAGE INTRODUCTION: Chairwoman Lodge introduced Jaylee Harris, the page for the Committee. Ms. Harris stated she attends Burley High School, is interested in politics, and is currently the student body vice president. She aspires to study international policy in college.

RS 28186 Relating to Emergency Powers of the Governor. Senator Winder explained the process and the following issues that would need to be addressed when drafting any legislation:

1. Declare that all Idahoans who work and pay taxes be deemed essential in any declared emergency.
2. Amend the Idaho Constitution to provide that, in limited circumstances, the Idaho Legislature may call itself back into session while remaining a part-time citizen legislature.
3. Set a limitation on the length of any statewide emergency declaration.
4. Set a limitation on the emergency powers and spending authority of Idaho's executive branch without the approval of the Legislature.
5. Prohibit quarantining healthy people.
6. End any orders prohibiting Idahoans from attending places of worship.
7. Rescind existing emergency declarations.
8. Review authority related to public health districts' and local governments' subdivisions.

Senator Winder explained RS 28186 addresses Idaho Code § 46-1002 (2) and specifically how "disaster" is defined. A disaster that does not result from hostile military or paramilitary action or an act of terrorism. He attempted to separate devastating man-made disasters from natural disasters. He referenced line 34 noting the replacement of the word "during" with "arising out of" in Idaho Code § 46-2002 (8). This change would allow for continued funding beyond the end of the State of Emergency termination.

MOTION: Senator Anthon moved to send RS 28186 to print. Senator Harris seconded the motion. The motion carried by voice vote.
RS 28187  Relating to Emergency Powers of the Governor. Senator Winder cited Idaho Code § 46-1003 to correct line 40 "arising out of declared state of disaster." He emphasized that a draft bill of Idaho Code § 46-1005(a) would be prepared. It would insert the same language as it relates to disaster relief in different sections of code.

MOTION: Senator Anthon moved to send RS 28187 to print. Senator Lee seconded the motion. The motion carried by voice vote.

RS 28189  Relating to Emergency Powers of the Governor. Senator Winder cited Idaho Code § 46-601. He explained why the wording on page 1, line 15, of RS 28189 was changed from "state of extreme emergency" to "state of extreme peril." He described examples of human-caused conditions such as riots, insurrections, breaches of peace, explosions, or incidents unable to be controlled at the local level. He referenced line 27, page 1, as defining what an enemy attack typifies. He proceeded to line 35, page 1, regarding limits to the authority of the Governor, specifically regarding proclamations or issuances of enforcement of written rules necessary to support the National Guard or organized militias.

Senator Winder briefly summarized lines 42 through line 48, page 2, emphasizing that the Governor's order must not restrict the rights of Idahoans to work, provide for their families, or otherwise contribute to the economy of Idaho. During a state of extreme peril, the Governor cannot suspend Idaho Code. Only the Idaho Legislature elected by the people can make laws or suspend laws. He concluded by explaining the severability clause and the emergency clause. This legislation would become effective and enforced as soon as passed. He reaffirmed the urgency to print RS 28189.

DISCUSSION: Senator Stennett inquired about the time frame in an extreme peril situation. She expressed concern for the Legislature's capacity to act quickly and afford the length of time before an action is necessary in a real crisis. Senator Winder estimated it would be a fairly short period of time; within a matter of days if there was a real crisis. These code changes allow the Legislature to actually function and control its role. The Governor cannot extend any State of Emergency beyond 30 days without a concurrent resolution from the Legislature, which could not occur without calling the members back into session. Senator Burgoyne referred to the Civil War and expressed his concern regarding whether the executive branch would have the ability to get back into session during a period of chaotic unrest. He conveyed concern for the emergency statute's accuracy and reminded the Committee that the application of legislation is necessary to prevent potential recourse of unforeseen problems.

MOTION: Senator Harris moved to send RS 28189 to print. Senator Lee seconded the motion. The motion carried by voice vote.

RS 28210  Relating to Emergency Powers of the Governor. Senator Winder explained this was not an original part of the negotiation with the House. It was believed Idaho Code § 46-601 and Idaho Code § 46-1008 addressed the emergency power problem and terminated the Governor's declaration that allowed him to assume those powers. He indicated the Senate had prepared its own concurrent resolution, referencing line 20 of RS 28210 as the primary difference in the legislation presented.

Senator Burgoyne cited RS 28186 and RS 28187 as having no emergency clause, and then cited RS 28189 as having one. He stated his purpose was to bring awareness of the need for continuity in legislation. Senator Winder agreed with Senator Burgoyne that the three RS's cited, even though they are definitional, need emergency clauses to avoid confusion. He restated that the primary concern toward preserving funding is for meeting the needs and care of the people.
DISCUSSION: Senator Anthon then discussed the attempt to restore a balance of power in the Idaho State Government. He reflected on the special Senate session and the under-accomplished agenda of many Idahoans who are looking to the Legislature for relief from school closures, mask mandates, and stay-at-home orders. He noted that ending the Governor's emergency wouldn't solve all the problems or issues in Idaho Code.

MOTION: Senator Anthon moved to send RS 28210 to print. Senator Guthrie seconded the motion. The motion carried by voice vote.

ADJOURNED: There being no further business at this time, Chairwoman Lodge adjourned the meeting at 8:50 a.m.

___________________________    ______________________________
Senator Lodge, Chair               Twyla Melton, Secretary

___________________________    ______________________________
Shelley E. Turley, Assistant Secretary
Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link: https://www.idahoptv.org/shows/idahoinsession/

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<tr>
<td>RS28106</td>
<td>RELATING TO THE TWENTY-SEVENTH PAYROLL FUND to</td>
<td>Alex Adams, Administrator Division of Financial Management</td>
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<td>establish such fund.</td>
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<td>RS28242</td>
<td>STATING FINDINGS OF THE LEGISLATURE to present to</td>
<td>Senator Grow</td>
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<td>the electorate regarding psychoactive drugs.</td>
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If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS
Chairman Lodge
Vice Chairman Guthrie
Sen Winder
Sen Anthon
Sen Harris

COMMITTEE SECRETARY
Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, January 18, 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 Senate State Affairs Committee (Committee) to order at 8:04 a.m.
RS 28106 Relating to the Twenty-Seventh Payroll to establish a fund.
Alex Adams, Administrator Division of Financial Management (DFM), stated RS 28106 originates out of the Joint Finance-Appropriations Committee (JFAC) with the intention of creating a new fund. Mr. Adams stated the goal would be to create a separate bill later in the session to transfer money into this fund. He added that the transfer of funds would be through legislative transfers, appropriations, and as otherwise provided by law; interest would accrue in the 27th payroll fund. Mr. Adams explained this process would set aside funds each year subject to legislative appropriations through JFAC.
MOTION: Senator Anthon moved to send RS 28106 to print. Senator Burgoyne seconded the motion. The motion carried by voice vote.
RS 28242 Stating Findings of the Legislature to present to the electorate regarding psychoactive drugs.
Senator Grow recommended a constitutional amendment designed to keep illegal drugs out of the State of Idaho. He stated this constitutional amendment appropriates erosion of Idaho statutes that control these substances. Senator Grow highlighted the unusual reference to statutes included in the constitutional amendment that categorize controlled substances as shown in Schedules 1 and 2 totaling ten pages of drugs. He specified that drugs are allowed if they are approved by the Food and Drug Administration (FDA), and they are lawfully prescribed and dispensed. Senator Grow identified exceptions permitted for investigational drugs and clinical investigations. He emphasized the need to consider law enforcement and other enforcement agencies’ management of drugs in the course of their duties.
MOTIONS: Vice Chairman Guthrie moved to send RS 28242 to print. Senator Anthon seconded the motion.
DISCUSSION: Senator Burgoyne stated he reluctantly would vote no on this printing, describing from a technical point of view why it does not work to put Idaho Code references into the Constitution. He stated that a reference to Idaho Code can change over time should title numbers change or code sections no longer exist.
VOTE ON MOTION: The motion to send RS 28242 to print carried by voice vote. Senator Burgoyne and Senator Stennett requested that they be recorded as voting nay.
Chairwoman Lodge announced the Committee will be discussing rules on Wednesday, January 20.

ADJOURNED: There being no further business at this time, Chairwoman Lodge adjourned the meeting at 8:14 a.m.

___________________________
Senator Lodge, Chair

___________________________
Twyla Melton, Secretary

___________________________
Shelley E. Turley, Assistant Secretary
# AGENDA
## SENATE STATE AFFAIRS COMMITTEE
### 8:00 A.M.  
Room WW55  
Tuesday, January 19, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:  
https://www.idahoptv.org/shows/idahoinsession/

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<tr>
<td>SCR 101</td>
<td>STATING FINDINGS OF THE LEGISLATURE relating to the state of the COVID-19 disaster emergency if it is terminated and the effect on federal funding.</td>
<td>Senator Winder</td>
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Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](#)

*If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.*

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**COMMITTEE MEMBERS**
- Chairman Lodge  
- Vice Chairman Guthrie  
- Sen Winder  
- Sen Anthon  
- Sen Harris

**COMMITTEE SECRETARY**
- Twyla Melton  
  - Room: WW42  
  - Phone: 332-1326  
  - Email: sstaf@senate.idaho.gov
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Tuesday, January 19, 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 Senate State Affairs Committee (Committee) to order at 8:04 a.m.

SCR 101 Stating Findings of the Legislature Relating to the state of the COVID-19 emergency declaration if it is terminated and the effect on federal funding.

Senator Vick, District 2, stated that SCR 101 aims to end the COVID-19 state of emergency and preserve the federal funding received during said emergency. He presented a brief background of the state of emergency which started out as a 15-day period to slow the spread but has now extended to over 300 days with lock down restrictions, some of which are still in place. Senator Vick stated that SCR 101 does not apply to all restrictions, but to those that would serve to open up the economy.

DISCUSSION: Senator Stennett asked Senator Vick how SCR 101 preserves federal funding. Senator Vick read from SCR 101, "Be it further resolved that nothing in this concurrent resolution shall prevent the State of Idaho from receiving any federal funds, benefits, or resources arising out of the state of disaster emergency relating to the outbreak of . . . COVID-19." He stated that the resolution allows the Governor to do what is necessary to preserve funding. Senator Stennett asked how the federal government will interpret SCR 101. Senator Vick said he could not say.

TESTIMONY: Craig Campbell, Boise, Idaho, testified in favor of SCR 101. He cited statistics comparing the United States’ death rate in 2019 and 2020. He also cited the Center for Disease Control and Prevention's report of the percentage of deaths directly caused by COVID-19. His concerns involve the state of the economy due to COVID-19 restrictions when death rates have remained relatively the same.

Casey Baker, Nampa, Idaho, testified in favor of SCR 101. Senator Winder commented on Mr. Baker's concerns by reading the last sentence of SCR 101 that states, "The Governor may make or maintain declarations only to the extent required to continue to receive Federal Emergency Management Agency (FEMA) funding arising out of novel coronavirus or COVID-19 but may not use any such declaration to impose restrictions on the citizens of the State of Idaho."

Dana Clemeaux, Boise, Idaho, testified mostly in favor of SCR 101. She voiced concerns around Senator Vick's statement saying he did not know how the federal government will interpret SCR 101. She also stated she felt Senator Winder's explanation of the last sentence did not explain the Governor's powers thoroughly. Senator Winder read the sentence and explained to Ms. Clemeaux that SCR 101...
DISCUSSION: 

Chairwoman Lodge asked General Brad Richy, Director, Idaho Office of Emergency Management, to answer questions about how FEMA funding has impacted Idaho. General Richy explained that Idaho has received roughly $87 million in FEMA funding and that there are currently eight state of emergency cases open in Idaho, some dating back to 2015. He stated that there is approximately $20 million related to the COVID-19 emergency for resources such as respirators that will be at risk if the emergency ends.

Senator Anthon asked if Idaho is required to have COVID-19 restrictions if it were to accept FEMA funding. General Richy stated that FEMA funding does not include restrictions from the federal government, but each disaster project must be eligible. He told the Committee that Idaho has the final say to enforce restrictions or not.

Senator Burgoyne asked what the benefit is to having a state of emergency case open since 2015. General Richy explained that there is an evaluation process through the federal government to assess the amount of assistance required to alleviate the issue. Certain disasters may take a long time to evaluate, such as floods. He also stated that if Idaho were to close a disaster case that it will no longer receive FEMA funding. Senator Burgoyne asked if the termination of the current emergency declaration affects the receipt and distribution of COVID-19 vaccines in Idaho. General Richy said Idaho could be in jeopardy based on the lack of state declaration for federal aid with the distribution of COVID-19 vaccinations, but noted that it is unclear at this time due to the new presidential administration. Senator Burgoyne read the last sentence of SCR 101 and asked if there is anything besides FEMA funding that Idaho should be concerned about. General Richy said the Governor's declaration helps organizations such as hospitals receive aid. Ending the state of emergency will put such organizations at risk of having to search for aid on their own.

Senator Winder questioned General Richy about how FEMA funding has impacted the Boise Veterans Affairs Medical Center (VA Med Center) and the Idaho State Veterans Home. General Richy explained that the Veterans Home went through the U.S. Department of Veterans Affairs to receive the necessary funding for staffing and medical needs during the COVID-19 state of emergency. Senator Winder asked if funds for programs such as Meals on Wheels and nursing homes are at risk. General Richy said that local health districts tell the Idaho Office of Emergency Management what they need. Senator Winder asked if there are any funds that come with contingencies placing restrictions on citizens. General Richy stated that there have been in the past, such as evacuation orders for wildfires where businesses have had to close due to their proximity to those disasters.

Senator Lee asked if Idaho could still receive funding for schools, hospitals, and businesses if it were to end the state of emergency. General Richy said those funds might not be canceled immediately, but those responsibilities would return to Idaho eventually.

Senator Guthrie asked if Idaho could remove restrictions and still receive federal funds for resources such as vaccines and personal protection equipment (PPE) if it were to leave the state of emergency open. General Richy said he could not say what will happen; the current state of emergency in Idaho has no end date.

Senator Guthrie asked if Idaho could rescind a potential decision to end the state of emergency. General Richy stated that if Idaho ends the state of emergency, it will likely be responsible for all funds and that it cannot go back to a state of emergency without going through the legislative process anew.
Senator Winder referred to language in Idaho Code § 406-10-5A that says "arising out of" a disaster. He inquired if the COVID-19 state of emergency falls under the same statute. General Richy said he is not sure and that he would have to do some investigating to see what the impact will be. Senator Winder asked how long the evaluation process would be if SCR 101 passes both the Senate and House of Representatives. General Richy believes, depending on the implementation process, it will not take long.

Senator Anthon asked if any other emergency declarations have occurred since COVID-19 and how many total cases are currently open in Idaho. General Richy stated that there are currently 22 counties and 4 Native American tribes with open emergency declarations.

Senator Burgoyne mentioned that he likes the language of lines 29-33 in SCR 101, but he feels it contradicts the language in lines 25-26. He stated that he believes the best course of action is to modify the Governor's emergency declaration rather than terminating it. There are many unanswered questions surrounding COVID-19, making the termination of the state of emergency precarious. It is also important to make sure that citizens of Idaho who want the vaccine have that capability.

Senator Guthrie asked if the State could end all restrictions and still keep the state of emergency open in order for Senator Burgoyne's concerns to be met. General Richy said he is not a legal expert but believes that is a possibility. Senator Guthrie stated he is concerned that the Governor could not take the necessary actions to receive funding if SCR 101 is enacted.

Senator Heider stated that he interprets the resolution as allowing Idaho to nullify SCR 101 if federal funding is impacted.

**MOTION:** Senator Winder moved to send SCR 101 to the Senate floor with a do pass recommendation. Senator Anthon seconded the motion.

**DISCUSSION:** Senator Lee stated she supports the motion. She explained that she believes this is a local issue and restrictions do not need to come from the Governor.

Senator Burgoyne said the resolution needs to be a modification and not a termination of the COVID-19 state of emergency. He plans to vote no because there are resources that may rely on federal funding.

Senator Guthrie explained that he intends to vote in favor of the resolution. His concern relates to the loss of federal funding and the tax dollars that would come back to Idaho. He supports the motion currently, but may not when it reaches the Senate floor.

Chairwoman Lodge stated she is supporting the motion but reserves the right to change her vote when SCR 101 is heard on the floor.

**VOTE ON MOTION:** The motion carried by voice vote. Senator Burgoyne and Senator Stennett requested to be recorded as voting nay.

**ADJOURNED:** There being no further business at this time, Chairwoman Lodge adjourned the meeting at 9:29 a.m.
If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, January 20, 2021
TIME: 8:00 A.M.
PLACE: Room WW55
MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Guthrie, Senators Winder, Harris, Lee, Heider, Stennett, and Burgoyne
ABSENT/EXCUSED: Senator Anthon

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 Senate State Affairs Committee (Committee) to order at 8:00 a.m.

GUBERNATORIAL APPOINTMENTS: The Gubernatorial Re-Appointment of Dennis Duehren to the Idaho Bingo-Raffle Advisory Board (Board). Mr. Duehren shared information about his background and various organizations in which he is involved. He stated he had been on the Board for about ten years and pointed out its value as a positive fund-raising program. Senator Lodge asked what could be changed to make the Idaho lottery more successful. Mr. Duehren replied that a great deal of work had been put into revising code in order to streamline, clarify, and reduce bureaucracy. He expressed concern that after all that work, the legislation did not make it out of committee. Chairwoman Lodge indicated those rules were still being considered and may be completed this year.

Senator Harris asked if there were any challenges that existed with the Board. Mr. Duehren stated he saw no challenges except for finding volunteers to work at the various lotteries. He stated that the board members worked well together. Mr. Duehren noted that the number of meetings might be reduced as volunteers had to come to Boise from all over the State when the Board met. There are six Board members representing six districts as set forth in Idaho Code § 67-7704(1). Chairwoman Lodge suggested Zoom might help with that problem.

The Gubernatorial Re-Appointment of Patricia Perkins to the Treasurer's Investment Advisory Board (TIAB). Ms. Perkins stated she has served a year on the TIAB, and prior to that appointment had a career in banking and human resources.

Senator Lee asked Ms. Perkins what she had learned in the past year and what she perceived as challenges. Ms. Perkins responded that she would like to continue to learn more regarding the function of the TIAB. The investment is a very complicated function. She looks forward to becoming more comfortable in this position in order to be of more value to the TIAB.

Senator Burgoyne inquired if the purposes of the TIAB have changed. Ms. Perkins replied that the TIAB is serving its purpose well. It was very impressive to see the level of transparency, which is critical, in all functions of the Board. The purpose of the Board is to make sure they do the best job they can to manage the money for the citizens of Idaho.

Senator Stennett asked Ms. Perkins how she has applied her background to her work at the TIAB. Ms. Perkins explained that her experience has been very helpful in fulfilling her role. She commented that the situation created by
COVID-19 has allowed her to be more grounded with the TIAB members and the relationships to further the mission to focus on the greater business of the State.

The Gubernatorial Appointment of Reed Hansen to the Treasurer's Investment Advisory Board. Mr. Hansen gave an overview of his background in a variety of businesses and start-up companies. He stated he has served on the TIAB for six months, during which he has learned how the State's money is being managed.

Senator Stennett noted the variety of unrelated businesses in which Mr. Hansen has been involved. She inquired how his expertise in start-up businesses relates to the TIAB. Mr. Hansen replied that it had been a learning experience over the last six months but it continues to always be interesting to see the quality of the expertise in managing these funds.

Senator Burgoyne inquired how Mr. Hansen's experiences would relate to the work of the TIAB. Mr. Hansen identified problems and the effort taken to solve them, and he stated that his experiences as an entrepreneur set him apart from other members, giving him a unique perspective.

Chairwoman Lodge announced that voting on the gubernatorial appointments would be at the next scheduled meeting.

DISCUSSION: Chairwoman Lodge welcomed Julie Ellsworth, Idaho State Treasurer. Ms. Ellsworth shared the 2020 Transparency Report (see Attachment A) including an investment chart used by the Treasurer's office to show how audits, receipts, and distributions are managed. She elaborated on the duties of the State Treasurer and how they interact with the State as a whole.

RS 28080 RELATING TO THE STATE HISTORICAL SOCIETY to clarify statutes and eliminate inactive provisions of the law. Janet Gallimore, Idaho State Historical Society (ISHS), explained that the ISHS preserves and promotes Idaho's history by overseeing the state museum, the state archives, the state historic preservation office, and historical sites. Ms. Gallimore informed the Committee that RS 28080 adheres to the Governor's Red Tape Reduction Act. It repeals obsolete code and amends existing code for technical and clarification purposes as follows:

- repeals requirement for the exhibition of unclaimed property by the State Treasurer;
- corrects technical and typographical errors;
- removes the provision for certain revenue to be credited to the Permanent Building Fund; and
- corrects conflicts between state and federal code (see Attachment B).

Ms. Gallimore shared information regarding the organization and duties of the personnel.

MOTION: Senator Harris moved to send RS 28080 to print. Senator Stennett seconded the motion. The motion carried by voice vote.

PASSED THE GAVEL: Chairwoman Lodge passed the gavel to Vice Chairman Guthrie.

DOCKET NO. Pending Rules IDAPA 54, Rules Governing the College Savings Program. Christie Stoll, Executive Director of the Idaho College Savings Program (ideal), identified the members who serve on the board of ideal. Ms. Stoll provided the Committee members with links to the program's state code and to the securities disclosure statement (see Attachment C). She stated that Docket No. 54-0201-2001 would repeal ideal's administrative rules chapter. She pointed out that the few existing rules are redundant as they exist in code. Ms. Stoll noted that the annual summary will be submitted to legislative leadership forthwith.
MOTION: Senator Harris moved to approve Docket No. 54-0201-2001. Senator Lee seconded the motion. The motion carried by voice vote.

DOCKET NO. 15-1000-2000F Omnibus Pending Fee Rules IDAPA 15 Rules of the Idaho State Liquor Division. Jeff Anderson, Director, Idaho State Liquor Division (ISLD), explained that the review of the omnibus rules were in line with the Governor's Red Tape Reduction Act. He explained the focus of the review and identified the results as follows:

- reduced licensing and other regulatory burdens;
- eliminated redundancies and ensured administrative rules were in alignment with code;
- deleted 1,388 words and eliminated 3 pages of rules (see Attachment D).

Mr. Anderson noted that no changes were made to the fee rules, no new fees were added, and no fees were changed.

MOTION: Senator Harris moved to approve Docket No. 15-1000-2000F. Chairwoman Lodge seconded the motion. The motion carried by voice vote.

DOCKET NO. 52-0103-2000F Omnibus Pending Fee Rules IDAPA 52 Rules of the Idaho State Lottery Commission (Commission). Jeff Anderson, Director of the Idaho Lottery, stated the review of these omnibus rules was in line with the Red Tape Reduction Act. He identified the results of the review as follows:

- consolidated three chapters into one, reorganizing them into a logical order;
- deleted 1,379 words, mostly related to a game show that never existed (see Attachment E);
- eliminated three pages of rules.

Mr. Anderson pointed out that no changes were made to these fee rules, nor have any changes been made since the lottery began in 1989. The bingo/raffle has had no changes since 1992.

Mr. Anderson explained the process of reorganizing the rules. He also reported on the effect of the COVID-19 pandemic on the lottery.

MOTION: Senator Lee moved to approve Docket No. 52-0103-2000F. Senator Stennett seconded the motion. The motion carried by voice vote.

DISCUSSION: Chairwoman Lodge asked Mr. Anderson what the State's share of the winnings would be if an Idaho resident won the lottery. He responded that it would be approximately 7 percent.

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 8:58 a.m.
Credit Rating Enhancement Committee (CREC)

The CREC advises the Governor and the Legislature on policies and actions that enhance and preserve the State’s credit rating which helps to maintain the future availability of low-cost capital financing.

The CREC meets at least biannually. This year it: discussed potential Tax Anticipation Note issuance, sizing and rationale; reviewed the option of leveraging CARES Act monies for short-term borrowing needs; reviewed its annual report to the Governor and Legislature; and discussed the State of Idaho’s 2020 credit rating received by Standard & Poor’s.

Idaho Bond Bank Authority (IBBA)

In 2020 the Idaho Bond Bank Authority (IBBA) facilitated $9.3 million in savings for Idaho Taxpayers by successfully refinancing outstanding loans. The bond issue comprised of $20,900,000 of tax-exempt bonds and $23,265,000 of taxable bonds.

IBBA, a statewide bonding authority, creates a more cost-effective borrowing tool as it works to bring Idaho municipalities together in order to go to the market and leverage benefits with economies of scale and a strong credit quality.

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<tr>
<th></th>
<th>Series 2020A</th>
<th>Series 2020B</th>
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<tbody>
<tr>
<td>Benewah County</td>
<td>$4,906,000 (21%)</td>
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<tr>
<td>Caribou County</td>
<td></td>
<td>$434,000 (21%)</td>
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<tr>
<td>City of Emmett</td>
<td>$275,000 (12%)</td>
<td>$1,561,000 (17%)</td>
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<td>City of Grangeville</td>
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<td>$360,000 (17%)</td>
</tr>
<tr>
<td>Jerome County</td>
<td>$1,266,000 (18%)</td>
<td></td>
</tr>
<tr>
<td>Lemhi County</td>
<td>$399,000 (10%)</td>
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</tr>
</tbody>
</table>

Savings by Borrower: The 2020A & 2020B refunding was able to generate significant savings for the borrowers.

Unclaimed Property (UCP)

In calendar year 2020, UCP reunited Idahoans with over $5.47 million of their money. For more information on the over $145 million available to claim visit:

YourMoney.Idaho.Gov
Investments Accountability Chart

IDAHO CODE 67-1210
Allowable investments are set in Idaho Code and approved by the legislature.

FIDUCIARY DUTY
The STO has a legal obligation to act in the best interest of the parties that have entrusted them with the care of their money.

INVESTMENT POLICIES
Allowable investments further refined in policies created by STO and reviewed by TIAB.

LGIP
Voluntary short term, liquid investment option for local municipalities.

DBF
Voluntary intermediate term investment option for local municipalities and state agencies.

IDLE
Non-voluntary short term, liquid investment of state agency idle money.

INVESTMENT ACTIVITY OVERSIGHT PROCESS

TIAB
Reviews investment policies yearly, and reviews the performance of the LGIP, DBF and IDLE portfolios quarterly.

FHN
Provides quarterly reviews of portfolios, monitors compliance with investment policies, and provides reporting to the TIAB.

RECONCILIATIONS
Monthly reconciliations are prepared, approved and reviewed for portfolio holdings and earnings by STO staff.

INVESTMENT ACTIVITY AUDIT PROCESS

FINANCIAL STATEMENTS
The STO prepares financial statements for LGIP, DBF and IDLE. Other financial data is provided to SCO for use in the State of Idaho's CAFR.

EXTERNAL AUDIT
Elde Bally audits the financial statements prepared by STO. STO provides the audited financial statements to SCO for use in the State of Idaho's CAFR.

LEGISLATIVE AUDIT
LSO's audit division audits the State of Idaho's CAFR.

CAFR - Comprehensive Annual Financial Report
DBF - Diversified Bond Fund
FHN - FHN Financial Main Street Advisors
IDLE - Idle Investment Pool (State Agencies)
LGIP - Local Government Investment Pool
LSO - Legislative Services Office
SCO - State Controller's Office
STO - State Treasurer's Office
TIAB - Treasurer's Investment Advisory Board
Duties of the Idaho State Treasurer’s Banking Division

The Idaho State Treasurer operates as the chief financial officer and banker of monies collected by Idaho.

Banking duties include receiving all state monies, redeeming warrants, and accounting for the receipt and disbursement of state and public funds. The Treasurer’s Office provides banking services for all state agencies.

The Treasurer has partnered with seven financial institutions and maintains over 30 bank accounts that receive a combined average of $50-80 million per day. Current partners are Key Bank, Wells Fargo, US Bank, Zions Bank, Bank of Idaho, Ireland Bank, and Umpqua Bank.

Deposits are made by state agencies by depositing at the Treasurer’s Office, depositing directly with one of the seven financial institution branches, or using desktop deposit/imaging. In addition, the STO receives deposits directly from vendors, government agencies and the general public via ACH or wire.

The STO is able to automate the receipt of 85-90% of the monies received for the agencies through the use of an ERP system developed in-house. The agency receives a daily report of monies received in the bank the previous day. The other 10-15% of monies deposited is identified and the agency is able to receipt it themselves as early as the day after it posts in the bank account.
Madam Chair and Committee members:

Good morning. I am Janet Gallimore, Executive Director of the Idaho State Historical Society. We preserve and promote Idaho’s history and are comprised of the Idaho State Museum, Idaho State Archives, and the Records Center, the State Historic Preservation Office, and State Historic Sites. Thank you for the opportunity to present RS28080 for your consideration.

To meet the intent of the Governor’s Red Tape Reduction Legislation initiative, the Idaho State Historical Society respectfully recommends the repeals of obsolete code and amends existing code for technical and clarification purposes.

If I can please draw your attention to line 13, we recommend the repeal of Section 14-534. This section of Idaho code provides for the Idaho State Historical Society to exhibit unclaimed property in the possession
of the State Treasurer, until it is claimed by the owner. This repeal has been reviewed with State Treasurer Julie Ellsworth and she has not objections.

We have made a technical correction to and amended code 27-502 and on line 18 please note a typo correction.

Moving on to code 58-337, pertaining to the lease of the Old Idaho Penitentiary site, page 2, lines 5-8, we are removing the provision for revenue earned in excess of operational costs to be credited to the Permanent Building fund. There are no current, nor future excess lease revenues anticipated that could be attributed to the PBF. I have reviewed this change with Director Reynolds, and he has no objections.

Finally, there are amendments pursuant to 67-4127 and 4127A on page 2, beginning on line 15.

As currently written, this code sets up potential conflicts between both state and federal code and does not align with Agency structure, and thus requires amendments to meet technical needs and provide clarification.
Madam Chair and Committee Members, I am pleased to stand for questions.

Presented by:

Janet L. Gallimore  
Executive Director  
State Historic Preservation Officer

(208) 514-2325

2205 Old Penitentiary Rd. 
Boise, ID 83712

HISTORY.IDAHO.GOV

Preserving the past, enriching the future.
This is some further information on the Pending Rule that is being reviewed this morning.

Good Afternoon Ms. Melton,
I appreciate the opportunity to speak to the committee regarding the State College Savings Program Board’s pending rules in tomorrow’s committee meeting.
In preparation, I wanted to provide the committee members with two important links.

The 2020 Idaho Legislature eliminated the requirement that certain aspects of the Idaho College Savings Program be contained in rule. With this new authority, the State College Savings Program Board seeks to repeal its administrative rules chapter. The Program’s few existing administrative rules are redundant as all Program rules and requirements exist within the Program’s state code and its securities disclosure statement. The securities disclosure statement document serves as the contract between the individual account owner and the Program. As required by the securities laws, the disclosure statement is kept current with any changes to the Program.

- Program’s state code: https://legislature.idaho.gov/statutesrules/idstat/Title33/T33CH54/

Sincerely,
Christine Stoll | Executive Director, M.S.
IDeal - Idaho College Savings Program
208.332.2935
cstoll@idsaves.idaho.gov
www.idsaves.org
Thank you, Chairman Lodge.

I’m Jeff Anderson from the Idaho State Liquor Division. I am pleased to present Rule Docket 15-1000-2000F which is the omnibus rulemaking of the fee rules from our agency.

There is one rule chapter in this omnibus action – these are existing rules that have been previously reviewed by the legislature.

Our approach to the omnibus was in line with the Red Tape Reduction Act from Governor Little. During the summer of 2019 we specifically reviewed our rules to identify and eliminate rules that were obsolete, outdated, or unnecessary. We continued that same review before adopting these omnibus rules.

I am proud of the red tape reduction our agency was able to accomplish over 2019 and 2020.

- We reduced licensing and other regulatory burdens.
- We eliminated redundancies and ensured administrative rules were in alignment with code.
- We deleted 1,388 words and eliminated 3 pages of rules.

Overall, our rules are much lighter and easier for Idahoans to use.

There were no changes made to the fee rules. No new fees were added and no fees were changed.

I would be happy to stand for questions on any of the fee rules that remain as part of the omnibus docket.

I ask for the committee’s support of Rule Docket 15-1000-2000F.

Thank you.
Thank you, Chairman Lodge,

I am Jeff Anderson, Director of your Idaho Lottery. I am pleased to present Rule Docket 52-0103-2000F which is the omnibus rulemaking of the fee rules from our agency.

There are three rule subchapters in this omnibus action – and each of these are an existing rule that has been previously reviewed by the legislature.

Our approach to the omnibus was in line with the Red Tape Reduction Act from Governor Little. During the summer of 2019 we specifically reviewed our rules to identify and eliminate rules that were obsolete, outdated, or unnecessary. We continued that same review before adopting these omnibus rules.

I am proud of the red tape reduction our agency was able to accomplish over 2019 and 2020.

- We consolidated three chapters into one – making them more readable for Idahoans.
- We deleted 1379 words – mostly related to Game Show Rule.
- We eliminated 3 pages total.

Overall, our rules are lighter and easier for Idahoans to navigate.

There were no changes made to these fee rules. In fact, they have not been changed or increased since the inception of the Lottery in 1989 – and 1992 for Bingo/Raffle.

I am happy to stand for questions on any of the fee rule chapters that remain as part of the omnibus docket.

I ask for the committee’s support of Rule Docket 52-0103-2000F

Thank you.
FEE SUMMARY: This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules.

Sub Area 201 allows for an application fee for applicants interested in selling Lottery products.  
$25 + 100

Rule 205.13 allows for a reduced application fee if a current Lottery product retailer is interested in adding break open (PullTab) products to their portfolio.  
$100

Sub Area 501 allows for an application fee for participating Charitable organizations and follow up fees based upon annual gross revenues.  
VARIES $100 - $300 (depending upon revenues)

Sub Area 601 allows for an annual license fee imposed upon vendors, those businesses or persons who manufacture, sell, distribute, furnish or supply gaming devices to Charitable Gaming organizations.  
$500

These fees or charges are being imposed pursuant to Section 67-7412, 67-7706, 67-7712 and 67-7715, Idaho Code.
AMENDED AGENDA #1
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Friday, January 22, 2021
Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link: https://www.idahoptv.org/shows/idahoinsession/

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>DESCRIPTION</th>
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<tbody>
<tr>
<td>VOTE ON GUBERNATORIAL APPOINTMENTS:</td>
<td>Gubernatorial Re-appointment of Dennis Duehren to the Idaho Bingo-Raffle Advisory Committee.</td>
<td></td>
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<tr>
<td></td>
<td>Gubernatorial Re-appointment of Patricia Perkins to the Treasurer's Investment Advisory Board.</td>
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<td>Gubernatorial appointment of Reed Hansen to the Treasurer's Investment Advisory Board.</td>
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<tr>
<td>RS28285</td>
<td>RELATING TO THE LEGISLATURE to designate the length of the legislative session.</td>
<td>Senator Guthrie</td>
</tr>
<tr>
<td>RS28226</td>
<td>RELATING TO THE STATE DISASTER EMERGENCY ACCOUNT to allow for the recovery of Federal Funds after a Declaration of State Emergency has expired/terminated.</td>
<td>Senator Harris</td>
</tr>
<tr>
<td>S 1004</td>
<td>RELATING TO THE TWENTY-SEVENTH PAYROLL FUND to establish such fund.</td>
<td>Alex Adams, Administrator, Division of Financial Management</td>
</tr>
</tbody>
</table>

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS
Chairman Lodge  Sen Lee
Vice Chairman Guthrie  Sen Heider
Sen Winder  Sen Stennett
Sen Anthon  Sen Burgoyne
Sen Harris

COMMITTEE SECRETARY
Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, January 22, 2021
TIME: 8:00 A.M.
PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Guthrie, Senators Winder, Anthon, Harris, Lee, Heider, Sten nett, 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.

VOTE ON GUBERNATORIAL APPOINTMENT: The Reappointment of Dennis Duehren to the Idaho Bingo-Raffle Advisory Board.

MOTION: Senator Harris moved to send the gubernatorial reappointment of Dennis Duehren to the Senate floor with the recommendation that he be confirmed. Senator Guthrie seconded the motion. The motion carried by voice vote.

VOTE ON GUBERNATORIAL APPOINTMENT: The Reappointment of Patricia Perkins to the Treasurer's Investment Advisory Board.

MOTION: Senator Sten nett moved to send the gubernatorial reappointment of Patricia Perkins to the Senate floor with the recommendation that she be confirmed. Senator Winder seconded the motion. The motion carried by voice vote.

VOTE ON GUBERNATORIAL APPOINTMENT: The Appointment of Reed Hansen to the Treasurer's Investment Advisory Board.

MOTION: Senator Anthon moved to send the gubernatorial appointment of Reed Hansen to the Senate floor with the recommendation that he be confirmed. Senator Lee seconded the motion. The motion carried by voice vote.

RS 28285: Relating to the Legislature to Designate the Length of the Legislative Session.

Senator Guthrie, District 28, stated the legislation places an end date on a legislative session to be on or before the last Friday in March. It also provides exceptions in case there is a need to override a gubernatorial veto or if unforeseen circumstances delay the session.

MOTION: Senator Burgoyne moved to send RS 28285 to print. Senator Lee seconded the motion.

DISCUSSION: Senator Winder said he supports the motion for a print hearing, but there is a lot of discussion that needs to occur. He said that once it gets to a public hearing, the Committee might want to consider adding more items because of the unknowns of the future.

VOICE VOTE: The motion carried by voice vote.
RS 28226: Relating to the State Disaster Emergency Account to allow for the recovery of Federal Funds after a Declaration of State Emergency has expired/terminated.

Senator Harris, District 32, said the legislation amends Idaho Code § 46-1005A and adds language allowing the recovery of federal funds after a state of emergency declaration has expired or been terminated. He pointed out that the word "during" has been struck out of line 12 and "arising out of" has been added. It also allows the Governor to exceed one percent of the fiscal year's General Fund for allocation to a disaster, if the legislature passes a concurrent resolution. There is an emergency clause at the end of RS 28226 that enacts the legislation upon passage and approval. He asked that the Committee send the bill to print.

MOTION: Senator Anthon moved to send RS 28226 to print. Senator Winder seconded the motion. The motion carried by voice vote.

S 1004: Relating to the Twenty-Seventh Payroll Fund to establish such fund.

Alex Adams, Administrator, Division of Financial Management, said the bill will create the Twenty-Seventh Payroll Fund. He explained how the State of Idaho normally has 26 pay periods for State employees, but there is a 27th period that occurs every 11 years. He said Idaho used the now-defunct Economic Recovery Reserve Fund under Governor Kemphorne's Administration in fiscal year 2006. The last extra pay period was covered by using the General Fund under Governor Otter's Administration in fiscal year 2017. S 1004 creates a new fund that will be subject to legislative appropriations and will allow the legislature to make transfers to the fund at times of its choosing. The next time this situation will occur is fiscal year 2028, this bill allows Idaho to prepare for it.

The legislation does not make any appropriations or transfers that are a Joint Finance-Appropriations Committee (JFAC) action, rather it creates a fund setting up the opportunity to receive transfers from JFAC. He clarified that the Governor's budget recommends a $15 million transfer over the next five years to the Twenty-Seventh Payroll Fund if it is created, to prepare for fiscal year 2028. He mentioned that his agency has discussed changing the pay period from two-week to bimonthly to address the issue, but said there would be a multitude of issues that could arise out of doing so. The proposed transfer fits best with current policies.

MOTION: Senator Heider moved to send S 1004 to the Senate floor with a do pass recommendation. Senator Burgoyne seconded the motion.

DISCUSSION: Senator Winder said he feels the bill is a good idea and that it takes away future uncertainties the legislature would have to face if the fund were not set up.

VOICE VOTE: The motion carried by voice vote.

ADJOURNED: There being no further business at this time, Chairwoman Lodge adjourned the meeting at 8:24 a.m.
AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Monday, January 25, 2021
Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:
https://www.idahoptv.org/shows/idahoinsession/

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<td>SJR 101</td>
<td>STATING FINDINGS OF THE LEGISLATURE to present to the electorate regarding psychoactive drugs.</td>
<td>Senator Grow</td>
</tr>
</tbody>
</table>

Public Testimony Will Be Taken by Registering Through the Following Link:
Registry to Testify

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS
Chairman Lodge
Vice Chairman Guthrie
Sen Winder
Sen Anthon
Sen Harris

Sen Lee
Sen Heider
Sen Stennett
Sen Burgoyne

COMMITTEE SECRETARY
Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov
DATE: Monday, January 25, 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 convened the Senate State Affairs Committee (Committee) at 8:08 a.m.

SJR 101 Stating Findings of the Legislature to present to the electorate regarding psychoactive drugs.

Senator Grow identified the following agencies and organizations who submitted written testimony in support of SJR 101 (see Attachment A):

• Meridian Anti-Drug Coalition
• Retired Law Enforcement Officers of Idaho
• Idaho Hospital Association
• Idaho Medical Association
• Idaho Farm Bureau Federation
• Idaho's Law Enforcement Agencies
• Community Coalitions of Idaho
• Idahoans for Healthy Kids and Communities

Senator Grow elaborated on the following purposes of SJR 101:

• Protects and preserves Idaho by continuing to keep illegal drugs out of the State;
• Ensures the health and safety of children, families, and communities;
• Promotes safe evidence-based health care;
• Protects Idahoans from big government;
• Abates drug legalization thus reducing costs for regulation, for government health care, and for criminal justice spending;
• Protects Idaho values and the Idaho way of life;
• Protects against out-of-state interests that influence State policies and government.

Senator Grow noted that in drafting the bill, attention was given to code that is in effect, and exceptions were made to the proposed amendment to allow for common
DISCUSSION:

Senator Grow pointed out three prerequisites relative to the use of psychoactive drugs: 1) they are permitted by the state of Idaho based on authorization of the FDA; 2) they are lawfully prescribed; and 3) they are lawfully dispensed. Senator Grow shared information regarding the costs incurred by the state if drugs are legalized, as opposed to the lesser amount gained in taxes. He also noted that many of the groups promoting the legalization of drugs are from out of state and stand to gain large amounts of money at the State’s expense.

Senator Grow informed the Committee of statistics revealing the negative effects on the people of Colorado after marijuana was legalized, including increases in black market marijuana, violent crimes, infant poisonings, school dropouts, highway deaths, industrial accidents, emergency medical treatments, suicides, psychological problems, and homelessness. He pointed out that his research yielded no category that has shown an improvement.

Senator Burgoyne inquired why the people and future legislatures should not have the right to act on public policy of the State. Senator Grow replied that voter choice is important. He pointed out that if this bill passes the Legislature, it will go to the voters on a ballot initiative with three choices as follows:

- Do you want medical marijuana?
- Do you want recreational marijuana?
- Do you want to keep Idaho drug free?

Senator Burgoyne asked why the power of the initiative and the power of the legislature to set public policy should be taken away from the people and the legislatures of the future. Senator Grow stated that a future legislature could reverse this change and again refer it to the people.

Senator Burgoyne continued expressing concerns that this bill would make all hemp illegal, even if it met the federal standard of .03 percent of tetrahydrocannabinol (THC), and that Idaho would never be able to legalize hemp. Senator Grow emphasized that SJR 101 and the hemp legislation being developed are compatible, and he trusted that both bills will pass during this session.

Senator Stennett asked that these changes not be put in statute before changing the Idaho constitution. Senator Grow explained that the statutes currently prohibit that procedure. He indicated that SJR 101 considers recreational and medical marijuana, and gives the public an opportunity to decide at the voting booth.

Senator Stennett asserted that people in chronic pain or terminal illness have the right to have medication choices. She asked Senator Grow to point out where the bill allows for those people to have that choice. Senator Grow indicated page 2, line 11, which refers to the Right to Try Act. Senator Stennett perceived that the Right to Try Act refers to terminal patients, so this bill would prohibit others to be part of a clinical trial. Senator Grow advised that SJR 101 maintains the status quo of FDA-approved drugs allowed by the State of Idaho, being prescribed by real doctors, and being dispensed by real pharmacists.

Senator Anthon summarized his understanding of the bill as follows: Under the proposed amendment, doctors could prescribe test drugs, or even medical marijuana were it to become legal in Idaho, as long as the drug is prescribed,
dispensed, and administered by a doctor. Under these conditions it would still be allowed in Idaho. **Senator Grow** concurred.

**Senator Winder** advised that there would probably be some opposition, especially relating to CBD oil with less than .03 THC. **Senator Grow** asserted that there is nothing in the bill that would prevent CBD oil being approved. **Senator Winder** inquired about a Colorado study regarding costs versus revenue. **Senator Grow** replied the Colorado study was done from the time of legalization of marijuana until 2019. He related that the revenue for the State of Colorado was far less than the growing costs incurred for prisons, criminal proceedings, substance abuse, juvenile facilities, and treatment programs. Discussion continued relating to the costs of obtaining FDA approval of drugs that are currently illegal, and the unlikely event of marijuana being approved by the FDA. **Senator Grow** stated that the FDA needed to be the agency for approval as the expenditure would be too large for the State to provide the clinical trials. He asserted that there is nothing to prevent the FDA from doing clinical trials on marijuana, so it is possible that it could be approved. (See Attachments A and B.)

**TESTIMONY:** **Chairwoman Lodge** outlined the process for testifying.

The following individuals offered testimony in support of **SJR 101**:

- Dr. Reed Lofgran
- Dr. Joe Williams
- Jaimie Parry
- Reverend Bill Roscoe
- Jeff Lavey
- Doug and Paula Devina represented by Richard Thomas
- Kendell Nagy
- Wayne Hammon
- Keith Graves
- Kimberly Dugan and Heidi Reese represented by Richard Thomas
- Braden Jensen
- Brian Whitlock
- Kim Wickstrum
- Heidi Hill
- Craig Campbell
- Sheriff Kieran Donahue

Those testifying in favor of **SJR 101** expressed concerns such as protecting young people from early exposure to illegal drugs; allowing time to conduct proper studies and trials to assess the risks and benefits of the drugs in question; and prohibiting the manufacture, distribution, and use of illegal drugs. Those testifying gave additional reasons they support the bill dealt with addiction, which frequently leads to homelessness; mental and physical health; change in brain chemistry; and an increased rate of depression, anxiety, psychosis, and suicide, especially among Idaho youth. Some who testified said they felt legalizing marijuana would send the message that marijuana is not dangerous even though it is a gateway drug to more dangerous drugs. Passage of the bill would reduce the burden on law enforcement by allowing some time to get better control of the current illegal drug situation, including children selling drugs to children at school, drug cartels’ presence in
Idaho, and Idaho being a conduit across the northwest for drug distribution. They also emphasized the importance of having the bill voted on by the people, and the fact that it could be amended in the future if needed.

The following offered testimony in opposition to **SJR 101**:

- Casey and Margie Baker
- Jeremy Kitzhaber
- Megan Romaro
- Monica McKinney
- Dr. Dan Zuckerman
- Daniel Potter
- William James Esbensen III
- Anthony Martin

Those testifying in opposition to **SJR 101** stated that amending the Idaho Constitution could not be accomplished by this process. They noted that passage of the bill would incorporate the FDA into the Idaho Constitution and infringe on the rights of Idaho citizens to make their own choices. Some testifying against the bill asserted that it would put Idahoans' health at risk by denying them medical marijuana, which alleviates extreme pain and replaces opioids with its myriad of negative side effects. It was pointed out that if **SJR 101** passes, Idaho veterans, even through the Veterans' Hospital, would not be able to get medical marijuana as it would be illegal. In addition, those who testified against the bill surmised that the right to try would also be unavailable. It was purported that additional revenue would come into Idaho rather than going to Oregon and Washington. They asserted that people would make proper use of marijuana if it were on the open market or were available.

**Chairwoman Lodge** announced that consideration of **SJR 101** will continue on Wednesday with Senator Grow's closing statement. She stated that the testimony already received will be used but that there will be no more testimony heard.

**ADJOURNED:** There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 11:04 a.m.
January 22, 2021

Dear Senator Grow,

The Meridian Anti-Drug Coalition voted in support of Senate Joint Resolution No. 101.

The coalition was initiated by the executive order of Mayor Tammy de Weerd in 2004. For the last 17 years, coalition members have continued to follow the Mayor’s lead working relentlessly to strengthen the community through substance abuse prevention. In a single year, we have reached more than 21,000 community members at 72 events/trainings. Unwavering support at the local, regional and state level has enabled the coalition to flourish, expand and build strong partnerships however, our work has become more and more challenging.

As normalization of illicit drugs has increased due to unsound changes in drug related policy, the perception of harm has gone down and use has increased, especially among youth. As a grassroots organization we constantly hear from parents, frustrated that their voice is being overpowered by multimillion-dollar campaigns as they try to teach their children about the harms of illicit drugs. When we are in the classroom we are challenged by youth repeatedly asking why drugs such as marijuana are becoming legal if they are so harmful. We wish elected officials voting on policy change could look these inquisitive children in the eye and answer their tough questions. In Oregon, Washington and Montana (states where marijuana is no longer illegal) 29-32% of college age youth 18-25 reported using marijuana in the past 30 days compared to 18% in Idaho (2018-2019 National Survey on Drug Use and Health). The evidence showing the harmful long-term effects of drug use on the developing brain continues to grow. There are many ways these changes in brain chemistry present themselves, but it is especially heart breaking to see the increased rates of depression, anxiety, psychosis and suicide among our youth.

As the MADC continues to tackle the mounting challenges of prevention, we are grateful for the efforts of those supporting this legislation working to safeguard the health and safety of Idaho’s people, through the preservation of Idaho’s current statutes.

Sincerely,

Kendall Nagy

Kendall Nagy | MADC Director
208-846-7313 | knagy@meridiancity.org
The Retired Law Enforcement Officers of Idaho (Code 3 to 1) fully supports the proposal of an amendment to Article III, of the constitution of the state of Idaho by the addition of a new section 30, article III, of the constitution of the state of Idaho relating to the production, manufacture, transportation, sale, delivery, dispensing, distribution, possession, or use of psychoactive drugs in the state of Idaho.

Code 3 to 1 is a group that represents retired law enforcement officers living in Idaho. Our members consist of retired Chiefs, Homicide Investigators, Sexual Assault Investigators, Narcotics Detectives and uniformed officers. Our members worked not only in Idaho, but in states like California, Oregon, Washington, and New Jersey. Our members came to Idaho due to its strict rule of law that has made Idaho such a great place to live.

This is the same reason we see so many other people from these states coming to Idaho. We know what legalized drugs can do to a state. Many Idahoans profess their disdain for California on a regular basis. This disdain is felt by the people that have fled California due to the lax drug laws that have made it a haven for drug abusers.

When California relaxed their drug laws, Code 3 to 1 members saw first hand as our communities experienced increased drug use, higher violent crime and an influx of out of staters looking to get high without penalty. We saw California’s homeless rate skyrocket as new arrivals flooded into our community and fueled the drug markets.

Idaho can fail to drug abuse like Oregon and Washington did. No state that has relaxed their drug laws has flourished. In fact, people fled those states in search of a crime free community. Many came to Idaho.

It is the legislatures duty to protect Idaho. To do that, they must cut off out of state funds that will flow here to fund legalized drugs. It will destroy the last great state in this Union. The best way to accomplish this is through this constitutional amendment.

Keith Graves
President, Code 3 to 1
Memo

To: Senator C. Scott Grow
From: Brian Whitlock / President & CEO
Date: January 18, 2021
Re: Constitutional Amendment Regarding Psychoactive Drugs

Idaho Hospital Association Statement of Support

Thank you, Senator, for sharing your draft joint resolution language with us. After reviewing the language and discussing the intent of the legislation and subsequent question to be put to the voters, the IHA Board of Directors has unanimously approved the following statement of support:

"Every day, our hospitals serve and meet the medical needs of Idahoans across the state. These people are our family members, friends, colleagues, and our neighbors. As medical providers, we have a deep interest in the health and well-being of all Idahoans. We have seen firsthand the destructive nature of illicit drug use on individuals, families, and communities across the country. As a result, the IHA Board of Directors supports the proposed Constitutional Amendment that solidifies Idaho’s ban on the production, distribution and use of illegal substances."

End.
January 18, 2021

Senator C. Scott Grow  
Idaho State Senator  
State Capitol  
700 W. Jefferson Street  
Boise, ID 83720

Dear Senator Grow:

The Idaho Medical Association (IMA) appreciates the opportunity to provide input on your draft joint resolution. After analyzing the legislation and discussing the proposal with our membership, the IMA Board of Trustees has approved the following statement of support.

"Idaho physicians’ core mission is to put the health and well-being of all Idahoans first. That is why the Idaho Medical Association Board of Trustees supports the proposed state constitutional amendment to strengthen the prohibition on the production, distribution, and use of illicit substances. The current laws which make these substances illegal are rooted in the scientific evidence on addiction and both the mental and physical health of our society. Clinical research hasn't provided adequate evidence to assure lawmakers that these illegal drugs provide health benefits. IMA members have witnessed too many patients and families suffer tragedies from illegal drugs."

Thank you again for the opportunity for IMA to engage on this important legislation we look forward to continuing to work with you and other legislators during 2021.

Sincerely,

Susie Keller, IMA CEO
January 18, 2021

Senator Scott Grow
P.O. Box 83720
Boise, ID 83720-0081

Senator Grow,

On behalf of the more than 80,500 Idaho families who are members of the Idaho Farm Bureau Federation, we are pleased to provide the following quote for you to use as you work to gather support for the proposed constitutional amendment which seeks to maintain a prohibition on illicit drugs in Idaho.

"The members of the Idaho Farm Bureau have long held a policy position opposing illegal drugs and drug abuse. We appreciate Senator Grow’s leadership on this issue and support his efforts to enshrine this policy into the Idaho Constitution."

Thank you for your continued efforts on this issue.

Sincerely,

Bryan Searle, President
Idaho Farm Bureau Federation
Idaho’s Law Enforcement Agencies Support SJR101
January 22, 2021

Idaho’s Prosecutors and Law Enforcement Associations support SJR101. It is not by chance that Idaho is a
great place to live and raise a family. Idaho’s law enforcement communities remain steadfast in the fight to
protect the health, safety and quality of life for all Idahoans.

With surrounding states legalizing drugs to the detriment of their citizens, it is important that Idaho take a
stand against this alarming trend that endangers our way of life. Idaho’s law enforcement associations have
a unique perspective into how destructive drugs are to Idaho’s communities. Therefore, we support this
effort to prevent drugs from being legalized in Idaho.

Idaho Fraternal Order of Police, Idaho Chiefs of Police Association, Idaho Prosecuting Attorneys
Association and the Idaho Sheriffs’ Association
Community Coalition of Idaho’s (CCI) mission is to support community coalitions’ efforts to prevent substance misuse in Idaho. As substance misuse prevention providers, CCI has a deep concern for the health and safety of Idaho’s youth and the communities in which they live. CCI wholeheartedly supports the proposed constitutional amendment ensuring that the production, distribution, possession and use of illicit psychoactive drugs remains illegal within the state of Idaho.

Creating a legal framework to protect the health and well-being of Idaho’s communities is of paramount importance. Research shows that availability of drugs is a huge factor in youth use. This amendment will protect Idaho’s youth and their families by decreasing availability while giving youth the message that drug use is neither our norm, nor is it socially accepted within our state.

CCI supports any effort to reduce access to harmful drugs, and feels this amendment will support prevention efforts throughout the state. In states such as Washington and Oregon where recreational drug use has been legalized, youth use is nearly double that of Idaho’s youth. (SAMHSA, 2018-2019). Safe and healthy environments for our most precious commodity, Idaho’s children, must be preserved to offer Idaho’s youth and their families every opportunity for success. CCI believes in being proactive when it comes to preventing Idaho youth from engaging in underage drinking and other illegal drug use, and we applaud Senator Grow’s efforts.

David Phillips
Executive Director
Community Coalitions of Idaho
Idahoans for Healthy Kids and Communities Supports SJR101

Idahoans for Healthy Kids and Communities (IHKC) supports Senator Grow’s proposed constitutional amended SJR101. IHKC is an organization of citizens who promote and preserve a healthy safe and drug-free environment where kids and communities flourish.

IHKC has witnessed a growing acceptance of drug legalization across the country and the profound impact it is having on our culture and laws. The practical effect of this legalization movement is the commercialization and normalization of drug use in many forms. The dangers of illicit drugs to public health and safety are well documented. Recent studies have shed light particularly on the risks that drug use poses to brain development and mental health of our youth. IHKC fully supports the proposed constitutional amendment ensuring that the production, distribution, possession and use of illicit psychoactive drugs remains illegal within the state of Idaho.

IHKC supports scientific, clinical research that shows drug efficacy by being 1) FDA approved, 2) doctor prescribed and 3) pharmacy dispensed. This amendment ensures this process stays in place in order to promote and preserve a healthy, safe and drug-free environment where kids and communities flourish.

LaVerne Sessions, Chairman
Idahoans for Healthy Kids and Communities

Vision: A vibrant healthy state where children and communities are protected and nurtured and where Idaho's unique way of life is preserved.
Dear Secretary Melton,
Please distribute a copy of this letter to each Committee member. If that is not possible, please call us and we will send it to each one, individually. Thank you

If the Senate State Affairs Committee is hearing Joint Resolution 101 (Sponsor: Scott Grow), please consider our comments.

As mainly negative results can be observed in states that have legalized some psychoactive drugs, we believe Idaho would be wise to proactively establish a prohibition on legalization of such of these drugs that are not subject to restrictions expressed in Joint Resolution 101. A few of the negative consequences of legalization are attracting criminal elements, increased experimentation among young people/students, pollution of the environment by operators of marijuana growing operations in wilderness areas, increase in overdose patients occupying hospital beds.

Sincerely,

Darryl & Sheila Ford
208 412 3214
Good morning,

The page asked for my written testimony for SJR 101, see below.

Good morning Chairman and committee members. My name is Jeff Lavey and I am the executive director for the Idaho Sheriffs Association. I am here to share our support for SJR 101. Our Sheriffs have always taken a strong stance on not reducing our drug laws because our deputies see the devastation of drug use both on individuals and families under current laws. One just has to look at our neighboring states to see the unintended consequences of reducing drug laws. We also support this resolution because it let’s our citizens decide what type of state they wish to live and raise a family in.

We join our LE partners with the Chiefs of Police, Prosecutors and Fraternal Order of Police in urging you to send SJR 101 to the floor with a due pass.

Thank you for your time this morning and I stand for any questions.

Jeff Lavey
Exec. Director
Idaho Sheriffs Association
Dear Committee:

Senator Grow’s resolution addresses several important aspects of human life.

1. Public Health. Psychotropic drug usage account for more deaths than shootings, non drug related suicide, and infectious diseases, including the current COVID strains. My brother worked in an ER in California and can attest to the effects and overdoses due to illicit drug use. If anyone is concerned about our over crowded hospitals now, these drug cases just add fuel to the fire. We do not make heroin in this country. Heroin, fentanyl, materials for meth, and more are manufactured in China and the Middle East and makes their way to our borders, land, air and sea, vis the cartels and other international criminal enterprises. Mexican drug cartels control California Medical Marijuana farms as well.

2. Law enforcement. My husband is a retired California peace officer. I worked in Jails, Prisons, Juvenile institutions and as a Sheriff dispatcher in California, where a large number of calls for service and resulting arrests involve some sort of drug/alcohol activity. These arrestees eventually make it into our corrections systems sentenced as collateral crimes committed by drug addicts, traffickers and dealers, oftentimes to our children. Did you know that juveniles arrested on drug charges in San Diego were minors trafficking drugs across the Southern border? As you are all probably aware, this nation spends a disproportionate amount on drug and alcohol treatment and prevention. And I’m sure you will agree our law enforcement and first responders have enough to do.

3. I moved here from California, and I can attest to what “legal and non-criminal” drug use does to communities. Aside from the aforementioned, homeless problems and the massive amount of trash and hazardous materials left in their wake, dependence on social services, incarcerations, and crime resulting from drug and alcohol misuse is one of the main causes of California’s budget and quality of life issues. There is simply not enough money to pour into these systems to ensure the health and safety of citizens in these affected communities.

This is a quality of life issue for Idaho, the reason we moved here. We are flanked by drug States. Let Idaho be a respite from this tragic set of circumstances. Thank you for your time and attention. Please recommend a “Do Pass on this resolution.

Yours Sincerely,

Mr. and Mrs. Clayton and Bonnie Carter
District 21
Meridian

Sent from my iPad

“There are two ways to live your life. One is as if nothing is a miracle. The other is as if everything is a miracle.” – A. Einstein
January 22, 2021

RE: Support for SJR101 – Psychoactive drugs

Dear Chairman Lodge and members of the Senate State Affairs Committee,

The Idaho Building Contractors Association (IBCA) would like to express our organization’s support for SJR101 and urge you to send the proposal to the full Senate for consideration.

The IBCA is a statewide organization of new, single-family home builders and associated subcontractor businesses. We have over 1,100 member companies that collectively employ thousands of Idaho workers. Our members, and the construction industry in general, have been fortunate to keep working during the current pandemic. We are working hard to try to meet the current housing demand in the state in an effort to level off housing prices.

The bulk of our members maintain strict drug-free workplace policies. Our chief concern is in maintaining safe worksites for our employees and subcontractors. Our industry employs the use of heavy machinery and equipment, power tools, and challenging physical work that requires constant vigilance. Maintaining worksite safety is of primary and constant concern for us – there is no place at our worksites for employees that may be impaired by drugs or alcohol.

Another constant challenge the construction industry faces is a short supply of reliable and skilled labor. The legalization of psychoactive drugs in our neighboring states has had a negative effect on this already challenging issue, as such substances trickle across Idaho’s borders. The prospect of legalization of such substances in Idaho would only exacerbate this problem.

The IBCA supports the intent of SJR101 in an effort to preserve Idaho’s values and quality of life while maintaining worksite safety for our employees and quality of work for Idaho’s homeowners. We respectfully urge you to support SJR101.

Thank you for your service to the citizens of Idaho, God Bless you and our State of Idaho.

Sincerely,

[Signature]

Brett Skidmore, President
Idaho Building Contractors Association
Madam Chair, members of this committee, my name is Christian Welp. I represent the Catholic Diocese of Boise, which covers the state of Idaho.

I am here to ask for your support of Sen. Joint Res. 101.

In speaking with Bishop Peter Christensen in regards to this resolution, he is grateful for the work that Sen. Grassi has put into it.

Since I have another item to say that has not been already said in support of this resolution, I ask you to send Senate Joint Resolution 101 to the floor with a due pass recommendation.

Thank you and I stand for questions.

Written Testimony
Dear Madam Chairman and all distinguished State Affairs Committee Members

My name is Jeremy Kitzhaber, I am a U.S. Air Force Retired Disabled Veteran, VFW Post 63 Legislative Committee Chairman, and I have stage IV terminal cancer.

I am writing because I am NOT in favor of SJR 101 because it puts Idahoans health at risk. SJR 101 will forever force people with serious medical conditions to either live in pain and take opioids or risk criminal prosecution and go across state lines to obtain medical cannabis so they can forgo the risk of serious medical issues or even death from their current opioid regiments.

I write this for all Idahoans with serious conditions who need practitioners to make these decisions. The Idaho Senate, although made up of 35 distinguished professionals, must remember that no Senator is a current or former practitioner or medical expert.

SJR 101 would require FDA approval for medical cannabis which will not happen. To date, the FDA has not approved a marketing application for cannabis for the treatment of any disease or condition.

No other state in the Union requires FDA approval for medical cannabis, including many conservative states. 36 States currently allow medical cannabis to be prescribed and dispensed. Furthermore, if SJR 101 passes as written, when the Federal Government legalizes medical cannabis, SJR 101 will make Idaho the only illegal medical cannabis state in the Nation. With Federal passage, medical cannabis would be legal through every VA hospital except Idaho’s VA hospital. This would make Idaho veterans the only veterans in the nation unable to be prescribed medical cannabis.

This resolution forever denies an additional medical treatment option. We must not become the state, where this Senate makes such a detrimental decision for our seriously ill and suffering population.

Nearly 80% of Idahoans support medical cannabis for the seriously ill. SJR 101 does not mirror what Idaho constituents want. I have spent over two years drafting legislation where medical cannabis can be prescribed for suffering Idahoans with little to no risk for abuse. I would like the opportunity to show the Idaho legislature my bill and prove we can have a limited and well-regulated medical cannabis program that helps the seriously ill while still protecting the rest of Idaho from risk, all without FDA approval.
After the military, I worked in the medical field and was a Health Inspector at Central District Health until I became unable to work. I have undergone two “Mother of all Surgeries”, 20 Round of Chemotherapy, and almost 60 rounds of Cancer Inhibitor drugs. I have a massive amount of scar tissue and adhesions and my tumors continue to grow and crush my organs. Because of that, I am on three different opioids and must also carry Narcan because of life-threatening conditions. My specialists have told me they would prescribed medical cannabis, but they cannot because I live in Idaho.

My cancer is so rare that no pharmaceutical company will ever try to get FDA approval for treating me with medical cannabis, and I am not alone. There are many medical conditions where pharmaceutical companies will never spend the amount of money to get medical cannabis approved through the FDA because they will not directly profit from it.

Thank you and I encourage you to not support SJR 101.

Sincerely,

Jeremy Kitzhaber, USAF Retired
11150 W. Hinsdale St,
Boise, ID 83713
208-350-3462
jeremy_kitzhaber@yahoo.com
AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Wednesday, January 27, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link: https://www.idahoptv.org/shows/idahoinsession/

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<th>SUBJECT</th>
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<tr>
<td>SJR 101</td>
<td>STATING FINDINGS OF THE LEGISLATURE to present to the electorate regarding psychoactive drugs. Closing and Committee discussion only. No further testimony.</td>
<td>Senator Grow</td>
</tr>
<tr>
<td>DOCKET NO. 38-0000-2000F</td>
<td>OMNIBUS FEE RULES IDAPA 38 Rules of the Department of Administration governing the Capitol Mall parking. (pages 150-160) (In person)</td>
<td>Steve Bailey, Deputy Director/CFO Department of Administration</td>
</tr>
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</table>

Public Testimony Will Be Taken by Registering Through the Following Link:
Registry to Testify

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS
Chairman Lodge
Vice Chairman Guthrie
Sen Winder
Sen Anthon
Sen Harris

COMMITTEE SECRETARY
Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov
DATE:       Wednesday, January 27, 2021
TIME:      8:00 A.M.
PLACE:     Room WW55
MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Guthrie, Senators Winder, Harris, Lee, Heider, Stennett, and Burgoyne
ABSENT/ EXCUSED: Senator Anthon
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 8:04 a.m.

SJR 101 CONTINUED: Stating Findings of the Legislature to present to the electorate regarding psychoactive drugs.
Chairwoman Lodge noted that only Committee discussion and closing comments will be heard. There will be no further testimony.

Senator Grow requested that SJR 101 be held until Friday, January 29, 2021.

UNANIMOUS CONSENT REQUEST: Senator Winder asked for unanimous consent to hold SJR 101 in Committee. There being no objections, SJR 101 will be taken up at Friday's meeting.

PASSED THE GAVEL: Chairwoman Lodge passed the gavel to Vice Chairman Guthrie.

DOCKET NO. 32-0101-2000F

Chris Anton, Manager of Investments, Endowment Fund Investment Board (Board), stated that 32-0101-2000F reauthorizes an existing rule the Legislature previously approved and no changes have been made since that time. He noted that the Board's approach was in line with the Governor's Red Tape Reduction Act and that the Board reviewed the rule for simplification or elimination. No changes occurred because the rule was considered to be beneficial to the citizens of Idaho and the fees reflected in the rule to be reasonable.

Mr. Anton also explained how the credit enhancement program for school district funds operates, what types of funds the Board administers, and the use of those funds. He outlined what the costs to the school districts are when they participate in the credit enhancement program.

MOTION: Senator Heider moved to approve Docket No. 32-0101-2000F. Senator Stennett seconded the motion. Senator Winder noted for transparency purposes he is a member of the Board. The motion carried by voice vote.

Charlie Spencer, Police Services Major, Idaho State Police introduced Ardie Noyes, Business Operations Manager for the Idaho State Racing Commission. **Mr. Spencer** stated he was speaking on behalf of the Racing Commission on Docket No. 11-0400-2000F which is part of the omnibus rule making process. Good progress has been made in reducing the number of rules over the last two rule cycles. The docket remains unchanged from last year in terms of fees or content.

**MOTION:** Senator Lee moved to approve Docket 11-0400-2000F. Senator Winder seconded the motion. The motion carried by voice vote.

Omnibus Pending Fee Rules IDAPA 38 for the Department of Administration governing the Capitol Mall parking.

Steve Bailey, Deputy Director and Chief Financial Officer, Department of Administration, explained that **Docket No. 38-0000-2000F** is the rule that covers 1,825 parking locations in the Capitol Mall. It identifies the types of parking available, parking spaces, location, permit management, how to manage parking violations, and parking fees charged for both general and reserve parking. **Mr. Bailey** stated there are no changes to this rule since it was originally proposed and submitted to the Legislature. He asked for the Committee’s support.

**MOTION:** Senator Burgoyne moved to approve Docket No. 38-0000-200F. Senator Stennett seconded the motion. The motion carried by voice vote.


Dawn Hall, Section Chief for the Idaho Division of Occupational and Professional Licenses, introduced Athletic Commissioner Kyle Wills and Lizzie Kukla, board specialist. **Ms. Hall** explained rewriting this rule was in line with the Governor's Red Tape Reduction Act. During the summer of 2020, the rules were reviewed to identify and eliminate those rules that were obsolete. The rules were reordered to address licensing matters; ringside physicians’ qualifications and roles; prohibited substances; contractual and business matters; and facility and equipment matters. Rules were also reviewed for weigh-in and event preparation and processes for the mixed martial arts rules and regulations; the boxing rules and regulations; and the wrestling rules and regulations. The Commission also reviewed outdated, prohibitive, and costly requirements.

**Ms. Hall** explained the Commission incorporated three documents by reference into the administrative rules. She described each of those documents:

1) The 218 Unified Rules of Mixed Martial Arts from the Association of Boxing Commission and Comparative Sports which incorporates the rules for mixed martial arts in Idaho up to current industry standard.

2) Unified Rules of Boxing from the Association of Boxing Commission and Competitive Sports as amended August 3, 2016. This updates the rules and regulations for boxing contests and will bring Idaho up to industry standards.

Ms. Hall added that the maximum fee for an amateur combatant's license was reduced from $150 to $100. It is anticipated that this will create a greater demand for the license.

MOTION: Senator Stennett moved to accept Docket No. 24-0201-2000F. Chairwoman Lodge seconded the motion. The motion carried by voice vote.

Chairwoman Lodge asked Ms. Hall about the current financial standing of the Athletic Commission. Ms. Hall responded that there is a positive balance of $50,506.40.

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 8:25 a.m.

___________________________ ___________________________
Senator Lodge, Chair Twyla Melton, Secretary
Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link: https://www.idahoptv.org/shows/idahoinsession/

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<tr>
<td>DOCKET NO. 34-0000-2000F PENDING FEE RULE</td>
<td>OMNIBUS FEE RULE IDAPA 34 Rules of the Secretary of State.(pages 113-149) (In person)</td>
<td>Chad Houck, Deputy Secretary of State, Administrative Division</td>
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<tr>
<td>GUBERNATORIAL APPOINTMENT:RS28372</td>
<td>THE GUBERNATORIAL REAPPOINTMENT of Kristine Raper to the Public Utilities Commission. (In person)</td>
<td>Kristine Raper</td>
</tr>
<tr>
<td>SJR 101 CONTINUED</td>
<td>RELATING TO GOVERNOR'S ORDER OF ISOLATION</td>
<td>Senator Anthon</td>
</tr>
<tr>
<td>MINUTES APPROVAL:</td>
<td>STATING FINDINGS OF THE LEGISLATURE to present to the electorate regarding psychoactive drugs. Closing and Committee discussion only. No further testimony.</td>
<td>Senator Grow</td>
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<td>Minutes of January 18, 2021</td>
<td>Senator Anthon</td>
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<td>Senator Stennett</td>
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If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS
Chairman Lodge: Sen Lee
Vice Chairman Guthrie: Sen Heider
Sen Winder: Sen Stennett
Sen Anthon: Sen Burgoyne
Sen Harris

COMMITTEE SECRETARY
Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, January 29, 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 8:05 a.m. and passed the gavel to Vice Chairman Guthrie.
DOCKET NO. 34-0000-2000F
Omnibus Fee Rule IDAPA 34; Rules of the Secretary of State.

Chad Houck, Deputy Secretary of State, introduced the omnibus rule package. Mr. Houck said there are no changes to four of the administrative rules. However, two of them have been combined into a single chapter. The citations and references for the combined rules have been corrected. He said there are no changes in fees associated with the rules.

MOTION: Senator Stennett moved to approve Docket NO. 34-0000-2000F. Senator Heider seconded the motion. The motion carried by voice vote.

PASSED THE GAVEL: Vice Chairman Guthrie passed the gavel to Chairwoman Lodge.

GUBERNATORIAL APPOINTMENT:

DISCUSSION: Senator Burgoyne disclosed that he applied for the position and was considered for it.

Ms. Raper said she served as Deputy Attorney General previous to her appointment to the Commission. She explained that the Commission handles over 200 cases each year, many of which deal with tariffs that affect customers' rates. The Commission has the responsibility to provide competitive rates regionally and nationally. Ms. Raper said she represented Idaho before the Federal Energy Regulatory Commission in Washington D.C. and testified to Congress in the House Committee on Energy and Commerce.

Senator Stennett asked how Ms. Raper plans to maintain autonomy and a transparent process for rate payers with the growth in Idaho. Ms. Raper explained that growth is good for utilities because new customers pay for themselves and use up any surplus that may exist. If a new generation is created there must be new customers to buy the additional energy or it will result in increased costs for customers. New customers allow for the distribution of that energy.

Ms. Raper explained maintaining regional relationships and participating in dialogues with other commissions allows Idaho to understand their issues; California's interests are different from Idaho's. For instance, Idaho's rates are low compared to regional markets so the value of investing in storage is currently
Senator Anthon asked how small nuclear reactor projects would affect the work of the Commission. Ms. Raper said nuclear technology is developing and the modular nuclear reactors at the Idaho National Laboratory (INL) is part of the dialogue. She said she is pleased that Idaho is a part of that dialogue on a regional and national basis but it is not yet ready for implementation; it will eventually reach that point. She mentioned that nuclear energy does fit into the clean energy category. She noted that modular nuclear reactors have a better energy creation/storage capability compared to current energy storage technology. This is due to the fact that reactors can produce energy perpetually, and storage holds energy for only a brief period of time.

Chairwoman Lodge announced that the vote would be at the next meeting.

RS 28372 Relating to Governor’s Order of Isolation.

Senator Vick explained that RS 28372 corrects the issues with SJR 101. Its main purpose is to take Idaho out of the COVID-19 protocols the Governor has enacted.

MOTION: Senator Anthon moved to send RS 28372 to print. Senator Lee seconded the motion. The motion carried by voice vote. Senator Stennett was recorded as voting nay.

SJR 101 Stating Findings of the Legislature to present to the electorate regarding psychoactive drugs. Closing and Committee discussion only. No further testimony

Senator Grow said there was some confusion indicating the bill only involves keeping cannabis illegal in Idaho. It keeps all illicit substances illegal under State law. He said the responsibility of government is to maintain the virtue and sobriety of the people as written in the Constitution of Idaho. It also says the legislature should promote temperance and morality. He stated that Idaho is influenced by forces outside the state that can change its culture. Use of illicit substances also increases addiction, the homeless population, and causes environmental issues. He said it causes problems with increased school drop-out rates as well as Suicides, overdoses, and vehicle fatalities. Senator Grow also explained criminal activity like child abuse and theft increases and it allows organized crime to have a larger presence.

MOTION: Senator Burgoyne moved to hold SJR 101 in committee. Senator Stennett seconded the motion.

Senator Burgoyne stated that Idaho’s drug problems are as severe as California, Oregon, Washington, New York, Florida, Texas, and the rest of the country and the State is not making good progress on this issue. It is evident in the rollout of marijuana in other states and the resulting disasters. But it begs the question as to whether we have the right policy. If we do this, there are costs such as the cost of the resolution and the cost of the constitutional amendment to bar future legislatures from taking beneficial actions for Idaho. Senator Burgoyne pointed out it is not the fault of the criminal justice system, nor the medical community, nor the school system. It is a social failing. This constitutional amendment is not going to get the State to where is needs to go.

SUBSTITUTE MOTION: Senator Lee made a substitute motion to send SJR 101 to the Senate floor with a do pass recommendation. Senator Anthon seconded the motion.

DISCUSSION: Senator Lee said she recognizes the complexities of the issue as Senator Burgoyne pointed out. Whatever is done today, a constitutional amendment will not be passed but, what is done today may give Idaho citizens the opportunity to
vote on the issue. **Senator Lee** stated this motion is to allow the people of Idaho to speak through the ballot process about what they want for their state.

**Senator Anthon** said he supports the measure because Idaho does not have problems as severe as other states and can keep the issues they have at bay with this measure. He pointed out the adjoining state’s new policy of legalizing small amounts of drugs like Methamphetamine, Heroin, and Cocaine to be used without criminal penalty. This State does not have the same problems. Let the people decide.

**Senator Stennett** referred to previous testimony by Idaho law enforcement who said Idaho has a serious drug trafficking problem. She said an amendment like this is redundant because cannabis is already illegal under the Idaho Constitution. She also said the bill will prohibit the use of experimental medical treatments using substances and limit future medical breakthroughs. She does not support the bill for these reasons.

**Senator Guthrie** thanked Senator Grow for his work and Senator Burgoyne for his insightful questions and comments. He believes the citizens of Idaho should have the opportunity to vote on the drug policies in their state. He supports the bill for this reason.

**Senator Winder** said he believes the language in **SJR 101** allows for the use of substances for experimental medical treatments. He stated he believes Idaho does have less drug issues compared to other states and recognizes that substances like marijuana may indeed have medical benefits. He supports the bill for this reason.

**Senator Burgoyne** said he has an issue with the language in lines 1-2 of page 2. The language says all therapeutic substances have to be approved by the Food and Drug Administration (FDA) before implementation. He explained how this process requires a patent first which is difficult to do for marijuana. Second, he said the price of conducting studies is astronomical so it makes the possibility of an approval from the FDA very remote. He is concerned the bill’s language will create a situation where these treatments and research projects might not be able to happen as an unintended consequence.

**Chairwoman Lodge** mentioned in her 35 years as an educator she saw how drugs impact children. She thinks having the citizens of Idaho vote on the amendment is the best thing to do to see how they want drug policies handled.

The substitute motion to send **SJR 101** to the Senate floor with a **do pass** recommendation carried by **voice vote**. **Senator Stennett** and **Senator Burgoyne** were recorded as voting **nay**.

**Senator Stennett** moved to approve the Minutes of January 18, 2021. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:54 a.m.
AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Monday, February 01, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:
https://www.idahoptv.org/shows/idahoinsession/

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<tr>
<td>RS28300</td>
<td>RELATING TO ALCOHOL to address the ambiguity in the law relating to waterfront liquor licenses.</td>
<td>Brian Donesley, Attorney</td>
</tr>
<tr>
<td>S 1018</td>
<td>RELATING TO THE STATE HISTORICAL SOCIETY to clarify statute, eliminate inactive law provisions, and amend/repeal other aspects of the law relating to the Historical Society.</td>
<td>Janet Gallimore, Executive Director, Idaho State Historical Society</td>
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</tbody>
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If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS
Chairman Lodge
Vice Chairman Guthrie
Sen Winder
Sen Anthon
Sen Harris

COMMITTEE SECRETARY
Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, February 01, 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 8:07 a.m.
VOTE ON GUBERNATORIAL REAPPOINTMENT:
MOTION: Senator Anthon moved to send the Gubernatorial reappointment of Kristine Raper to the PUC to the Senate floor with the recommendation that she be confirmed. Senator Winder seconded the motion. Senator Burgoyne disclosed his application and interest in this vacancy. He supports Ms. Raper's confirmation. The motion carried by voice vote.
RS 28300 Relating to Alcohol to address the ambiguity in the law relating to waterfront liquor licenses.
Brian Donesley, attorney representing a client from Island Park, Idaho, who owns and operates a waterfront resort, explained how his client is affected by the liquor licensing conditions that have challenged their qualification to renew their liquor license issued in 2014. He cited the water-flow definition as the primary ambiguity and specified the amending of Idaho Code § 23-948 as a solution that could allow his client the ability to maintain their classification as a waterfront resort with an operational liquor license. Chairwoman Lodge asked where the business is located in Island Park. Mr. Donesley described the business location as Northern, on Henry’s Fork of the Snake River.
MOTION: Senator Anthon moved to send RS 28300 to print. Senator Winder seconded the motion.
DISCUSSION: Senator Guthrie noted the liquor license was issued to the Island Park resort without sufficient water flows originally. It is not a violation but an oversight about minimum required water flows and asked the issue be addressed during the hearing.
Senator Stennett asked what other establishment owners in the Island Park vicinity may be affected by the fluctuation of river flows. Also, she asked why the resort is suddenly not meeting the criteria, and if Mr. Donesley's client is specifically being targeted for noncompliance. Senator Heider agreed with Senator Stennett's line of questioning. He expressed concern that water flows throughout the year change constantly and said it seemed inordinate to base a liquor license on this factor. He recommended adjusting Idaho Code to corollate
to resorts along or near water and not the flow of the body of water near a business establishment. Mr. Donesley responded that he would present a much clearer picture of waterfront resorts Statewide at a future hearing.

Senator Winder asked Senator Burtenshaw if he supports this RS. Senator Burtenshaw stated that although he is not a supporter of liquor licenses, he completely supports his constituent who is attempting to maintain both his license and his investment in his resort properties. Senator Burtenshaw said he is eager to see any discrepancies in the issuance of the liquor license resolved in favor of the waterfront business owner.

VOTE:
The motion to send RS 28300 to print carried by voice vote.

S 1018

Relating to the Idaho State Historical Society (ISHS) to clarify statutes, eliminate inactive law provisions, and amend or repeal other aspects of the law relating to the ISHS.

Janet Gallimore, Executive Director ISHS, stated the objective of the bill is to meet the intent of the Governor's Red Tape Reduction Act. Page 1, line 13, repeals Idaho Code § 14-534. This section allows the ISHS to exhibit unclaimed property that is in the possession of the State Treasury. This provision has not been used in over 15 years. Those items are subject to risk and expense to the State during storage, management, or exhibition of private property that is held without a valid loan agreement. Julie Ellsworth, State Treasurer, reviewed the change and she had no objections, according to Ms. Gallimore.

Ms. Gallimore explained that Lines 21-22, page 1 removes the ISHS expense liability for reinterment of human remains disturbed by others. Section 3, Page 2, lines 5-8 addresses the lease of the Old Idaho Penitentiary site and removed the provision for revenue earned in excess of operational costs to be credited to the Permanent Building Fund (PBF).

Ms. Gallimore stated the State and Federal Code is not aligned with the ISHS structure pertaining to the duties of the State Historical Preservation Officer. The Director of the Society, in relation to the responsibility and role, should serve concurrently as the State Historical Preservation Officer for fiscal and administrative purposes.

DISCUSSION:

Senator Anthon questioned the reasoning for a full repeal of Idaho Code § 14-534. Ms. Gallimore explained that the statute allows ISHS to borrow property until the owner(s) comes back and claims it. The preferred policy of the agency is ownership by the State of Idaho or the item is properly on-loan to the ISHS. Senator Anthon thanked Ms. Gallimore for her explanation. He continued to investigate the Treasurer's role in the care of unclaimed items if the Committee repealed the statue. Ms. Gallimore explained she is not familiar with the process of the Treasurer relating to unclaimed property and that this Code only allows an item to be borrowed and not donated to the ISHS.

Senator Burgoyne said he assumed, that often there are historical discoveries or archeological finds that have disputed ownership and need a safe place to stage until the items are possessed by an owner. He implied that this Code might maintain the security and preservation of an artifact beyond the determination of the item's final destination. Ms. Gallimore outlined the process of the ISHS when receiving an artifact and how the ISHS prefers a clear title. She stated there have been no instances in her 15 years where a rare, high-valued, or historic artifact ended up as unclaimed property.

Senator Harris referenced Idaho Code § 27-502 and asked Ms. Gallimore if reinterment had occurred during her Directorship and what amount of compensation was made by the State Historical Society. Ms. Gallimore
emphasized there is no known occasion during her time of service. She explained that an inadvertent disturbance of remains would be the financial obligation of the person(s), business, or organization involved in the action. **Senator Harris** inquired about the expense of reinterment. **Ms. Gallimore** responded she did not know the cost, however, she speculated there could be a difference of partial human remains versus a whole burial site.

**Senator Burgoyne** stated his concern about who would care for the remains if ISHS is no longer responsible. **Ms. Gallimore** explained the final liability is with the one who caused the damage.

**MOTION:** Senator Heider moved to send S 1018 to the floor with a do pass recommendation. Senator Guthrie seconded the motion.

**DISCUSSION:** Senator Burgoyne indicated that the responsibility should not fall on the ISHS but should be assigned to an agency.

Senator Anthon inquired if, in a legitimate event of human remain disturbance, the ISHS exclusion would be regretted. **Ms. Gallimore** explained there are federal laws that ISHS is required to follow, for example, The Native American Graves Repatriation Act that would grant them jurisdiction to respond to such an event.

The motion carried by voice vote.

**INTRODUCTION:** Senator Anthon introduced Randy Lofgran, a University of Idaho law student, who is working in the Majority Leader's Office as a Legal Intern. He suggested that anyone who has a need for legal research support to see Mr. Lofgran.

**ADJOURNED:** There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:47 a.m.
Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link: https://www.idahoptv.org/shows/idahoinsession/

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

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<tr>
<th>SUBJECT</th>
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<tbody>
<tr>
<td>Gubernatorial Appointment</td>
<td>Gubernatorial Appointment of Rob Perez to the Treasurer's Investment Advisory Board. (virtually)</td>
<td>Rob Perez</td>
</tr>
<tr>
<td>RS28081</td>
<td>Relating to Codifier's Corrections to make technical corrections.</td>
<td>Kristin Ford</td>
</tr>
<tr>
<td>RS28240C1</td>
<td>Relating to Sport Shooting Ranges to clarify legislative intent and remove certain word ambiguities.</td>
<td>Senator Agenbroad</td>
</tr>
<tr>
<td>RS28410</td>
<td>State of Extreme Peril</td>
<td>Senator Anthon</td>
</tr>
</tbody>
</table>

| PRESENTATION:                  | Review of the Last Election regarding aspects of the process and any identified issues. | Chad Houck, Deputy Secretary of State Phil McGrane, Ada County Clerk |

**COMMITTEE MEMBERS**
- Chairman Lodge
- Vice Chairman Guthrie
- Sen Winder
- Sen Anthon
- Sen Harris

**COMMITTEE SECRETARY**
- Twyla Melton
- Room: WW42
- Phone: 332-1326
- Email: sstaf@senate.idaho.gov
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 03, 2021
TIME: 8:00 A.M.
PLACE: Room WW55
MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Guthrie, Senators Winder, Anthon, Harris, Heider, Stennett, and Burgoyne
ABSENT/EXCUSED: Senator Lee

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.

CONVENELED: Chairwoman Lodge called the meeting of the Senate State Affairs Committee (Committee) to order at 8:06 a.m.

GUBERNATORIAL APPOINTMENT: The Gubernatorial Appointment of Rob Perez to the State Treasurer Investment Advisory Board (Board).

Mr. Perez informed the Committee that he has spent his life in Idaho; of his extensive, 30-year-career in the banking industry; and of his community service experiences. He explained that it is his fundamental belief that there is no greater calling than to be of service, and it would be his honor to be on the Board.

Chairwoman Lodge announced the Committee will vote on the Gubernatorial appointment at the next meeting.

RS 28081 Relating to Codifier's Corrections to make technical corrections.

Kristin Ford, Division Manager, Legislative Services Office, explained that RS 28081 was the annual codifier's legislation to correct cross-references and technical issues in Idaho Code.

DISCUSSION: Senator Stennett asked if there was any section(s) that needed more attention than others. Ms. Ford responded there was not.

MOTION: Senator Anthon moved to send RS 28081 to print. Vice Chairman Guthrie seconded the motion. The motion carried by voice vote.

RS 28240C1 Relating to Sport Shooting Ranges to clarify legislative intent and remove certain word ambiguities.

Senator Agenbroad, District 13, said the purpose of this legislation is to provide clarity to the legislation passed in 2008 that allowed existing gun ranges to expand their operations on their property without acquiring an additional conditional use permit. He said this legislation is necessary to clarify and provide definitions in this code while maintaining the original intent of the law.

MOTION: Senator Winder moved to send RS 28240C1 to print. Senator Anthon seconded the motion. The motion carried by voice vote.

RS 28410 Relating to Martial Law to clarify and limit the power of a governor during episodes of extreme emergency.

Senator Anthon, District 27, explained the legislation reflected a joint effort between many members of the Legislature to address concerns raised during the
COVID-19 outbreak in Idaho. This legislation limits the duration of extreme emergency declarations, defines extreme emergencies, and extreme peril. Senator Anthon further explained that it reaffirms the Legislature’s authority, and that the emergency regulations are appropriate. It also prevents the suspension of rights to assemble, exercise freedom of religion, and to bear arms. He stated it provides checks and balances for extreme emergency types of powers.

MOTION: Vice Chairman Guthrie moved to send RS 28410 to print. Senator Heider seconded the motion.

DISCUSSION: Senator Burgoyne asked for clarification related to page 1, line 17, where striking the word “organized” removes the distinction between organized or not organized militia. Also, the word "explosion" is an undefined term on line 27. Senator Anthon explained the change regarding “organized” was simply to be in line with the constitutional language. “Explosion” could mean all types of explosions.

Senator Stennett asked if there was a definition of the word terrorist appearing on line 31. Senator Anthon stated that terrorist is defined in Title 18, Idaho Code.

VOICE VOTE: The motion carried by voice vote.

PRESENTATION: Review of the Last Election regarding aspects of the process and any identified issues.

Chad Houck, Chief Deputy, Secretary of State, and Phil McGrane, Ada County Clerk, gave a presentation regarding the extraordinary effort that went into last year’s election as a result of COVID 19 and efforts to increase access and security. (see Attachment A)

Mr. McGrane explained, since 1980, last year saw the highest voter turnout for the State at 81 percent; Idaho exceeded a million registered voters for the first time. He detailed various statistics of voters, explained that it was important to review how Idaho performed, and discussed the people’s level of engagement; all to be able to improve the process in future years as well as the way they estimate costs.

Mr. Houck presented an article containing data regarding electoral integrity and explained that Idaho was among the best-run states. He discussed the funding that provided for security, training, and systems. In addition, a team from the Secretary of State's office visited all 44 counties performing security audits to protect Idaho's election systems from active threats. He identified all the groups that worked in conjunction toward the Statewide effort to meet the challenge of balancing access versus security, and to make complex elections as easy as possible to administer.

DISCUSSION: Senator Burgoyne asked Mr. Houck if the ability to prevent the submission of multiple ballots and forged signatures enhances the security through multiple strategies. Mr. Houck agreed that was an accurate description of both.

ADJOURNED: There being no further business at this time, Chairwoman Lodge adjourned the meeting at 9:35 a.m.

____________________________
Senator Lodge, Chair

____________________________
Twyla Melton, Secretary

____________________________
Erin Miller, Assistant Secretary

SENATE STATE AFFAIRS COMMITTEE
Wednesday, February 03, 2021—Minutes—Page 2
Absentee Mail Ballots Cast for General Elections in Ada County from 2010 - 2020

2010: 20,734
2012: 30,720
2014: 23,452
2016: 25,084
2018: 26,692
2020: 129,766
Early Voting Ballots Cast for General Elections in Ada County from 2010 - 2020

- 2020: 51,280
- 2018: 35,165
- 2016: 47,737
- 2014: 10,158
- 2012: 19,710
- 2010: 8,179
Early Voting Ballots Cast for General Elections in Ada County from 2010 - 2020

2020: 51,280
2018: 35,165
2016: 47,737
2014: 10,158
2012: 19,710
2010: 8,179
State of Idaho Voter Demographics for the 2020 General Election

% Turnout in General & Primary Elections
Click on the election you would like to see demographic information for:

Age of registered voters for the 2020 General Election:
- 2009: 18 to 29: 20%, 30 to 44: 30%, 45 to 59: 25%, 60 to 74: 20%, 75+: 5%
- 2010: 18 to 29: 20%, 30 to 44: 30%, 45 to 59: 25%, 60 to 74: 20%, 75+: 5%
- 2011: 18 to 29: 20%, 30 to 44: 30%, 45 to 59: 25%, 60 to 74: 20%, 75+: 5%
- 2012: 18 to 29: 20%, 30 to 44: 30%, 45 to 59: 25%, 60 to 74: 20%, 75+: 5%
- 2013: 18 to 29: 20%, 30 to 44: 30%, 45 to 59: 25%, 60 to 74: 20%, 75+: 5%
- 2014: 18 to 29: 20%, 30 to 44: 30%, 45 to 59: 25%, 60 to 74: 20%, 75+: 5%
- 2015: 18 to 29: 20%, 30 to 44: 30%, 45 to 59: 25%, 60 to 74: 20%, 75+: 5%
- 2016: 18 to 29: 20%, 30 to 44: 30%, 45 to 59: 25%, 60 to 74: 20%, 75+: 5%
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- 2019: 18 to 29: 20%, 30 to 44: 30%, 45 to 59: 25%, 60 to 74: 20%, 75+: 5%
- 2020: 18 to 29: 20%, 30 to 44: 30%, 45 to 59: 25%, 60 to 74: 20%, 75+: 5%
- 2021: 18 to 29: 20%, 30 to 44: 30%, 45 to 59: 25%, 60 to 74: 20%, 75+: 5%

Party Affiliation of those who voted in the 2020 General Election:
- Republican: 55.1%
- Unaffiliated: 29.8%
- Democratic: 13.8%

Gender of those who voted in the 2020 General Election:
- Female: 52.6%
- Male: 47.4%
Presidential Races in the State of Idaho
1992-2020

1992
1996
2000
2004

© Mapbox © OpenStreetMap

2008
2012
2016
2020

© Mapbox © OpenStreetMap

2020 62.9%
2016 69.3%
2012 66.8%
2008 69.3%
2004 69.3%
2000 70.8%
1996 70.8%
1992 69.7%
53.9% support for Republican Candidate
UNITED STATES PRESIDENT
UNITED STATES SENATOR
UNITED STATES REPRESENTATIVE DISTRICT 1
UNITED STATES REPRESENTATIVE DISTRICT 2
LEGISLATIVE DISTRICT 14 REPRESENTATIVE SEAT B
LEGISLATIVE DISTRICT 15 SENATOR
LEGISLATIVE DISTRICT 15 REPRESENTATIVE SEAT A
LEGISLATIVE DISTRICT 15 REPRESENTATIVE SEAT B
LEGISLATIVE DISTRICT 16 SENATOR
LEGISLATIVE DISTRICT 16 REPRESENTATIVE SEAT B
LEGISLATIVE DISTRICT 17 SENATOR
LEGISLATIVE DISTRICT 17 REPRESENTATIVE SEAT A
LEGISLATIVE DISTRICT 17 REPRESENTATIVE SEAT B
LEGISLATIVE DISTRICT 18 SENATOR
LEGISLATIVE DISTRICT 18 REPRESENTATIVE SEAT A
LEGISLATIVE DISTRICT 18 REPRESENTATIVE SEAT B
LEGISLATIVE DISTRICT 19 SENATOR
LEGISLATIVE DISTRICT 19 REPRESENTATIVE SEAT A
LEGISLATIVE DISTRICT 19 REPRESENTATIVE SEAT B
LEGISLATIVE DISTRICT 20 REPRESENTATIVE SEAT A
LEGISLATIVE DISTRICT 20 REPRESENTATIVE SEAT B
LEGISLATIVE DISTRICT 21 SENATOR
LEGISLATIVE DISTRICT 21 REPRESENTATIVE SEAT A
LEGISLATIVE DISTRICT 22 SENATOR
LEGISLATIVE DISTRICT 22 REPRESENTATIVE SEAT A
LEGISLATIVE DISTRICT 22 REPRESENTATIVE SEAT B
ADA COUNTY COMMISSIONER DISTRICT 1
ADA COUNTY COMMISSIONER DISTRICT 2
ADA COUNTY SHERIFF
ADA COUNTY PROSECUTOR
BALLOT CAMERAS
Live Camera Views

As votes come in, we want all eyes on us to ensure transparency and build trust in our voting system. We have a series of cameras you can watch during election night as we count votes.
**AMENDED AGENDA #1**  
**SENATE STATE AFFAIRS COMMITTEE**  
**8:00 A.M.**  
**Room WW55**  
**Friday, February 05, 2021**  

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:  
https://www.idahoptv.org/shows/idahoinsession/

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<td>Vote on the Gubernatorial Appointment of Rob Perez to the Treasurer's Investment Advisory Board.</td>
<td></td>
</tr>
<tr>
<td><strong>RS28358</strong></td>
<td>Relating to Elections to provide clearer and more consistent deadlines in election processes and to improve administrability.</td>
<td>Jason Hancock, Deputy Secretary of State</td>
</tr>
<tr>
<td><strong>RS28359</strong></td>
<td>Relating to Candidates makes two changes relating to candidate filings; one for write-in candidates for the United States Presidential position and the second clarifies the petition for independent candidates.</td>
<td>Jason Hancock</td>
</tr>
<tr>
<td><strong>RS28360</strong></td>
<td>Relating to the Secretary of State in regard to the storage of certain records.</td>
<td>Jason Hancock</td>
</tr>
<tr>
<td><strong>RS28361</strong></td>
<td>Relating to Election Ballots to revise and clarify the process when voters request a particular type of absentee ballot for a primary election.</td>
<td>Jason Hancock</td>
</tr>
<tr>
<td><strong>RS28362</strong></td>
<td>Relating to Notaries Public regarding the use of certain facsimile signatures.</td>
<td>Jason Hancock</td>
</tr>
<tr>
<td><strong>RS28363</strong></td>
<td>Relating to Campaign Finance to report how to report contributions, reduces related paper work, clarifies certain monthly reporting, and eliminates duplicative reporting.</td>
<td>Jason Hancock</td>
</tr>
<tr>
<td><strong>RS28364</strong></td>
<td>Relating to Elections to make technical corrections to Idaho’s election laws.</td>
<td>Jason Hancock</td>
</tr>
<tr>
<td><strong>RS28408</strong></td>
<td>Relating to the Legislature to establish some uniformity to the legislative session.</td>
<td>Senator Guthrie</td>
</tr>
<tr>
<td><strong>RS28313</strong></td>
<td>Relating to Absentee Ballots to provide the voter an opportunity to remedy certain absentee ballot issues.</td>
<td>Senator Lodge</td>
</tr>
</tbody>
</table>
Public Testimony Will Be Taken by Registering Through the Following Link:
Registry to Testify

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS
Chairman Lodge
Vice Chairman Guthrie
Sen Winder
Sen Anthon
Sen Harris

Sen Lee
Sen Heider
Sen Stennett
Sen Burgoyne

COMMITTEE SECRETARY
Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, February 05, 2021
TIME: 8:00 A.M.
PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Guthrie, Senators Winder, Harris, Lee, Heider, and Stennett
ABSENT/EXCUSED: Senators Anthon and Burgoyne

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 8:05 a.m.

VOTE ON GUBERNATORIAL APPOINTMENT: Vote on the Gubernatorial Appointment of Rob Perez to the Treasurer's Investment Advisory Board.

Senator Guthrie moved to send the Gubernatorial appointment of Rob Perez to the Treasurer's Investment Advisory Board to the floor with a recommendation that he be confirmed by the Senate. Senator Guthrie seconded the motion. The motion carried by voice vote.

PASSED THE GAVEL: Chairwoman Lodge passed the gavel to Vice Chairman Guthrie.


Major Lauren Tschampi, Idaho Air National Guard, Judge Advocate and the Idaho Military Men's Rules Review Officer, stated that the rules were reviewed in accordance with the Governor's Red Tape Reduction Act, focusing specifically on identifying and eliminating rules that were obsolete. There is only one rule chapter in this omnibus action. Major Tschampi reported that two years ago there were six administrative rules. One rule has been eliminated and two others have been consolidated, leaving four rules. She noted that 18 pages of rules have been eliminated. Overall, the rules are easier for Idahoans to navigate.

MOTION: Senator Harris moved to approve Docket No. 15-0600-2000F. Senator Lee seconded the motion. The motion carried by voice vote.

PASSED THE GAVEL: Vice Chairman Guthrie passed the gavel back to Chairwoman Lodge.

Chairwoman Lodge expressed the condolences of the Committee to the Idaho Air National Guard (Guard) on the loss of three of their aviators and to their families. She extended sincere gratitude for the work the Guard does for the citizens of Idaho.

MOTION: Senator Heider moved to send RS 28358, RS 28359, RS 28360, RS 28361, RS 28362, RS 28363, RS 28364, RS 28408, and RS 28313 to print. Senator Guthrie seconded the motion.
DISCUSSION: Senator Stennett asked Jason Hancock, Deputy, Secretary of State, which of the RS's was the most robust. Mr. Hancock replied that most of the changes were housekeeping and technical corrections made to improve work flow. He noted there were very few substantive changes. One was the removal of an unnecessary step in the process of recall of a city official. Mr. Hancock explained that another change specified that only one ballot may be requested in order to reduce the amount of time and expense incurred when voters decided to use a different ballot than originally requested.

Senator Stennett asked Senator Guthrie to explain RS 28408. Senator Guthrie replied the RS replaces S 1032 by adding to the original bill the ability to extend the legislative session if necessary. He noted that the time extension would be enacted with a two-thirds vote from both the House and the Senate.

VOICE VOTE: Chairwoman Lodge restated the motion to send RS 28358, RS 28359, RS 28360, RS 28361, RS 28362, RS 28363, RS 28364, RS 28408, and RS 28313 to print. The motion carried by voice vote.

ADJOURNED: There being no further business at this time, Chairwoman Lodge adjourned the meeting at 8:17 a.m.

___________________________  ______________________________
Senator Lodge, Chair  

____________________________  ______________________________
Twyla Melton, Secretary  

Carol Cornwall, Assistant Secretary
Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:
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<td>RS28418</td>
<td>Relating to Elections to revise provisions related to the issuance of absentee ballots.</td>
<td>Phil McGrane, Ada County Clerk</td>
</tr>
<tr>
<td>RS28301</td>
<td>A Senate Joint Memorial to request a state funeral designated by the United States President for the last surviving Medal of Honor recipients from World War I.</td>
<td>Senator Zito</td>
</tr>
<tr>
<td>S 1053</td>
<td>RELATING TO CODIFIER’S CORRECTIONS to make technical corrections.</td>
<td>Kristin Ford, Legislative Services</td>
</tr>
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</table>

MINUTES APPROVAL:
Minutes of January 13, 2021
Minutes of January 19, 2021

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS
Chairman Lodge          Sen Lee
Vice Chairman Guthrie   Sen Heider
Sen Winder              Sen Stennett
Sen Anthon              Sen Burgoyne
Sen Harris

COMMITTEE SECRETARY
Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, February 08, 2021
TIME: 8:00 A.M.
PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Guthrie, Senators Winder, Anthon, Harris, Heider, and Burgoyne

ABSENT/EXCUSED: Senators Lee and Stennett

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 8:05 a.m.


Phil McGrane, Ada County Clerk explained that the substance of RS 28418 remains the same as the legislation passed during the 2020 Extraordinary Session by unanimous consent of both houses. This legislation expired December 31, 2020. There are two key changes in RS 28418:

1. The change from 45 days to 30 days to mail out domestic absentee ballots returning the time frame to what it was prior to the 2020 change. Uniformed overseas voters will remain at 45 days to comply with federal law. This also allows for a seven day time period prior to election day to open and scan absentee ballots but the results cannot be tallied during that time.

2. During the Extraordinary Session, the Senate added an amendment requiring cameras during the seven-day window and that requirement remains in this legislation. The ability to observe to maintain transparency and the integrity of the elections remains very important.

Senator Harris asked if the ability to film would be available to all counties. Mr. McGrane responded that they would have the ability to film and to stream.

DISCUSSION: Chairwoman Lodge requested verification that the date of December 31, 2020 was removed as the expiration date. Mr. McGrane concurred.

Senator Harris stated his concerns about small counties being overlooked and asked if they were being considered for funding for camera installations. Mr. McGrane replied smaller counties would have options for inexpensive camera systems to be installed and for streaming.

MOTION: Senator Harris moved to send RS 28418 to print. Senator Heider seconded the motion. The motion carried by voice vote.

RS 28301 A Senate Joint Memorial to Request a State Funeral Designated by the United States President for the Surviving Medal of Honor Recipients from World War II.
Senator Christy Zito, District 23, explained RS 28301 is a Joint Memorial to the United States President, the Senate, the House of Representatives, and to the Congressional Delegation representing the State of Idaho requesting that, upon the death of the last two veterans who were recipients of the World War II Medal of Honor, be given a state funeral to honor them and the memory of all who served in that war.

MOTION: Senator Anthon moved to send RS 28301 to print. Senator Winder seconded the motion. The motion carried by voice vote.

S 1053 Relating to Codifier’s Corrections to Make Technical Corrections.

Kristin Ford Division Manager, Legislative Services Office (LSO), explained that S 1053 is the annual codifier’s bill that corrects cross-references and technical issues in Idaho Code.

DISCUSSION: Senator Anthon reviewed page 37, line 43, to clarify the inserted word "protection" was the actual title of the Act it describes. Ms. Ford affirmed the addition of the word was for that purpose. Senator Anthon then proceeded to page 27, lines 11-12 inquiring why the "Department of Law Enforcement” was changed to "Idaho State Police”. Ms. Ford stated an official name change was introduced in 2001, however, not all Idaho Code has reflected the change.

MOTION: Senator Anthon moved to send S 1053 to the floor with a do pass recommendation. Senator Guthrie seconded the motion. The motion carried by voice vote.

MINUTES APPROVAL: Senator Winder moved to approve the Minutes of January 13, 2021. Senator Harris seconded the motion. The motion carried by voice vote.

Vice Chairman Guthrie moved to approve the Minutes of January 19, 2021. Senator Heider seconded the motion. The motion carried by voice vote.

Chairwoman Lodge informed the Committee that a silent roll call had been taken for this meeting.

ADJournED: There being no further business at this time, Chairwoman Lodge adjourned the meeting at 8:17 a.m.
Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:
https://www.idahoptv.org/shows/idahoinsession/

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<tr>
<th>SUBJECT</th>
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<tr>
<td>S 1055</td>
<td>Relating to Sport Shooting Ranges to clarify legislative intent and remove certain word ambiguities.</td>
<td>Senator Agenbroad</td>
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<td>RS28386</td>
<td>Relating to the Fetal Heartbeat Preborn Child Protection Act outlining procedures when a fetal hearbeat is detected.</td>
<td>Blaine Conzatti, Executive Director, Family Policy Alliance of Idaho</td>
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<tr>
<td>RS28462</td>
<td>Relating to the Anti-Boycott Against Israel Act regarding contractual requirements.</td>
<td>Allen Gorin, Founder/Director, Idahoans United for Israel</td>
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<tr>
<td>RS28435</td>
<td>Relating to Tobacco and Electronic Smoking Devices to ensure uniform laws on the sale of these products.</td>
<td>Pam Eaton, Idaho Retailers Association</td>
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<td>S 1068</td>
<td>Relating to the Legislature to establish uniformity to the legislative session and process.</td>
<td>Senator Guthrie</td>
</tr>
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Public Testimony Will Be Taken by Registering Through the Following Link:
Registry to Testify

*If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.*

**COMMITTEE MEMBERS**
Chairman Lodge
Vice Chairman Guthrie
Sen Winder
Sen Anthon
Sen Harris

**COMMITTEE SECRETARY**
Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov
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

SENATE STATE AFFAIRS COMMITTEE
Wednesday, February 10, 2021—Minutes—Page 4
## AMENDED AGENDA #1
### SENATE STATE AFFAIRS COMMITTEE
**8:00 A.M.**  
**Room WW55**  
**Friday, February 12, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link: [https://www.idahoptv.org/shows/idahoinsession/](https://www.idahoptv.org/shows/idahoinsession/)

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<tr>
<td><strong>PRESENTATION:</strong></td>
<td>Idaho Public Safety Communications Commission (IPSCC), Idaho Military Division, report to the Idaho Legislature.</td>
<td>Mayor Garret Nancolas, Caldwell, ID</td>
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<tr>
<td>RS28454</td>
<td>Relating to Ballot Initiatives and Referendum to ensure that signatures are gathered from each of the 35 legislative districts.</td>
<td>Senator Vick</td>
</tr>
<tr>
<td>S 1062</td>
<td>Relating to Candidates to clarify and revise certain provisions pertaining to signature verifications and required forms.</td>
<td>Jason Hancock, Deputy Secretary of State</td>
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<tr>
<td>S 1067</td>
<td>Relating to Elections to make technical corrections including revising an oversight related to school discontinuance elections.</td>
<td>Jason Hancock, Deputy Secretary of State</td>
</tr>
<tr>
<td>S 1069</td>
<td>Relating to Absentee Ballots to provide clarity and consistency across the state when resolving issues with absentee ballots.</td>
<td>Phil McGrane, Ada County Clerk</td>
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<td>S 1070</td>
<td>Relating to Elections to revise the provisions put in place for the 2020 election.</td>
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<tr>
<td>S 1047</td>
<td>Relating to Alcohol to remediate the law relating to waterfront resort liquor licenses.</td>
<td>Brian Donesley</td>
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**MINUTES APPROVAL:**  
Minutes of 1/20/21  
Minutes of 1/22/21  
Senator Harris and Senator Stennett  
Senator Anthon and Senator Lee

Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](https://www.idahoptv.org/shows/idahoinsession/)

*If you have written testimony, please provide a copy to the committee secretary.*
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, February 12, 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

NONE 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 8:05 a.m.

PRESENTATION: Idaho Public Safety Communications Commission (IPSCC) report to the Idaho Legislature.

Garret Nancolas, Mayor of Caldwell, Idaho, and Chairman of the IPSCC. Mayor Nancolas explained that the IPSCC was originally formed from the Emergency Communications Commission and then was expanded to include the State Interoperability Executive Committee, the Consolidated Emergency Communications System Centers (dispatch centers), and the Public Safety Answering Points. By incorporating these entities, the emergency communications system is considered one that functions from call initiation to the end resolution of that call. This has helped improve 9-1-1 telephone systems operated by Idaho counties and cities throughout Idaho. He went on to give an overview of the rest of the report. (see Attachment A)

Craig Logan, 9-1-1 Program Manager for IPSCC, provided technical details. Mr. Logan said dispatchers are now referred to as Emergency Communications Officers (ECO) and that Public Safety Answering Points are now referred to as Emergency Communications Centers (ECC). IPSCC implemented new guidelines for ECC's to effectively triage callers due to the COVID-19 pandemic before dispatching first responders. ECO's now ask questions such as if the caller recently traveled out of the country, if they have COVID-19 symptoms, or if they have been exposed to someone who has the virus. During February to March of 2020, ECC's started sharing procedures between each other to develop protocols should an ECO contract COVID-19. Mr. Logan explained that not all ECC's use the same software and cannot share information between one another easily, so the IPSCC is working to fix that issue. Idaho's General Fund will fund projects the IPSCC requires. The Federal Communications Commission (FCC) is creating rules that will identify what qualifies as a 9-1-1 task for funding. He said the Commission is working on Next Generation 9-1-1 that creates a universal, digital system for receiving and dispatching calls.

DISCUSSION: Senator Lee recognized Mayor Nancolas' work as Mayor and as Commissioner of the IPSCC for his efforts to make Idaho a better place to live. She looks forward to working alongside him on issues involving the Commission.

RS 28454 Relating to Ballot Initiatives and Referendum to ensure that signatures are gathered from each of the 35 legislative districts.
Senator Steve Vick, District 2, said RS 28454 does not change the number of signatures needed to get an initiative or referendum on the ballot; it only changes the locations where they are gathered. The legislation requires signatures to be gathered from each legislative district and 6 percent of the registered voters are required to sign to put the initiative on the ballot.

Senator Stennett asked why there is a need for RS 28454 when Idaho already has one of the most restrictive policies in the country regarding this issue. Senator Vick said this will help protect the views of rural Idahoans as the urban populations continue to grow.

MOTION: Senator Winder moved to send RS 28454 to print. Senator Harris seconded the motion. The motion carried by Voice Vote.

S 1062 Relating to Candidates to clarify and revise certain provisions pertaining to signature verifications and required forms.

Chad Houck, Chief Deputy, Secretary of State's Office, stated he was representing Jason Hancock, Deputy Secretary of State, in his absence. Mr. Houck said S 1062 makes two changes relating to political candidate filings; it addresses presidential and vice presidential, and write-in candidates Declarations of Intent for Write-In Candidates (Declarations). Presidential candidates must provide their qualified electors and the offices they will fill. This same information will have to be provided by write-in candidates. Currently, write-in candidates do not have to provide that information beforehand in many elections. The requirement for write-in candidates to file those Declarations at the time of application will confirm that they are all qualified voters in the state.

MOTION: Senator Harris moved to send S 1062 to the Senate floor with a do pass recommendation. Senator Lee seconded the motion. The motion carried by voice vote.

S 1067 Relating to Elections to make technical corrections including revising an oversight related to school discontinuance elections.

Chad Houck, Chief Deputy Secretary, stated he was representing Jason Hancock, Deputy Secretary of State, in his absence to present S 1067. Mr. Houck said S 1067 is a technical corrections bill. The one significant change entails school discontinuance elections which was a carry-over omission from election consolidation. School discontinuance elections were overlooked because they are very rare. The cost would be the responsibility of the county it takes place in because it is accomplished under the county's election consolidation process.

DISCUSSION: Senator Stennett asked Mr. Houck to define school discontinuance election. Mr. Houck noted on page 2, line 31, subsection 4 of S 1067, the language reads, "The election shall be held within the school district and there shall be submitted to the electors a ballot containing the proposal for discontinuing the school located at..." He explained the language is for shutting down schools.

TESTIMONY: Phil McGrane, Ada County Clerk, stated his support of S 1067. He referred to the second part of the Statement of Purpose that reads, "It also makes the county clerk the recipient of all but state recall petitions, eliminating the role of the city clerk." It transfers city recall elections to county clerks. Mr. McGrane said it is a good suggestion because recall petitions eventually end up in the county clerks’ offices by way of city clerks’ offices. It gets rid of a conflict of interest because county clerks are elected whereas city clerks are employees.

MOTION: Senator Heider moved to send S 1067 to the Senate floor with a do pass recommendation. Senator Anthon seconded the motion. The motion carried by voice vote.
Relating to Absentee Ballots to provide clarity and consistency across the state when resolving issues with absentee ballots.

Phil McGrane, Ada County Clerk, explained S 1069 addresses Idaho’s absentee ballot process and formalizes it in statute. A signed affidavit is required to be signed on the back of the envelope for all absentee ballots. The most common issue involving the collection and counting of absentee ballots is voters are not signing them. Mr. McGrane said ballots can still be counted if voters go to a county clerk’s office and sign their envelope before the 8 p.m. deadline on election day. He said it is also a fraud prevention measure for making sure signatures on ballots are legitimate.

MOTION: Senator Guthrie moved to send S 1069 to the Senate floor with a do pass recommendation. Senator Stennett seconded the motion. The motion carried by voice vote.

Relating to Elections to revise the provisions put in place for the 2020 election.

Phil McGrane, Ada County Clerk, said the main change in this bill is the county clerks’ offices would send out domestic absentee ballots 30 days prior to an election instead of 45 days. International absentee ballots would remain at 45 days prior to the election. It also gives additional time to begin opening and counting absentee ballot votes. He expressed how helpful this was during the 2020 election cycle.

MOTION: Senator Lee moved to send S 1070 to the Senate floor with a do pass recommendation. Senator Winder seconded the motion. The motion carried by voice vote.

Relating to Alcohol to remediate the law relating to waterfront resort liquor licenses.

Senator Burtenshaw introduced Justin Hamilton, Owner of Cafe Sabor, to discuss S 1047.

Mr. Hamilton said his business applied for a waterfront liquor license when it opened in 2014 because it sits on the banks of the Henrys Fork River. His company partnered with the recently developed SpringHil Suites by Marriott in Island Park and provides the resort’s food and beverage needs. On June 15, 2020, he received a notification from an alcohol license officer with the Idaho State Police saying the water flow in the Henrys Fork River does not meet requirements needed for a waterfront liquor license, thus putting his license and business at risk (see Attachment B-1 and B-2). Mr. Hamilton asked Brian Donesley to further discuss the issue.

Brian Donesley, Legal Council for Cafe Sabor, gave a brief history of waterfront liquor licenses in Idaho and addressed the ambiguity that S 1047 is trying to clarify. He said a 1986 Idaho statute defines water flow requirements for waterfront resorts at 11,000 cubic feet per second. He informed the Committee about differing opinions on what constitutes enough water flow for a waterfront liquor license to be issued (see Attachment B-3). He explained the United States Geological Survey calculates water flow daily, whereas the statute established a six month average as the standard to measure the required 11,000 cubic feet per second. He said S 1047 will not affect any other liquor licenses in Idaho because Cafe Sabor is in a unique situation.

DISCUSSION: Chairwoman Lodge asked if the liquor license in question is for Cafe Sabor or the hotel. Mr. Donesley said it is for Cafe Sabor and does not concern the hotel although the Hamilton’s have invested in the hotel. The license is for Cafe Sabor and 500 square feet of docks used for recreational purposes plus parking for 15
Mr. Donesley confirmed that it is only the license for the restaurant that Alcohol Beverage Control is questioning.

MOTION: Senator Anthon moved to send S 1047 to the Senate floor with a do pass recommendation. Senator Burgoyne seconded the motion.

DISCUSSION: Senator Anthon said he is not interested in the argument over water flow requirements, rather that Idaho granted a liquor license to a business and is now trying to rescind it.

VOICE VOTE: The motion carried by voice vote.

MINUTES APPROVAL: Senator Harris moved to approve the Minutes of January 20, 2021. Senator Stennett seconded the motion. The motion carried by voice vote.

Senator Anthon moved to approve the Minutes of January 22, 2021. Senator Lee seconded the motion. The motion carried by voice vote.

ADJOURNED: There being no further business at this time, Chairwoman Lodge adjourned the meeting at 9:06 a.m.

___________________________
Senator Lodge, Chair

___________________________
Twyla Melton, Secretary

___________________________
Tucker Craig, Assistant Secretary
IDAHO PUBLIC SAFETY
COMMUNICATIONS COMMISSION
2021 ANNUAL REPORT TO THE
IDAHO LEGISLATURE

Prepared by:
STATE OF IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION
January 07, 2021
Idaho Public Safety Communications Commission
2021 Annual Report to the Idaho Legislature

Overview

In 2016, the Idaho Public Safety Communications Commission (IPSCC) was formed from the Idaho Emergency Communications Commission (IECC) with new legislation that expanded IPSCC responsibilities to include those once held by the State Interoperability Executive Committee (SIEC). The IPSCC continues the work started by the IECC (established 2004) to address the needs and improve the 9-1-1 telephone systems operated by Idaho counties and cities throughout the state.

The Commission includes Consolidated Emergency Communications System Centers that are referred to as dispatch centers, Public Safety Answering Points (PSAP), or Emergency Communication Centers (ECC). The process is considered a “system” from call initiation to resolution of the call. Telephone, radio, and data are included in the responsibilities of the IPSCC where the IECC only addressed 911 telephony. Radio had been included in the SIEC without a long-term funding source like 911 telephony. Data was also included due to the changes in technology that have outpaced the original formation of either commission or committee. The ECCs are termed consolidated under Idaho law as all vital public safety agencies are dispatched out of the center, and the ECCs then send the necessary assistance whether it is law enforcement, fire, or emergency medical services without the caller needing to dial separate numbers.

The IPSCC has the duty to:

- Provide the governance structure through which public safety communications stakeholders can collaborate to advance consistency and common objectives,
- To provide integrated facilitation and coordination for cross-jurisdictional consensus building,
- To assist in the standardization of agreements for sharing resources among jurisdictions with emergency response communications infrastructure,
- To suggest best practices, performance measures and performance evaluation in the integrated statewide strategic planning and implementation of interoperability
technological advances in areas of 9-1-1, radio, data and emergency communications for public safety purposes.

ECCs in Idaho

There are forty-eight (48) ECCs in Idaho
- Thirty-nine (39) are operated by county sheriff’s offices,
- One (1) operated by the County contracting with various cities and entities in the County (Blaine County),
- Seven (7) by cities through their police departments or by contract with another city (City of Moscow),
- Four counties (Twin Falls, Jerome, Lincoln and Gooding) are served by a regional ECC known as SIRCOMM.

There are currently four (4) Secondary ECCs in Idaho operated by the Idaho State Police (North and South), State Comm and the INL. There are also two (2) federally funded ECCs in Idaho (MHAFB and Gowen Field ANGB). The INL is a secondary ECC for Idaho (approved in 2018). They are federally funded and do not receive any State 911 fees for operations.

Please refer to Appendix M for references to the legislative authority for the creation of the IPSCC.

Commission Representation

The Commission is comprised of eighteen members. As indicated below, the majority of the members represent various local statewide governmental associations, regional breakouts of the state (DIGBs) and the public at large from all regions of the State of Idaho. The Governor appoints all of the members. Two are members by virtue of their position -Director of the Idaho State Police or designee and the Director of the Office of Emergency Management (OEM) or designee.

Mayor Garret Nancolas – Chair
Association of Idaho Cities
City of Caldwell

Michele Carreras – Vice Chair
Idaho State Emergency Medical Services Communications Center

Chief Craig Kingsbury
Idaho Chiefs’ of Police Association
City of Twin Falls

Rep. Rick Youngblood – Treasurer
Legislator
Idaho House of Representatives/Senate

Jeff Weak
Chair, Idaho Technology Authority

Capt. Kevin Haight
Designee for Director
Idaho State Police

Idaho Public Safety Communications Commission
2021 Annual Report to the Idaho Legislature
assess and collect the fee (1%, prepaid, and interest combined for the year). A copy of the final operating budget for FY20 is included in Appendix A.

With the implementation of the Enhanced Grant Fee and forty (40) participating counties of forty-four (44) total, the revenue collected through this fee was $2,428,206.87 in FY 2020 with a total of $13,131.69 earned in interest. See Appendix N for a break out of the fee amounts as an example. See Appendix K for a list of participating counties and Appendix M for legislative authority for the Enhanced Grant Fee.

Status of E9-1-1 in Idaho

The Commission continues to assess the needs of local governments throughout Idaho. We understand that citizens expect the same level of service throughout the state regardless of how they contact area 9-1-1 centers in Idaho using a wireline, wireless, or VoIP phone regardless of urban or rural setting.

The key to this service is known as Enhanced 9-1-1 (“E9-1-1”). E9-1-1 is the ability of an ECC to obtain a caller’s callback number and an address when a caller dials 9-1-1 from a wireline phone. All ECCs in Idaho currently have this capability (E9-1-1). With FY21 Enhanced Grant Fee awards, all counties in the State of Idaho continue to have E9-1-1 capabilities and were Phase I-II Wireless compliant. Phase I ensures that an ECC has a callback number for the wireless phone and identification of the cell-tower from which the call originated. Phase II means that a wireless 9-1-1 call has Phase I requirements plus location of the caller within 50 meters of the location of the call 67% of the time and selective routing based upon those coordinates. This essentially means that an ECC can direct first responders to the basic location of the caller.

Status of NG 9-1-1 in Idaho

A consultant was hired and recommended the next steps to NG 9-1-1 in Idaho. The deliverables were: an updated state 911 plan, NG 9-1-1 governance recommendations, ESI-net recommendations, GIS recommendations, and strategic initiatives actionable items. The Commission is researching potential funding methods for NG 9-1-1 as planning begins. Funding of research and planning is limited to the use of the administrative budget only. Grant funds are set aside for grant participant use and the local 9-1-1 fees are sent directly to the ECC for their operation of the 9-1-1 system.

NG 9-1-1 is a system comprised of managed IP-based networks and elements that augment and replace present analog E9-1-1 features and functions. It is designed to provide access to emergency services from all sources and to provide multimedia data capabilities for ECCs. Call routing will be accomplished by geospatial coordinates; consequently, a higher degree of granularity in GIS data will be required. GIS data will become the basis of call routing for NG 9-1-1 based upon geospatial routing of emergency calls.

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2021 Annual Report to the Idaho Legislature
The consultant suggested a standardized remittance form and a monthly provider remittance review to note changes and trend information. The trends will be presented to the providers for explanation or resolution. The trends will be reported by the County on a monthly/quarterly basis. The consultant suggested a comprehensive legislative review as a follow on step once the control measures are in place. The consultant estimated that there is currently not enough revenue to sustain or build a NG 9-1-1 system at the current funding levels nor do they address current technology trends and any emerging technologies (VoIP networks as an example). A copy of the report was included as Appendix O in the 2018 report to the Legislature.

b. A consulting firm was contracted to provide actionable recommendations for the Emergency Services IP Network (ESI Net), Geographic Information System (GIS) systems, State Plan update, suggested legislation modifications, governance, and funding adjustments to afford NG 9-1-1 (see strategic goal 3). Reports and recommendations are due to the IPSCC in the first quarter of 2020. The IPSCC will then formalize and decide on implementation with probable legislative changes. The changes will formalize the NG 9-1-1 steps to be taken in Idaho. Completed (2020).

c. Support regional projects and sharing of data between jurisdictions and ECCs to move closer to NG 911 systems in Idaho. In progress.

4. Continued support of rural ECCs with line fees, maintenance costs and promote IP connectivity across the state. Assess appropriate funds and the award process for grant funds to support maintenance, line fee costs, and IP connectivity to ECCs (when feasible) each grant cycle with yearly grant funds. The funding problem will become more acute with equipment cost and the move to IP connectivity (NG9-1-1). In progress.

5. Encourage Text to 9-1-1 capabilities (Appendix J). In progress. The commission is pleased to report that this strategic goal may be completed by the end of first half of calendar year 2021. 43 Idaho Counties have text to 911 capabilities. The remaining ECC is consolidating equipment with another in 2021 and will gain the capability once host/remote consolidation is completed.

6. Support and promote IP continuity of operations planning (COOP) between ECCs. In progress.

The Commission is pleased to report that in 2020 through the 25-cent grant fund, all of the 48 ECCs continue to be E9-1-1, Phase I and II compliant. Sustainment and maintenance of this capability will be the focus until we move forward into NG 9-1-1. The Commission is prioritizing equipment consolidation and sharing between ECCs to help decrease costs and duplication of equipment. The main obstacle for all ECCs is the lack of resources and funding.

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* Whitcom 9-1-1 serves the city of Moscow and Nez Perce Tribe, in Idaho, as well as the city of Pullman, Washington State University, Whitman County, and Asotin County, in Washington.

**PSAP Standards & Training Committee Objective**

The primary objective of the PSAP Standards & Training Committee is to define, create, and implement standardized training and education, as well as enhance the professional development of ECOs and dispatch centers in the state of Idaho.

**2020 PSAP Standards & Training Committee Goals**

1. **Prepare and Implement the 9th Annual PSAP Conference.**

   Unfortunately, the 9th Annual PSAP Conference, scheduled for October 19th – 21st, at the Best Western Coeur d’Alene Inn had to be cancelled due to concerns associated with the COVID-19 pandemic.

2. **Provide quarterly training opportunities for ECOs in various areas of the state.**

   This goal was partially accomplished, unfortunately, due to the ongoing concerns associated with the COVID-19 pandemic:

   - **Quarter 1:** “Idaho Fusion Center (IC²) / Fusion Liaison Officer” training taught by Sgt. Bret Kessinger, ISP
   - **Quarter 2:** No training provided.
   - **Quarter 3:** No training provided.
   - **Quarter 4:** Free for the ECO/agency, virtual training is being provided by Moertivations, Inc.

   Below reflects the approximate POST training hours earned by attendees during the 2020 Quarterly Regional Trainings:

<table>
<thead>
<tr>
<th>District</th>
<th>Students</th>
<th>POST Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>District 1</td>
<td>11</td>
<td>44</td>
</tr>
<tr>
<td>District 2</td>
<td>22</td>
<td>88</td>
</tr>
<tr>
<td>District 3</td>
<td>28</td>
<td>112</td>
</tr>
<tr>
<td>District 4</td>
<td>17</td>
<td>68</td>
</tr>
<tr>
<td>District 5 &amp; 6</td>
<td>32</td>
<td>128</td>
</tr>
</tbody>
</table>

3. Ongoing collaboration with Idaho POST and the POST Council and other stakeholders in the implementation and ongoing maintenance of ECO basic training curriculum/academy for the state of Idaho.

Idaho Public Safety Communications Commission
2021 Annual Report to the Idaho Legislature
## APPENDICES

<table>
<thead>
<tr>
<th>Appendix A</th>
<th>Final Fiscal Year 2020 Budget and Grant Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appendix B</td>
<td>Fiscal Year 2021 Budget</td>
</tr>
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<td>Appendix C</td>
<td>Fiscal Year 2021 Grants Budget</td>
</tr>
<tr>
<td>Appendix D</td>
<td>2016 Status of Service Map</td>
</tr>
<tr>
<td>Appendix E</td>
<td>2017 Status of Service Map</td>
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<tr>
<td>Appendix F</td>
<td>2018 Status of Service Map</td>
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<td>Appendix G</td>
<td>2019 Status of Service Map</td>
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<td>Appendix H</td>
<td>2020 Status of Service Map</td>
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<tr>
<td>Appendix I</td>
<td>2021 Status of Service Map</td>
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<tr>
<td>Appendix J</td>
<td>Text to 911 Status Map</td>
</tr>
<tr>
<td>Appendix K</td>
<td>List of Counties Adopting the Enhanced Grant Fee</td>
</tr>
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<td>Appendix L</td>
<td>2020 Enhanced Grant Fee Status Map</td>
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<td>Appendix M</td>
<td>Legislative Authority</td>
</tr>
<tr>
<td>Appendix N</td>
<td>9-1-1 Fee Example</td>
</tr>
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</table>
## Appendix A (Continued)

### E911 IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION

#### FY 2020 Grant Budget-Expended

<table>
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<th>GRANT EXPENSES</th>
<th>2020 BUDGET</th>
<th>2020 EXPENSES</th>
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<td>CONSULTANT</td>
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<td>$2,529.92</td>
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<tr>
<td>FUEL</td>
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<tr>
<td>PROFESSIONAL MEMBERSHIP FEES</td>
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<tr>
<td>SALARY/BENEFITS</td>
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<td>TELEPHONE</td>
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<td>POSTAGE</td>
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<tr>
<td>TRAVEL - OUT OF STATE</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$38,000.00</strong></td>
<td><strong>$33,141.68</strong></td>
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</table>

**BALANCE (BUDGET-EXPENSE)**: $4,858.32
## Appendix C

### E911 Idaho Public Safety Communications Commission

**Approved FY 2021 Grant Budget**

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<tr>
<th>Item</th>
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<th>2021 Budget</th>
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<td>Fuel</td>
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<td>Travel - Out of State</td>
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<td><strong>Total</strong></td>
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Appendix G
2019 Status of 9-1-1 Service Map

911 Service Type Status
Status of Service as of January 1, 2019
- 911 Phase II Counties
- 911 Next Generation

12/13/2018
IOEM GIS: B ROSE

Idaho Public Safety Communications Commission
2021 Annual Report to the Idaho Legislature
Appendix I
2021 Status of 9-1-1 Service Map
Appendix K
List of Counties Adopting the
Enhanced Grant Fee

In order to collect the Grant Fee, each Board of County Commissioners must pass a resolution to begin collecting the Grant Fee. We will update this website each time the Commission is informed that a county has passed a resolution adopting the Grant Fee.

<table>
<thead>
<tr>
<th>Counties</th>
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<th>Effective Date</th>
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<td>08/04/08</td>
<td>09/01/08</td>
</tr>
<tr>
<td>Benewah</td>
<td>06/30/08</td>
<td>07/01/08</td>
</tr>
<tr>
<td>Bingham</td>
<td>06/18/08</td>
<td>07/01/08</td>
</tr>
<tr>
<td>Blaine</td>
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<td>10/01/17</td>
</tr>
<tr>
<td>Boise</td>
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<td>07/01/08</td>
</tr>
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<td>Bonner</td>
<td>06/24/08</td>
<td>07/01/08</td>
</tr>
<tr>
<td>Boundary</td>
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<td>12/01/08</td>
</tr>
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<td>Camas</td>
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<td>04/01/09</td>
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<tr>
<td>Clark</td>
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<td>Clear Water</td>
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<td>09/01/08</td>
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<td>Lemhi</td>
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<td>01/01/11</td>
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<td>Lewis</td>
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<td>01/01/09</td>
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<td>Lincoln</td>
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<td>01/01/09</td>
</tr>
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<td>Madison</td>
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<td>Minidoka</td>
<td>06/23/08</td>
<td>07/01/08</td>
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<tr>
<td>Nez Perce</td>
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<td>08/01/08</td>
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<td>Oneida</td>
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<td>Owyhee</td>
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<td>Twin Falls</td>
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<tr>
<td>Washington</td>
<td>09/11/13</td>
<td>11/01/13</td>
</tr>
</tbody>
</table>
Appendix M

Legislative Authority

After almost 20 years since the original enactment of the Emergency Communications Act, there is still an increasing need in many Idaho communities. In amendments to the Act in 2004, 2007, 2008 and again in 2016, the Legislature found:

(a) Since the original enactment of the emergency communications act in 1988, many of Idaho’s communities have found that they are lacking in the resources to fully fund emergency communications systems at the local level;

(b) Changes in technology and the rapid growth of communications media have demonstrated that financing such systems solely by a line charge on subscribers to wireline services does not reflect utilization of emergency communications systems by subscribers to wireless and other forms of communications systems;

(c) There is a need to enhance funding for the initiation and enhancement of consolidated emergency communications systems throughout the state;

(d) Utilization of cellular telephones and voice over internet protocol (VoIP) communications to access emergency communications systems has substantially increased citizen access to emergency services while at the same time increasing demands upon the emergency response system;

(e) In order to protect and promote the public health and safety, and to keep pace with advances in telecommunications technology and the various choices of telecommunications technology available to the public, there is a need to plan and develop a statewide coordinated policy and program to ensure that enhanced 911 services, next generation 911 services, and future and emerging public safety technologies are available to all citizens of the state and people in all areas of the state.

(2) Therefore, it is hereby declared that the intent and purpose of the provisions of this act are to:

(a) Provide authority to counties and 911 service areas to impose an emergency communications fee on the use of telephone lines, wireless, VoIP or other communications services that connect an
(3) Determine the costs for the upgrades;

(4) Recommend guidelines and standards for operation of consolidated emergency communications systems and interoperable public safety communications and data systems;

(5) Recommend funding mechanisms for future implementation of upgrades;

(6) Serve as a conduit for the future allocation of federal grant funds to support the delivery of consolidated emergency communications systems and interoperable public safety communications and data systems;

(7) Serve as the statewide interoperability executive committee (SIEC) for issues related to public safety communications and data communication. Such issues may involve the federal communications commission, national telecommunications information administration and first responder network authority;

(8) Perform an annual review of the statewide communications interoperability plan and provide the statewide interoperability coordinator with guidance to improve operational and interoperable communications in the state;

(9) Designate working groups or subcommittees as appropriate, which may include consolidated emergency communications, information technology, cross-jurisdictional relations with Native American tribes, interoperable public safety communications and data systems, the national public safety broadband network or future technologies, and others as deemed necessary by the commission;

(10) Report annually to the legislature of the state of Idaho on the planned expenditures for the next fiscal year, the collected revenues and moneys disbursed from the fund and programs or projects in progress, completed or anticipated;

(11) Enter into contracts with experts, agents, employees or consultants as may be necessary to carry out the purposes of this chapter;

(12) Assist public safety communications stakeholders in the establishment of consolidated emergency communications systems and public safety communications and data systems, and to provide the governance structure through which public safety communications stakeholders can collaborate to advance consistency and common objectives;

(13) Provide integrated facilitation and coordination for cross-jurisdictional consensus building;
(2) The commission, on an annual basis, shall prepare a budget allocating the grant funds available to eligible entities and the portion of the funds necessary for the continuous operation of the commission to achieve the purposes of this chapter.

(3) To be eligible for grant funds under this chapter, a county or 911 service area must be collecting the emergency communications fee in accordance with section 31-4804, Idaho Code, in the full amount authorized and must also be collecting the enhanced emergency communications grant fee in the full amount authorized in this subsection.

(4) If a county or 911 service area has authorized the collection of the enhanced emergency communications grant fee pursuant to this chapter, such county or 911 service area shall retain the full amount of the emergency communications fee that was set by the board of commissioners or governing board pursuant to section 31-4803, Idaho Code. The county or 911 service area is then also exempt from remitting to the Idaho public safety communications commission one percent (1%) of the total emergency communications fee received by the county or 911 service area as required in section 31-4818(3), Idaho Code. The remaining funds from the enhanced emergency communications grant fee collected shall then be remitted by the county or 911 service area to the Idaho public safety communications commission.

February 12, 2021

Before the Idaho Senate State Affairs Committee
2021 Idaho Legislature
Honorable Patti Anne Lodge, Chair
Honorable Jim Guthrie, Vice Chair
Honorable Chuck Winder
Honorable Kelly Arthur Anthon
Honorable Mark Harris
Honorable Abby Lee
Honorable Lee Heider
Honorable Michelle Stennett
Honorable Grant Burgoyne

Madame Chair
Honorable Senators:

Thank you for considering S1047, relating to the Waterfront Resort liquor license issued for Café Sabor in Island Park, Fremont County, Idaho.

The Café Sabor Island Park (Mack's Inn) location opened in 2014 is on the banks of the Henry's Fork River. When we originally applied for a liquor license, we were encouraged by ISP/ABC to apply for the Waterfront Resort license based upon our location. We received that license and have been actively operating with the license since that time. We have always believed we were in full compliance with all the requirements for a Waterfront Resort license.

Just this past spring, the Marriott Springhill Suites Hotel opened for business on the other side of the river. We are partners in the hotel. And the Café Sabor Waterfront Resort restaurant serves as a food/beverage outlet for this property.
On June 15, 2020, I was notified by an alcohol license officer with Idaho State Police that the water flow in the Henry's Fork River would not meet the water flow requirements of the statute. He said that when he approved the license in 2014, he had not verified the water flow in the river, and, that in recently doing so he discovered the issue. He came to notify us of this new issue before sending his findings to the main office of the Idaho ABC.

Our concern and the main objective of S1047 is to maintain our active, Waterfront Resort liquor license. As have all restaurants in Idaho, we have been impacted by COVID-19. Losing 30% in alcohol sales during the summer season would be very detrimental to our continued business success (especially in the summer season in Island Park). We have invested $28,000,000 in the Mack's Inn area of Island Park in the recent years with Café Sabor, the associated Springhill Suites by Marriott (approx. $24,000,000), float trips and a conference center/pizza & ice cream parlor. We have worked really hard and have created a beautiful resort on the banks of the Henry's Fork. We feel that the Café Sabor project truly meets the intention of and purposes of a Waterfront Resort.

Please vote in support of S1047.

Respectfully,

Justin Hamilton
¡Cafe Sabor!
State of Idaho

Idaho State Police
Retail Alcohol Beverage License

License Number: 16123
License Year: 2020
Cycle Tracking Number: 113160
ISLD ID: 7144

License Number: 16123

Premise Number: 2F-16123
Waterfront Resort - City

This is to certify, that JH Holdings Inc is licensed to sell alcoholic beverages as stated below at:
Cafe Sabor
4298 US Hwy 20, Island Park, Fremont County

Acceptance of a license by a retailer shall constitute knowledge and agreement to operate by and in accordance with the Alcohol Beverage Code, Title 33. Only the licensee herein specified shall use this license.

Liquor
Beer
Kegs to go
Restaurant
Wine by the bottle
Wine by the glass
Multipurpose arena
Growlers

Yes $200.00
Yes $50.00
Yes $0.00
Yes $0.00
Yes $0.00
No
No
No

TOTAL FEE: $350.00

Signature of Licensee: [Signature]
Address: 600 W CENTER STREET
LOGAN, UT 84321
Mailing Address

License Valid: 10/01/2019 - 09/30/2020
Expires: 09/30/2020

SEE REVERSE SIDE FOR SALE OR TRANSFER OF THIS LICENSE
Before the Idaho Senate State Affairs Committee
Honorable Patti Anne Lodge, Chair
Honorable Jim Guthrie, Vice Chair
Honorable Chuck Winder
Honorable Kelly Arthur Anthon
Honorable Mark Harris
Honorable Abby Lee
Honorable Lee Heider
Honorable Michelle Stennett
Honorable Grant Burgoyne
February 12, 2021

Talking Points. S1047:
Relating to Alcohol to address the ambiguity in the law relating to
Café Sabor, a Waterfront Resort in Island Park, Fremont County, Idaho.

To maintain the economic development growth in the area of island park (gateway to Yellowstone National Park) on the Henry’s Fork of the upper Snake River for tourism and recreational activities, this measure provides that the current operators of a certain Riverfront Resort, Café Sabor, which includes a year-round, full-service restaurant may continue to sell alcoholic beverages, including liquor by the drink. Food and beverage service is also made available to those who visit the 110-unit Springhill Suites by Marriott, owned in substantial part by Resort Licensee, located just across the river from Café Sabor. The hotel is not necessary for qualifying for the Waterfront Resort liquor license at Café Sabor and is not considered as part of the licensed Waterfront Resort premises. The Café Sabor Riverfront Resort has been licensed by the State, the City of Island Park and Fremont County for seven years. The investment in the Waterfront Resort, not including the hotel,
is substantial, and further development is in the works. The hotel investment, made in reliance in part of the Waterfront Resort amenities, exceeds $24,000,000.

I.C.§ 23-948 states that the river frontage for a Waterfront Resort must have “... at least an average six (6) months’ flow of eleven thousand (11,000) cubic feet per second.” ISP/ABC, at this time, reads that to mean an average workflow per second “per day,” as discussed in an email to Captain Doty at the ISP/ABC dated July 9, 2020, which is shown in pertinent part as follows:

From: Brian Donesley [mailto:bd@bdidlaw.com]
Sent: Thursday, July 9, 2020 1:15 PM
To: Doty, Bradley <Bradley.Doty@isp.idaho.gov>
Cc: Harvey, Nichole <Nichole.Harvey@isp.idaho.gov>; Sue Archer <admin@bdidlaw.com>; Justin Hamilton <justin@cafesabor.com>; vburtenshaw@senate.idaho.gov; rodfurniss1@gmail.com
Subject: RE: JJH Holdings Inc. dba Cafe Sabor, 2F-16123

Good day, Capt. Doty

Thank you for giving us a little time to dig into this. I shall be preparing a package of information to show:

IC 23-448 requires “at least an average six (6) months’ flow of eleven thousand (11,000) cubic feet per second...”) which is met by the Henry’s Fork at Island Park, according to the USGS and the Bureau of Reclamation records. That takes the daily flow times 365 days, divided by 12 months for a monthly average, times 6 months for an average six (6) months’ flow of 113,628 cubic feet per second over such six month period, far exceeding the 11,000 cu. feet per second requirement in the statute. The statutory water flow requirement is not a daily flow requirement.

...
...

It is respectfully requested that no formal administrative action be taken for 30 days, to allow me to develop a presentation for your consideration. If this is not acceptable, please advise as soon as you can.

Thank you.

Brian Donesley
Attorney for JJH Holdings Inc.
Since issuance of the Waterfront Resort license, the workflow of the river has not changed. The current interpretation threatens Café Sabor. The problem would be remedied with this proposal. It allows renewal of the existing Café Sabor Waterfront Resort liquor license only. All qualifications shall continue under the statute for Café Sabor and all others. The ISP/ABC interpretation of how to calculate the workflow will become a non-issue with respect to Café Sabor.

Upon legal review, ISP/ABC requested that the language at line 24 be amended by inserting after “. . . this state” the words “the county, city, if within a city, . . .” and continuing with “. . . or the federal government . . .” Also, at line 2 on page 2 is a housekeeping change from an obsolete reference to “lake” resort to “waterfront” resort.

Annual sales from the restaurant exceed $1,200,000. Group sales bookings of the hotel/conference center rely upon access to the food/alcohol beverage services provided by the restaurant at Café Sabor. Annual hotel revenue in just this first year open is more than $6,000,000.

The restaurant is open year-round, serving the area’s growing tourism economy and the local community. At least 35 persons are employed by the restaurant.

If not passed, jobs would be lost. The economy of the City of Island Park, Fremont County and other tourism and vacation related businesses would be damaged by loss of this economic driver in this highly tourism based economy.

The original “Lakefront Resort” provision was added to the Idaho Code as I.C. § 23-948 in 1959. In 1986, this section was amended to provide for “Waterfront Resort,” which would include qualifying Riverfront Resorts. The purpose of the original designation for licensing Lakefront Resorts, now Waterfront Resorts, remains unchanged. That is to promote tourism and local economies in Idaho based upon the development of substantial resorts for the public. The following language was added to I.C. § 23-948 in 1986 as subsection (c):

(c) The provisions of this section shall not be construed to interfere with the privileges of the holder of a lake resort license issued under section 23-948, Idaho Code, prior to the effective date of this section.

This was to protect existing lake resorts from any changes, express or implied in the 1986 amended language, from being disqualified for licensure as a now Waterfront Resort. Protecting existing and fully licensed resorts is a responsible public policy. In the case of Café Sabor, before you, the Resort was built, then licensed by the State for the sale of liquor by the drink. Seven (7) years later, the statute was interpreted to jeopardize such licensure, notwithstanding the investments and reliance upon such licensure by the operators/owners.
The policy of preserving the ongoing economic interests, it is respectfully submitted, should be maintained and applied under the facts before you with S1047 for Café Sabor.

ISP/ABC has reviewed this measure and has no objection to its form or purpose.

S1047 HAS NO EFFECT ON ANY LICENSE OTHER THAN THAT AT CAFÉ SABOR. AND, IT DOES NOT AUTHORIZE ISSUANCE OF ANY OTHER LICENSES. JUST RENEWAL OF THE EXISTING CAFÉ SABOR WATERFRONT LICENSE. NO OTHERS ARE KNOWN TO BE IN THE CIRCUMSTANCES SOUGHT HERE TO BE REMEDIATED.
AGENDA  
SENATE STATE AFFAIRS COMMITTEE  
8:00 A.M.  
Room WW55  
Monday, February 15, 2021  

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:  
https://www.idahoptv.org/shows/idahoinsession/  

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<td>Relating to Elections to revise provision regarding city council elections.</td>
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<td>Relating to the Legislature to provide a process to call a special session of the Idaho Legislature.</td>
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<td>S 1085</td>
<td>Relating to the Fetal Heartbeat Preborn Child Protection Act related to the detection of the fetal heartbeat.</td>
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Public Testimony Will Be Taken by Registering Through the Following Link:  
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*If you have written testimony, please provide a copy to the committee secretary.*

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<td>Sen Lee</td>
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<tr>
<td>Sen Heider</td>
<td>Phone: 332-1326</td>
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<tr>
<td>Sen Stennett</td>
<td>Email: <a href="mailto:sstaf@senate.idaho.gov">sstaf@senate.idaho.gov</a></td>
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<td>Sen Burgoyne</td>
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<td>Sen Anthon</td>
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MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, February 15, 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 8:01 a.m.

RS 28563 Relating to Elections; to revise provisions regarding city council elections.

Senator Winder stated RS 28563 deals with city elections in cities with a population over 100,000. He noted that census information from the federal government will be delayed, consequently not allowing enough time to accomplish redistricting for the November elections. Senator Winder advised the Committee that RS 28563 will delay city elections until 2023, and that cities with a population in excess of 100,000 will be required to elect city council members by districts. He explained that the city of Boise was involved in making this decision.

MOTION: Senator Guthrie moved to send RS 28563 to print. Senator Lee seconded the motion. The motion carried by voice vote.

RS 28559 Relating to the Legislature; to provide a process to call a special session of the Idaho Legislature.

Senator Winder explained that RS 28559 deals with the need to call the Legislature into a special session. He explained that the bill would put the process into code rather than calling for a constitutional amendment. Senator Winder pointed out that the Secretary of State would have oversight and passage would require 60 percent approval by both houses.

DISCUSSION: Senator Burgoyne inquired about the purpose of putting this bill into code instead of into a constitutional amendment. Senator Winder responded that this would set up the process and then the two would run concurrently.

MOTION: Senator Anthon moved to send RS 28559 to print. Senator Heider seconded the motion. The motion carried by voice vote.

PASSED THE GAVEL: Chairwoman Lodge passed the gavel to Vice Chairman Guthrie.

S 1085 Relating to the Fetal Heartbeat Preborn Child Protection Act; relating to the detection of the fetal heartbeat.

Blaine Conzatti, Executive Director, Family Policy Alliance of Idaho, advised that if S 1085 passes, it will support the work of the pro-life movement. He asserted that S 1085 is rooted in scientific, legal, and moral truths and, as such, will be upheld as constitutional by the federal courts. Mr. Conzatti referred to the trigger mechanism that would become effective upon a decision of a federal appellate court; i.e.,
a circuit court of appeals or the Supreme Court, upholding a heartbeat law. He pointed out that last year the Legislature passed a trigger law that would revert Idaho abortion laws back to pre-Roe vs Wade law if it were overturned by the Supreme Court, or if there was a constitutional amendment returning the issue to the states. Mr. Conzatti explained that S 1085 has a completely different trigger under a different scenario from last year’s law. He specified the importance of the trigger as a way to curtail expenditure of State resources defending a law in court prematurely.

Mr. Conzatti identified the second, most important provision in S 1085 as the requirement for a doctor to follow standard medical practices with reasonable professional judgment in determining the heartbeat of a pre-born child before an abortion is performed.

DISCUSSION: Senator Burgoyne inquired if any circuit court in the country, even without jurisdiction over Idaho, would put this law into effect. Mr. Conzatti replied that it would put the law into effect as it would provide legal precedence if the Idaho law were challenged in court. Senator Burgoyne referred to the fiscal note as showing no anticipated expense to the State. He said if the law were challenged, the case would be heard in the 9th Circuit Court, thus incurring legal expenses for the State. Mr. Conzatti agreed with Senator Burgoyne, added that any legislation carries the risk of a challenge. Senator Burgoyne suggested that some adjustment should be made to the fiscal note.

Senator Guthrie referred to page 3, line 13, of the bill, which notes discipline of a medical practitioner who performs an abortion contrary to the guidelines. He asked what kind of discipline would be administered. Mr. Conzatti replied that it would be professional discipline from the Idaho State Board of Medicine.

TESTIMONY: The following testified in support of S 1085:

- Karen Simpkins, Silent No More Awareness Campaign
- Melissa Hemphill, Regional Coordinator, Idaho Silent No More Awareness Campaign
- Jackie Wakefield
- Carolyn Beyer (virtual)
- PA Samantha Doty, Stanton Healthcare
- Linda Thomas, Director, Community Outreach, Stanton Healthcare
- Kelly Cope, Stanton Healthcare
- Robin Watters, Executive Director, Lifeline Pregnancy Care Center
- Jon Evans
- Tammy Payne, Right to Life of Idaho
- Josh Bales, The Well Church
- Christian Welp, Catholic Diocese of Boise and Bishop Peter Christensen
- Alan Burrow, Meridian East Congregational Church
- Maggie Gough

Reasons given for support:

- any human being should have the opportunity to live
- adverse effect on society
- little or no information given on alternatives, even from Planned Parenthood
Reasons given for support cont.:
- dangers, mental and physical, to women who have abortions
- at conception all DNA necessary for a human being is in place
- death occurs upon cessation of heartbeat; birth should begin at beginning of heartbeat
- options, such as adoption, are available
- religious implications
- public policy
- continually growing number of lives lost

The following testified against **S 1085**:  
- Dr. Rachel Chiasusky (virtual)
- Diane Baumgart (virtual)
- Dr. Angela Bangs (virtual)
- Cameron Needom (virtual)
- Dr. Andrea Christopher (virtual)
- Heather Stout (virtual)
- Kathryn Dawes (virtual)
- Lauren Bramwell, American Civil Liberties Union (virtual)
- Misty DelliCarepini-Tolman, Planned Parenthood Votes (virtual)
- Lori Burell, National Organization for Women, Southwest Idaho Chapter
- Casey and Margie Baker, Effective Activism Idaho
- Sarae Simpson (virtual)
- Jenifer Martinez, Add the Words (virtual)
- Samantha Kennedy (virtual)
- Ms. Lincoln, Legal Voices (virtual)

Reasons given for opposition:
- too early to make a decision
- decision would be rushed
- woman's right to autonomy
- unconstitutional
- limitations on providing women's health care, especially the poor or disabled
- all have a right to freedom of choice and personal responsibility in all medical decisions
- parents have a right to decide on medical care of children
- unobtainable time line for low-income rural Idahoans
- prohibits health care providers from providing ethical, necessary care to patients
- potential for violation of patient privacy
• puts women and children in increased danger
The following written testimony was submitted in support of S 1085:
• Nicholas Farar
• Shawn Cope
• Mary Ellen Nourse, Ed.D.
Reasons for support:
• complete human DNA is present at conception
• humans are entitled to life, liberty and the pursuit of happiness
• abortion violates the rights of both men and women
• preborn children should have equal protection under the law
The following written testimony was submitted in opposition of S 1085:
• Dr. Caitlin Gustafson
Reason for opposition:
• makes abortion more dangerous, not less frequent
• increases women's health risk
• negatively affects low-income women and women of color
(see Attachment A for all written testimony)

**DISCUSSION:** Senator Stennett and Ms. Watters discussed their views regarding the option of adoption as opposed to abortion, viability of the fetus, and brain development. Senator Burgoyne and Mr. Bales discussed the religious implications of when life begins. Senator Stennett and Ms. Bramwell discussed concerns regarding patient privacy.

Mr. Conzatti noted that the supreme court has not ruled on a heartbeat bill; however, there are several heartbeat laws pending. He reaffirmed that the intent of the trigger mechanism is to refrain from expending State resources to defend this law prematurely. Mr. Conzatti pointed out that under this law women do not have to prove rape. He asserted that the preborn baby's heartbeat is exactly the same as any human heartbeat. Mr. Conzatti advised that medical literature states that a heartbeat in the first trimester will result in a full term pregnancy.

Senator Winder reported that he had been advised this is a step backwards in protecting life in Idaho. Mr. Conzatti acknowledged that he had heard that concern, but that it referred to a law presented last year, S 1385. He maintained that this bill is a way for the State to try and protect preborn children.

Senator Burgoyne pointed out that the fiscal note needs to be corrected as it relates to other circuit courts of appeal that will not be considered a precedent. A 9th Circuit Court of Appeals trigger that says within this circuit this legislation is lawful would matter. He identified some technical concerns in the bill. Law enforcement might not be the first place a women would go, it could be the clergy or parents. Senator Burgoyne perceived this issue as dealing with differing views of religion, and he felt strongly that government could not legislate in this area.

**MOTION:** Senator Heider moved to send S 1085 to the floor with a do pass recommendation. Second Harris seconded the motion.

**DISCUSSION:** Senator Stennett expressed concerns regarding the decision to abort, stating that the State should not be involved, and that the individuals involved should make that
decision. She observed that the costs of fighting for this bill in court would cover the costs to assist many of Idaho's needy children.

**Senate Heider** stressed the bill is so significant, it should be discussed by the full Senate rather than just the Committee members.

**Senator Lodge** stated the Legislature has a duty to care for those who cannot care for themselves, so she will be supporting the bill.

**VOTE ON THE MOTION:** The motion carried by *voice vote*. Senators Burgoyne and Stennett voted nay.

**PASSED THE GAVEL:** Vice Chairman Guthrie passed the gavel back to Chairwoman Lodge.

**ADJOURNED:** There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 10:23.
Written Testimony

S 1085

2-15-2021
Nicholas Farar

projectx86x@gmail.com

4962 N Fieldcrest PL Boise, ID 83704

WRITTEN TESTIMONY IN SUPPORT OF

SENATE BILL 1085 – FETAL HEARTBEAT PREBORN CHILD PROTECTION ACT

Human Rights. What is it to be human? And what are rights? Science identifies and classifies humans by DNA. What makes a human and not a cat? DNA. A zygote in the womb of a woman at the moment of conception has its own completely unique human DNA. This is unchallenged in the field of biology. A human is a human from the moment of conception. There is no debate or question about this fact.

What are rights? The Declaration of Independence, upon which our nation was founded says in part “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” Our nation’s founding document continues to define for us today what rights are.

They are:

1) Self-evident – clearly obvious and known to all.
2) Given by our Creator, not the governments of men. Therefore, these rights are completely out of the legislated reach and infringement of governments. Rights which are not granted by the government, cannot be revoked or denied by the government.

3) Include the “Right to Life.”

Without the Right to Life, the subsequent rights granted by our Creator and legislatively recognized through governments, are useless. If one is not alive to enjoy “rights”, then what good are they? This is why our Founders recognized first that the Right to Life is supreme amongst all rights and is unalienable. Such a plain and evident concept has been shrouded in darkness in our land for too long. It is time we as a people enact laws to achieve the full potential of this great nation. For too long justice has been denied and the unalienable Right to Life taken away from tens of millions of human beings, our fellow Americans.

Women’s Rights. Yes, it is true many laws regarding abortion violate woman’s rights. They violate a women’s unalienable Right to Life because roughly half of all the humans who are murdered through abortion every single day in America, are female. Their unalienable Right to Life was denied. They, as human beings, were not treated equal under the law compared to the rest of the human beings in this nation. Why do we as a nation deny the rights of these woman? Where is their legally protected unalienable Right to Life? Why do we continue to oppress women in the womb through government approval allowing them to be murdered? To be Pro-Woman’s rights, fundamentally and foundationally, is to protect the Right to Life of women.

Men’s Rights. When our nation allows laws that grant a woman the ability to legally murder their child in their own womb, the rights of men are violated. Not only the men they murder in the womb, being denied the Right to Life, but also the men they conceived the child with. The 14th Amendment to the constitution says in part “No state shall... deny to any person
within its jurisdiction the equal protection of the laws.” The Rights of men are denied when a state sanctions and empowers women to freely murder the children of men. How many men have been denied "equal protection of the laws" because they were forced to watch helplessly, unable to intervene as their daughter or son was murdered under the guise of legislated “woman’s rights”?

Abortion is a horrendous violation of Human Rights to both men and women. The rights of women in the womb, as they are denied the Right to Life and are destroyed. The rights of fathers, who are unjustly denied equal protection under the law being forced to endure the murder of their children. This leaves them unable to protect their children and prevent this tragedy. They have no legal remedy, being unable to seek justice as the laws currently restrict their rights as parents and allow for legalized murder of their children. Why do we as a nation affirm that the only person who is legally allowed kill the child of a man, is the woman he conceived it with?

But why does any of this matter? If we are randomly evolved specs of dust on a planet in a “cold, pitiless and indifferent universe” as Richard Dawkins likes to say, where survival of the fittest reigns, then there is no such thing as “rights”. It doesn’t matter if we violate the supposed “rights” of human beings as they are only here and alive by sheer evolutionary randomness, an accident really. We have no objective meaning and purpose to our existence. It actually doesn’t matter. We are truly free to violate any “rights” of anybody without true consequence since they are here today and gone tomorrow, and so are we. This view says there is no Creator who endowed us with unalienable rights, that Creator doesn’t exist.

However, our founding document does not take that grim position, nor do I. It instead takes the self-evident position that all men are created equal, and endowed with certain
unalienable rights by their Creator. This includes the Right to Life. Science confirms that there is no genetic difference in DNA between humans who are born and unborn, we are all fully human. Not that long ago, many in this nation were viewed as inferior based on the color of their skin. They were seen as not fully human, not truly fit for survival. Their lives did not matter. Many laws were passed which discriminated against them rejecting the ideals of the Declaration of Independence. This resulted in widespread oppression and injustice. These laws denied the reality that they are fully human, equal to the rest of us and deserve to be treated as such. Their unalienable Rights were violated. Today, we look back and recognize that this is an appalling blight on our nation’s past. It is a wrong we are still rightly working to correct in society.

But when will society, the people of this land and their elected officials, recognize the same self-evident truth for human beings who aren’t born yet? They are not any inferior or less equal than those of us who are born. Yet, we treat them as such, deeming them not fit for survival and refusing to grant them equal protection under our laws. This demonstrates that we do not value their lives as a nation. We are saying once again, some humans in this nation are worthy of dignity, equality and respect, and others are not. God has created each one of us equal and by virtue of being created by Him and carrying His image, our unalienable Right to Life comes from Him, and not the government. Our nation’s founding document recognizes this fact, it is time our laws did the same.
Shawn Cope  
shawnrcope@gmail.com  
9898 W Targee St. Boise ID 83709  

WRITTEN TESTIMONY IN SUPPORT OF  
SENATE BILL 1085 - FETAL HEARTBEAT PREBORN CHILD PROTECTION ACT  

As Americans we believe that every life is valuable. We believe it is our duty to protect the most vulnerable among us. We believe that no matter who you are or where you come from you have the right to live a life of dignity and purpose. Senate Bill 1085 affirms that “preborn children have interests in life, health, and well-being that should be protected.”

“Some people will argue that a law prohibiting abortion is a wrongful restriction on individual human freedom. Shouldn’t the decision about whether to carry a baby to full term and give birth be a decision made by the mother herself? How can it be right to say that the law should force a woman to endure a pregnancy and bear a child that she does not want? Isn’t Individual freedom a foundational principle of this country? Sometimes people will say, “I am personally opposed to abortion, but I think that’s a decision that should be up to the mother and her doctor.”

In response, individual freedom is of course important and should be protected. But the real question is not freedom in the abstract but what appropriate restrictions the law should place on individual freedom. The law already restricts freedom in many ways that
people agree on. The law does not allow me the freedom to drive
while intoxicated or steal my neighbor’s car or beat up on someone
I don’t like or fire a gun inside the city limits – and surely it does
not allow parents to put their living children to death. So the
question is not human freedom, but whether the law should allow
people freedom to take their child’s life. If the preborn child is
considered a human person, the question is whether the
government should allow people to commit murder against their
own children. Certainly it should not.”

Preborn children should have equal protection guaranteed to them under the law, just as it
is guaranteed to children outside of the womb. The two do not differ in life or value, the only
differences between the two are: location, age, dependency and developmental stage. To say a
preborn child is not worthy of life because his or her mother has made that choice, is to affirm
that the right to life is not inalienable or intrinsic but rather dependent upon non-essential
characteristics. Where does one have to be located for their life to have value? At what age does
one gain or lose personhood? How dependent or independent does one have to be to have equal
protection under the law? Is there a physical or cognitive developmental stage that qualifies or
disqualifies one from their inalienable right to life?

Senate Bill 1085 is one step closer to the equality, justice and fairness everyone in our
country longs for and believes in.

---
Good afternoon, Ms. Melton

I'd like to submit this written testimony in support of S 1085. I hope I'm following correct protocol.--Mary Ellen Nourse, Boise

___________________________________________________________
TESTIMONY IN SUPPORT OF S 1085—FETAL HEARTBEAT PREBORN CHILD PROTECTION ACT

February 15, 2021

Submitted by Mary Ellen Nourse, Ed.D. on behalf of myself and my husband Jim
6915 W. Brentwood Drive
Boise, ID 8709
maryellen8694@gmail.com
Home Phone: 208-322-0603

“Everyone enjoys a good story, and I have a true story to share with you today that relates to S 1085—the Fetal Heartbeat Preborn Child Protection Act.

Many of us are familiar with Mother Teresa of Calcutta—now St. Teresa of Calcutta. In 1988, I had the special privilege of hearing Mother Teresa speak at a religious event in Memphis, Tennessee. Mother Teresa, who stands less than 5', had been invited to 'say a few words' to the 50,000 of us who were gathered at the mid-South Coliseum. I remember Mother Teresa’s sentiments to this day and will paraphrase: ‘It is good that you here in the United States are concerned about the poverty in India. However, you have your own poverty problem in your own country that you need to address first. Your country is so poor that you’re killing your unborn children.’

Mother Teresa’s words are even more apropos for 2021, as unborn children continue to be murdered in their mothers’ wombs. Please support Senate Bill 2085—the Fetal Heartbeat Preborn Child Protection Act.”
I am a family physician in rural Idaho who knows that abortion bans are out of touch with the real experiences of American people and American values. 1 in 4 women will have an abortion in their lifetime and 7 in 10 Americans support legal access to abortion care. Banning abortion will not make abortion less frequent, it will just make it more dangerous. An abortion ban in Idaho will send women travelling long distances and across state lines for this care, and increase their health risks. This will disproportionately affect low-income women and communities of color who are already at higher risk for adverse health outcomes.

Improving access to healthcare including comprehensive contraceptive care can decrease the frequency of unintended pregnancy for Idahoans, and this should be the focus of a legislature that is working to protect the health of the citizens of Idaho.

Caitlin Gustafson, MD

McCall, Idaho
AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Wednesday, February 17, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:
https://www.idahoptv.org/shows/idahoinsession/

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<td>Relating to Notaries Public to revise provisions related to certain facsimile signatures.</td>
<td>Jason Hancock, Deputy Secretary of State</td>
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<td>Relating to the Legislature to provide a process to call a special session of the Idaho Legislature.</td>
<td>Senator Winder</td>
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<td>Senator Winder</td>
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<tr>
<td>S 1110</td>
<td>Relating to Ballot Initiatives and Referendum to ensure that signatures are gathered from each of the 35 legislative districts.</td>
<td>Senator Vick</td>
</tr>
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COMMITTEE MEMBERS
Chairman Lodge  
Vice Chairman Guthrie  
Sen Winder  
Sen Anthon  
Sen Harris  

COMMITTEE SECRETARY
Twyla Melton  
Room: WW42  
Phone: 332-1326  
Email: sstaf@senate.idaho.gov
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 17, 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:
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 8:03 a.m.
S 1063 Relating to the Secretary of State to revise provisions related to storage of records.
Jason Hancock, Deputy Secretary of State, said S 1063 addresses discrepancies and would allow the Secretary of State to move records into storage without having to obtain permission.
DISCUSSION: Senator Burgoyne said records may end up in an unofficial storage location if the bill is enacted, and asked if S 1063 needed language to ensure records ended up in a secure location. Mr. Hancock said the statute contains language that requires record storage be in a secure location. He acknowledged that a personal residence does not meet that standard, and that procedures are in place so records are easily accessible. Mr. Hancock also said records that the Secretary of State's Office determine can be archived are released to the Idaho State Historical Society for placement.
MOTION: Senator Heider moved to send S 1063 to the floor with a do pass recommendation. Senator Guthrie seconded the motion.
DISCUSSION: Senator Burgoyne said he supported the motion but thought it would be useful to look at what the Code requires.
VOICE VOTE: The motion carried by voice vote.
S 1065 Relating to Notaries Public to revise provisions related to certain facsimile signatures.
Mr. Hancock said S 1065 amends Idaho Code to eliminate authorization for use of the Governor's facsimile signature in the commissioning of notaries public. That responsibility currently belongs solely to the Secretary of State.
MOTION: Senator Harris moved to send S 1065 to the floor with a do pass recommendation. Senator Stennett seconded the motion. The motion carried by voice vote.
S 1112 Relating to The Legislature to provide a process to call a special session of the Idaho Legislature.
Senator Winder said current statute does not allow the Legislature to call itself into session. Current law does, however, allow the Governor to call a special session and then choose the topic for that session. S 1112 adds a new section to Idaho
DISCUSSION: Senator Burgoyne identified four issues in S 1112 that he said needed clarification:

1. Page 2, (5) lines 10-11, the language says no members may introduce legislation in a special session when normally committees do, unless it is a personal bill. Different terminology might be helpful.

2. Page 2, (6), lines 15-18, seems to talk about dueling special sessions between the Governor and the Legislature. The Governor's ability to call a special session is a matter of constitutional authority, that issue may have to be resolved with a constitutional amendment.

3. Page 2, (7), lines 19-23, says the President Pro Tempore of the Senate and the Speaker of the House of Representatives can agree to convene a remote session when the State Constitution says meetings must take place in the Capitol.

4. Page 1, (1) lines 12-13, states the requirement to send a hand-delivered or certified letter to the Secretary of State for a petition to hold a special session. If extraordinary circumstances take place, such as a natural disaster or terrorist attack, these actions may prohibit the delivery of the petition.

Senator Winder responded:

1. Legislators have introduced legislation before, specifically in extraordinary sessions, and were able to pass bills, and to stop bills in committee.

2. The language of the bill stipulates a constitutional amendment has to occur in order to go above the Governor's call for an extraordinary session, and that the citizens of Idaho will vote on it.

3. If a special session must be held remotely, this bill allows the Speaker of the House of Representatives and the President Pro Tempore of the Senate to designate a remote session.

4. There are already procedures where a hand-delivered petition or certified letter gets to the Secretary of State. Leaving them in place ensures the Legislature goes through the correct process to convene a special session.

Senator Stennett asked why the bill requires 60 percent of members from the House of Representatives and the Senate to call for a special session when two-thirds is the normal standard. Senator Winder said the language is clear in stating 60 percent, which is provided for in the constitutional amendment. Senator Stennett asked how it would work if both the Governor and the Legislature convene sessions simultaneously. Senator Winder said if the Governor called a special session to discuss restrictions on health districts, and then the Legislature called itself into session, the executive branch would not be able to dictate or limit the topic(s) the Legislature can cover in that session. Senator Winder said S 1112 will protect the Legislature's efforts to deal with important issues.

Senator Anthon said S 1112 does not deny the people's right to participate because they will vote on the constitutional amendment if this Legislature passes the bill. He also said he felt there was confusion over the two-thirds vote debate and clarified the bill only pertains to calling a special session, not the amendment process.
Senator Burgoyne said he would support the bill despite his concerns. He feels there may be a need for other legislation in this situation.

**TESTIMONY:** Del Chapal, Boise, ID, testified in support of S 1112. Mr. Chapal said he felt underrepresented throughout the COVID-19 pandemic and wants the Legislature to have the ability to call its own sessions to protect citizen's rights. He felt the Governor's decision to not call for a special session hurt the people of Idaho.

**DISCUSSION:** Senator Stennett asked how the figure of $21,300 in the fiscal note was arrived at when the cost for a normal day during regular session is around $30,000. Senator Winder said per diem is not allocated in special session, creating the lower cost written in the statement of purpose.

**MOTION:** Senator Heider moved to send S 1112 to the floor with a do pass recommendation. Senator Lee seconded the motion.

**DISCUSSION:** Senator Guthrie said he sees the need for this legislation but feels the two-thirds vote, not 60 percent, from both the Senate and House should be the mark for any joint petition. He also said language that was more specific to what types of emergency situations qualify to call a special session would also strengthen this bill. He will therefore not support this bill as written. Senator Winder explained that S 1112 is not a constitutional amendment, and there is still a requirement to have a two-thirds vote on the constitutional amendment.

Senator Burgoyne said he agrees with Senator Guthrie's concerns; if HJR 1 fails on the floor, S 1112 becomes obsolete. Senator Winder clarified that the majority leaders in the House and Senate felt a process to call a special session to order was needed before the constitutional amendment was up for a vote in 2022.

Senator Stennett asked if there is a time limit placed on how long a special session can last. Senator Winder referred to page 2, lines 24-25 of S 1112, which explains that the Legislature will determine the length of any special session.

**VOICE VOTE:** The motion carried by voice vote. Senator Guthrie was recorded as voting nay.

**HJR 1**

Proposing an Amendment to the State Constitution related to the sessions of the Legislature.

Senator Winder said the resolution is an amendment to Section 8, Article 3, of the Idaho Constitution. He clarified it requires a two-thirds vote by the Legislature before a vote by the public can be held. He said the legislation creates a greater balance of power between the Legislature and the executive branch. The Legislature has already dealt with unjustified restrictions by the Governor's Office in not being able to call themselves into session. He read from Article 2 of the Idaho Constitution regarding distribution of powers. It states in Section 1 the government is divided into legislative, executive and judicial branches, and that no branch can exercise powers that belong to another branch except what the constitution directly permits. The executive branch has the authority to call an extraordinary session to order and can limit the subject matter. HJR 1 will give the Legislature more of an equal voice.

**DISCUSSION:** Senator Stennett asked Senator Winder to expand on the language of HJR 1 that states when an extraordinary session can convene and how an organizational session can convene the first Thursday after a general election. Senator Winder said its purpose is to clarify the different sessions that take place: regular session, organizational session, extraordinary session (called by the Governor), and then the special session cited in HJR 1.

Senator Burgoyne said he supports the ability for the Legislature to call itself back for a special session. He listed several concerns, including:

1. If this bill is the right constitutional amendment to bring forward.
2. It could be a reactionary amendment due to the events of the COVID-19 pandemic.

3. Stronger language may be in order since this amendment could be in the State Constitution for many years to come.

4. The Idaho Legislature could become a de facto full-time Legislature instead of part-time.

5. Insignificant subject matters will come about in special sessions, especially around general elections for political positioning.

6. Duelling sessions need to be addressed in the amendment with a pass to the Idaho Supreme Court for judicial review.

7. The language needs to be limiting with respect to emergencies.

Senator Burgoyne then circled back to S 1112 and said he thinks the vote to file a joint petition should be amended to two-thirds of the House of Representatives and the Senate because it coincides with HJR 1. He therefore cannot support HJR 1 because of the aforementioned issues, but would support an amendment. Senator Winder clarified that line 21 of HJR 1 says a joint written request is required, which gives the Legislature the protection it needs.

MOTION: Senator Anthon moved to send HJR 1 to the floor with a do pass recommendation. Senator Harris seconded the motion.

DISCUSSION: Senator Guthrie said he takes a constitutional amendment very seriously and there is one chance for the Legislature to have the ability to create legislation that will allow it to call itself into session. If the language in HJR 1 is tightened up, it could pass. He is in favor of the Legislature having this ability, but at this time, and as written, he cannot support this legislation. Senator Winder said this legislation aims to restrict the length of time for special sessions and explained he does not want the Legislature to be full-time and feels HJR 1 will keep it from becoming so.

Senator Lee said she agrees with Senator Guthrie's concerns. She would like tighter language in the bill, a two-thirds vote by the Legislature, and approval by the people. She acknowledged that HJR 1 is the best option currently for the Legislature to call itself to session.

Senator Burgoyne said he will not vote to support HJR 1. If HJR 1 fails, he hopes the Legislature will work on a better amendment for the people of Idaho to vote on; he feels it needs to be on the ballot in 2022 as this issue is past due for consideration.

Chairwoman Lodge said she would prefer a two-thirds majority vote for HJR 1 to reach the ballot but recognized some compromises might have to be made in order to pass it.

VOICE VOTE: The motion carried by voice vote. Senators Guthrie, Stennett, and Burgoyne, were recorded as voting nay.

S 1110 Relating to Ballot Initiatives and Referendums to ensure that signatures are gathered from each of the 35 legislative districts.

Senator Vick said S 1110 aims to change the signature gathering rules for initiatives. S 1110 changes the number of districts required to get an initiative on the ballot from 18 to 35. The percentage of registered voters required from each district remains at 6 percent. Senator Vick handed out a map of Idaho showing that Kootenai, Ada, Canyon, and Bonneville Counties contain 18 legislative districts, making gathering signatures in the other 17 counties a moot point (see...
Attachment A). **S 1110** aims to ensure that voters in rural areas are represented as the population in Idaho grows in urban areas.

**DISCUSSION:** Senator Stennett asked how **S 1110** will evenly represent Idaho's citizens as it looks like he is weighing rural over urban. Senator Vick said **S 1110** does double the number of districts but not the number of signatures required. Six percent of registered voters statewide would still be needed, and representation will stay equal because the legislative districts have equal populations within 10 percent. Senator Stennett mentioned Idaho is one of only two states that requires signature gathering from registered voters for ballot initiatives. By increasing the required number of districts, it will make Idaho's ballot initiative policies even stricter. Senator Vick said he believes **S 1110** is beneficial because it will require input from every legislative district instead of a few population centers.

Senator Burgoyne asked if Senator Vick thinks urban voters' opinions matter less than rural voters. Senator Vick said that they are equally important, but feels all voices should be a part of the initiative process. Senator Burgoyne asked about the hypothetical example that if one legislative district strongly opposed an initiative and essentially vetoed it, the initiative would not get placed on the ballot. That type of power seems to suggest that we are allowing one district to veto the opportunity to get the initiative on the ballot which is not democratic. Senator Vick said he feels **S 1110** is democratic because it only requires 6 percent of voters in each district to move an initiative forward.

**TESTIMONY:** Scott Steele, Richard Durrant, Zak Miller, Brad Roberts, John Brady, Bryan Searle, and Jon Basabe, all of Idaho (see Attachment B) testified in support of **S 1110**. They said this bill would provide all citizens, in both urban and rural areas a chance to have their voices heard concerning ballot initiatives.

Lori Anne Lau and Andrew Mix sent in written testimony in support of **S 1110**. They felt **S 1110** would allow citizens from all areas of the state to count and to be heard equally. (See Attachment C).

William Esbensen, Hollie Conde, Katherine Dawes, Denise Thompson, Yvonne Sandmire, Donald Williamson, Ashley Prince, Elizabeth Rodgers, Cynthia Dalsing, Kayla Dodson, Elaine Kazakoff, Garrett Castle, Mike Medberry, and Jon Basabe testified in opposition (See Attachment B) to **S 1110**. All felt that Idaho's current ballot initiative measures are already too strict and **S 1110** would silence the voices of many Idaho voters.

Rae Charlton, Lori Wright, Russ Belville, Doug Paddock, John Orlovich, Brie Katz, Ellen Spencer, Mike Young, Melanie Edwards, Gretchen Wissner, Michael Richardson, and John McClain, sent in written testimony in opposition to **S 1110**. They wrote that **S 1110** would make getting initiatives on the ballot all but impossible, would make the process more difficult, and could mean only well funded organizations will be able to get initiatives on the ballot. (see Attachment D).

**ADJOURNED:** Chairwoman Lodge announced that testimony on **S 1110** would continue on February 19 for those signed up who did not get to testify at this meeting. There being no further business at this time, Chairwoman Lodge adjourned the meeting at 10:18 a.m.

__________________________
Senator Lodge, Chair

__________________________
Twyla Melton, Secretary

Florence Lince, Secretary

SENATE STATE AFFAIRS COMMITTEE
Wednesday, February 17, 2021—Minutes—Page 5
The State of Idaho Land area is: 83,642² miles.
Kootenai County land area: 1,316 mi²
Ada County land area: 1,060 mi²
Canyon County land area: 604 mi²
Bonneville County land area: 1,901 mi²

Kootenai, Ada, Canyon and Bonneville Counties make up 5.83 % of land area in Idaho.
## BALLOT INITIATIVE DISTRIBUTION REQUIREMENTS

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<tr>
<th>RANK</th>
<th>STATE</th>
<th>DISTRIBUTION REQUIREMENT</th>
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<tbody>
<tr>
<td>1</td>
<td>Idaho (S1110)</td>
<td>6% of registered voters in 35 of 35 legislative districts (6% overall)</td>
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<tr>
<td>2</td>
<td>Utah</td>
<td>8% active voters in 26 of 29 legislative districts (10% overall)</td>
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<tr>
<td>3</td>
<td>Missouri</td>
<td>5% votes cast in 2/3 or 6/8 congressional districts (5% overall)</td>
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<td>4</td>
<td>Nevada</td>
<td>10% of all votes cast divided by four in each of its four congressional districts</td>
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<td>5</td>
<td>Wyoming</td>
<td>15% of votes cast in 2/3 of all counties (16/23) (15% overall)</td>
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<td>6</td>
<td>Alaska</td>
<td>7% from 3/4 of 40 legislative districts (10% overall)</td>
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<td>Idaho (Current)</td>
<td>6% of registered voters in 18 of 35 legislative districts (6% overall)</td>
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<td>8</td>
<td>Ohio</td>
<td>1.5% of votes cast in 44 of 88 counties (6% overall)</td>
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<td>9</td>
<td>Michigan</td>
<td><em>No more than 15% total from any one of 14 congressional districts (8% overall)</em></td>
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<td>10</td>
<td>Nebraska</td>
<td>5% of registered voters in 38 of 93 counties (7% overall)</td>
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<td>11</td>
<td>Montana</td>
<td>5% of registered voters in 1/3 of all legislative districts</td>
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<td>No more than 1/4 of total signatures from any county</td>
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<td>4% of votes cast in 15 of 75 counties (8% overall)</td>
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*unenforceable due to legal challenge*
Subject Matter: SB1110 - 2021 Senate State Affairs

URLS:

Full Bill Information:

Cites:
https://legislature.idaho.gov/statutesrules/idstat/title34/t34ch18/sect34-1801/
https://legislature.idaho.gov/statutesrules/idstat/title34/t34ch18/sect34-1805/
https://legislature.idaho.gov/statutesrules/idstat/title34/t34ch18/sect34-1822/
Subject: FW: testimony on 1110

From: Lori Anne Lau [mailto:LauFamilyFarm@hotmail.com]
Sent: Wednesday, February 17, 2021 11:16 AM
To: Senate State Affairs Committee
Subject: testimony on 1110

Thank you madam chairwoman and committee members for this opportunity to testify remotely.

I am Lori Anne Lau of Soda Springs, Caribou County, which is part of LD 32. I am in support of SB 1110.

I’m excited to see the proposed change to the initiative process become law.

It is critical that ideas, which will become law via the initiative process, have broad spectrum, and broad based support. All parts of the state should be involved in this very important process. As several others who have testified in favor have said, Citizens from all areas of the state want to “count” and to be “heard” equally in our law making processes. I believe they deserve this equal input in the process.

Many others have testified about the small number of initiatives that have qualified and that only one initiative has become law. They seemed to be saying that this indicates there is a flaw in the initiative system. I would counter, that the majority of the ideas with merit, practical implementation methods, and broad based support are already working their way thru our representative legislature. Our state constitution gives the citizens the right to by-pass the legislature, if the legislature is failing to act. We need to demand that this is a rare circumstance. In those rare situations when good ideas, with practical application methods, and broad support are not being addressed by our legislature, we the people can turn to the initiative process. In these circumstances it will be relatively easy to gain the support of 6% of the voters in every portion of the state and qualify an initiative for the ballot.

Our founding fathers chose not to make us a direct democracy so as to protect the rights of minority opinion holders. They gave us a representative government, and we added the initiative process to our constitution for the rare times when the system doesn’t work. The changes proposed by SB 1110 will help ensure ideas have broad based support, thus helping to ensure the rights of those with minority view-points.

Thank you for this opportunity to participate in the process. I’m unsure I will be able to rejoin the committee on Friday so I’m sending these comments in writing. I hope you will vote in favor of 1110 and urge your fellow legislators to do the same.

Lori Anne Lau
Lau Family Farm, LLC
Grass-fed Beef and Lamb...a natural choice
208-709-4981 cell
Twyla Melton

From: Andrew Mix <andrewmix06@gmail.com>
Sent: Tuesday, February 16, 2021 8:40 PM
To: Twyla Melton
Subject: Written Testimony for 2/17/21 Senate State Affairs

I respectfully submit the following written testimony for tomorrow's Senate State Affairs Committee meeting (I am unable to attend in person or virtually):

- I support S1110 because it increases involvement in the ballot measure process of voters throughout Idaho and diminishes the influence of outside special interests.
- I support S1112/HJR1 because I believe the Idaho legislature should be able to initiate a special session (for a stated purpose) with the support of at least 60% of its members.

Thank you!
Andrew Mix
Twin Falls, LD24

---------- Forwarded message ----------
From: Senate State Affairs Committee Secretary <no-reply@zoom.us>
Date: Tue, Feb 16, 2021 at 8:20 PM
Subject: Senate State Affairs Committee Confirmation
To: <andrewmix06@gmail.com>

Hi Andrew Mix,

Thank you for registering for "Senate State Affairs Committee". We appreciate your interest in testifying. The time allotted by the committee allows a limited number of people to testify for up to 3 minutes each on a first-registered, first-to-testify basis. Your testimony may be audio-only, not video. You will be muted until the committee chair has recognized you to speak. Please speak concisely to the agenda item. You will be muted again after you have finished speaking or the time allotted for you to speak has expired. You are also welcome to submit written testimony, particularly if the time for public testimony runs out before we hear from you.

Thank you for participating in the legislative process!
Please submit any questions to: sstaf@senate.idaho.gov

Date Time: Feb 17, 2021 08:00 AM Mountain Time (US and Canada)

Join from a PC, Mac, iPad, iPhone or Android device:
I believe I was included on the list to testify yesterday, but time ran out. Unfortunately I have a conflict and am unable to attend Friday’s hearing, so am submitting written comments instead. Thank you for providing the opportunity for citizens all over the state to testify on this important issue.

I strongly oppose SB 1110, which would make citizen initiatives all but impossible. My first experience with the initiative process was gathering signatures for the Medicaid Expansion bill. I spent many hours going door to door, and it was enlightening. So many people needed help on this issue, and since the legislature hadn’t acted on it, if we could qualify it for the ballot, the voters could decide. It struck me that this was a grassroots effort, and truly democracy in action. There aren’t too many ways to experience that, jury duty and voting come to mind, but it was immensely gratifying to be part of something so positive for people desperately needing medical care.

Idaho’s Constitution enshrines the ballot initiative as a way to give citizens a voice in their government. The current procedural requirements are very difficult and restrictive; making them so much more so is clearly an effort to sabotage the whole endeavor. Please vote “No” on SB 1110.

Rae Charlton
Sandpoint
Good morning State Senate Affairs Staff,
I could not get the link in the testify remotely portal to allow my written testimony so I am emailing it to you. Please make sure all State Affairs Senators receive.
Thank you
Lori Wright

Dear Senate State Affairs Committee,
I am testifying against bill SB1110 in written testimony. This bill purports that rural voters voices will be heard with more restrictive requirements to qualify an initiative. I submit that no voices will be heard with SB1110 additional requirements.

The only enacted initiative in the last 18 years was the Medicaid initiative. I am a volunteer for Reclaim Idaho and gathered hundreds of signatures. Believe me no one wants to make law by the initiative process because it is currently so difficult, one of the most restrictive of all the states. It is our constitutional right to bring legislation through the initiative process when the peoples voices are not being heard as was the case for the 5 years prior to the Medicaid initiative.

What initiative did not include rural voices? Medicaid passes in 35 of 44 counties. There are counties 38 with less than 50,000 people in Idaho. Where is the problem? I ask that you vote for our constitutional right and vote against SB1110.

Lori Wright
3520 Meadow Dr
Boise, Id 83706
208-841-9679
Testimony to Senate State Affairs Regarding S 1110

Good morning, Madame Chair, and esteemed Senators. My name is Russ Belville. I am a native Idahoan, as are my parents, and five generations of my family have called Idaho home.

My dad, John Belville, was a drug and alcohol addict. In 1982, he checked into the Mercy Care Unit in Nampa for drug rehab. By 1985, he had returned to Boise State University to get his degree in social work. From there, he returned to the Mercy Care Unit and worked for years as a drug and alcohol rehab counselor.

In 1996, dad suffered from a near fatal health condition. He was left with acrippingly painful neuropathy in his legs, to go along with his diabetes and bouts with cancer. Doctors put him on a pharmaceutical regimen that included morphine, oxycodone, and hydrocodone, to deal with the pain.

I had moved to Portland in 2003, because my wife at the time needed medical marijuana for her crippling pain conditions, and if we stayed in Idaho, eventually the state would arrest and imprison her for that.

In 2015, my parents visited us in Portland, and I had him try a cannabis tincture for pain. Dad said it was a miracle, the first time he'd been absolutely pain free since the 90s.

Since then, my elderly father has been risking arrest and jail to live pain free. In 2018, I asked him if he'd like to try to establish a medical marijuana law in Idaho.

In 2019, he filed the Idaho Medical Marijuana Act petition. We spent every weekend in the winter of 2019 driving to literally every county seat in the state to collect signatures. Our campaign collected 40,000 signatures before coronavirus stopped us.

This body, however, wishes to stop my dad's quest to live pain-free legally, whether it is by enshrining medical marijuana prohibition in the state constitution or by increasing the district requirement to all 35 districts.

When this body passed increases to 24 and 32 districts in bills last year, they were vetoed by Gov. Little, who worried that such a move would trigger a lawsuit that would let the Ninth Circuit Court of Appeals invalidate Idaho's geographic signature requirement, as it did in the 2001 Idaho Coalition for Bears v. Cena Russell case.

I'm here to guarantee you that an increase to 35 districts will trigger that lawsuit from my father, who has the standing to bring the case.

In the 2001 case, Idaho's county requirements were found unconstitutional because counties are different size, thereby making 6% of the votes from a small county more valuable than those from a large county. Similar county-based regulations were also struck down in Illinois, Utah, Montana, Nevada, and Nebraska.

A congressional district requirement was struck down in Michigan, but no one has yet challenged state legislative district requirements in court. However, given that District 27 requires only 1,309 signatures to reach 6%, while District 14 requires 3,009, it's not hard to imagine the Ninth Circuit ruling that District 27's voters being given almost triple the weight of District 14's voters is unconstitutional, too.

Madame Chair, esteemed senators, the Idaho Medical Marijuana Act is already gathering signatures. It is fundamentally unfair to change the rules on us in the middle of the game. In the interest of Idaho democracy and avoiding a lawsuit, please reject S 1110. Thank you.
February 16, 2021

Senate State Affairs Committee
State Capitol
P.O. Box 83720
Boise, ID 83720-0081

Dear Honorable Senator Patti Anne Lodge and members of the Senate State Affairs Committee,

I am writing you on behalf of the board of directors, members, and staff of the Idaho Organization of Resource Councils (IORC) in opposition to SB1110 which restricts the constitutionally protected right of the people to bring initiatives and referendums. IORC is a 501(c)(3) grassroots nonprofit based in Boise, Idaho with members across southern Idaho and local chapters in Bannock, Canyon, Payette, and Washington Counties. IORC’s mission is to empower people to improve the well-being of their communities, sustain family farms and ranches, transform local food systems, promote clean energy, and advocate for responsible stewardship of Idaho’s natural resources.

The cornerstone of our state Constitution is the framework of divided government and the robust system of checks and balances it guarantees. “The powers of the government of this state are divided into three distinct departments, the legislative, executive and judicial; and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except as in this constitution expressly directed or permitted” (ID Const. Article II, § 1). Additionally, the Idaho Constitution grants to the people legislative powers equal to those of the legislative branch, “the people reserve to themselves the power to propose laws, and enact the same at the polls independent of the legislature” (ID Const. Article III, § 1).

SB1110 diminishes the constitutionally granted rights of all Idahoans. The process to bring a citizen initiative is already a monumental task. We agree that everyone should have a say, but respectfully disagree that current signature gathering requirements put our rural communities at a disadvantage. The voices of our rural communities count just the same as everyone else’s on election day; one person, one vote.

However, if this legislation makes it so difficult for grassroots organizations to meet the threshold for signature distribution that it effectively prohibits the people’s right to propose and enact laws or makes it available only to well-funded organizations, then it diminishes the power of all Idahoans, rural voters included by effectively repealing a constitutional right. If this is the effect, then it should be presented as a constitutional amendment requiring two-thirds majority in both houses and support by a majority of the people (ID Const. Article XX).
There is no question the effect of this bill will be to silence the voice of the people by repealing one of the most direct forms of democracy out there, the ballot initiative. Please vote no on SB1110 and any subsequent proposal to unnecessarily restrict the initiative and referendum process.

Thank you for the opportunity to express our concerns.

Sincerely,
Doug Paddock
Field Organizer,
Idaho Organization of Resource Councils
Madam Chair, Senators.

I have been a resident of District 16 since 1988.

Thank you for this opportunity to give testimony on Senate Bill 1110 in regards to modifying the requirements to get a citizens initiative onto the Idaho Ballot.

I am testifying against this Bill. On rare occasion, the public is in such disagreement with the Idaho Legislature that they feel the need to have their voice heard in an authoritative manner. This process is the citizens’ initiative.

Important examples of Idaho Citizen initiatives have included Medicare Expansion, Homeowners property exemption, and rollback of the “Luna Era”, Education Laws”.

A current issue that might benefit the rural districts, that the legislature has not been able to pass, is the legalization of Industrial hemp, a potential valuable crop that Idaho farmers might be able to profit from.

The Citizens Constitutional Right over the years has already been modified by law in order to give balance to all districts, and had made the bar high in order to qualify. This new bill seems now make that bar so high, that even one district now has veto power over an initiative that might be approved by the other 34 districts. Because the current law has been enacted to already provide balance, and that this new bill sets the bar too high, I request that this committee vote against this bill.

Thank you for your consideration.

John Orlovich
4469 N Waterfront Way
Boise, Idaho 83703
Hello,

I have been trying to register all morning and am unable to log into the Senate State Affairs Committee meeting so I would like to provide written testimony on SB1110.

I am AGAINST requiring that all 35 legislative areas provide signatories for any ballot initiative.

Here is my testimony:

Requiring that citizen-driven ballot initiatives receive signatures from all 35 legislative districts is unnecessary, unhelpful, creates bureaucratic road-blocks, and does not solve or address an existing problem. Every single voting eligible citizen in Idaho already has the right to use their voice on every ballot in every election, so SB1110 doesn’t increase the number of voices that will ultimately be heard, instead it unduly restricts Idaho citizens from using their voices through grassroots processes to simply raise issues and questions for the consideration of all other voters.

Perhaps, to ensure that all citizens in Idaho have equal opportunity to participate in citizen-driven ballot initiative processes (if this is a concern). instead of requiring signatures from all 35 districts, the requirement should be that all district representatives commit a portion of their time and resources to inform their own voters about active ballot initiatives, provide their voters access and opportunity to sign active petitions, and offer formal assistance to help their own voters bring forward ballot initiatives, if and when desired.

Thank you to the committee and all the Idaho state representatives. I appreciate your service, particularly in such divisive, polarizing times.

Brie Katz
2202 N 9th St
Bosie ID 83702
To the Chair and members of the Committee:

Regarding the proposed Senate Bill 1110, I am writing to Oppose it.

SB 1110 is another attempt to silence the voice of Idaho voters. The proposition that rural communities are left out or under-represented under the current process is a false narrative and you can see that clearly, from the Medicaid Expansion Initiative data which shows that 44 counties approved it to be on the ballot and it passed in 35 counties. This demonstrates that every Idaho citizen who wanted to vote and did, had their say.

It is not just that this change would make it impossible for regular people to get a measure on the ballot; this Bill is not good government by any democratic assessment. Regardless of the percentage determined, when one district has veto power and the ability to negate the desires of the other 34, that is not democracy.

The ballot initiative is simply the mechanism to get a matter placed on the ballot. There is no guaranty it will become law. It only guaranties and provides that Idaho citizens get their say. Only 15 bills have passed in 100 years. Idaho citizens do not abuse this difficult process and only use it when they have exhausted all other avenues and attempts to have lawmakers do the peoples’ bidding, as they are elected to do. They only use it when they feel their representatives are not listening to them.

As for the fear that outside interests would come in and influence Idaho government with the current process, passing this bill is the surest way to have those fears confirmed, as those entities and organizations will be the only ones able to afford to navigate the process successfully. I urge the committee to vote No on this bill and keep outside interests out of Idaho government, and to stop taking away the voice and the rights of Idaho citizens.

Sincerely,
Ellen B. Spencer
991 N. Pinnacle Way
Eagle, Idaho 83616
I am submitting this as my written testimony regarding Senator Vick’s bill.
Thank you.

To whom it may concern:
I am writing to express opposition to Senator Vick’s bill which would reduce the power of the citizen voters of Idaho by making our initiative process much more difficult for citizens to use. This ill advised and unnecessary bill also seem to run completely contrary to the basic Idaho Conservative values of smaller government and keeping the influence of citizen and individual community concerns at the local level. Maintaining smaller government and local control are two very strong concerns for keeping a reasonable and fair citizen’s initiative process in place. When elected officials fail to listen to the concerns of the people, the initiative process gives Idaho citizens a way to make their concerns clear. It’s already extremely difficult to qualify an initiative in Idaho, and Senator Vick’s bill would make it much, much harder. The bill requires signatures from 6% of registered voters in all 35 of Idaho’s legislative districts. We feel Senator Vick’s bill is a not so thinly veiled attempt to take away the rights of Idaho voters.
It is clear that Idaho’s rural communities do have a voice in the initiative process as evidenced by the significant participation from all 44 Idaho counties in the last initiative process, which placed Medicaid Expansion on the ballot. The argument that these rural counties don’t have representation is refuted by the facts. Medicaid Expansion won on election day with a majority of voters in 35 of Idaho’s 44 counties which included many of Idaho’s rural counties.
The ballot initiative is an important citizen’s right that is guaranteed by Idaho’s constitution. We respectfully request that you vote to kill this harmful bill that will reduce the power of the citizen’s initiative process.
Mike Young
416 W. O’Farrell St.
Boise, Idaho 83702
208-859-4791
I urge the Committee to vote NO on SB 1110. While I agree that out of state funding of Initiative campaigns is problematic, I oppose SB 1110 because more funds are needed to reach remoter parts of Idaho in a timely manner, even when the campaign includes volunteers from those more remote Districts. It simply takes too long and too much gas to reach enough voters even from rural starting places. This places the Initiative process beyond the reach of a grassroots campaign of volunteers. And do not be deceived, money does not always flow to a worthwhile cause. Did you see the state of the Reclaim Idaho van? It broke down multiple times, needing costly towing from those remote places. And outside money supported a very small portion of the Prop 2 campaign. Grassroots supporters were not rich, and many gave $5 and $10 and volunteered hundreds of hours in the hopes of getting access to much needed healthcare. The big winners? The working poor all over the state and the rural hospitals. Under SB 1110, this Medicaid Expansion Initiative would not have been possible — and would not have saved Idahoans' lives with healthcare access and local hospitals in rural areas during the pandemic. SB 1110 is destructive of the Citizens' Initiative and will leave it in the hands of big money, out of state donors and corporate lobbyists who can pay for full-time signature collectors and send them out to toothcomb every District. Is that what you want?

Melanie Edwards
2656 West 17th North
Idaho Falls
ID 83402
Tel: (208) 716-4775
Chairwoman Lodge and members of the Senate State Affairs Committee,

I was confirmed to testify remotely this morning (February 17), but am not able to participate on Friday. Therefore, I am submitting my testimony in written form.

My name is Gretchen Wissner. I live in Moscow, Idaho. I want to thank you for offering this opportunity to testify.

I represent myself and am testifying against SB1110.

The purpose of the initiative process is to give Idaho voters an opportunity to have our voices heard about issues legislators are not addressing or are not addressing adequately through the legislature. As you know, the initiative process has two components. Part 1 is the process of gathering signatures from tens of thousands of voters from across the state in order to have the initiative placed on the ballot. Initiatives have no power in and of themselves. It is not until they are approved by a majority of the general electorate, the same voters who elect you, that the initiative becomes law. This is part 2 of the process, which gives every voter an opportunity to vote for or against the initiative. Their voices are not silenced in any way by the current initiative process.

I was a volunteer co-leader for the Latah County drive to gather signatures for the 2020 Invest in Idaho initiative. Before COVID brought that process to a halt, many volunteers participated in our successful effort to gather the necessary signatures to qualify the initiative for District 5. It was a labor-intensive, time-consuming process, but it was an easy sell.

Education ranks as a top priority among Idahoans. We are tired of being last in the nation in per pupil expenditure. The initiative process gave us an opportunity to let Idaho’s legislators know how important it is to us that you prioritize additional funding for programming, facilities, and salaries. I taught in the Moscow School District for 36 years, where 40-45% of the operating budget comes from a voter-approved, supplemental levy. Bond issues to upgrade facilities are much more difficult to pass. We have not built a new school since the 1970s. In surrounding rural communities, schools districts have moved to 4-day weeks, laid off counselors, reduced course offerings to the basics. Moscow voters were overwhelming enthusiastic about signing the Invest in Idaho petition - not only for our own financial needs but to help level the playing field for students in rural districts where resources are much more limited.

SB1110 is clearly an attempt to revoke this constitutional right. I would hope that legislators would want to encourage civic engagement. This bill does the opposite. It will make the process of qualifying a citizen’s initiative for the ballot almost impossible to achieve.

Thank you for your time.
My name is Michael Richardson, and I've lived in Boise since 2006. I would like to register my strong objection to S1110. This bill is egregiously undemocratic, as it raises unnecessary hurdles for the people of Idaho to create ballot initiatives. It's entirely unreasonable that in a rural state like Idaho, citizens working for a ballot initiative should have to get signatures of 6% in every voting district. Think of how ridiculous it would be if a candidate running for governor had to win some percentage of every voting district. S1110 is just as ridiculous. Please stop this nonsense (which seems to occur every year) and respect the power of the people of Idaho to determine our destiny. That is what democracy means.

Sincerely,
Michael Richardson

333 S Straughan Ave #226
Boise, Idaho
208.850.8512
hand.eye.design@gmail.com
Reasons why I am against SB 1110

My name is John McClain, and I live in Boise. Thank you for giving me the chance to testify in your hearing.

Idaho is a state that stands for the principles, rights and freedoms granted to every individual by the state and federal constitutions. The right to bring an issue directly to the voters by means of a ballot initiative is one of those rights. SB 1110 will severely restrict that right.

A recent example of the citizens exercising that right is the Medicaid Expansion initiative. This turned out to be very popular across the state, but the legislature failed to act. When it appeared on the ballot, it was approved by a majority of Idaho voters across the state. It was passed by the will of the people, which, apparently, the legislature had mis-read.

Senator Vick has stated that the current initiative process does not give a voice to rural voters. That opinion does not fit the facts. The Medicaid initiative won a majority of votes in nearly every rural county in the state.

So the current ballot initiative process works. It gives the Idaho citizens an opportunity to be heard. SB 1110 is an attempt to make the ballot initiative process nearly impossible for citizens to carry out.

On a personal note, my father's parents homesteaded a dairy farm outside of Twin Falls. My mother's parents started an agricultural business in Caldwell. I was born and raised in Spokane, but spent many happy hours in Idaho, fishing with cousins, learning to shoot with my uncle, picnicking in the mountains, swimming in natural hot water pools.

I truly value the freedoms this state holds for its citizens, and sincerely hope that the legislature will preserve the ballot initiative freedom by voting NO on SB 1110.
AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Friday, February 19, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:
https://www.idahoptv.org/shows/idahoinsession/

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<td>GRADUATION:</td>
<td>Page Graduation for Jaylee Harris.</td>
<td>Chairman Lodge</td>
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<td>RS28506</td>
<td>Relating to Motor Vehicles regarding an alternative driving authorization card.</td>
<td>Senator Guthrie</td>
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<td>RS28628</td>
<td>Relating to Guardians of Minors regarding a temporary guardianship.</td>
<td>Senator Lee</td>
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<tr>
<td>S 1110</td>
<td>Relating to Ballot Initiatives and Referendum to ensure that signatures are gathered from each of 35 districts. <strong>NOTE:</strong> No new sign-ups to testify, either in person or virtual, will be accepted.</td>
<td>Senator Vick</td>
</tr>
<tr>
<td>S 1031</td>
<td>Relating to the State Disaster Emergency Account to allow for the recovery of certain funds.</td>
<td>Senator Harris</td>
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Public Testimony Will Be Taken by Registering Through the Following Link:
Registry to Testify

*If you have written testimony, please provide a copy of it to the committee secretary.*

COMMITTEE MEMBERS
Chairman Lodge  Sen Lee
Vice Chairman Guthrie  Sen Heider
Sen Winder  Sen Stennett
Sen Anthon  Sen Burgoyne
Sen Harris

COMMITTEE SECRETARY
Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, February 19, 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 8:04 a.m.

PAGE GRADUATION: Chairwoman Lodge thanked Jaylee Harris for her good work as a page, commenting that she served another committee as well as State Affairs. Ms. Harris thanked the Committee members for their kindness. She also expressed her appreciation for the Senators’ dedication to the State of Idaho and for their example of political civility. She noted that she would like to be a foreign service officer. Senator Winder commended Ms. Harris on her hard work as a page in a very unusual session. He extended his appreciation for her willingness to serve in the face of the risks accompanying the COVID pandemic and wished her the best for the future. Chairwoman Lodge expressed appreciation for the work Ms. Harris has done for the Committee. She presented Ms. Harris with awards and gifts from the Committee.

S 1031 Chairwoman Lodge advised the Committee that S 1031 was removed from the agenda at the sponsor's request.

RS 28506 Relating to Motor Vehicles; regarding an alternative driving authorization card.

Senator Guthrie introduced RS 28506 which enable people living and working in Idaho on a temporary basis and are not eligible for a drivers license to obtain authorization cards. He requested that RS 28506 be sent to print and referred to the Senate Transportation Committee for a public hearing.

MOTION: Senator Lee moved to send RS 28506 to print. Senator Burgoyne seconded the motion. The motion carried by voice vote.

RS 28628 Relating to Guardians of Minors; regarding a temporary guardianship.

Senator Lee informed the Committee that temporary guardianships are supposed to be six months in length. She observed that, although the statute was clear, there are some cases where the interpretation is not clear. Senator Lee advised the Committee that RS 28628 allows for the regular 6-month guardianship to have only one extension up to 12 months. She stated that after that, the court must hear a permanent guardianship request.

MOTION: Senator Harris moved to send RS 28628 to print. Senator Stennett seconded the motion. The motion carried by voice vote.

S 1110 Relating to Ballot Initiatives and Referendums; to ensure that signatures are gathered from each of 35 districts
Chairwoman Lodge explained that public comments continuing from Thursday, February 18, would be heard regarding S 1110. She stated a two minute time limit would be observed.

**TESTIMONY:**

The following gave verbal testimony in support of S 1110:

- Mary Schwartz
- Brett Casperson
- Russ Hendricks, Idaho Farm Bureau

The following submitted written testimony in support of S 1110:

- Holly Hancock
- James Bazil
- Brody Miller
- Andrew Schauerhamer
- Sheryl Nuxoll
- Kirk Chandler
- Lynn Steadman
- Sid Freeman
- Tristan Winegar
- Dean Dryden
- Landon Kesler
- Greg Nedrow
- Val Hammond
- Ralph & Joyce Dalley
- Lori Anne Lau

The following were reasons given for support of S 1110:

- gives a voice to both urban and rural citizens, i.e. the whole state
- courts support this process if geographic districts have an equal populous
- cuts down on possible influence of special interest and out-of-state groups
- rural districts need better representation (See Attachment A)

The following gave verbal testimony in opposition to S 1110:

- Lori Burelle, National Organization for Women, SW Chapter
- Lauren Bramwell, American Civil Liberties Union of Idaho
- Melinda Ritts
- John Orlovick
- Bryan Bledsoe
- Louise Brannon
- Cameron Crow
• William Thomas  
• Gary Moncrief  
• Josie Gray  
• Randall French  
• Shireene Hale  
• Cindy Logan  
• Luke Mayville, Reclaim Idaho  
• Alicia Abbot  
• Baily Bingham  
• Diane McConnaughey  
• Carol Mendiola  
• Russ Bellville, Idaho Citizens Coalition  
• Stephanie Hansen  
The following submitted written testimony in opposition to **S 1110**:  
• Rae Charlton  
• Jessica Mahuron  
• Ellen B. Spencer  
• Doug Paddock, Idaho Organization of Resource Councils  
The following were reasons given for opposition to **S 1110**:  
• places a burden on Idahoans' access to the initiative process  
• restricts the constitutional rights of the people to bring initiatives  
• Prevents a bill being placed on the ballot due to failure to meet the 6 percent signature criteria  
• Increases the difficulty of getting an initiative on the ballot (See Attachment B)  

**DISCUSSION:**  
**Senator Vick** said current law states the requirement for signatures for an initiative to be placed on the ballot is 6 percent of the qualified electors in the State. He advised **S 1110** would change the requirement to 6 percent of qualified electors in all 35 legislative districts. He pointed out that the total number of signatures required would not change. **Senator Vick** observed that currently, the population in some districts is considerably larger than in others, but redistricting will remedy that situation by balancing the of the districts. He emphasized the need for equity of representation throughout the State. **Senator Vick** referred to testimony indicating signatures were required by counties. He advised that signatures are required by districts, not counties.  

**Senator Burgoyne** stated many people believe the purpose of the bill is to decide whether or not an initiative should pass, not if it should be placed on the ballot. He pointed out that the bill defines the process for placing an initiative on the ballot. **Senator Burgoyne** observed that there are legitimate reasons for having an administrative process to place an initiative on the ballot to ensure the right of free and fair elections, and to make the ballot process manageable.
He noted that if the process becomes overwhelming, it may infringe on citizens right to vote. He expressed his concern that collecting signatures in compliance with this bill would be overwhelming.

**MOTION:** Senator Burgoyne moved to hold S 1110 in Committee. Senator Stennett seconded the motion.

**SUBSTITUTE MOTION:** Senator Guthrie made a substitute motion to send S 1110 to the floor with a do pass recommendation. Senator Winder seconded the motion.

**DISCUSSION:** Senator Guthrie referred to an initiative or proposition that would have required 32 of the 35 districts to have a 10 percent requirement for signatures with only 6 months to complete the process. He stated he believed that was unrealistic and he did not support the bill. He declared his support for S 1110 that leaves the 6 percent and the 18 month requirements in place and represents all 35 districts.

Senator Stennett expressed her concern that with the rigor required by this bill nothing would be passed.

Senator Harris asserted that he believed this bill increases the involvement of the electorate, and that he will support the substitute motion.

Senator Guthrie noted that this process will gather signatures from all legislative districts because the number required is not large. He stated his belief that it will garner a better representation of what both rural and urban Idaho citizens want.

**VOTE ON SUBSTITUTE MOTION:** The substitute motion to send S 1110 to the floor with a do pass recommendation carried by voice vote. Senator Burgoyne and Senator Stennett were recorded as voting nay.

Chairwoman Lodge thanked Soren Jacobsen. Senior IT Specialist, Legislative Services Office, for his work in managing the technology for remote testimony.

**ADJOURNED:** There being no further business at this time, Chairwoman Lodge adjourned the meeting at 9:43 a.m.
From: HOLLY HANCOCK <hwh72@msn.com>
Sent: Thursday, February 18, 2021 3:31:16 PM
To: Senate State Affairs Committee
Subject: HB110

To the legislature,

When you have the opportunity to vote on the ballot initiative bill, SB 1110, I want to encourage you to strongly consider voting yes.

Having 6% of the registered voters of EVERY district would be a more true representation of the whole state, not just the few most populous ones. Had it been in place a few years ago, I believe the Medicaid expansion would not have passed and would have allowed the legislature time to work out the parameters.

Sincerely,

Holly Hancock
Rigby, ID
My name is James Bazil from Jefferson county. I support requiring all ballot initiatives to collect signatures from 6% of registered voters in each of the 35 legislative districts.
Dear Chairwoman Lodge and Committee

I ask for your support of S1110. I believe it is extremely important for citizen throughout Idaho to have a say when it comes to placing an initiative on the ballot. I ask for your support in moving this forward and thank you for your consideration and service.

Respectfully,

Brody Miller

District 9 Constituent.
From: Andrew Schauerhamer <schauerhamer_guy@live.com>
Subject: Re: Support of SB1110
Date: February 18, 2021 at 11:44:59 AM MST
To: Senate State Affairs Committee

To Whom it may concern:

I am in full support of SB1110. We need the process of getting initiatives put on the ballot to be more representative of all the people who will be affected by those initiatives. This bill will help accomplish that and I hope it is passed.

Andrew Schauerhamer
Ashton, Idaho
I am Sheryl Nuxoll, Cottonwood, Idaho

Please support S 1110

Right now our current ballot initiative law allows 6% of registered voters from only 18 legislative districts, BUT WE WANT ALL 35 DISTRICTS INCLUDED. Right now we can gather enough signatures from Ada, Canyon, Kootenai, and Bonneville counties and after reapportionment, it will take only 3 counties. Don’t rural voters count at all. I come from rural district and I “feel” left out. S1110 empowers voters since it follows the idea of at least getting a chance to get those voters who are close to the issue.

The current law really doesn’t live with the reality of what the initiative would propose when we talk about divisive issues, such as wolves, forest management, mining, water, etc

The case in example would be Colorado which had an initiative to re-introduce wolves. For farmers and ranchers livelihood. Can you believe that passed? It happened because they covered the urban vote, ignored the rural areas, and out of state activists and money poured in. We have seen this before in our own state—we don’t want it happening again. It happened all the time with the pro-life issues and causes our state a lot of money.

Is S1110 a just law? Yes

Is S1110 fair law? Yes

We need support S 1110 because it follows all the principles of subsidiarity, common good, and human solidarity.
To whom it may concern,

I am writing to the S1110 bill. I would ask you to pass this bill out of committee. The ballot initiative process goes around the constitutional process of having laws passed by elected officials. Each of the districts elect representatives to go to the capital and be there in our behalf. The ballot initiative goes around this and allows a select few to put issues on the ballot that haven't gone through the process of law. We are a country that is supposed to be based on law. The only way a ballot initiative is justified is if every district has an opportunity to have 6% of their voters a say whether something goes on the ballot. Most of the ballot initiatives are put on the ballot by special interest groups that gather the needed signatures from the populated areas. The issues are voted and passed by people that don't have to deal with the outcome. I live north of Weiser on a ranch and I would like to have 6% of the voters in our district needed to put an issue on the ballot. Please pass this out of committee with a do pass recommendation.

Thank you, Kirk Chandler
Thanks for getting back to me. I sent in written testimony and I couldn't figure out whether my comments were sent. It joined me to the meeting, but I needed to just send in written testimony. It only let me write, like, two sentences. I would like to have the committee know I would encourage them to pass this. Where ballot initiative by pass the legislative process, every district needs to have an opportunity to say whether it goes on the ballot. The way it is those that live in populated areas that the initiative doesn’t affect can put things on the ballot that is not good for rural areas. I live in Weiser and live and own a cattle and sheep ranch. We are economically impacted by ballot initiative without having an opportunity to say no. Most of the time they don't even come to our district for signatures. Please pass this. Thank you, Kirk Chandler

Hi Kirk Chandler,

Thank you for registering for "Senate State Affairs Committee". We appreciate your interest in testifying. The time allotted by the committee allows a limited number of people to testify for up to 3 minutes each on a first-registered, first-to-testify basis. Your testimony may be audio-only, not video.
IN FAVOR OF S1110

Our country was founded on the belief that every man should have a vote.

I believe Senate Bill S1110 will create a more desirable inclusive political environment as opposed to an exclusive one.

I am currently involved in a small development project near Middleton, Idaho. When we started two years ago, many Idahoans showed interest in some of this property. Now, virtually everyone who is interested is from out of state, mostly California. When visiting with them, they love Idaho: clean air, open spaces, jobs, etc.

The State is going to change. I believe the time to pass this legislation is now, before we lose our practical, limited, and common sense government attitude.

Once a political issue becomes an initiative, it becomes a matter of which side can throw the most money at the issue. At that time, it is no longer an Idaho only issue, but an outside interest issue.

If an issue is important enough to be considered on a ballot, it is important enough to include all legislative districts to put it there.

Lynn Steadman
345 N. Yale Rd. /Raft River
American Falls, ID 83211
Date: February 17, 2021

To: Idaho Senate State Affairs Committee

From: Sid Freeman, Canyon County Farmer

Committee Members,

I support S1110 whole-heartedly. We simply cannot allow laws in the state of Idaho, one of the greatest agrarian states in this nation, to be imposed by only the urban populous of this state. S1110 gives an equal voice to all demographics of Idaho. It reaches out to every crook and cranny in the state, and is as fair as it can possibly be. Once again I am 100% in support of S1110. Thank you.

Sid Freeman
27406 Farmway Rd.
Caldwell, ID 83607
208-941-3584
To the Members of the Senate State Affairs Committee

As you all well know, one of the greatest attributes and keys to the success of this Great Nation (and in turn our Great State) is our Republican form of government. With it comes the greatest attributes of Democracy and the voice people being heard while also the refuge guaranteed by the Constitution protecting the rights and voice of all, no matter how meek or boisterous.

Upon hearing of the existence of S1110, I have been ecstatic at the mere notion that (finally) the voice of the “resigned” may be protected from the thunderous opinions of the few. I believe that the voice of Idaho is NOT in only 6% of registered voters in ONLY 18 LEGISLATIVE DISTRICTS, but in and from every beautiful place in this great State. There are probably many that are actively fighting to stop such legislation, once again proving my point that our voices can be drowned out.

That doesn't mean, however, that it shouldn’t be passed into law. An equal 6% of registered voters' signatures from all 35 districts across the State is not a very high bar to traverse. Will it be more difficult, absolutely, but it will also guarantee that whatever is proven worthy of being on the ballots for the people to vote on is equally desired across the state and will also prove the conviction of those wanting such initiatives on the ballot. An initiative is not something to be taken lightly. It circumvents the legislative power to govern and make law WITHIN the law and is a form of direct democracy, without the sacred protections guaranteed to said voters. In short, the majority rules.

I am all for the successful passing of S1110. I am the fourth generation on a farm and ranch here in Idaho and I ABSOLUTELY LOVE this great State! I wanted to testify in person, but could not come back on Friday due to prior commitments required by this time of year with our cattle. I would urge your wholehearted support of this Bill's continuance and passing. Along with that, I want to thank you for your service in the name of this most beautiful state and in the protection of the very things that make it so unique and desirable to its many diverse citizens.

Feel free to contact me with anything further in regards to S1110...

Tristan Winegar
Weiser, ID
(208) 550-0985
tristanwinegar@yahoo.com
From: Dean Dryden [mailto:ddryden@frontiernet.net]
Sent: Thursday, February 18, 2021 9:37 AM
To: Senate State Affairs Committee
Subject: Support S1110

Madam chairman and Board,

My name is Dean Dryden. I am from New Meadows Idaho and I'm a fifth-generation rancher in the state Idaho.

I support S1110, Citizens in the rural districts need to be represented as well as people from the more populated areas. Opponents to the initiative process described by S1110 say it will make it to hard to get signatures for the 6 percent required.

I do not agree, if their proposal is sound then the people will support the ballot initiative. Hard work to get anything is not a reason to deny representation to all citizens in or state.

If we do not have S1110 we will not have any representation in our small districts thank you.
Dear Committee members,

I would like to ask for your support on S1110. I believe it is important for citizens from each district to have a say when getting an initiative on a ballot. The thought that the Treasure Valley and a couple of other districts around the state can get something on a ballot without true representation from the rest of the state seems very wrong.

Thank you for allowing my voice to be heard.

Sincerely,

Landon Kesler

District 30
From: Greg Nedrow <mc_rules800@hotmail.com>
Subject: Support of SB 1110
Date: February 17, 2021 at 7:48:28 PM MST
To: Senate State Affairs Committee

I am writing this letter in support of SB1110.

I feel that each legislative district needs to retain its power in creating a ballot initiative.

Thank you

Greg Nedrow
Ashton Idaho Dist 35
From: V Hammond [mailto:valhammond@gmail.com]
Sent: Thursday, February 18, 2021 9:17 AM
To: Senate State Affairs Committee
Subject: Support of SB1110

I am writing in support of SB1110 for true representation of all the voters in the State of Idaho.

Self-serving initiatives that by-pass the legislative process of scrutiny to get on the November ballot should have some checks and balances which 6% of registered voters from each district can provide.

This is a good legislation and I support it fully.

Thank you,
Val Hammond
St. Anthony, ID
From: Ralph & Joyce Dalley <ridal@g.com>
Sent: Thursday, February 18, 2021 9:20 AM
To: Senate State Affairs Committee
Subject: S1110 support

I support S1110. As a partner with my son in ranching I feel that my voice has not been heard. With S1110 this is an opportunity for my voice to be heard and my opinions to be recognized.

Ralph Dalley

--

Ralph & Joyce Dalley
525 Gardner Drive
Blackfoot, ID 83221
208-604-4096 - 604-4097

"People may not remember what you said, they may not remember what you did, but they will never forget how you made them feel."  Maya Angelou
Thank you madam chairwoman and committee members for this opportunity to testify remotely.

I am Lori Anne Lau of Soda Springs, Caribou County, which is part of LD 32. I am in support of SB 1110.

I’m excited to see the proposed change to the initiative process become law.

It is critical that ideas, which will become law via the initiative process, have broad spectrum, and broad based support. All parts of the state should be involved in this very important process. As several others who have testified in favor have said, Citizens from all areas of the state want to “count” and to be “heard” equally in our law making processes. I believe they deserve this equal input in the process.

Many others have testified about the small number of initiatives that have qualified and that only one initiative has become law. They seemed to be saying that this indicates there is a flaw in the initiative system. I would counter, that the majority of the ideas with merit, practical implementation methods, and broad based support are already working their way thru our representative legislature. Our state constitution gives the citizens the right to by-pass the legislature, if the legislature is failing to act. We need to demand that this is a rare circumstance. In those rare situations when good ideas, with practical application methods, and broad support are not being addressed by our legislature, we the people can turn to the initiative process. In these circumstances it will be relatively easy to gain the support of 6% of the voters in every portion of the state and qualify an initiative for the ballot.

Our founding fathers chose not to make us a direct democracy so as to protect the rights of minority opinion holders. They gave us a representative government, and we added the initiative process to our constitution for the rare times when the system doesn’t work. The changes proposed by SB 1110 will help ensure ideas have broad based support, thus helping to ensure the rights of those with minority view-points.

Thank you for this opportunity to participate in the process. I’m unsure I will be able to rejoin the committee on Friday so I’m sending these comments in writing. I hope you will vote in favor of 1110 and urge your fellow legislators to do the same.

Lori Anne Lau
Lau Family Farm, LLC
Grass-fed Beef and Lamb...a natural choice
208-709-4981 cell
February 16, 2021

Senate State Affairs Committee
State Capitol
P.O. Box 83720
Boise, ID 83720-0081

Dear Honorable Senator Patti Anne Lodge and members of the Senate State Affairs Committee,

I am writing you on behalf of the board of directors, members, and staff of the Idaho Organization of Resource Councils (IORC) in opposition to SB1110 which restricts the constitutionally protected right of the people to bring initiatives and referendums. IORC is a 501(c)(3) grassroots nonprofit based in Boise, Idaho with members across southern Idaho and local chapters in Bannock, Canyon, Payette, and Washington Counties. IORC’s mission is to empower people to improve the well-being of their communities, sustain family farms and ranches, transform local food systems, promote clean energy, and advocate for responsible stewardship of Idaho’s natural resources.

The cornerstone of our state Constitution is the framework of divided government and the robust system of checks and balances it guarantees. “The powers of the government of this state are divided into three distinct departments, the legislative, executive and judicial; and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except as in this constitution expressly directed or permitted” (ID Const. Article II, § 1). Additionally, the Idaho Constitution grants to the people legislative powers equal to those of the legislative branch, “the people reserve to themselves the power to propose laws, and enact the same at the polls independent of the legislature” (ID Const. Article III, § 1).

SB1110 diminishes the constitutionally granted rights of all Idahoans. The process to bring a citizen initiative is already a monumental task. We agree that everyone should have a say, but respectfully disagree that current signature gathering requirements put our rural communities at a disadvantage. The voices of our rural communities count just the same as everyone else’s on election day; one person, one vote.

However, if this legislation makes it so difficult for grassroots organizations to meet the threshold for signature distribution that it effectively prohibits the people’s right to propose and enact laws or makes it available only to well-funded organizations, then it diminishes the power of all Idahoans, rural voters included by effectively repealing a constitutional right. If this is the effect, then it should be presented as a constitutional amendment requiring two-thirds majority in both houses and support by a majority of the people (ID Const. Article XX).
There is no question the effect of this bill will be to silence the voice of the people by repealing one of the most direct forms of democracy out there, the ballot initiative. Please vote no on SB1110 and any subsequent proposal to unnecessarily restrict the initiative and referendum process.

Thank you for the opportunity to express our concerns.

Sincerely,
Doug Paddock
Field Organizer,
Idaho Organization of Resource Councils
I believe I was included on the list to testify yesterday, but time ran out. Unfortunately I have a conflict and am unable to attend Friday’s hearing, so am submitting written comments instead. Thank you for providing the opportunity for citizens all over the state to testify on this important issue.

I strongly oppose SB 1110, which would make citizen initiatives all but impossible. My first experience with the initiative process was gathering signatures for the Medicaid Expansion bill. I spent many hours going door to door, and it was enlightening. So many people needed help on this issue, and since the legislature hadn’t acted on it, if we could qualify it for the ballot, the voters could decide. It struck me that this was a grassroots effort, and truly democracy in action. There aren’t too many ways to experience that, jury duty and voting come to mind, but it was immensely gratifying to be part of something so positive for people desperately needing medical care.

Idaho’s Constitution enshrines the ballot initiative as a way to give citizens a voice in their government. The current procedural requirements are very difficult and restrictive; making them so much more so is clearly an effort to sabotage the whole endeavor. Please vote “No” on SB 1110.

Rae Charlton
Sandpoint
Testimony Against Senate Bill 1110
Jessica Mahuron
2907 W Masters Dr
Coeur d’Alene, ID 83815
civicengagementalliance@gmail.com

Good morning Madam Chair and members of the committee. My name is Jessica Mahuron from Coeur d’Alene and I am representing myself. I am testifying AGAINST Senate Bill 1110.

Based on my own personal volunteer experience serving as a local coordinator for the Medicaid expansion ballot initiative in Kootenai County, I strongly feel the changes proposed in Senate Bill 1110 would severely limit the ability of any volunteer-powered citizen initiative from meeting the qualifications to gain ballot access for voters to decide upon ever again.

The stated bill’s purpose to increase voter involvement and inclusivity in the voter initiative process would not be achieved in passing this legislation - in fact, it would do the complete opposite of preventing citizens from participating in a cherished and accessible expression of civic engagement. It would deter Idaho citizen initiative organizers from sacrificing valuable time, energy, volunteer commitment, and financial resources with the increased, if not definite, risk of failure.

Ordinary citizens, working not for money, but because they are deeply passionate about a cause or legal solution that is unaddressed by the Idaho Legislature, would likely no longer have opportunities to participate in the initiative process if this bill were to become law. The initiative process is already extraordinarily challenging and complicated. As demonstrated in our state history, most grassroots efforts under the current qualifications are likely to fail as it requires enormous state-wide coordination, impeccable organization, and hundreds of volunteers willing to sacrifice their precious free time and energy for months for something that could easily fall apart. It would be incredibly foolish to organize a grassroots citizen initiative unless it had proven broad-based, cross-partisan support and appeals to both rural and urban voters.

There is a significant difference between petition drives that rely on paid signature gatherers and efforts that rely on volunteer labor, or citizens expressing their First Amendment right to petition the government. Senate Bill 1110 does not recognize that difference and is an infringement on Idahoans’ constitutional rights.

The assumption that somehow the current initiative process of requiring 6% of voters in 18 out of 35 legislative districts is more favorable to urban voters than rural voters is false and goes against the logic of the experience of the last successful initiative. It goes against my own personal lived experience working on a petition drive in a county that is both urban and rural. It goes against the lived experience of my former volunteer colleagues in other counties, who gathered signatures in their small rural towns.
As a volunteer myself, I helped coordinate over 100 volunteers to achieve our local goals, working the hardest I have ever worked in my entire life for the cause to provide healthcare access for the working poor. The signatures our local team gathered were primarily from the urban area of Coeur d’Alene, but we also collected hundreds of signatures in more rural areas of our county in legislative districts 2 and 3. We only qualified legislative district 4.

Every legislative district participating in a petition drive should have at least one person to serve in a leadership role or there would be no one to track progress, no one to collect petitions, and no one who can be locally accessible to volunteers. Finding people in all 35 districts (let alone 18) to take on the heavy burden of leadership as unpaid volunteers is very difficult to achieve. And every local group of volunteers must rely on the success of other districts reaching their goals, or all their hard work will go to waste.

The sponsors of Senate Bill 1100 most likely do not understand the hands-on logistics of the current initiative process and how this bill would severely restrict the voices of all Idahoans. They do not understand how volunteer initiative drives are largely powered on relationship-building in towns both rural and urban, and how oftentimes, it’s more favorable to do relational organizing in small towns where there is a stronger sense of community and everyone knows each other.

I strongly urge this committee to vote NO.

Thank you,

Jessica Mahuron
Coeur d'Alene, Idaho
To the Chair and members of the Committee:

Regarding the proposed Senate Bill 1110, I am writing to Oppose it.

SB 1110 is another attempt to silence the voice of Idaho voters. The proposition that rural communities are left out or under-represented under the current process is a false narrative and you can see that clearly, from the Medicaid Expansion Initiative data which shows that 44 counties approved it to be on the ballot and it passed in 35 counties. This demonstrates that every Idaho citizen who wanted to vote and did, had their say.

It is not just that this change would make it impossible for regular people to get a measure on the ballot; this Bill is not good government by any democratic assessment. Regardless of the percentage determined, when one district has veto power and the ability to negate the desires of the other 34, that is not democracy.

The ballot initiative is simply the mechanism to get a matter placed on the ballot. There is no guaranty it will become law. It only guaranties and provides that Idaho citizens get their say. Only 15 bills have passed in 100 years. Idaho citizens do not abuse this difficult process and only use it when they have exhausted all other avenues and attempts to have lawmakers do the peoples’ bidding, as they are elected to do. They only use it when they feel their representatives are not listening to them.

As for the fear that outside interests would come in and influence Idaho government with the current process, passing this bill is the surest way to have those fears confirmed, as those entities and organizations will be the only ones able to afford to navigate the process successfully. I urge the committee to vote No on this bill and keep outside interests out of Idaho government, and to stop taking away the voice and the rights of Idaho citizens.

Sincerely,
Ellen B. Spencer
991 N. Pinnacle Way
Eagle, Idaho 83616
Testimony to Senate State Affairs Regarding S 1110

Good morning, Madame Chair, and esteemed Senators. My name is Russ Belville. I am a native Idahoan, as are my parents, and five generations of my family have called Idaho home.

My dad, John Belville, was a drug and alcohol addict. In 1982, he checked into the Mercy CareUnit in Nampa for drug rehab. By 1985, he had returned to Boise State University to get his degree in social work. From there, he returned to the Mercy CareUnit and worked for years as a drug and alcohol rehab counselor.

In 1996, dad suffered from a near fatal health condition. He was left with a cripplinglly painful neuropathy in his legs, to go along with his diabetes and bouts with cancer. Doctors put him on a pharmaceutical regimen that included morphine, oxycodone, and hydrocodone, to deal with the pain.

I had moved to Portland in 2003, because my wife at the time needed medical marijuana for her crippling pain conditions, and if we stayed in Idaho, eventually the state would arrest and imprison her for that.

In 2015, my parents visited us in Portland, and I had him try a cannabis tincture for pain. Dad said it was a miracle, the first time he'd been absolutely pain free since the 90s.

Since then, my elderly father has been risking arrest and jail to live pain free. In 2018, I asked him if he'd like to try to establish a medical marijuana law in Idaho.

In 2019, he filed the Idaho Medical Marijuana Act petition. We spent every weekend in the winter of 2019 driving to literallyevery county seat in the state to collect signatures. Our campaign collected 40,000 signatures before coronavirus stopped us.

This body, however, wishes to stop my dad's quest to live pain-free legally, whether it is by enshrining medical marijuana prohibition in the state constitution or by increasing the district requirement to all 35 districts.

When this body passed increases to 24 and to 32 districts in bills last year, they were vetoed by Gov. Little, who worried that such a move would trigger a lawsuit that would let the Ninth Circuit Court of Appeals invalidate Idaho's geographic signature requirement, as it did in the 2001 Idaho Coalition for Bears v. Cenarussa case.

I'm here to guarantee you that an increase to 35 districts will trigger that lawsuit from my father, who has the standing to bring the case.

In the 2001 case, Idaho's county requirements were found unconstitutional because counties are different size, thereby making 6% of the votes from a small county more valuable than those from a large county. Similar county-based regulations were also struck down in Illinois, Utah, Montana, Nevada, and Nebraska.

A congressional district requirement was struck down in Michigan, but no one has yet challenged state legislative district requirements in court. However, given that District 27 requires only 1,309 signatures to reach 6%, while District 14 requires 3,009, it's not hard to imagine the Ninth Circuit ruling that District 27's voters being given almost triple the weight of District 14's voters is unconstitutional, too.

Madame Chair, esteemed senators, the Idaho Medical Marijuana Act is already gathering signatures. It is fundamentally unfair to change the rules on us in the middle of the game. In the interest of Idaho democracy and avoiding a lawsuit, please reject S 1110. Thank you.
SB 1110 District Map Analysis

District #27 requires 1,309 signatures to reach 6%
District #14 requires 3,009 signatures to reach 6%
Therefore, a #27 sig is worth 2\frac{1}{4} more than a #14

District #16 is about 9 square miles
District #8 is about 15,729 square miles
Therefore, a #8 sig is more expensive

Article III, Section 1 says “the people” reserve the power to “propose” and “enact” laws. If it doesn’t matter where the people live when they enact that law, it cannot matter where they live when they propose that law. There cannot be two different criteria for who “the people” are.

If the legislature is truly concerned about the silencing of rural voices in the initiative process, it would eliminate, not expand, the geographic requirement. If all 35 districts must attain 6%, then a district’s voter who is the “6% plus one” signer is worthless, since she no longer contributes to making the ballot. If there were no geographic requirement, every signature would be equally valuable in making the statewide 6% threshold.

Furthermore, as experience from Utah has shown, opponents of an initiative can mount a “remove signatures” campaign in just one district and effectively veto it from making the ballot.
Idaho Citizens Coalition Analysis of SB 1110

The Idaho Citizens Coalition is a grassroots organization funded by Idahoans that works to reform Idaho’s antiquated marijuana laws. We strongly oppose SB 1110, sponsored by Sen. Vick, to increase unconstitutional geographic signature gathering requirements for petitions.

SB 1110 Changes the Rules in the Middle of the Game
The Idaho Medical Marijuana Act is already gathering signatures under the 18-of-35 districts rule. To declare an emergency and change those rules after the petitioning has already begun is patently unfair, unnecessary, and undemocratic. The only “emergency” is that the majority of Idaho voters are threatening to pass laws the legislature, law enforcement, and leadership of the LDS Church don’t like.

SB 1110 Is a Solution in Search of a Problem
Sen. Vick claims this change is necessary to hear from rural voices in the initiative process. We already do; no matter where someone resides, their signature counts toward a statewide total. No matter where they live, their vote on an initiative counts the same.

SB 1110 Doesn’t Boost Rural Voices, It Silences Them
Rather than boost rural voices, SB 1110 disenfranchises them, both rural and urban. For once a district’s 6% threshold is met, no other signature from that district matters. One could collect all the necessary District #8 signatures in McCall, then one would never have any reason to collect from Emmett, Idaho City, Challis, or Salmon.

SB 1110 Does the Opposite of What it Intends
If the legislature wanted to empower more rural voices in the initiative process, it would eliminate, not expand, a geographic requirement that treats some signatures as more valuable or more expensive (see map). Instead, the legislature should value every signature, no matter where it came from, as an equally-sized step toward a statewide goal.

SB 1110 Pretends Rural Voters Don’t Support the Same Initiatives as Urban Voters
There is 78% statewide support for the Idaho Medical Marijuana Act, with support over 60% among Republicans, LDS Churchgoers, and Idahoans over age 65. The Medicaid Expansion Initiative got 61% statewide and plenty of support in all counties. If both rural and urban voters support these measures, what difference does it make where the signature threshold comes from?

SB 1110 Guarantees Only Big Money Could Ever Pass an Initiative
Rather than forestall the intrusion of large out-of-state donors in Idaho’s initiative process, SB 1110’s requirement to collect about as many signatures from 15,729-sq-mile District #8 as from 9-sq-mile District #16 guarantees only deep-pocketed interests could ever place an initiative on the ballot.

SB 1110 Gives Initiative Veto Power to One District
In deciding Idaho’s 22-of-44 counties requirement unconstitutional, U.S. District Judge B. Lynn Winmill ruled in 2001 that “...it is easy to envision a situation where three-fourths of Idaho’s voters sign a petition but fail to get it on the ballot because they could not collect 6 percent of the vote in rural counties.” SB 1110 exacerbates that flaw by essentially granting veto power to one district, whether that be through withholding signatures initially, or (as we’ve seen in Utah) through a big money campaign to entice petition signers to remove their signatures once the initiative has qualified for the ballot.

SB 1110 Is Arguably Unconstitutional
The 22-of-44 counties requirement was unconstitutional because counties are of different sized populations—getting 1 signature of the 5,000 needed from one county was only 1/10th as valuable as getting 1 signature of the 500 needed from another. Illinois, Idaho, Nevada, Montana, Utah, and Nebraska all had their county-based requirements declared unconstitutional. In response, these states imposed legislative district requirements, because all districts are roughly the same population. However, registered voters in those districts create different thresholds, from the 3,009 signatures needed in District #14 that are 2½ less valuable than the 1,309 in District #27.
SB 1110 Could Trigger Federal Court Review of Current Requirements

In vetoing the Legislature’s last attempts to raise the district requirements to 24 and to 32, Gov. Little wrote “I question the constitutional sufficiency of the bills.” Gov. Little worried that the bills “invite legal challenges that will result in the Idaho initiative process being determined by the liberal Ninth Circuit Court of Appeals.” We guarantee that will happen.

SB 1110 Is Contrary to the Idaho Constitution

Article III, Section 1 reserves to “the people” the power to “propose” and to “enact” legislation independent of the legislature. When enacting those laws, it is votes statewide that are counted and a majority of them, regardless of the voter’s district, enact the law. If a threshold of “the people” of each district are not required to enact a law, how can a threshold of “the people” of each district be required to propose a law? How could a scenario where 200,000 of “the people” statewide sign a petition, only to have it fail to make the ballot for lacking 2,000 signatures in Meridian, possibly in keeping with the Idaho Constitution’s reservation of “the people’s” right to propose laws?

SB 1110 Pretends That Rural Voters Don’t Visit Cities

In our 2019 campaign for medical marijuana, we canvassed many events in Boise like Hyde Park Street Fair, Boise Farmers Market, and New Years’ Eve. At those events, we’d collect signatures from voters all across the state. Their voices counted, too, since they applied to a statewide 6% threshold.

SB 1110 Pretends That Rural Voters Don’t Have Internet

Any rural voter who wants to have their signature counted doesn’t have to rely on petition campaigns to come to their county. Any Idaho adult can download the petition, print it, collect 20 signatures, notarize it, and send it to the county clerk.

SB 1110 Seeks Rural Veto of Initiatives, Not Rural Support of Initiatives

Any rural voter who wishes to propose and enact an initiative faces the same obstacles as any urban voter. Both of them still have to go where the signatures are—the cities. SB 1110 makes it no easier for rural Idahoans to get initiatives on the ballot; it makes it far harder for everyone to get initiatives on the ballot.

SB 1110’s Clear Goal is to Thwart Progressive Initiatives

Since the first initiative creating the Fish & Game Commission in 1938, statewide signatures and statewide votes determined initiatives. But when California in 1996 passed the first medical marijuana initiative, the next year the legislature created the county requirement. In 2012 when Washington and Colorado legalized adult use marijuana, the next year the legislature created the current district requirement. In 2018 when Utah passed medical marijuana and Idaho passed Medicaid expansion, the next year the legislature tried to increase the district requirement. Finally, in 2020 when we nearly put medical marijuana on the ballot before coronavirus hit, here we are, the next year, and the legislature is once again trying to make ballot initiatives more difficult.

SB 1110’s Goal of Thwarting Progressive Initiatives Could Bite Conservatives, Too

SB 1110 would cut both ways, conservative and progressive. While it’s easy to imagine a conservative rural district refusing to sign a petition to address medical marijuana, minimum wage, or Medicaid expansion, it’s just as easy to imagine a progressive urban district refusing to sign a petition to address gun rights, reproductive rights, or religious rights.

SB 1110 Pretends There Is A Problem of Initiative Abuse

Idaho’s initiative process has only been used successfully fifteen times and only once since the enactment of the arguably unconstitutional district requirement. This is not California; it is already apparently exceedingly difficult to get any initiative on the ballot. The Legislature should be making that process easier, not harder, if they want to hear more rural voices.

At the Idaho Citizens’ Coalition, we believe in the liberty of Idaho citizens to use the cannabis plant as God and nature intended—for food, fuel, fiber, and medicine—free from government tyranny that maintains criminal marijuana prohibition in defiance of the people’s will. We oppose all efforts to make it harder for Idaho citizens to overcome that tyranny.
Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:
https://www.idahoptv.org/shows/idahoinsession/

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Public Testimony Will Be Taken by Registering Through the Following Link: 
Registry to Testify

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS
Chairman Lodge          Sen Lee
Vice Chairman Guthrie   Sen Heider
Sen Winder              Sen Stennett
Sen Anthon              Sen Burgoyne

COMMITTEE SECRETARY
Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov
Sen Harris
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
Twyla Melton

From: Kathy Griesmyer <kgrisemyer@cityofboise.org>
Sent: Sunday, February 21, 2021 7:02 PM
To: Senator Patti Anne Lodge; Senator Mark Harris; Senator Jim Guthrie; Senator Lee Heider; Senator Chuck Winder; Senator Kelly Anthon; Senator Abby Lee; Senator Michelle Stennett; Senator Grant Burgoyne
Cc: Twyla Melton
Subject: Support SB 1111 - Testimony from City of Boise
Attachments: SB 1111 testimony.pdf

Members of the Senate State Affairs Committee –

In advance of tomorrow's hearing on SB 1111, attached and below please find my testimony highlighting the City of Boise's support for this legislation. If you have any questions about our position, please don't hesitate to reach me at 208-890-3800. Thank you! – Kathy

Testimony of Kathy Griesmyer
Before Senate State Affairs Committee
SUPPORT SB 1111: Technical Corrections to City Council Districts Legislations
February 22, 2021

Members of the Senate State Affairs Committee –

As the Government Affairs Director for the City of Boise, I write to share our support on SB 1111, which will enact technical corrections to previously passed legislation (HB 413, 2020) that requires the creation of city council districts for cities over 100,000 people in population.

Upon passage and further review of the requirements in House Bill 413, three main issues became apparent as challenges the City of Boise would need to address in order to successfully implement this new law. In an effort to continue moving implementation forward, the cities of Boise, Meridian and Nampa worked with Senate President Pro Tem Chuck Winder and Brian Kane from the Attorney General’s Office to discuss updates to Idaho Code §50-707A. These amendments would address concerns raised by cities regarding 1) the timeframe for the creation of districts, 2) the unclear process for drawing and deciding the districts, and 3) the unclear process for implementing the districts.

Under HB 413, council districts would need to be drawn 120 days before the general election for city council races in November 2021, and then again after the reapportionment process redraws election precinct boundaries in 2022 in order to comply with the initial legislation. This process has already been delayed by the late return of Idaho’s U.S. Census data, that won’t be delivered to the State of Idaho until the end of July 2021, which would create a very short window for cities to craft new council districts. As proposed under SB 1111, the updated language will time the drawing of the council districts map so that it mirrors the State’s reapportionment process, thus preventing cities from needing to draw maps twice within a two-year timeframe.

Now under SB 1111, it will allow for 2021 city council elections to remain via an at-large process for a two-year term and then will transition into council districts for four-year terms in 2023. By aligning the district boundary mapping with the State’s reapportionment process, it will also save taxpayer dollars. Expenses for election administration, ordinance passage, legal advice, demographer fees for map
drawing, public education and outreach, etc. are estimated from $75,000-$100,000 for one boundary
drawing cycle, specifically for the City of Boise.

Additionally, SB 1111 provides additional clarity regarding how cities will move forward in drawing
and deciding districts, as well as final implementation concerns. Under the new language, the
districts would be drawn by a committee as established by city ordinance. This will provide cities the
ability to establish a process that is workable for their respective community. Also, cities will be able to
engage their County Clerk to serve as a non-voting ex officio member to assist the committee with
regard to precincts, boundaries, and any other districting issues to ensure they are in compliance
with state election laws.

The City of Boise sincerely thanks Pro Tem Winder and Rep. Palmer for their partnership in addressing
the technical implementation concerns that we raised, and for working alongside the cities to ensure
that the intent of HB 413 could be made given our concerns.

For these reasons, we urge your “yes” vote on SB 1111. If you have any questions about our position,
please do not hesitate to reach me at kgriesmyer@cityofboise.org or at 208-890-3800. Thank you.

Kathy Griesmyer
Government Affairs Director
Office of the Mayor
Office: (208) 972-6522
Cell: (208) 890-3800
kgriesmyer@cityofboise.org
cityofboise.org

Creating a city for everyone.
I won’t be able to testify in person. Please include this in the record and distribute to the members.

Thank you
Sara Baker
8704 Ustick Rd
Boise ID 83704

For years, we Boiseans have been represented on the City Council by those who live basically within spitting distance of each other, the North and East Ends. Those council people never wanted to create districts by geography. So finally, the legislature in 2020 changed the law to require cities over 100,000 to have geographic districts.

Idaho code 50-707A states
(2) Each district shall consist of one (1) or more contiguous election precincts as established pursuant to the provisions of chapter 3, title 34, Idaho Code, and each district shall, to the nearest extent possible, contain the same number of people based upon the MOST RECENT FEDERAL DECENNIAL CENSUS (which is 2010).

But now, S1111 puts that effort on hold for two more years AND allows those elected who don’t live in the new district to serve another two years pushing it out to 2025! The reason? The 2020 census results are delayed. But will it really make that much of a difference to do it now? Hardly. Only Boise would be covered by the 2020 statute change stated above. Meridian and Nampa (maybe) would automatically geographically district when they receive their 2020 census results.

Putting together a district map isn’t rocket science. It’s only complicated by politics. All one has to do is take the total population, divide by six, carve out contiguous and compact districts and then adjust precincts in or out to allow for a population deviation of no more than 10%. Ideally you want the deviation to be as close to zero as possible. That could be done today. When the 2020 census results come out, the district populations could be tallied up and precincts adjusted. It can be done quickly with a calculator because it’s just math.

I know why the Boise Council wants to delay as long as possible, it fixes things in place without having to change and provide representation to ALL parts of the city. In fact, they haven’t taken any steps as yet to comply with the 2020 law.

Legislators are required to be elected from a geographic district as well as County Commissioners and in Ada County, ACHD Commissioners. Heck, even the West Ada School district has geographic boundary representation. Shouldn’t we expect the same of the City Council of the largest city in Idaho?

It’s time for those of us in Boise who don’t live in the North End to have some representation as well.

Please do not approve this bill and allow the City of Boise to once again ignore the population.
**AGENDA**

**SENATE STATE AFFAIRS COMMITTEE**

8:00 A.M.
Room WW55

**Wednesday, February 24, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:
https://www.idahoptv.org/shows/idahoinsession/

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<td>PAGE INTRODUCTION:</td>
<td>Introduction of page Colton Rietema</td>
<td>Chairwoman Lodge</td>
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<td>VOTE ON GUBERNATORIAL APPOINTMENT:</td>
<td>Vote on the Gubernatorial Appointment of Evelyn Johnson to the Commission on Human Rights.</td>
<td>Senator Riggs</td>
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<td>RS28655</td>
<td>Unanimous Consent Request from the Senate Health and Welfare Committee to clarify definitions and the powers and duties of the Director of Health &amp; Welfare.</td>
<td>Senator Riggs</td>
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<td>Relating to Elections to provide for clearer and more consistent deadlines in the election processes.</td>
<td>Jason Hancock, Deputy Secretary of State</td>
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<td>Relating to Election Ballots to clarify when a replacement ballot may be issued.</td>
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<td>S 1086</td>
<td>Relating to the Anti-Boycott Against Israel Act to prevent public entities from entering into certain contracts that would boycott Israeli products.</td>
<td>Allen Gorin, Founder/Director, Idahoans United for Israel</td>
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<td>S 1087</td>
<td>Relating to Tobacco and Electronic Smoking Devices to ensure uniform laws.</td>
<td>Pam Eaton, Idaho Retailers Association</td>
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<td>S 1136</td>
<td>Relating to Martial Law in times of extreme peril.</td>
<td>Senator Anthon</td>
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*Public Testimony Will Be Taken by Registering Through the Following Link: Registry to Testify*

*If you have written testimony, please provide a copy to the committee secretary.*

**COMMITTEE MEMBERS**

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<tr>
<th>Chairman Lodge</th>
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<td>Vice Chairman Guthrie</td>
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<td>Sen Harris</td>
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**COMMITTEE SECRETARY**

Chairman Lodge

Twyla Melton

Room: WW42

Ph: 332-1326

Email: sstaf@senate.idaho.gov
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 24, 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 8:05 a.m.

PAGE INTRODUCTION: Chairwoman Lodge introduced Colton Rietema, page for the second half of this Legislative Session. Mr. Rietema gave a brief overview of his background. Chairwoman Lodge asked Mr. Rietema what he liked to do in his spare time. Mr. Rietema said he likes to raise honeybees and has started his own small business. He currently has 16 beehives and hopes to have 40 by the end of this year. Chairwoman Lodge asked how many bees are in each hive. Mr. Rietema said between 30,000-40,000. Chairwoman Lodge welcomed Mr. Rietema to the Committee.

VOTE ON GUBERNATORIAL APPOINTMENT: Senator Lee moved to send the Gubernatorial appointment of Evelyn Johnson, to the Idaho Human Rights Commission to the floor with the recommendation that she be confirmed by the Senate. Senator Heider seconded the motion. The motion carried by voice vote.

RS 28655 Unanimous Consent Request from the Senate Health and Welfare Committee to clarify definitions and the powers and duties of the Director of the Department of Health and Welfare.

MOTION: Senator Anthon moved to send RS 28655 to print. Senator Lee seconded the motion.

DISCUSSION: Senator Winder said RS 28655 clarifies the powers and duties of the Director of the Department of Health and Welfare and commended Senator Lee on her work in bringing RS 28655 forward. Senator Winder noted the bill has the support of the Executive Branch.

VOTE: The motion carried by voice vote.

S 1061 Relating to Elections to provide for clearer and more consistent deadlines in the election processes.

Jason Hancock, Deputy Secretary of State, stated S 1061 is known as "the dates and deadlines" bill. He stated that the changes are being proposed for clarification and reviewed the changes in the bill on a section by section basis as follows:

1. Idaho Code § 34-106, page 2, subsection 8, would add the month of March in a Presidential election year as a major category within elections for political subdivisions.
2. Section 9 deals with recall elections. This bill would move the deadline to submit a recall with the appropriate number of signatures needed from 45 to 60 days before the actual election.

3. Section 2 deals with deadlines that fall on a holiday or a weekend. This bill clears up ambiguities about what day the deadline falls on by adding the phrase, “or any specified day of the month.”

4. Sections 3 and 4 deal with candidate withdrawals from an election. Idaho Code § 34-715 says if a vacancy is on the ballot 10 days before a general election that person can be replaced. This bill would set the standard to be 10 days before a primary election and 50 days before a general election.

5. Section 5 deals with recall petitions. This bill would require officials being recalled to submit their 200-word justification statement no later than 5 days after a recall petition is validated, or for them to resign.

DISCUSSION: Senator Burgoyne said page 2, subsection 8, is confusing and requested clarification. Mr. Hancock said this bill inserts the wording “the month of March of a Presidential election year” to align the election order deadline for the presidential primary with the 60-day standard used in the State primary.

MOTION: Senator Heider moved to send S 1061 to the floor with a do pass recommendation. Senator Guthrie seconded the motion. The motion carried by voice vote.

S 1064 Relating to Election Ballots to clarify when a replacement ballot may be Issued.

Mr. Hancock stated this bill gives clear direction to election clerks that once a voter has requested a particular absentee ballot type, the voter cannot request a ballot for a different party. The only reason to issue another ballot to a voter would be if the county clerk’s office made the error.

DISCUSSION: Senator Burgoyne asked what logistical or legal issues might arise from passing S 1064. Mr. Hancock explained that voters request sample ballots far in advance of any election. Hence the sample ballots sent out would only be useful for elections with President, State Senators, US Senate, Congress, Governor and Statewide races. Senator Burgoyne asked how many voters actually asked for a different ballot during the last election. Mr. Hancock stated the most common request was from voters who originally requested a nonpartisan absentee ballot then requested a Republican or Democratic ballot. Mr. Hancock said he did not know how many voters did so.

Senator Stennett asked if someone requested an absentee ballot, could they then vote in person. Mr. Hancock said yes, and the absentee ballot would be spoiled at the polling location. Senator Stennett asked how many absentee ballots were spoiled during the last election. Mr. Hancock said he did not have hard numbers to report, but he did say some county clerks allowed for spoiling ballots and some did not, so there was inconsistency across the State.

Phil McGrane, Ada County Clerk and Chairman of the Elections Committee, provided some clarity to this situation. Mr. McGrane said the most common issue during the last election was the nonpartisan voter who received their ballot but then wanted to switch to another party to vote. The challenge occurred because the Secretary of State’s office was not able to provide guidance at that time; the Legislature had not made a decision about how to handle such situations.

MOTION: Senator Guthrie moved to hold S 1064 in Committee. Senator Stennett seconded the motion.
DISCUSSION: Senator Burgoyne said he wants voters to be able to request alternative ballots but a fair, consistent process must be used throughout the State.

Senator Heider voiced his objection to the motion stating the bill language is clear.

Senator Winder said he is opposed to the motion. Idaho already has a good voting system in place; this bill is a way to deal with the process to help voters.

SUBSTITUTE MOTION: Senator Winder made a substitute motion to send S 1064 to the floor with a do pass recommendation. Senator Heider seconded the motion.

ROLL CALL VOTE: Chairwoman Lodge called for a roll call vote on the substitute motion. Senators Winder, Anthon, Heider, Burgoyne, and Chairwoman Lodge voted aye with Senators Anthon and Burgoyne reserving their right to change their vote on the floor. Senators Harris, Lee, Stennett, and Vice Chairman Guthrie voted nay. The substitute motion carried.

S 1086 Relating to the Anti-Boycott Against Israel Act to prevent public entities from entering into certain contracts that would boycott Israeli products.

Allen Gorin, Founder/Director, Idahoans United for Israel, said S 1086 will prohibit Idaho public entities from entering into contracts that would boycott goods or services from Israel or its territories, with exceptions for contractors with a potential value of less than $100,000 or a contractor with 10 or less employees. To date, 30 states have advanced executive orders or passed similar legislation as this bill. Mr. Gorin described how Israel is an integral part of the world's economy and listed some examples of Israel's technology and other innovations such as farming, irrigation, and technology and in areas of operating systems, storage systems, automobile systems, and systems to support the CIA, FBI, and U.S. Marshals as well as police departments. Mr. Gorin noted that Israel's products have enriched the lives of U.S. citizens.

TESTIMONY: David McGarra, Pastor, Deer Flat Church; Rabbi Mendel Lifshitz, Chabad Lubavitch of Idaho; Amos Rothstein, Executive Director, Idaho Republican Party; and Bob Aldridge, Attorney, spoke in support of S 1086. They agreed that not supporting this bill would be a vote against human rights, free economies, and a prosperous world economy.

Lauren Bramwell, ACLU of Idaho; and Del Chapal, citizen, testified in opposition to S 1086, saying the language in the bill is not clear enough and sounded like Idaho was being forced to do business with Israel. Ms. Bramwell argued this bill could be a violation of the 1st and 14th Amendments.

MOTION: Senator Anthon moved to send S 1086 to the floor with a do pass recommendation. Senator Heider seconded the motion. The motion carried by voice vote.

S 1087 Relating to Tobacco and Electronic Smoking Devices to ensure uniform laws.

Pam Eaton, President and CEO, Idaho Retailers Association, explained that S 1087 is designed to bring uniformity to State laws on the sale of tobacco and electronic cigarette products. The bill proposes two changes:

1. To match Federal law, individuals must be at least 21 years old. This bill will not change the law for those who stock or sell tobacco products.

2. Pages 5-6 outlines the State preemption clauses that prevent local authorities from implementing regulations that are more restrictive than State law. The bill does not change anything in the Clean Indoor Air Act as outlined on page 6, lines 4-7. Cities still have the ability to control where smoking is prohibited or not prohibited as well as other local options.
Ms. Eaton explained how uniformity helps with compliance and training, especially for retailers with locations in more than one community. It also provides fairness for competing retailers by ensuring they are all operating under the exact same regulations. Ms. Eaton emphasized, when it comes to tobacco issues, it is important to be in 100 percent compliance with State and federal laws.

**DISCUSSION:** Senator Heider asked if this bill included vaping products. Ms. Eaton said yes. This bill also changes the minimum age for those who wish to purchase vaping products from 18 to 21. She noted most retailers are currently operating under the federal law of age 21.

Senator Stennett stated that local movements banned cigarettes in public places and supported the national anti-tobacco movement; it seems they are not apart of this. Local officials cannot set the same rules for controlling vape shops as they would for tobacco retailers. Ms. Eaton responded that this only touches business regulations for uniformity; local authorities can still pass local ordinances. It doesn't address differences between tobacco or vaping products.

**TESTIMONY:** Suzanne Budge, Idaho Petroleum and Convenience Store Association; and Melinda Merrill, Northwest Grocery Association, testified in support of S 1087. This bill provides consistency about what laws to follow for all tobacco retailers in the State. The bill also addresses what taxes can be charged.

**DISCUSSION:** Senator Burgoyne asked Ms. Merrill why retailers could not use signage that says federal law prohibits the sale of tobacco products to anyone under 21. Ms. Merrill replied that signage saying local, state and federal law prohibits the sale of tobacco products to anyone under the age of 21 would be helpful and lend strength to the retailers when enforcing that requirement.

**TESTIMONY:** Erin Bennett, Government Relations Director, American Heart Association and Kristin Page-Nei, American Cancer Association both testified in opposition to S 1087. They believe this bill is unnecessary and prohibits licensing at the local level. Ms. Bennett said that undermining local leaders’ ability to respond to an industry that is changing rapidly would prevent them from addressing new issues quickly. She asked to remove the preemptive segment of S 1087. Ms. Page-Nei added that this legislation would also affect how products are marketed.

**DISCUSSION:** Senator Anthon asked why this issue shouldn’t be turned over to local governments or why the State couldn't propose a new law that creates advertising barriers to youth. Ms. Bennett responded that local communities need the ability to respond because they know what is best for their community. She indicated she would agree to that type of advertising, but it does not belong in this legislation; it would be in the master settlement agreement controlling tobacco restrictions.

Ms. Bennett stated that electronic products should be in the master settlement agreement as well.

Senator Burgoyne inquired about the different needs for different communities. A community like Payette, sitting on the Oregon border, would have different needs than the community of Twin Falls. Youth in Payette could cross the border to make tobacco or vaping purchases, and then it would be up to the police to stop them when they crossed back over. Vaping devices can be used for marijuana or heavier-type drugs. Ms. Bennett agreed that the devices can be used for numerous types of paraphernalia and drug products.

Ms. Eaton reiterated that currently Health and Welfare reports a 96.6 percent compliance rate for retailers in Idaho. If the State's youth are using tobacco and vaping products, they are not getting them from the retailers. Making the rules consistent across the State will help in training staff, reduce confusion, and will help keep that high rating.
MOTION: Senator Anthon moved to send S 1087 to the floor with a do pass recommendation. Senator Guthrie seconded the motion.

DISCUSSION: Senator Anthon spoke to his motion because, in the past, he has resisted efforts to change the minimum age from 18 to 21 to buy cigarettes when so many other aspects of life treat the age of 18 as adulthood. With the change in federal law to 21, making the change in the State would reduce confusion. Senator Anthon said he believes in local control. However, when there is a patchwork system in place that produces undue burden on businesses, then: 1) Governance and business in the State should have the lightest touch when it comes to regulation; and 2) Business regulations should be absolutely predictable. For those reasons, he has "strayed" away from his general rule of local control.

Senator Burgoyne stated his view that the issues being discussed today concerning the retailers, the age, local options, etc., is not the problem. The problem is the tobacco companies. The country, the State, and local communities have not been able to control the State's youth from becoming addicted to tobacco. Vaping was touted as a solution and instead has become an additional problem; it was just another way to "hook" kids. Senator Burgoyne said anti-tobacco company measures are the only way to combat this problem.

Senator Stennett agreed that this bill should match the federal law that changed the age from 18 to 21 providing consistency and strength to State laws. However, the tobacco industry adds new tobacco related products all the time and local governments need to have the latitude and flexibility to respond quickly.

SUBSTITUTE MOTION: Senator Stennett made a substitute motion to send S 1087 to the 14th Order of Business for possible amendment. Senator Burgoyne seconded the motion. The substitute motion failed by voice vote.

VOTE: Chairwoman Lodge called for the vote on the original motion to send S 1087 to the Senate floor with a do pass recommendation. The motion carried by voice vote. Senator Stennett and Senator Burgoyne were recorded as voting nay.

ADJOURNED: There being no further business at this time, Chairwoman Lodge adjourned the meeting at 10:21 a.m.
Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link: https://www.idahoptv.org/shows/idahoinsession/

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<td>Relating to Broadband Communications to grant authority to build/maintain broadband infrastructure.</td>
<td>Senator Ricks</td>
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<td>RS28675C1</td>
<td>Relating to Initiatives and Referendums to revise certain provisions regarding the signing of initiatives and referendums.</td>
<td>Chairwoman Lodge</td>
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<td>RS28699</td>
<td>A Constitutional Amendment related to sessions of the legislature.</td>
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<td>S 1134</td>
<td>Relating to the State Disaster Emergency Account to allow for the recovery of federal funds after a declaration of emergency has expired or terminated.</td>
<td>Senator Harris</td>
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Public Testimony Will Be Taken by Registering Through the Following Link: Registry to Testify

*If you have written testimony, please provide a copy to the committee secretary.*
DATE: Friday, February 26, 2021
TIME: 8:00 A.M.
PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Guthrie, Senators Winder, Anthon, Harris, Lee, Stennett, and Burgoyne

CONVENED: Chairwoman Lodge called the meeting of the Senate State Affairs Committee (Committee) to order at 8:04 a.m.


Colonel Rick Goodman, Commander, 366th Fighter Wing, Mountain Home Air Force Base (MHAFB), Idaho, introduced himself to the Committee. Chairwoman Lodge thanked Colonel Goodman for his attendance and said the Committee is honored by his presence. She informed the Committee that Colonel Goodman was previously a member of the United States Air Force Thunderbirds.

Colonel Goodman advised his goal is to introduce the Committee to the 366th Fighter Wing, known as the Gunfighters, and provide an update on their activities (see Attachment A). He introduced Chief Master Sergeant Josh Tidwell and Trace Giles, Community Partnerships Director, to the Committee. Colonel Goodman provided a history of the Gunfighters' presence in Idaho. He explained the Gunfighters' mission statement, vision, and priorities and described the organizational structure of the Gunfighters. Colonel Goodman said the most important component of the 366th Fighter Wing is the Mountain Home Training Complex (Complex) located 20-30 miles south of MHAFB.

Colonel Goodman advised that Gunfighters are stationed around the world to assist with important national defense activities. He described a recent training exercise called "Raging Gunfighter" in which Gunfighters deployed to a remote location and rapidly established a fully functioning air base. Colonel Goodman described equipment and squadrons attached to MHAFB and mentioned a strategic partnership with the country of Singapore. He explained 300 members of the Singapore Air Force are stationed at MHAFB and train with the Gunfighters. Colonel Goodman observed that support from the community of Mountain Home is critical to the success of the Gunfighters' mission. He reported statistics on the economic value of the Gunfighters' presence in the State of Idaho. He provided examples of MHAFB construction projects contributing to the State's economy.

Colonel Goodman stated he is a fighter pilot, and he thought his job as commander would be to fly the lead aircraft to fight America's enemies. Instead, he spends most of his time considering long-term planning recommendations for the U.S. Air Force and Department of Defense senior leadership. Colonel Goodman reported that F-15e Strike Eagles will be part of the USAF inventory into the 2040s. He noted that MHAFB is well positioned for future growth. Colonel Goodman invited the
Committee to visit MHAFB, tour the equipment, and meet the airmen stationed there.

**DISCUSSION:** Senator Anthon stated that the Idaho Senate supports and appreciates MHAFB, and wants the Gunfighters to remain in Idaho.

Senator Harris echoed Senator Anthon's statement. He asked which is Colonel Goodman's favorite jet, the F-16 or the F-15. Colonel Goodman answered that he would choose the F-15e Strike Eagle.

Senator Winder thanked Colonel Goodman for his service and contributions to the U.S. and State of Idaho. He mentioned he formerly served as an instructor at the Naval Air Station at Whiting Field.

Chairwoman Lodge said she appreciates Colonel Goodman's invitation to visit the base, and she added the Committee looks forward to the opportunity. Chairwoman Lodge thanked Colonel Goodman for his presentation and his work to keep the country safe.

**RS 28656** Relating to Broadband Communications to grant authority to build/maintain broadband infrastructure.

Senator Doug Ricks, District 34, presented RS 28656, which would allow cities and counties to install infrastructure for broadband internet. He added that the bill will facilitate public-private partnerships between local governments and internet providers.

**DISCUSSION:** Senator Stennett asked if the timing of the RS is related to the availability of the Coronavirus Aid, Relief, and Economic Security (CARES) Act funding. Senator Ricks answered that local governments hope to use CARES Act funds for the installation of various projects.

**MOTION:** Senator Stennett moved to send RS 28656 to print. Senator Winder seconded the motion. The motion carried by voice vote.

**PASSED THE GAVAL:** Chairwoman Lodge passed the gavel to Vice Chairman Guthrie.

**RS 28675C1** Relating to Initiatives and Referendums to revise certain provisions regarding the signing of initiatives and referendums.

Chairwoman Lodge explained RS 28675C1 would require petition signatures for citizen initiatives and referendums to be collected within the State of Idaho.

**DISCUSSION:** Senator Stennett stated that Idaho law requires any initiative signatures to be from registered voters who have proved their residency. She asked about the purpose of the bill. Chairwoman Lodge explained RS 28675C1 does not add any rigor to the initiative process but would merely require the signatures to be gathered in Idaho. Chairwoman Lodge observed that was always the expectation, but the RS will make it more clear.

**MOTION:** Senator Harris moved to print RS 28675C1. Senator Lee seconded the motion. The motion carried by voice vote. Senator Stennett and Senator Burgoyne were recorded as voting nay.

**PASSED THE GAVAL:** Vice Chairman Guthrie passed the gavel back to Chairwoman Lodge.

**RS 28699** A Constitutional Amendment related to sessions of the legislature.

Senator Winder stated RS 28699 is a revised joint resolution for a proposed constitutional amendment to allow the Legislature to call itself into special
session. He noted this legislation sets forth the requirements for a petition and sideboards to preclude the Legislature from considering any subjects other than those specified in the petition. Senator Winder explained RS 28699 sets forth the publication requirements for the amendment. He added the fiscal note includes costs for the publication of the amendment and estimated daily expenses for a special session.

DISCUSSION: Senator Stennett asked if there is any place in Idaho Code that clearly defines the various types of Legislative Sessions. Senator Winder pointed out that "regular session" and "extraordinary session" are mentioned in the Constitution. He said the RS would add references to "organizational session" and "special session."

MOTION: Senator Anthon moved to send RS 28699 to print. Senator Lee seconded the motion.

DISCUSSION: Senator Burgoyne stated he will support the motion because the RS is an improvement over similar legislation the Legislature is considering. He expressed doubt he will support the resolution on its merits.

VOICE VOTE: The motion to send RS 28699 to print carried by voice vote.

S 1134 Relating to the State Disaster Emergency Account to allow for the recovery of federal funds after a declaration of emergency has expired or terminated.

Senator Harris explained the proposed legislation changes "during" to "arising out of" to allow the Governor to recover federal funds after an emergency declaration ends. Senator Harris added the bill contains an emergency clause to make it effective upon the Governor's signature.

MOTION: Senator Lee moved to send S 1134 to the floor with a do pass recommendation. Senator Anthon seconded the motion. The motion carried by voice vote.

S 1136 Relating to Martial Law in times of extreme peril.

Senator Anthon explained S 1136 is a bill previously approved by the Committee. He said, due to a procedural error, the bill must be referred to the 14th Order of Business for possible amendments.

MOTION: Senator Lee moved to send RS 1136 to the 14th Order of Business for possible amendment. Senator Harris seconded the motion.

DISCUSSION: Senator Burgoyne stated he has concerns because the bill would appear to preclude use of martial law in case of a nonviolent insurrection. Senator Burgoyne also disagreed with the proposed changes pertaining to firearms restrictions. He added he cannot support the legislation.

VOICE VOTE: The motion to send S 1136 to the 14th Order of Business for possible amendment carried by voice vote. Senator Stennett and Senator Burgoyne were recorded as voting nay.

ADJOURNED: There being no further business at this time, Chairwoman Lodge adjourned the meeting at 8:42 a.m.

___________________________
Senator Lodge, Chair

___________________________
Twyla Melton, Secretary

___________________________
Jeanne Jackson-Heim, Assistant Secretary
366th Fighter Wing
Mountain Home Air Force Base, Idaho

RIDE HARD, SHOOT STRAIGHT, ALWAYS SPEAK THE TRUTH!
The Gunfighter Story – 75 Years

- 1943 - Built during World War II
- 1953 - Strategic Air Command
- 1966 - Tactical Air Command
- 1990 - Composite Wing Era
- 2018 - F-15E base supporting AEF construct
366th Fighter Wing

Mission Statement

Prepare mission-ready Gunfighters to fight and win today's war and the next.

Wing Vision

To be our nation's premiere combat wing, built on a team of resilient and innovative Gunfighters – ready to dominate any adversary!
366th Fighter Wing Priorities

- Enhance Readiness
- Build Leaders
- Take Care of Airmen and Families
- Develop Trust Among Mission Focused Airmen
366th Fighter Wing

** Colonel

**FW/CC** - CCC

**DCOM-O** - **DCOM-S**

CoS**

SG**

Wing Special Staff

A1 A235 A4 A67

3,461 Active Duty
449 Civilians
148 ANG / Reserve
440 Contractors

Biggest Asset: 4,498 Gunfighters!

<table>
<thead>
<tr>
<th>Unit</th>
<th>Airframe</th>
<th>Unit</th>
<th>Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>389th FS</td>
<td>21 x F-15E</td>
<td>428th FS</td>
<td>14 x F-15SG</td>
</tr>
<tr>
<td>391st FS</td>
<td>26 x F-15E</td>
<td>726 ACS</td>
<td>2 x Ground Radars</td>
</tr>
<tr>
<td>390th ECS</td>
<td>25 x EA-18G</td>
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</tr>
</tbody>
</table>
Mountain Home Range Complex

"The Mountain Home Range Complex is a National Treasure."
- Secretary of Defense Mattis
Gunfighters in the Fight

366 FW has 700+ deployed over 12x locations prosecuting our nations wars today
Unique to Mountain Home AFB

266th Range Squadron
Full-time Guard
Only Range Control Squadron in the National Guard

390th Electronic Combat Squadron

428th Fighter Squadron
Community Support

- Total Personnel at MHAFB: 8,273
- Total Number of Jobs Created: 6,697
- Estimated Annual Dollar Value of Jobs Created: $88,340,000
- Total Expenditures through Construction, Service Contracts, and Materials/Supply Procurement: $32,339,000

Total Economic Impact: $760 Million
($2B with multipliers ... BSU)
ID/MHAFB $76M Water Project

- Goal: Develop sustainable water system to enable resiliency of MHAFB to support 366 FW Mission
  - Pump water from Snake River to be treated on base and used for base consumption/irrigation
  - 3M GPD demand
- Phase 1 Planning Charrette - Completed
  - Overall plan of system layout
- Phase 2 Pilot Water Treatment study - Pending
  - Conducting water analysis using proposed treatment methods
Improve Mission Readiness

- Future $30M+ MILCON Projects
  - Geothermal Energy project, TBD
    - Goal: Make MHAFB more energy resilient and sustainable by utilizing renewable energy source
  - Phase 1 Environmental Assessment - Complete
Improve Mission Readiness

- Pending $51M MILCON and FSRM improvements
  - Hospital Conversation, $23M
    - Renovate hospital to outpatient clinic, 45% complete
  - Construct 726th Air Control Squadron, Control and Reporting Center, $7.8M
    - Provide facility space to support CRC
  - Child Development Center, $13.5M
    - Increases capacity from 169 to 276 children
  - Renovate Dorm, Bldg 2425, $7.1M
    - Currently, not enough room in dorms to house all single Airmen
    - Renovate 80 additional rooms
MHAFB Long Term Viability

- Ramp Space
  - Room to accommodate future mission growth
  - Bravo Ramp Repair, $32M – completed FY20

- Unobstructed Air Space
  - 300+ flying days/year
  - Minimal encroachment

- Training Ranges (135,000 acres)
  - Juniper Butte
  - Grasmere
  - Saylor Creek
  - Orchard Training Complex
  - ND Zones (5)
# AGENDA

**SENATE STATE AFFAIRS COMMITTEE**

8:00 A.M.
Room WW55
Monday, March 01, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

[https://www.idahoptv.org/shows/idahoinsession/](https://www.idahoptv.org/shows/idahoinsession/)

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>DESCRIPTION</th>
<th>PRESENTER</th>
</tr>
</thead>
<tbody>
<tr>
<td>H 46</td>
<td>Relating to the Military to revise certain provisions regarding security duties at the Orchard Training Area.</td>
<td>Major Stephen Stokes, Idaho Military Division</td>
</tr>
<tr>
<td>H 66</td>
<td>Relating to Elections to ensure transparency in bond and levy elections.</td>
<td>Senator Ricks</td>
</tr>
<tr>
<td>SJR 102</td>
<td>Proposing an Amendment to the Idaho Constitution related to legislative sessions.</td>
<td>Senator Winder</td>
</tr>
</tbody>
</table>

Public Testimony Will Be Taken by Registering Through the Following Link:

[Registry to Testify](https://www.idahoptv.org/shows/idahoinsession/)

*If you have written testimony, please provide a copy to the committee secretary.*

**COMMITTEE MEMBERS**

<table>
<thead>
<tr>
<th>Chairman Lodge</th>
<th>Sen Lee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vice Chairman Guthrie</td>
<td>Sen Heider</td>
</tr>
<tr>
<td>Sen Winder</td>
<td>Sen Stennett</td>
</tr>
<tr>
<td>Sen Anthon</td>
<td>Sen Burgoyne</td>
</tr>
<tr>
<td>Sen Harris</td>
<td></td>
</tr>
</tbody>
</table>

**COMMITTEE SECRETARY**

| Twyla Melton |
| Room: WW42 |
| Phone: 332-1326 |
| Email: sstaf@senate.idaho.gov |
MINUTES

SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, March 01, 2021
TIME: 8:00 A.M.
PLACE: Room WW55
MEMBERS PRESENT: Vice Chairman Guthrie, Senators Winder, Anthon, Harris, Lee, Heider, Stennett, and Burgoyne
ABSENT/EXCUSED: Chairwoman Lodge

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.

CONVENEED: Vice Chairman Guthrie called the meeting of the Senate State Affairs Committee (Committee) to order at 8:04 a.m.

H 46 Relating to the Military to revise certain provisions regarding security duties at the Orchard training Area.

Captain Brandon Karpen, Attorney Advisor to the Adjutant General, Idaho Military Division (Division), explained H 46 relates to requirements for security personnel at the Orchard Combat Training Center (OCTC). He provided an overview of the duties and mission of the Division and described the location and training facilities of the OCTC. Captain Karpen stated that security personnel at the OCTC are employees of the Division but are paid with federal funds. He added they are not law enforcement personnel and do not investigate crimes or make arrests. Captain Karpen noted that Idaho Code § 46-408 requires security personnel to maintain Idaho Peace Officer Standards and Training (POST) certification and gives them arrest authority. He said the Division does not follow these requirements, and H 46 removes the unwanted provisions from Idaho Code.

DISCUSSION: Senator Burgoyne asked if security personnel are members of the National Guard or military police and inquired about public access to the OCTC facility. He inquired if they are armed and is there a holding facility at OCTC. Captain Karpen responded that security personnel are not members of the National Guard or military police. He reported that some parts of the OCTC are open to private citizens but security personnel deny them access to areas of the OCTC containing equipment and personnel. Captain Karpen remarked that OCTC security personnel have authority to detain someone if they see a crime committed, but they are simply guards to secure the facility. Captain Karpen assured Senator Burgoyne that H 46 would not negatively impact the security of any facilities or equipment and noted that the security personnel are armed, but there is no holding facility.

MOTION: Senator Anthon moved to send H 46 to the floor with a do pass recommendation. Senator Lee seconded the motion.

DISCUSSION: Senator Burgoyne remarked that perhaps OCTC security personnel ought to be POST certified, and he is not persuaded the bill is appropriate.

VOTE: The motion to send H 46 to the floor with a do pass recommendation carried by voice vote. Senator Burgoyne was recorded as voting nay.

H 66 Relating to Elections to ensure transparency in bond and levy elections.
Senator Doug Ricks, District 34, explained H 66 specifies the exact language for a taxing district bond or levy ballot question and provides a judicial enforcement mechanism in case of a legal challenge. Senator Ricks reported he worked with the Idaho School Boards Association (ISBA), and they agreed on some amendments. He advised the bill should go to the 14th Order of Business. Senator Ricks provided examples of bond and levy elections where proponents did not follow the law, and the courts found no remedy in the law.

**DISCUSSION:** Senator Stennett asked who would be charged with enforcement and inquired how a proponent will know how to calculate the amount of tax impact to ensure accuracy. She inquired why the bill is needed if the law already includes the requirement. Senator Ricks responded that the requirement to include the tax cost of the levy has been in place for several years and is not in question. He said the purpose of the bill is to ensure proper disclosure and appropriate ballot language. Senator Stennett requested confirmation that the penalty for non-compliance is for the taxing district to reimburse the cost of the election. Senator Ricks replied in the affirmative. Senator Stennett commented that the tax dollars for both the taxing district and the county clerk come from the same source.

Senator Burgoyne asked if the amendments are prepared and available for the Committee's review. Senator Ricks responded that the proposed amendments were drafted but not finalized; they will repeal a prior levy, require information on the net property tax impact of a levy, and remove the bill's restrictive bond election language. Senator Burgoyne asked if the proposed amendments would include the same tax impact requirement for bond elections. Senator Ricks answered no, because it is difficult to write proper statutory language to address the variation in bond packages. He added that he plans to work on the bond language for a future legislative session.

Senator Lee asked if the bill would affect disclosure of bond refinance information to taxpayers or discourage school districts from refinancing bonds. Senator Ricks responded that he worked with the ISBA on the proposed amendment language, which will retain the existing language pertaining to bond elections.

**TESTIMONY:** Brian Stutzman, Ammon, Idaho, representing himself, testified in support of H 66 with amendments. Mr. Stutzman noted he worked with the ISBA to develop the amendments and reiterated that the bill, if amended, would provide an enforcement mechanism, standardize ballot language, and remove requirements for bond language.

Karen Echeverria, Executive Director, ISBA, testified in support of H 66 with amendments. Ms. Echeverria affirmed that the ISBA is content with the amendments and will work with Senator Ricks on future changes regarding bond elections. She advised the amendments will require ballot language to be consistent for every election, including specific information on the tax impact of a levy.

**DISCUSSION:** Senator Burgoyne asked for clarification about amending the language pertaining to bonds. Ms. Echeverria answered that H 66, as written, limits the information that can be included on a ballot. She reiterated the amendments will remove that limiting language from the bill to allow for a better bill.

Senator Winder inquired whether Ms. Echeverria saw the amendments and if they are available to share with the Committee. Ms. Echeverria responded that she has an electronic copy of the amendments and can provide them to the Committee.

Senator Stennett asked whether taxing districts typically pay for the cost of an election. Ms. Echeverria answered that taxing districts have not paid for elections in the past. She said the bill requires the taxing district to pay for an election if the
ballot is incorrect. Ms. Echeverria explained that bonds are very complicated and taxing districts will invariably use bond counsel. She noted that taxing districts commonly consult other governmental entities to prepare the property tax impact language for a levy ballot.

**MOTION:** Senator Harris moved to send H 66 to the 14th Order of Business for possible amendment. Senator Heider seconded the motion.

**DISCUSSION:** Senator Burgoyne said he can support sending the bill to the 14th Order of Business with the amendments as described. He observed if a district is required to pay to rerun an election, it will be an incentive to correctly state a ballot question.

Senator Winder commented he does not want to make it more difficult for schools to obtain funding. He added that the amendments as described will resolve most of his concerns. Senator Winder noted that supplemental levies have become very important to school districts to make their budgets work. He advised that the Legislature should develop a sustainable school funding mechanism so supplemental levies are not necessary.

Vice Chairman Guthrie agreed with Senator Winder’s comments and thanked Senator Ricks for his work on the bill.

Senator Anthon said he will support the motion based on his trust that Senator Ricks and Ms. Echeverria will work together to ensure the amendments are responsible.

**VOTE:** The motion to send H 66 to the 14th Order of Business for possible amendment carried by voice vote.

**SJR 102** Proposing an Amendment to the Idaho Constitution relating to legislative sessions.

Senator Winder reported that SJR 102 is similar to a House Joint Resolution previously considered by the Committee. He reviewed Articles II and III of the Idaho Constitution. Senator Winder remarked that state sovereignty requires a balance of power among the three branches of government. He observed there is a power imbalance in favor of the executive and judicial branches because the Legislature does not have authority to call itself into session to fulfill its constitutional duties. Senator Winder reported information from the National Conference of State Legislatures (NCSL) on state legislatures with the ability to call themselves into special session (see Attachment A). He discussed the 60 percent signature requirement and stated that SJR 102 would not lead to a full-time legislature.

**DISCUSSION:** Senator Stennett asked Senator Winder to explain how the Idaho judiciary has more power than the Legislature. Senator Winder answered that the judiciary can more easily perform its role because it is a year-round body with many employees, but the Legislature cannot act outside a regular session without action by the Governor. Senator Stennett inquired if the leaders of the House and Senate could simply choose to hire more employees. Senator Winder replied that it is possible, but Idaho has a part-time Legislature, and it is important to keep expenses to a minimum. He affirmed the issue is the Legislature's inability to call itself into session. Senator Stennett asked about Senator Winder’s statement that SJR 102 would not lead to a full-time legislature, given the example of Utah's legislative history, which has called itself back into session seven times. Senator Winder responded that the amendment would require 60 percent of both houses of the Legislature to agree, and he trusts each member of the body not to abuse its power.

Senator Burgoyne noted that a requirement of two-thirds of the Legislators could be achieved by gaining support of both Senate caucuses. He related his concerns about the resolution, including a lack of specific reasons for a special session, the difficulty of part-time legislators with careers to attend a special session, the
possibility of legal challenges, less incentive for the Legislature to work efficiently during the regular session, the possibility of future legislative abuse of power, and a greater temptation to use a special session for electoral purposes. Senator Burgoyne remarked that a two-thirds threshold is necessary, and a part-time Legislature should be reinforced by limitations on the reasons for a special session.

**MOTION:** Senator Harris moved to send SJR 102 to the floor with a do pass recommendation. Senator Anthon seconded the motion.

**DISCUSSION:** Senator Winder reminded the Committee that the resolution requires a joint written petition of both the House and Senate, enumerating the topics to be considered. He noted that specifying a list of reasons for a special session in the resolution might be too limiting and could lead to disagreements about whether an issue fits a particular category. Senator Winder said he supports the motion.

Vice Chairman Guthrie agreed that the Legislature should be able to call itself into special session and stated that the amendment has a better chance of voter approval if it contains a two-thirds threshold. He added he cannot support the motion for that reason.

**VOTE:** The motion to send SJR 102 to the floor with a do pass recommendation carried by voice vote. Vice Chairman Guthrie, Senator Stennett, and Senator Burgoyne were reported as voting nay.

**ADJOURNED:** There being no further business at this time, Vice Chairman Guthrie adjourned the meeting at 9:13 a.m.

___________________________
Senator Lodge
Chair

___________________________
Twyla Melton
Secretary

___________________________
Jeanne Jackson-Heim
Assistant Secretary

Create Account (https://www.ncsl.org/fon_registration.aspx?
returnurl=https%3a%2f%2fwww.ncsl.org%2fresearch%2fabout-state-legislatures%2fspecial-sessions472.aspx)

Contact (/aboutus/ncslservice/ncsl-contact.aspx) | Help (/aboutus/ncslservice/ncsl-website-guide.aspx)

ADDITIONAL RESOURCES

Legislative Session Length (/default.aspx?tabid=17272)

CONTACT

Selena Saucedo

About State Legislatures

All Documents (/searchresults/issearch/false/kwdid/442.aspx)


Human Resources (https://www.ncsl.org/searchresults/issearch/false/kwdid/1127.aspx)

Legislative Information Technology (https://www.ncsl.org/searchresults/issearch/false/kwdid/439.aspx)

Legislative Organization (https://www.ncsl.org/searchresults/issearch/false/kwdid/444.aspx)


https://www.ncsl.org/research/about-state-legislatures/special-sessions472.aspx
Special Sessions

There are two main types of legislative sessions—regular and special (sometimes known as extraordinary). A regular session is the annual or biennial gathering of legislators, the starting date (and often, the length) of which is set by constitution or statute.

Unlike regular sessions, there is no specific timing for special (or extraordinary) sessions. They occur intermittently to deal with the specific issues or topics. Usually, the scope of a special session—that is, the topics that may be taken up—is limited to the issues specified in the notice calling for the special session.

There are no limits on the number of special session that may be called. Many factors can influence the number of special legislative sessions that occur in any year, including court decisions; federal government actions; length of or scope limits on regular legislative sessions; length or scope limits on special sessions; natural or other disasters; party control of the legislature and governor’s office; political culture of the state; redistricting; or state economy.

A special or extraordinary session is called either by the governor or the legislature. Who has the ability varies among the states.

In 14 states, only the governor may call a special session.

**Only Governor Can Call Special Session**

<table>
<thead>
<tr>
<th>Alabama</th>
<th>Indiana</th>
<th>Mississippi</th>
<th>Texas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas</td>
<td>Kentucky</td>
<td>North Dakota</td>
<td>Vermont</td>
</tr>
<tr>
<td>California</td>
<td>Michigan</td>
<td>Rhode Island</td>
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</tr>
<tr>
<td>Idaho</td>
<td>Minnesota</td>
<td>South Carolina</td>
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</table>

In 36 states, a special session may be called by either the governor or the legislature.

**Special Session Can Be Called by Governor or Legislature**

<table>
<thead>
<tr>
<th>Alaska</th>
<th>Iowa</th>
<th>Nevada</th>
<th>Pennsylvania</th>
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<tbody>
<tr>
<td>Arizona</td>
<td>Kansas</td>
<td>New Hampshire</td>
<td>South Dakota</td>
</tr>
<tr>
<td>Colorado</td>
<td>Louisiana</td>
<td>New Jersey</td>
<td>Tennessee</td>
</tr>
</tbody>
</table>
How do legislatures call special sessions? Below is a summary of their processes.

**Special Session Process**

<table>
<thead>
<tr>
<th>STATE</th>
<th>DESCRIPTION OF THE PROCESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>If two-thirds of the membership responds in the affirmative to a poll conducted by the presiding officer of each house.</td>
</tr>
<tr>
<td>Arizona</td>
<td>Upon presentation to the governor of a petition signed by not less than two-thirds of the members of each house.</td>
</tr>
<tr>
<td>Colorado</td>
<td>By written request of two-thirds of the members of each house to the presiding officer of each house.</td>
</tr>
<tr>
<td>Connecticut</td>
<td>1) Upon presentation to the secretary of state of a petition signed by two-thirds of the members of each house or 2) by joint call of the presiding officers of both houses.</td>
</tr>
<tr>
<td>Delaware</td>
<td>By mutual call of the presiding officers of both houses.</td>
</tr>
<tr>
<td>Florida</td>
<td>1) Upon the filing with the Department of State of a joint proclamation by the president of the Senate and speaker of the House or 2) if three-fifths of the members of both houses respond affirmatively to a poll by the Department of State—the poll being initiated by certificates from 20 percent of the members of the Legislature.</td>
</tr>
<tr>
<td>Georgia</td>
<td>Upon presentation to the governor of a petition signed by three-fifths of the members of each house, with a copy to the secretary of state.</td>
</tr>
<tr>
<td>Hawaii</td>
<td>By written request of two-thirds of the members of each house to the presiding officer of each house.</td>
</tr>
<tr>
<td>Illinois</td>
<td>Upon the filing with the secretary of state of a joint proclamation by the presiding officers of both houses.</td>
</tr>
<tr>
<td>Iowa</td>
<td>By written request of two-thirds of the members of each house to the presiding officer of each house.</td>
</tr>
<tr>
<td>Kansas</td>
<td>Upon presentation to the governor of a petition signed by at least two-thirds of the members elected to each house.</td>
</tr>
<tr>
<td>Louisiana</td>
<td>By written petition of a majority of the members elected to each house to the presiding officers of both houses</td>
</tr>
<tr>
<td>Maine</td>
<td>On the call of the president of the Senate and speaker of the House, with the consent of a majority of the members of the Legislature of each political party, all members having been first polled.</td>
</tr>
<tr>
<td>Maryland</td>
<td>Upon presentation to the governor of a petition signed by a majority of the members elected to the Senate and to the House of Delegates.</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Upon presentation to the clerk of the respective chamber of written statements of—and subsequent vote of—21 members of the Senate and 81 members of the House of Representatives</td>
</tr>
</tbody>
</table>
STATE     DESCRIPTION OF THE PROCESS

Missouri  By joint proclamation of the president pro tem of the Senate and the speaker of the House, upon filing with the secretary of state a petition signed by three-fourths of the members of the Senate and House.
Montana   At the written request of a majority of the members.
Nebraska  By proclamation of the governor, upon filing with the secretary of state a petition signed by 10 or more members of the Legislature and a subsequent poll by the secretary of state approved by two-thirds or more of the members.
Nevada    By petition signed by two-thirds of the members of both the Senate and Assembly.
New Hampshire General Court.
New Jersey By proclamation of the governor, upon petition of a majority of the members of each house.
New Mexico By proclamation of the governor, upon petition of three-fifths of the members elected to each house.
New York  By petition of two-thirds of the members of each house to the Senate president pro tem and the speaker of the House.
North Carolina By joint proclamation of the president of the Senate and speaker of the House, upon written request by three-fifths of the members of each house.
Ohio      By joint proclamation of the presiding officers of the General Assembly.
Oklahoma  By joint order of the Senate president pro tem and the speaker of the House, upon written request of two-thirds of the members of each chamber.
Oregon    By the presiding officers of both houses, upon written request of a majority of the members of each chamber.
Pennsylvania By the governor, upon petition of a majority of the members elected to each house.
South Dakota By the presiding officers of both houses upon the written request of two-thirds of the members of each house. The petition of request shall state the purposes of the session, and only business encompassed by those purposes may be transacted.
Tennessee By the presiding officers of both houses, upon written request of two-thirds of the members of each chamber.
Utah      By the presiding officers of both houses, upon poll of members, to which two-thirds of the members of each chamber are in favor because in their opinion a persistent fiscal crisis, war, natural disaster or emergency in the affairs of the state necessitate the convening.
Virginia  By the governor, upon the application of two-thirds of the members elected to each house.
Washington By resolution of the Legislature, upon affirmative vote (or poll) of two-thirds of the members elected or appointed thereto.
West Virginia By proclamation of the governor, upon the application of three-fifths of the members elected to each house.
**DESCRIPTION OF THE PROCESS**

1) At the direction of a majority of the members of the committee on organization in each house; 2) by the adoption of and concurrence in a joint resolution on the approval by a majority of the members elected to each house; or 3) by the joint petition of a majority of the members elected to each house submitted to, and using a form approved by, the Senate chief clerk and the Assembly chief clerk.

1) Upon written request to the presiding officer of each house of the Legislature by a majority of the elected members of each house; or 2) the presiding officers of each house shall also jointly call a special session for the purpose of resolving a challenge or a dispute of any kind in the determination of the presidential electors.
We are the nation's most respected bipartisan organization providing states support, ideas, connections and a strong voice on Capitol Hill.

Members Resources
- Get Involved With NCSL (/legislators-staff.aspx)
- Jobs Clearinghouse (/legislators-staff/legislative-staff/jobs-clearinghouse-service.aspx)
- Legislative Careers (/legislators-staff/legislative-staff/legislative-staff-coordinating-committee/legislative-careers.aspx)
- NCSL Staff Directories (/aboutus/ncslservice/ncsl-staff-directories-and-online-requests.aspx)
- Staff Directories (/aboutus/ncslservice/staff-directory-search-form.aspx)
- Terms and Conditions (/aboutus/ncslservice/ncsl-website-terms-and-conditions.aspx)

Policy & Research Resources
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Go 17257  

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7700 East First Place
Denver, CO 80230
Tel: 303-364-7700 | Fax: 303-364-7800

Washington
444 North Capitol Street, N.W., Suite 515
Washington, D.C. 20001
Tel: 202-624-5400 | Fax: 202-737-1069


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COMMITTEE MEMBERS
Chairman Lodge             Sen Lee
Vice Chairman Guthrie     Sen Heider
Sen Winder                 Sen Stennett
Sen Anthon                 Sen Burgoyne
Sen Harris

COMMITTEE SECRETARY
Twyla Melton              Room: WW42
Phone: 332-1326            Email: sstaf@senate.idaho.gov
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 RRs 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 Arambbarri, of Coeur d'Alene, Idaho, a volunteer with Moms Demand Action for Gun Sense in America, testified in opposition to **S 1135**. Ms. Arambbarri 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. Arambbarri 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.
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.

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.

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 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.

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

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

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

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.

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                Twyla Melton
Chair                        Secretary

___________________________  _______________________
Jeanne Jackson-Heim        
Assistant Secretary
Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link: https://www.idahoptv.org/shows/idahoinsession/

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Sen Anthon
Sen Harris

Sen Burgoyne

Email: sstaf@senate.idaho.gov
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, March 05, 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 REAPPOINTMENT: The Gubernatorial Reappointment of Valisa R. Say to the Bingo/Raffle Advisory Board (Board).

Valisa Say, Executive Director, Idaho Falls Senior Center (Senior Center), related that she moved from California to Idaho Falls 16 years ago. She first became involved in serving seniors as a Meals on Wheels driver and now serves as the Executive Director of the Senior center where they play Bingo twice a week. She stated she has enjoys serving on the Board and associating with the other members. Ms. Say said she is glad to represent non-profits who have Charity Bingo on the Board.

Senator Lee inquired if the Board faces any challenges. Ms. Say replied the distance the members travel in order to meet was the most difficult challenge.

Chairwoman Lodge advised Ms. Say that the vote on her reappointment would be taken at the next meeting of the Committee.

RS 28724 Relating to Elections regarding election day registration.

Senator Mary Souza, District 4, explained that RS 28724 relates to provisional ballots, offering them as an option for clerks or election judges when a voter presents questionable identification information during election day registration. She noted that the election judges would have seven days to research a provisional ballot. Senator Souza emphasized that this process is another safety measure for election integrity.

DISCUSSION: Senator Stennett inquired if this legislation had been shared with the Secretary of State (SOS). Senator Souza replied that she met with the SOS's office to discuss the provisional ballot concept. She acknowledged that the SOS is not a supporter of provisional ballots and explained that RS 28724 offers it as a possible alternative, not as a mandate. Senator Stennett asked why there is an urgency for this legislation so late in the session. Senator Souza replied she had worked with the Kootenai County Clerk and other county clerks who stated this would help to verify registrations in upcoming elections.

Senator Anthon expressed appreciation for RS 28724. He addressed the importance of moving forward to efficiently conduct Idaho’s business without undue cost. Senator Anthon stated there will be other late legislation that will be submitted this year, and deadlines must not interfere with completing the people's business.
MOTION: Senator Anthon moved to send RS 28724 to print. Senator Lee seconded the motion. The motion carried by voice vote. Senator Stennett and Senator Burgoyne were recorded as voting nay.

RS 28725 Relating to Elections to provide for absentee ballot assistance.

Senator Souza, pointed out that citizens in assisted living facilities and elderly citizens have gone unnoticed throughout the election process. She stated that many of them need assistance in requesting their absentee ballots. Senator Souza explained that under this bill the clerks can set up a team of volunteers trained in a non partisan fashion. These volunteers can respond to the facilities management, upon request, to assist their residents in requesting and completing their ballots. Senator Souza described that one option in setting up the teams would be to have a representative from each of the top two partisan parties from the previous general election. Each party's central committee would appoint its volunteer. The bipartisan team would be trained by the county election staff to work together to assist the facility residents in requesting and completing their ballots, and returning the completed ballots to the county clerk. Senator Souza declared that RS 28725 would provide a needed service to the care facilities and to Idaho's citizens who reside in those facilities.

DISCUSSION: Senator Burgoyne stated that currently there is someone from each party and someone from the county clerk's office assisting in helping people vote. He inquired why the clerk is not involved under RS 28725. Senator Souza replied that the presence of a clerk is a current practice in some counties, but not a mandate or is it in law or rule. She added that the clerks with whom she has spoken do not want additional obligations near election dates. She pointed out that RS 28725 would relieve the stress on the staff. Senator Burgoyne asked if parties other than Republicans or Democrats currently participate. Senator Souza responded that she was unaware of any other parties that have participated.

MOTION: Senator Harris moved to send RS 28725 to print. Senator Anthon seconded the motion.

DISCUSSION: Senator Burgoyne stated he felt it was too late in the session to continue with this bill as it is not a necessity at this time.

VOTE: The motion carried by voice vote. Senator Stennett and Senator Burgoyne were recorded as voting nay.

RS 28747 Relating to Elections regarding funding of elections.

Senator Souza advised the Committee that RS 28747 needs to be in law before the next election cycle. She stated that it is in response to a substantial amount of private money from out-of-state groups that was used by county election offices to impact the Idaho 2020 election. Idaho law has no prohibitions against private money going directly to the county election offices. Senator Souza explained under RS 28747, private money cannot come into the State's county and local election offices.

MOTION: Senator Anthon moved to send RS 28747 to print. Senator Winder seconded the motion. The motion carried by voice vote. Senator Stennett and Senator Burgoyne were recorded as voting nay.

Chairwoman Lodge announced that RS 28757 will follow RS 28762.

RS 28762 Unanimous Consent Request from the Transportation Committee to print RS 28762 related to check stations.

Senator Jim Woodward, District 1, explained that language in Idaho Code § 40
does not clearly recognize the current practice of noncommercial vehicles, such as recreational vehicles or pickups with horse trailers, proceeding through check stations without stopping. RS 28762 aligns code with existing common practice.

**MOTION:** Senator Anthon moved to send RS 28762 to print. Senator Harris seconded the motion. The motion carried by voice vote.

RS 28757 Unanimous Consent Request from the Local Government and Tax Committee to print RS 28757 related to tax districts.

Senator Jim Rice, District 10, explained that RS 28757 is a trailer bill to S 1108 to provide that the current year’s assessed values be used to determine the levy rate for new construction and annexation. It allows an exception to use the prior year’s value for centrally assessed operating property; the current year’s number is generally not available at the time the determination is made.

**MOTION:** Senator Winder moved to send RS 28757 to print. Senator Anthon seconded the motion. The motion carried by voice vote.

RS 28731 Relating to Alcoholic Beverages to define terms and clarify when a minor can be in a retail wine establishment.

Senator Winder addressed the urgency of this matter as it related to a constituent in his district who owns a retail wine store at The Village in Meridian. Retailers and customers alike are confused as to why a brewery, for instance, can allow children to be on its premises when they are not allowed for a wine retailer business where there may be a tasting area. In neither case would children unaccompanied by an adult be allowed. Senator Winder stated agreement on language has been reached with the sponsors of the bill and the Attorney General’s office.

**MOTION:** Senator Harris moved to send RS 28731 to print. Senator Lee seconded the motion. The motion carried by voice vote.

H 47 Relating to Veterans Memorials to eliminate inactive provisions of law in several sections of Idaho code.

Representative Scott Syme, District 11, explained H 47 is about memorials and some outdated code. He introduced Kevin Wallior, Management Assistant, Idaho Division of Veterans Services (IDVS), to explain the bill.

Mr. Wallior, advised the Committee that H 47 consists of technical corrections and amendments of Idaho Code § 65-103. He stated the bill also repeals outdated and unnecessary sections to Idaho Code § 65-102, 105, and 106, all relating to state funding for county veterans memorials. These sections are no longer relevant and their removal is in line with the Governor’s Red Tape Reduction Act.

**MOTION:** Senator Anthon moved to send H 47 to the floor with a do pass recommendation. Senator Lee seconded the motion. The motion carried by voice vote.

H 48 Relating to Service Members to eliminate an inactive provision of law related to contracts.

Representative Syme, noted that H 48 will repeal Idaho Code § 65-509 that contains outdated and unnecessary sections of Idaho Code related to males over 18 years of age entering into contracts under the GI Bill of Rights. That section of Idaho Code has been replaced by other sections.

**MOTION:** Senator Harris moved to send H 48 to the floor with a do pass recommendation. Senator Lee seconded the motion.
DISCUSSION: Senator Stennett requested a brief description of the purpose of H 48. Representative Syme replied that the GI Bill provides benefits such as low-interest loans and tuition assistance for college for veterans. He deferred to Pete Koehler, Interim Director, IDVS.

Mr. Koehler explained that when the GI Bill took effect, if veterans were under 18 and qualified for GI bill benefits, they still had to have someone else sign for them. He pointed out that this requirement has been obsolete for over 60 years; veterans automatically qualify for those benefits. He added that H 48 will eliminate the requirement.

VOTE: The motion to send H 48 to the floor with a do pass recommendation carried by voice vote.

H 70 Relating to Alcoholic Beverages to allow for an entire year for a permit.

Tony Faraca, Chief Deputy, Idaho State Liquor Division, presented H 70, which amends Idaho Code § 23-513. He informed the Committee that liquor suppliers, brokers, and Idaho distilleries are required to have division-issued permits to conduct business in the State of Idaho. Current law calls for these permits to expire on December 31 of each year. This amendment changes the permit expiration date to 12 months from the date of issue.

Chairwoman Lodge asked if any of those who have the licenses opposed H 70. Mr. Faraca replied that he was not aware of any opposition.

MOTION: Senator Stennett moved to send H 70 to the floor with a do pass recommendation. Senator Burgoyne seconded the motion. The motion carried by voice vote.

ADJOURNMENT: There being no further business at this time, Chairwoman Lodge adjourned the meeting at 8:35 a.m.

______________________________
Chairwoman Lodge
Chair

______________________________
Twyla Melton
Secretary

______________________________
Carol Cornwall
Assistant Secretary
AGENDA  
SENATE STATE AFFAIRS COMMITTEE  
8:00 A.M.  
Room WW55  
Monday, March 08, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:
https://www.idahoptv.org/shows/idahoinsession/

<table>
<thead>
<tr>
<th>SUBJECT</th>
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<tbody>
<tr>
<td>VOTE ON GUBERNATORIAL APPOINTMENT:</td>
<td>Vote on the Gubernatorial Reappointment of Valisa R. Say to the Bingo/Raffle Advisory Board.</td>
<td></td>
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<tr>
<td>H 141aa</td>
<td>Relating to Public Procurement to establish that there will not be noncompetitive procurement contracts between State agencies and State institutions of higher learning.</td>
<td>Representative Caroline Nilsson Troy</td>
</tr>
<tr>
<td>H 104</td>
<td>Relating to Campaign Finance to include the identity of the candidate or measure being impacted by the reported expenditure.</td>
<td>Representative Priscilla Giddings</td>
</tr>
<tr>
<td>H 107</td>
<td>Relating to Instruments regarding the validity of an instrument's acknowledgement prior to July 1, 2017.</td>
<td>Chad Houck, Chief Deputy, Secretary of State</td>
</tr>
<tr>
<td>H 127</td>
<td>Related to the Idaho Broadband Fund to create an Idaho Broadband Advisory Board and Idaho Broadband Fund.</td>
<td>Representative Megan Blanksma</td>
</tr>
</tbody>
</table>

Minutes Approval:

Minutes of January 27, 2021  
Senator Winder and Senator Lee

Minutes of February 8, 2021  
Senator Harris and Senator Burgoyne

Public Testimony Will Be Taken by Registering Through the Following Link:  
Registry to Testify

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS
Chairman Lodge  
Vice Chairman Guthrie  
Sen Winder  
Sen Anthon  
Sen Harris

COMMITTEE SECRETARY
Twyla Melton  
Room: WW42  
Phone: 332-1326  
Email: sstaf@senate.idaho.gov
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, March 08, 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 8:05 a.m.
GUBERNATORIAL REAPPOINTMENT VOTE: Senator Winder moved to send the Gubernatorial reappointment of Valisa R. Say to the Bingo/Raffle Advisory Board to the floor with the recommendation that she be confirmed by the Senate. Senator Anthon seconded the motion. The motion carried by voice vote.
H 141AA Relating to Public Procurement to establish that there will not be noncompetitive procurement contracts between State agencies and State institutions of higher learning.
Representative Caroline Nilsson Troy, District 5, outlined the results of her research involving grants and contracts between State agencies and State institutions of higher learning which found that many disparities existed. The noncompetitive environment for distributions created an unregulated arrangement in which many universities unknowingly missed opportunities to apply for monies. Representative Troy stipulated contracts and grants between a university and a State agency must have a competitive bid on every proposal. H 141aa also amends current law by putting a minimum of $10,000 requirement for competitive bidding.
DISCUSSION: Senator Stennett asked whether State agencies have a different process for similar types of proposals. Representative Troy responded that the State agencies still do not have to compete with each other for grants and contracts. She gave an example of one State agency giving a grant to a different State agency for programs that are then subcontracted to a non-state agency.
MOTION: Senator Burgoyne moved to send H 141aa to the Senate floor with a do pass recommendation. Senator Lee seconded the motion. The motion carried by voice vote.
H 104 Relating to Campaign Finance to Include the identity of the candidate or measure being impacted by the reported expenditure.
Representative Priscilla Giddings, District 7, explained H 104 amends Idaho Code § 67-6611 associated with independent expenditures for campaign finance law by including a requirement that the identity of the candidate or a measure impacted by an expenditure be reported. She stated the prior reporting system had included this information; however, when the upgrade to an on-line portal
was introduced, this information was not being captured. **Representative Giddings** remarked that, after communicating with the Idaho Secretary of State's Office (SOS), the intention to report this information was for transparency purposes.

**DISCUSSION:** Senator Burgoyne asked if this is not a current law, and if he were an independent expenditure committee, would there be any enforcement on reporting expenses and any accountability to provide a record to the SOS. **Representative Giddings** responded that there would not be a record.

**TESTIMONY:** Chad Houck, Chief Deputy Secretary of State testified in favor of **H 104** and affirmed the draft consultation with their office. He referred to Senator Burgoyne's observation regarding reporting and accountability citing the current statute that requires the purpose of an expenditure be stated. Mr. Houck explained the importance for vendors under contract to document service expenses in their software that support Idaho State legislation. He specified that if the statutory components this bill requires were on-line it would improve disclosure, increase transparency, and foster a more professional work system with vendors.

**DISCUSSION:** Chairwoman Lodge requested confirmation the SOS's intent is to continue its search for independent expenditures and electioneering data. Mr. Houck stated, due to current reduced staff, progress on this project has been slowed. The SOS expects completion will be within the next several months. Chairwoman Lodge asked if completion by July was still possible. Mr. Houck affirmed it was.

**MOTION:** Senator Stennett moved to send **H 104** to the Senate floor with a do pass recommendation. Senator Guthrie seconded the motion. The motion carried by voice vote.

**H 107**

**Relating to Instruments regarding the validity of an instrument's acknowledgment prior to July 1, 2017.**

Mr. Houck, stated that in 2017, the SOS proposed the Revised Uniform Law of Notarial Acts (RULONA). RULONA did not apply retroactively. Therefore, notarial acts conducted prior to 2017 have been subject to disparate treatment. Mr. Houck explained this bill is intended to mitigate the effects of a recent federal bankruptcy case on property rights in Idaho. He referenced line 30 of **H 107** which declared a determination that any document recorded prior to July 1, 2017 is conclusive evidence of the validity of that document's acknowledgement, but not necessarily of other aspects of the document.

**DISCUSSION:** Senator Burgoyne asked if acknowledgements had been challenged prior to RULONA. Mr. Houck stated he could not specifically answer that question but pointed to the federal court case as the catalyst for the current consideration. Senator Burgoyne expressed concern about a recorded document becoming relevant after a long period of time due to error, fraud, or forgery, and whether the concerns would be relieved in the original RULONA legislation. Mr. Houck explained **H 107** was created by title companies, banks and the real estate industry for protection of the validity of titles which have been recorded and then brought into court cases solely on the questioning of the acknowledgment. He explained when the only thing contested is the acknowledgement, the problem that may arise would be that the only two people who can confirm the certification, the Notary and the original signer, would neither be available or still living. Senator Burgoyne acknowledged that RULONA's current policy seemed congruent with **H 107**.

**MOTION:** Senator Harris moved to send **H 107** to the Senate floor with a do pass recommendation. Senator Burgoyne seconded the motion. The motion carried by voice vote.
H 127 Related to Idaho Broadband to create an Idaho Broadband Advisory Board and Idaho Broadband Fund.

Representative Megan Blanksma, District 23, said H 127 establishes the Idaho Broadband Advisory Board (Board), for management of funding and distribution of monies in conjunction with creating an Idaho Broadband Fund (Fund). The Board would consist of three Representatives, three Senators, and three Governor appointees to manage future federal funds or any funding the State of Idaho might allocate. Representative Blanksma cited the Governor's Building Idaho Future Plan retained $35 million to distribute to the Department of Commerce which could resource the Fund. She stressed the necessity of Statewide structure and non-bureaucratic distribution of monies.

DISCUSSION: Senator Burgoyne expressed positive support of H 127, but he addressed a concern for minority legislators from the House of Representatives and the Senate being under represented as appointees on the Board. He suggested the bill be amended to recommend at least one minority legislator be appointed. Representative Blanksma stated she preferred H 127 not go to the amending order.

Senator Guthrie inquired whether the coordinator at the Department of Commerce made decisions related to broadband funding and if they would continue to participate with the establishment of an advisory board. Representative Blanksma explained the coordinator has no power in decisions, however the Director of the Department of Commerce (Director) has been allocating monies received. Senator Guthrie asked if the ultimate authority would still be the Director or would it now be the Board. Representative Blanksma clarified that the Board is not an advisory board, that its primary emphasis would be planning and determining areas of the State that are most in need of structure, prioritizing, and the dispersing of grants. Senator Guthrie commented that he must be confused because in several places it is stated that this is an advisory board. Representative Blanksma cited the confusion may be due to the title on the agenda where it was stated as an advisory board.

Senator Stennett inquired if the Board has a set duration. Representative Blanksma stated there is no end time frame for this Board; the expectation for continued mapping and network improvements in the State would be an ongoing operation.

TESTIMONY: Benn Brocksome, Imagine Idaho Actions Inc., testified in favor of H 127. He expressed the organizations goal of making sure people can live anywhere, learn anywhere, and connect anywhere in the State of Idaho. He confirmed the need for a funding mechanism and planning objective year round for the management of monies.

Senator Carl Crabtree, District 7, testified in favor of H 127. He explained the invaluable impact that improved mapping would provide for his district. He reflected on the past year of connectivity challenges that became more apparent during the Covid-19 pandemic related to education and people working from home.

DISCUSSION: Chairwoman Lodge said she wondered what Senator Crabtree thought about Senator Burgoyne's request for minority representation on the Board. Senator Crabtree expressed no concern and had full assurance in the House Speaker's, the Pro Tempore's, and the Governor's procedural process for selecting a board.

Senator Burgoyne cited the technical correction related to the word "advisory" in the title and the question of minority representation as issues.
MOTION: Senator Burgoyne moved to send H 127 to the 14th Order for possible amendment. Senator Stennett seconded the motion.

SUBSTITUTE MOTION: Senator Lee made a substitute motion to send H 127 to the Senate floor with a do pass recommendation. Senator Anthon seconded the motion. The motion carried by voice vote. Senator Stennett and Senator Burgoyne were recorded as voting nay.

MINUTES APPROVAL: Senator Winder moved to approve the Minutes of January 27, 2021. Senator Lee seconded the motion. The motion carried by voice vote.

Senator Harris moved to approve the Minutes of February 8, 2021. Senator Burgoyne seconded the motion. The motion carried by voice vote.

ADJOURNED: There being no further business at this time, Chairwoman Lodge adjourned the meeting at 8:45 a.m.
AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Wednesday, March 10, 2021
Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link: https://www.idahoptv.org/shows/idahoinsession/

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<td>RS28707</td>
<td>Relating to Pari-Mutual Betting to provide for funding of the Idaho State Racing Commission.</td>
<td>Senator Guthrie</td>
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<tr>
<td>HCR 10</td>
<td>Stating Findings of the Legislature to recognize the Centennial of the Idaho State Capitol's Dedication.</td>
<td>Representative Caroline Nilsson Troy</td>
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<tr>
<td>HJM 001</td>
<td>A Joint Memorial regarding China's involvement during the initial phases of the COVID-19 outbreak.</td>
<td>Representative Aaron von Ehlinger</td>
</tr>
<tr>
<td>HCR 8</td>
<td>Stating Findings of the Legislature calling for a study of the impact of the U.S. Government Payment in Lieu of Taxes program.</td>
<td>Representative Wendy Horman</td>
</tr>
<tr>
<td>S 1171</td>
<td>Relating to Alcoholic Beverages to provide an exception from restrictions on entering or remaining upon the premises of a retail wine establishment.</td>
<td>Senator Winder</td>
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MINUTES APPROVAL:
- Minutes of January 25, 2021: Senator Guthrie and Senator Burgoyne
- Minutes of January 29, 2021: Senator Winder and Senator Lee
- Minutes of February 1, 2021: Senator Guthrie and Senator Heider
- Minutes of February 3, 2021: Senator Anthon and Senator Stennett
- Minutes of February 5, 2021: Senators Harris and Heider

Public Testimony Will Be Taken by Registering Through the Following Link: Registry to Testify

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS
Chairman Lodge: Sen Lee
Vice Chairman Guthrie: Sen Heider
Sen Winder: Sen Stennett
Sen Anthon: Sen Burgoyne
Sen Harris

COMMITTEE SECRETARY
Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, March 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
MEMBERS 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 8:08 a.m.

MOTION: Senator Harris asked for unanimous consent that HCR 8 be held until March 15. There were no objections.

RS 28707 Relating to Pari-mutuel Betting to provide for funding of the Idaho State Racing Commission.

Senator Guthrie requested that the Committee print RS 28707, which addresses distribution of certain funds to the Idaho State Racing Commission (Commission). Senator Guthrie stated he hoped the legislation would be printed in the House, but it was unable to garner support. He explained the bill will provide necessary funding for Commission operations to allow continued live and simulcast horse racing in Idaho.

DISCUSSION: Senator Burgoyne inquired about the source of the funding and the effect of the bill on other recipients. Senator Guthrie explained the new formula for distribution of advance deposit wagering money would result in slightly decreased funding to the remaining recipients, but losing the horse racing industry would decrease funding to zero. He stated that the House's reluctance to print the bill is unrelated to the distribution formula.

MOTION: Senator Harris moved to send RS 28707 to print. Senator Winder seconded the motion.

DISCUSSION: Senator Stennett asked if the bill would be printed merely for discussion purposes, or if the House will hear the bill. Senator Guthrie replied that he hopes a Senate hearing on the bill will generate enough interest in the issue for the House to consider the legislation.

VOICE VOTE: The motion to send RS 28707 to print carried by voice vote.

HCR 10 Stating Findings of the Legislature to recognize the centennial of the Idaho State Capitol's dedication.

Representative Caroline Nilsson Troy, District 5, presented the resolution recognizing the centennial of the Statehouse.

MOTION: Senator Burgoyne moved to send HCR 10 to the floor with a do pass recommendation. Senator Lee seconded the motion. The motion carried by voice vote.
A Joint Memorial Regarding China's involvement during the initial phases of the COVID-19 outbreak.

Representative Aaron von Ehlinger, District 6, explained the memorial is intended to send a message to the U.S. Congress and President about the need to hold countries accountable for their actions. He stated the memorial contains facts obtained from the U.S. Department of Homeland Security (DHS), and he provided the Committee with a related handout (see Attachment A).

DISCUSSION:
Senator Heider inquired how the memorial will influence the federal government or China. Representative von Ehlinger responded that it is important for Idaho to speak up regarding China’s actions related to the pandemic.

Senator Burgoyne stated his confusion about the realities concerning COVID-19, that it is no worse than the flu and it is not a problem. The perception is, a political party has made COVID-19 a political issue in order for doctors to make money and political partisans to gain power over other people. The resolution before the Committee indicates that sickness and death caused by COVID-19 is real.

Senator Burgoyne asked, given the rhetoric, what is the status on this issue? Representative von Ehlinger responded that he didn’t disagree with some of Senator Burgoyne’s statements. He stated that regardless of the scientific and biological makeup of Covid-19, it has been a disaster both economically and healthwise.

Senator Stennett asked to see documentation that China caused the pandemic and for an example of facts contained in that documentation. She expressed concern that Idaho could be subject to retaliation for taking positions for or against various countries. Representative von Ehlinger replied that the Missouri Attorney General (MAG) and the DHS provided the information. He added that he will supply DHS documents to support the memorial. Representative von Ehlinger advised that the memorial includes direct quotes from the DHS report or from a court brief written by the MAG. He read several examples from the memorial.

Senator Winder commented that supporters of balancing power between the Legislature and the executive branch do not believe COVID-19 is a frivolous concern but rather that one person should not have sole authority to make the types of decisions made during the pandemic. He mentioned that he would like to see the DHS report to justify the significant claims made in the memorial.

Representative von Ehlinger advised that although he brought up science and biology regarding the COVID-19 outbreak, his opinions are neither scientific nor medical in nature. He urged support for the memorial.

MOTION: Senator Heider moved to send HJM 1 to the floor with a do pass recommendation. Senator Burgoyne seconded the motion.

SUBSTITUTE MOTION: Senator Guthrie moved that HJM 1 be held in Committee subject to the call of the Chair. Senator Stennett seconded the motion. The substitute motion carried by voice vote.

Chairwoman Lodge reported that HJM 1 will be held until the Committee receives the requested documentation. She asked for information regarding shipments to China from the Port of Lewiston.

Relating to Alcoholic Beverages to provide an exception from restrictions on entering or remaining upon the premises of a retail wine establishment.

Senator Winder presented the bill, which would allow minors to enter the premises of retail wine establishments if accompanied by an adult. He stated the bill would treat retail wineries with tasting facilities the same as breweries. The bill will support businesses and protect the rights of business owners.
DISCUSSION: Senator Heider inquired why it is necessary for minors to enter retail wine establishments. Senator Winder answered that the bill would allow an owner’s or customer’s child to enter with the parent as well as with legal customers.

Chairwoman Lodge commented that parents cannot leave their children in the car and must take them everywhere.

TESTIMONY: Ilene Dudunake, owner of A New Vintage Wine Shop in Meridian, testified in favor of S 1171. She explained her retail store also has a wine bar, and the bill would allow an adult to purchase a bottle of wine without leaving a child outside the building or in the car.

MOTION: Senator Guthrie moved to send S 1171 to the floor with a do pass recommendation. Senator Lee seconded the motion. The motion carried by voice vote.

MINUTES APPROVAL: Senator Guthrie moved to approve the Minutes of January 25, 2021. Senator Burgoyne seconded the motion. The motion carried by voice vote.

Senator Winder moved to approve the Minutes of January 29, 2021. Senator Lee seconded the motion. The motion carried by voice vote.

Senator Guthrie moved to approve the Minutes of February 1, 2021. Senator Heider seconded the motion. The motion carried by voice vote.

Senator Stennett moved to approve the Minutes of February 3, 2021. Senator Winder seconded the motion. The motion carried by voice vote.

Senator Harris moved to approve the Minutes of February 5, 2021. Senator Heider seconded the motion. The motion carried by voice vote.

ADJOURNED: There being no further business at this time, Chairwoman Lodge adjourned the meeting at 8:47 a.m.

___________________________  __________________________
Senator Lodge                      Twyla Melton
Chair                              Secretary

___________________________  __________________________
Jeanne Jackson-Heim                
Assistant Secretary

SENATE STATE AFFAIRS COMMITTEE
Wednesday, March 10, 2021—Minutes—Page 3
Key Factual Allegations

In the Missouri Attorney General's lawsuit against the Chinese government, the key factual allegations are that in the critical weeks between December 2019 and January 23, 2020, the Chinese Government engaged in misrepresentations, concealment, and retaliation to conceal the gravity and seriousness of the COVID-19 outbreak from the rest of the world.

1. **Denying the risk of human-to-human transmission.** The first known case of human-to-human transmission occurred in early December. By late December, Chinese health officials had plenty of evidence of human-to-human transmission. On December 30, Chinese doctors at Wuhan hospitals posted on social media that they were observing human-to-human transmission. Until January 20, Chinese officials continued to insist that there was no evidence of human transmission—denying solid evidence to the contrary. Additionally, Chinese officials failed to report the potential for human-to-human transmission to the World Health Organization for weeks.

2. **Silencing of whistleblowers.** Between January 1 and 3, 2020, Chinese officials arrested eight doctors and forcibly silenced them as “rumor-mongers”—an action that was broadcast on state media, likely to deter others from speaking out. One doctor at a Wuhan emergency room was disciplined when she told her staff to wear masks when dealing with patients, fearing human-to-human transmission. Additionally, there were reports of journalists covering the outbreak who disappeared.

3. **Failing to contain the outbreak.** While denying human-to-human transmission, Chinese officials took little to no steps to contain the outbreak. By January 13, the Chinese government was aware of spread to Thailand. For the next week, they began treating COVID-19 as a serious and contagious virus without advising the public. During that time, millions of people traveled through Wuhan, and many thousands were infected, making a worldwide outbreak almost inevitable. A potluck event for 40,000 people went forward in Wuhan on January 16. The Chinese government took no serious steps to contain the outbreak until January 23—when it was far too late.

4. **Hoarding personal protective equipment.** Reports indicate that Chinese officials, while they were concealing the outbreak, began hoarding quality PPE while permitting only defective PPE to be exported to the rest of the world. This hoarding endangered the lives of health care workers and first responders in other countries.

The COVID-19 outbreak has caused hardship in Missouri and across the globe—death, isolation from sick and dying loved ones, massive unemployment, economic dislocation, uncertainty, and trillions of dollars of economic losses. China should be held legally responsible.
DHS report: China hid virus’ severity to hoard supplies
By WILL WEISSERT May 4, 2020

WASHINGTON (AP) — U.S. officials believe China covered up the extent of the coronavirus outbreak — and how contagious the disease is — to stock up on medical supplies needed to respond to it, intelligence documents show.

Chinese leaders “intentionally concealed the severity” of the pandemic from the world in early January, according to a four-page Department of Homeland Security intelligence report dated May 1 and obtained by The Associated Press. The revelation comes as the Trump administration has intensified its criticism of China, with Secretary of State Mike Pompeo saying Sunday that that country was responsible for the spread of disease and must be held accountable.

The sharper rhetoric coincides with administration critics saying the government’s response to the virus was slow and inadequate. President Donald Trump’s political opponents have accused him of lashing out at China, a geopolitical foe but critical U.S. trade partner, in an attempt to deflect criticism at home.

Not classified but marked “for official use only,” the DHS analysis states that, while downplaying the severity of the coronavirus, China increased imports and decreased exports of medical supplies. It attempted to cover up doing so by “denying there were export restrictions and obfuscating and delaying provision of its trade data,” the analysis states.

The report also says China held off informing the World Health Organization that the coronavirus “was a contagion” for much of January so it could order medical supplies from abroad — and that its imports of face masks and surgical gowns and gloves increased sharply.

Those conclusions are based on the 95% probability that China’s changes in imports and export behavior were not within normal range, according to the report.

China informed the WHO of the outbreak on Dec. 31. It contacted the U.S. Centers for Disease Control on Jan. 3 and publicly identified the pathogen as a novel coronavirus on Jan. 8.

Chinese officials muffled doctors who warned about the virus early on and repeatedly downplayed the threat of the outbreak. However, many of the Chinese government’s missteps appear to have been due to bureaucratic hurdles, tight controls on information and officials hesitant to report bad news. There is no public evidence to suggest it was an intentional plot to buy up the world’s medical supplies.
While the virus is believed to have originated in the central Chinese city of Wuhan, most scientists say it was most likely transmitted from bats to humans via an intermediary animal such as the armadillo-like pangolin. That has placed the focus on a wet market in the city where wildlife was sold for food.

The theories about a possible human release have centered on the Wuhan Institute of Virology which undertook research into the transmission of pathogens from animals to people.

Beijing has repeatedly pushed back on U.S. accusations that the outbreak was China’s fault, pointing to many missteps made by American officials in their own fight against the outbreak. China’s public announcement on Jan. 20 that the virus was transmissible from person to person left the U.S. nearly two months to prepare for the pandemic, during which the U.S. government failed to bolster medical supplies and deployed flawed testing kits.
AMENDED AGENDA #1
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Friday, March 12, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:
https://www.idahoptv.org/shows/idahoinsession/

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<td>RS28796</td>
<td>Relating to the Fetal Hearbeat Preborn Child Protection Act</td>
<td>Blaine Conzatti, Family Policy Alliance</td>
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<tr>
<td>H 198</td>
<td>Relating to Precinct Committeemen regarding the revision of certain qualifications.</td>
<td>Representative Scott Syme</td>
</tr>
<tr>
<td>S 1178</td>
<td>Relating to Pari-Mutual Betting to provide for funding the Idaho State Racing Commission.</td>
<td>Senator Guthrie</td>
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Public Testimony Will Be Taken by Registering Through the Following Link:
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If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS
Chairman Lodge
Vice Chairman Guthrie
Sen Winder
Sen Anthon
Sen Harris

COMMITTEE SECRETARY
Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE:    Friday, March 12, 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 8:05 a.m.

RS 28796 Relating to the Fetal Heartbeat Preborn Child Protection Act.

Blaine Conzatti, Family Policy Alliance of Idaho, advised the RS replaces a previous version of the legislation, and he described the changes made to address concerns. He explained the bill requires a physician to perform an ultrasound prior to performing an abortion, and a detectable heartbeat would preclude the abortion. Mr. Conzatti said the RS includes exceptions for a medical emergency, rape, and incest; modifies penalties for violations; and adds a trigger mechanism to make the law effective only when a federal appellate court upholds another state's heartbeat bill as constitutional. He reported the bill aligns with legislation previously enacted in Idaho as well as other states' heartbeat laws.

MOTION: Senator Winder moved to send RS 28796 to print. Senator Anthon seconded the motion. The motion carried by voice vote. Senator Stennett and Senator Burgoyne were recorded as voting nay.

H 198 Relating to Precinct Committeemen regarding the revision of certain qualifications.

Representative Scott Syme, District 11, reported that the bill clarifies the ballot qualifications for precinct committeeman positions.

DISCUSSION: Senator Stennett inquired how the current law is deficient. Representative Syme explained there was confusion about when a candidate must be registered to vote in order to stand for election. He said the bill states a candidate must be a registered voter in the precinct for six months to have his name placed on the ballot.

Senator Burgoyne agreed there is inconsistent interpretation of the law. He suggested the bill will not fix all the issues but will be an improvement.

Senator Heider asked if there is a concern about using the pronoun "his" rather than "his or her." Representative Syme answered the bill was drafted by the Legislative Services Office in that fashion.

TESTIMONY: The Committee received testimony in opposition to H 198 from: Courtney Thompson, Secretary, Canyon County Republican Central Committee; Margie Baker; and Casey Baker, Effective Activism Idaho. Their stated reasons for opposing the bill included:

• The bill will make it more difficult for new arrivals to get involved.
• The requirements to serve will be different for appointed versus elected committeemen.

• The bill deletes the residency requirement for a precinct committeeman.

• The changes marginalize the importance of a precinct committeeman.

**Phil McGrane**, Ada County Clerk, testified in favor of **H 198** because it clarifies the ballot requirements, allows for consistent interpretation of the law, and makes it simpler for clerks to determine eligibility. **Mr. McGrane** added that residency is a requirement to register to vote and the bill does not remove it.

**DISCUSSION:** **Senator Stennett** asked if the bill will allow someone who has not lived in Idaho for six months to be appointed to fill a vacancy. **Mr. McGrane** replied that clerks only determine eligibility to appear on a ballot, and party leadership determines who is qualified to fill vacancies.

**Representative Syme** agreed the precinct committeeman is an important position, and the bill deals only with qualifications to appear on the ballot. The parties can determine how to appoint someone to fill vacancies.

**MOTION:** **Senator Stennett** moved to send **H 198** to the floor with a do pass recommendation. **Senator Lee** seconded the motion.

**DISCUSSION:** **Senator Stennett** stated the bill should clarify the requirements to be appointed to a position, but it is a step in the right direction. She noted many new residents are interested in getting involved; it is important for them to have lived in an area for a little while before serving as its precinct committeemen.

**Senator Burgoyne** thanked Representative Syme for bringing the legislation. He stated the bill will address the influx of new residents who want to take command of the State without knowing its character and needs. He pointed out that residency is a challenging issue and the requirement should possibly be extended beyond six months, but the bill is a much-needed improvement.

**Senator Lee** said she supports the bill and appreciates Representative Syme’s efforts. She said the bill will establish policy requiring a candidate to be part of the political process before running for a position, and it will give precincts guidance on how to fill vacancies.

**Senator Winder** commented the bill is an important piece of legislation. He observed the precinct committeemen are the grassroots of a party and should know their neighborhoods and schools. He added that the six-month residency requirement still allows newcomers to participate in meetings and help candidates get elected.

**VOTE:** The motion to send **H 198** to the floor with a do pass recommendation carried by voice vote.

**S 1178** **Relating to Pari-Mutuel Betting to provide for funding the Idaho State Racing Commission.**

**Senator Guthrie** explained that live and simulcast horse racing must be sanctioned by the Idaho State Racing Commission (Commission). He advised that the Commission lacks sufficient funds to continue operation, and the horse racing industry will cease to exist without the Commission. **Senator Guthrie** stated that the bill changes the formula for distributing money from advanced deposit wagering (ADW) to provide additional financial support to the Commission. He reported the Commission would receive 10 percent of total ADW money before allocating funds to the other recipients, and he provided examples of how the change would affect them.
Senator Guthrie commented that the total ADW increased from $8 million in 2019 to $14 million in 2020. He speculated the increase in electronic wagering was due to COVID-19 and a cultural shift to more reliance on technology to place bets. Senator Guthrie reported that the Commission presently projects an operating deficit of $75,000, but the new funding formula would result in an operating surplus of $56,000. He remarked that the bill will allow the Commission to sustain the horse racing industry while maintaining funding to existing recipients. He added the bill addresses a critical issue that proponents have worked on for more than two years, and the bill is unrelated to historical horse racing.

TESTIMONY: The Committee received in-person and written testimony in favor of S 1178 from: Cameron Mulroney, Wilder; Bryon Goody, East Idaho Horsemen's Association; Edward McNelis, Nampa; LuKrena Schoonover, Pocatello Downs; Tawnja Elison, Idaho Thoroughbred Association; NikeelaAbrams, Boise; Brandon Bird, Eastern Idaho State Fair; and Ardie Noyes, Commission employee. Reasons for support of the bill included:

• The horse racing industry funds the Commission without taxpayer dollars, and the bill will provide the Commission with necessary funding to sustain operations.
• The various horse groups have collaborated on the bill, and there is consensus that it is a good solution to maintain horse racing.
• The Commission is needed to regulate and supervise Idaho horse racing to ensure proper judging, equine testing, horse and jockey safety, and correct collection and distribution of fees.
• Agricultural communities and multiple Idaho racing venues would suffer without horse racing, and revenue from those communities will leave Idaho for neighboring states.
• The bill does not expand gambling beyond what is already legal in the State.
• The horse racing industry provides entertainment and enjoyment, and contributes to many local economies.

Senator Guthrie remarked that horse racing creates enthusiasm and excitement. He compared the racing industry to a home that is wired for electricity; if the main breaker is switched off, nothing works. He explained the infrastructure is in place for the horse racing industry, and it is now necessary to flip the switch.

Senator Heider asked what mechanism exists to prevent minors from betting on horse racing. Senator Guthrie responded that he does not know the safeguards, and the bill does not address that issue.

MOTION: Senator Anthon moved to send S 1178 to the floor with a do pass recommendation. Senator Stennett seconded the motion.

Pursuant to Senate Rule 39(H), Senator Anthon declared that many members of his family are involved in the horse and horse racing industries.

DISCUSSION: Senator Anthon thanked Senator Guthrie and Chairwoman Lodge for their work to bring the horse racing issue forward and help solve related problems. He added the horse industry is an important Idaho tradition, and the bill will help keep it alive and thriving.

Senator Harris thanked Chairwoman Lodge for hearing the bill and said he appreciates the people who testified in favor of it. He added that he supports the motion.

Chairwoman Lodge remarked that the horse industry changed her life when she got a horse at a young age. She added it is challenging and rewarding to keep horses, and it is important to keep the industry going.
VOTE: The motion to send S 1178 to the floor with a **do pass** recommendation carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 9:16 a.m.

___________________________  __________________________
Senator Lodge               Twyla Melton
Chair                       Secretary

___________________________  
Jeanne Jackson-Heim
Assistant Secretary
AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Monday, March 15, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link: https://www.idahoptv.org/shows/idahoinsession/

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<td>Representative Wendy Horman</td>
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Public Testimony Will Be Taken by Registering Through the Following Link: Registry to Testify

*If you have written testimony, please provide a copy to the committee secretary.*

COMMITTEE MEMBERS
Chairman Lodge
Vice Chairman Guthrie
Sen Winder
Sen Anthon
Sen Harris

SEN Lee
Sen Heider
Sen Stennett
Sen Burgoyne

COMMITTEE SECRETARY
Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov
DATE: Monday, March 15, 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.
CONVENCED: Chairwoman Lodge called the meeting of the Senate State Affairs Committee (Committee) to order at 8:07 a.m.

S 1168 Relating to Elections to add a new section to establish funding for the administration of elections.

Senator Mary Souza, District 4, reported that 20 Idaho counties applied for and received private money grants ranging from $5,000 to nearly $500,000 to assist with the 2020 election. Senator Souza provided a handout showing the distribution of grant funds to Idaho counties (see Attachment A). She stated that the Secretary of State was unaware of the grant funding. Senator Souza reported a small Chicago nonprofit, Center for Tech and Civic Life (CTCL), awarded the grants from a $350 million contribution from Facebook owner Mark Zuckerberg and his wife. She advised that Tiana Epps-Johnson, the founder and Executive Director of CTCL, advocates for policy changes in elections by focusing on local election officials.

Senator Souza said that S 1168 would require elections to be funded with government appropriations and prohibit local election officials from accepting or expending any private money. She noted that a prepared amendment to the bill would allow for donations of food items and physical spaces to hold an election. Senator Souza reported that the Secretary of State's Office and the Idaho Association of Recorders & Clerks are supportive of the bill. She added that several other states are considering similar legislation.

Senator Stennett asked if there was evidence of wrongdoing that precipitated the legislation. Senator Souza answered that she is unaware of any misdeeds but is concerned the process was not transparent and funds were not administered appropriately through a governmental system.

TESTIMONY: Kathy Dawes, resident of Moscow, testified in opposition to S 1168 for the following reasons:

- Grants could supplement funding in case of future cutbacks.
- Funding could be used to increase civic engagement and support in-person and mail voting.
- The bill is an overreach and would prevent maximum voter opportunity.

Jason Hancock, Deputy Secretary of State, testified the Idaho Secretary of State (SOS) is in favor of S 1168 with the proposed amendment. Mr. Hancock reported the SOS believes Idaho elections should be funded with government dollars and not supported by any private interest.
DISCUSSION: Senator Stennett asked if the 2020 election would have been as successful without the additional resources provided to the counties and if the private sector would be limited to making donations of food for election workers. Mr. Hancock responded the elections seemed to run well in the 24 counties that did not receive grants. He said that the SOS's concern is about money donations, not food or polling places. The SOS does not want election officials to be dependent on or beholden to private interests. Senator Stennett asked Mr. Hancock whether he helped draft the amendment. Mr. Hancock replied that he and Senator Souza spoke about the amendment in concept but he had not yet seen the amendment language.

Senator Winder asked for an estimate of federal money provided to help with 2020 election needs. Mr. Hancock answered that the State received approximately $2.7 million in Help America Vote Act funds and a small amount from the Governor's Coronavirus Aid, Relief, and Economic Security Act money.

Senator Burgoyne inquired if Idaho counties ever postpone acquiring up-to-date voting equipment due to a lack of funds. Mr. Hancock they had, but there was a considerable increase in available funds for the 2020 election and he believes some counties addressed equipment needs at that time.

TESTIMONY: Phil McGrane, Ada County Clerk, stated S 1168 addresses a unique, new policy question. He commented that the 2020 election was the most expensive election ever held in Idaho. Mr. McGrane distributed a copy of the Ada County CTCL grant contract to the Committee and pointed out the provision specifying the allowed use of funds (see Attachment B). He noted that the counties faced unusual challenges, including a shortage of poll workers. Mr. McGrane advised that in mid-September 2020, the Idaho Association of Counties notified all 44 county clerks of the availability of grant funds. He reported many counties did not have time to submit a grant application to CTCL.

Mr. McGrane explained the counties used the grant money primarily for temporary staff wages, personal protective equipment, and security cameras to document the handling of absentee ballots. He noted some clerks struggled with COVID-19 spread in their offices just prior to the election. Mr. McGrane reported the counties had no policy guidance for private grants, and the clerks are willing to follow the Legislature’s direction. He commented that all federal money comes with strings attached. Mr. McGrane remarked that election costs continue to rise, primarily for cybersecurity to protect election infrastructure. He gave examples of donations of space and services received for the 2020 primary election that would be precluded by S 1168.

Mr. McGrane advised that almost all money obtained for elections is overseen by county commissioners, and property taxes are the primary source of election funding. He indicated there is a question whether the preferred source of election funding should be taxes, federal funding, or alternative private funding.

DISCUSSION: Senator Burgoyne asked if the CTCL grants came with strings attached. Mr. McGrane replied that Attachment B includes all the grant restrictions. He said the clerks were previously unaware that the source of grant funds was Mr. Zuckerberg. Mr. McGrane referred to Attachment A and observed that even though Ada County received the largest grant, it did not receive the most funding per registered voter.

Chairwoman Lodge asked if the amendment would prohibit a county from receiving donations of facility space. Mr. McGrane responded that it could result in additional costs to the counties to rent certain facilities.

Senator Souza referred to the proposed amendment and clarified that the legislation would not apply to the donation of a facility or space for use of election officials in holding an election. She observed the legislation's goal is transparency,
and proper supervision and reporting of funding. Senator Souza advised the bill addresses a weakness in the system. She stated it is important to stop possible influence of outside private money from any source to maintain election integrity.

**MOTION:** Senator Anthon moved to send S 1168 to the 14th Order of Business for possible amendment. Senator Winder seconded the motion.

**DISCUSSION:** Senator Burgoyne commented that he supports Senator Souza's goals but the legislation does not accomplish them for several reasons; elections are underfunded and he is opposed to barring the grants, voting should be as easy as possible because it is a fundamental right, Idaho has free and fair elections and no problems exist, and grant funds made it easier to vote. Senator Burgoyne said he cannot support the motion.

Senator Winder advised that the bill will establish policy to help avoid the risk of improper election influence and is important for transparency. He commended Senator Souza for bringing the issue to light because it was previously unreported. Senator Winder suggested amending the fiscal note to reflect possible costs to the counties, and he stated his support for the bill.

**VOTE:** Chairwoman Lodge called for the vote on the motion to send S 1168 to the 14th Order of Business for possible amendment. The motion carried by **voice vote**. Senator Burgoyne was recorded as voting nay.

**H 155** Relating to Government Property for the transfer of property between government bodies.

Representative Tammy Nichols, District 11, explained the bill would add recreation districts to the list of 12 governmental entities that can participate in the transfer of property from another governmental entity. Representative Nichols gave the example of a recreation district that spent a significant sum of money to improve a leased school building. She explained the lease expires soon and the school district wants to transfer ownership of the building to the recreation district. Ms. Nichols stated without the bill, taxpayers would have to pay for the building a second time.

**MOTION:** Senator Anthon moved to send H 155 to the floor with a **do pass** recommendation. Senator Stennett seconded the motion.

**DISCUSSION:** Senator Anthon commented that recreation districts and old schools are a perfect fit.

**VOTE:** Chairwoman Lodge called for the vote on the motion to send H 155 to the floor with a **do pass** recommendation. The motion carried by **voice vote**.

**H 231** Relating to Elections to amend the filing date for independent candidates for President and Vice President

Representative John McCrostie, District 16, presented the bill to update the filing deadline for independent candidates for President and Vice President, which presently falls after the earlier deadlines for all other Presidential and Vice Presidential candidates and independent candidates for State and county offices. Representative McCrostie noted that he brought the bill because Kanye West filed as an independent candidate for President in Idaho on August 25, 2020. He said Mr. West was not a serious candidate, and the August 25 deadline does not allow enough time for a serious Presidential campaign. Representative McCrostie advised that the change will affect both parties equally and will allow the SOS to finalize ballots sooner.

**MOTION:** Senator Guthrie moved to send H 231 to the floor with a **do pass** recommendation. Senator Lee seconded the motion. The motion carried by **voice vote**.
H 243 Relating to Campaign Finance to revise provisions regarding candidate campaign contribution limitations.

Representative Brooke Green, District 18, explained the bill would allow a candidate for either an Idaho House or Senate seat to transfer the full balance of an established campaign account into one for a new legislative seat. Representative Green added that the total contributions from one person or entity could not exceed the maximum amount allowed for either the primary or the general election during the same election cycle. She noted the bill affects both political parties equally and is important in a redistricting year when legislative boundaries are likely to change but are yet unknown.

DISCUSSION: Senator Winder asked whether a legislator could transfer funds to another candidate if the legislator decides not to run for reelection. Representative Green responded no, the bill applies only to a legislator's own campaign account if moving from one body of the Legislature to another.

Senator Anthon inquired if the bill would apply to a legislator who decided to run for SOS or another office. Representative Green answered that the bill only applies to House and Senate seats.

Senator Lee asked whether a representative who wants to challenge her Senate seat could transfer his full account for that purpose. Representative Green replied yes.

Senator Stennett requested clarification on the dollar amount that could be transferred between accounts. Representative Green responded that funds could not be transferred in excess of the established threshold per donor.

MOTION: Senator Guthrie moved to send H 243 to the floor with a do pass recommendation. Senator Burgoyne seconded the motion. The motion carried by voice vote.

H 279 Relating to the Committee on Federalism in regard to the sunset provision.

Senator Dan Johnson, District 6, presented the bill to remove the sunset clause for the Committee on Federalism (COF). Senator Johnson gave a brief history and purpose of the COF and provided a definition of “federalism.” He reported the COF met several times and created three subcommittees to address specific issues.

DISCUSSION: Senator Stennett asked if the $15,000 figure in the fiscal note is an annual or one-time cost and inquired about the COF's accomplishments. Senator Johnson responded the fiscal note is an annual, conservative number. The Federalism Subcommittee on Federal Lands proposed S 1368 in 2020 regarding the Idaho Roadless Rule Implementation Commission. He stated the Federalism Subcommittee on Health and Welfare drafted legislation requiring annual reporting to account for reductions in federal funds. Senator Stennett asked if Senator Johnson wants the COF to exist in perpetuity with the three subcommittees attached to it. Senator Johnson replied that the existing subcommittees could be dissolved if the COF decided to study different areas of federalism.

MOTION: Senator Anthon moved to send H 279 to the floor with a do pass recommendation. Senator Guthrie seconded the motion.

DISCUSSION: Senator Burgoyne said he could not support the motion. He reported he was a member of the COF and did not think it had accomplished anything of note. Senator Burgoyne observed the COF became a forum for certain legislators to discuss ongoing topics rather than special issues and that this legislation is flawed because the co-chairs of COF decide which subcommittees to implement and can appoint anyone to serve them even if they are not COF members.

TESTIMONY: The Committee received testimony from Jonathan Oppenheimer, representing the Idaho Conservation League, in opposition to H 279. He opposed the bill because:
• The COF has not produced any reports or fulfilled its statutory meeting obligations.
• Public lands issues are addressed at the Congressional level.
• He disagrees with the proposals advanced by the COF.
• The type of bill previously proposed by the COF does not require a special committee and expenditure of State funds.

VOTE: Chairwoman Lodge called for a vote on the motion to send H 279 to the floor with a do pass recommendation. The motion carried by voice vote. Senator Stennett and Senator Burgoyne were recorded as voting nay.

HCR 8 Stating Findings of the Legislature calling for a study of the impact of the U.S. Government Payment in Lieu of Taxes program.

Senator Harris presented HCR 8, which would authorize the COF to address the federal government's failure to make appropriate payment in lieu of taxes (PILT) to Idaho counties. The resolution also directs the COF to identify a pilot technology to determine the fair taxable value of federal lands. Senator Harris provided a brief history and overview of the PILT program. He explained that 63 percent of Idaho lands are owned by the federal government, and Idaho receives $32 million per year in PILT, averaging 95 cents to 99 cents per acre (see Attachment C). Senator Harris remarked that most states east of the Rocky Mountains fund public education through property taxes, but Idaho's education spending is relatively low compared to states with fewer acres of federal lands. He noted that Idaho taxable lands generate $128 per acre in property tax revenues, and Idaho Department of Lands property generates $17.14 per acre. Senator Harris observed that Idaho counties rely heavily on PILT to survive but it is an unreliable revenue source. The resolution will allow for an objective standard to evaluate and appraise federal lands to determine a fair PILT reimbursement, he said.

Senator Stennett asked if Senator Harris wants the federal government to increase PILT funding, and what percentage increase is needed to adequately cover any shortfall. Senator Harris replied that he thinks PILT should be increased but does not know the amount needed.

TESTIMONY: The Committee received testimony in opposition to HCR 8 from: Hollie Conde, Conservation Voters for Idaho; Cindy Riegel, Chair, Teton County Commission; Michael Gibson, Trout Unlimited; and Jonathan Oppenheimer, Idaho Conservation League. Their reasons for opposition to the bill included:

• A study will be expensive and a waste of Idaho tax dollars.
• The PILT program is complicated with ineffective metrics and should be completely reformed.
• The resolution was written to preselect one technology provider, understates the costs of the technology, and will result in Idaho money going to out-of-state interests.
• PILT has been fully appropriated and paid to counties since 2008.
• The University of Idaho Policy Analysis Group already exists and could conduct a study on reforming PILT.
• Idaho's Congressional delegation and others are already working on PILT reform.
• It is unnecessary to determine fair market value because the land is not for sale, and public lands do not require the same level of services as private lands.
• The recently enacted American Rescue Plan provides additional funding to counties for fiscal years 2022 and 2023.
DISCUSSION: Senator Harris reported that Utah received several competing bids for the same type of study. Senator Harris stated that Federal lands cannot be sold, the counties have waited a long time for PILT to be reformed, and the resolution will allow the COF to review options.

Senator Stennett asked if Idaho will pay $250,000 to a single private entity for that entity's personal gain; a proprietary software program in the hands of someone with a particular objective would result in personal gain for that person. Senator Harris answered that the fiscal note states the technology cost will not exceed $250,000, and he has no knowledge of the bidding process. He disagreed that fees paid under a contract would result in personal gain but rather would be used to operate a business.

Senator Anthon commented that he does not see the words "for personal gain" in the Statement of Purpose.

Senator Burgoyne expressed his opinion that the resolution was written with one technology provider in mind. He also noted that the word "implementation" in the resolution is unclear. Senator Burgoyne said it is important to consider other options, and he believes the resolution is misguided. He urged the COF to focus on the politics of PILT and not a specific technology.

Senator Winder asked if the representative is still with the technology company that developed the software presented to the COF. Senator Harris answered that he does not know. Senator Winder inquired if one of Idaho's universities could bid on the contract, or if the technology is too specific. Senator Harris replied that anyone can bid on it.

Senator Guthrie asked how many counties would be studied in the pilot, and whether the counties were identified. Senator Harris responded that he does not know.

MOTION: Senator Anthon moved to send HCR 8 to the floor with a do pass recommendation. Senator Winder seconded the motion.

DISCUSSION: Senator Guthrie advised that he reserves the right to oppose the resolution on the floor of the Senate. He added that problems with PILT are well known, and he thinks the first line of inquiry regarding property values should be with the county assessors. Senator Guthrie said he found it interesting that no counties testified in favor of the resolution, even though this is the second public hearing on the resolution. He remarked that he is worried about unintended consequences and negative impacts on Idaho's mining, timber, and grazing industries. Senator Guthrie commented that the federal government made most of the desirable land available for private ownership under the Homestead Act. He expressed concern about obtaining a fair valuation process from a private company or beginning a pilot technology in a county that is opposed to the resolution.

Chairwoman Lodge stated she, too, reserves the right to make a decision on whether or not to support the resolution. She mentioned that she hopes to get some additional information before the resolution is heard on the floor.

Senator Lee reported that she shares some of the concerns expressed by the Committee. She remarked that more counties might become involved as the resolution moves forward.

Senator Winder said he seconded the motion based on the representation that the bidding process would be open to universities and the private sector.

Senator Burgoyne advised that the presentation to the COF implied that the...
software is a unique product. He commented that he has problems with the resolution in general.

**VOTE:** Chairwoman Lodge called for a vote on the motion to send HCR 8 to the floor with a do pass recommendation. The motion carried by voice vote. Senator Stennett and Senator Burgoyne were recorded as voting nay.

**ADJOURNED:** There being no further business at this time, Chairwoman Lodge adjourned the meeting at 9:58 a.m.

___________________________
Senator Lodge
Chair

___________________________
Twyla Melton
Secretary

___________________________
Jeanne Jackson-Heim
Assistant Secretary
Private Grant Monies Provided to Idaho from the Center for Tech and Civic Life (CTCL)

Funded by Mark Zuckerberg of Facebook

Percentage of Funds Received by 20 Idaho Counties ($752,287 total)

- Ada (65.03%)
- Bonneville (6.7%)
- Twin Falls (5.8%)
- Madison (3.4%)
- Bingham (3.1%)
- Nez Perce (2.9%)
- Payette (1.7%)
- Blaine (1.6%)
- Minidoka (1.5%)
- Gem (1.2%)
- Owyhee (1%)
- Washington (0.77%)
- Lincoln (0.66%)
- Lewis (0.66%)
- Teton (0.66%)
- Benewah (0.66%)
- Boundary (0.66%)
- Clearwater (0.66%)
- Lemhi (0.66%)
- Butte (0.66%)

Attachment A
Senator Souza – S 1168
Counties Receiving Grant Monies-2020
March 15, 2021
October 15, 2020

Ada County, Idaho
Board of Commissioners
200 West Front Street
Boise, ID 83702

Dear Kendra Kenyon,

I am pleased to inform you that based on and in reliance upon the information and materials provided by Ada County, and the special circumstances Ada County faces administering elections in 2020, the Center for Tech and Civic Life ("CTCL"), a nonprofit organization tax-exempt under Internal Revenue Code ("IRC") section 501(c)(3), has decided to award a grant to support the work of Ada County ("Grantee").

The following is a description of the grant:

AMOUNT OF GRANT: $489,963.00 USD

PURPOSE: The grant funds must be used exclusively for the public purpose of planning and operationalizing safe and secure election administration in Ada County in 2020 ("Purpose").

Before CTCL transmits these funds to Grantee, CTCL requires that Grantee review and sign this agreement ("Grant Agreement") and agree to use the grant funds in compliance with the Grant Agreement and with United States tax laws and the laws and regulations of your state and jurisdiction ("Applicable Laws"). Specifically, by signing this letter Grantee certifies and agrees to the following:
1. Grantee is a local government unit or political subdivision within the meaning of IRC section 170(c)(1).

2. This grant shall be used only for the Purpose described above, and for no other purposes.

3. Grantee has indicated that the amount of the grant shall be expended on the following specific election administration needs: Ballot drop boxes, Drive-through voting, Election department real estate costs, or costs associated with satellite election department offices, Non-partisan voter education, Personal protective equipment (PPE) for staff, poll workers, or voters, Poll worker recruitment funds, hazard pay, and/or training expenses, Polling place rental and cleaning expenses for early voting or Election Day, Temporary staffing, and Vote-by-mail/Absentee voting equipment or supplies. Grantee may allocate grant funds among those needs, or to other public purposes listed in the grant application, without further notice to or permission of CTCL.

4. Grantee shall not use any part of this grant to make a grant to another organization, except in the case where the organization is a local government unit or political subdivision within the meaning of IRC section 170(c)(1) or a nonprofit organization tax-exempt under IRC section 501(c)(3), and the subgrant is intended to accomplish the Purpose of this grant. Grantee shall take reasonable steps to ensure that any such subgrant is used in a manner consistent with the terms and conditions of this Grant Agreement, including requiring that subgrantee agrees in writing to comply with the terms and conditions of this Grant Agreement.

5. The grant project period of June 15, 2020 through December 31, 2020 represents the dates between which covered costs may be applied to the grant. The Grantee shall expend the amount of this grant for the Purpose by December 31, 2020.

6. Grantee is authorized to receive this grant from CTCL and certifies that (a) the receipt of these grant funds does not violate any Applicable Laws, and (b) Grantee has taken all required, reasonable and necessary steps to receive, accept and expend the grant in accordance with the Purpose and Applicable Law.

7. The Grantee shall produce a brief report explaining and documenting how grant funds have been expended in support of the activities described in paragraph 3. This report shall be sent to CTCL no later than January 31, 2021 in a format approved by CTCL and
shall include with the report a signed certification by Grantee that it has complied with all terms and conditions of this Grant Agreement.

8. This grant may not supplant previously appropriated funds. The Grantee shall not reduce the budget of the County Clerk ("the Election Department") or fail to appropriate or provide previously budgeted funds to the Election Department for the term of this grant. Any amount supplanted, reduced or not provided in contravention of this paragraph shall be repaid to CTCL up to the total amount of this grant.

9. CTCL may discontinue, modify, withhold part of, or ask for the return all or part of the grant funds if it determines, in its sole judgment, that (a) any of the above terms and conditions of this grant have not been met, or (b) CTCL is required to do so to comply with applicable laws or regulations.

10. The grant project period of June 15, 2020 through December 31, 2020 represents the dates between which covered costs for the Purpose may be applied to the grant.

Your acceptance of and agreement to these terms and conditions and this Grant Agreement is indicated by your signature below on behalf of Grantee. Please have an authorized representative of Grantee sign below, and return a scanned copy of this letter to us by email at grants@techandciviclife.org.

On behalf of CTCL, I extend my best wishes in your work.

Sincerely,

Tiana Epps Johnson
Executive Director
Center for Tech and Civic Life
GRANTEE
Ada County

By: Andrea Kenyon

Title: Chair

Date: 10/20/20

ATTEST:

Phil McGrane, Ada County Clerk

By: Kaitie Reed, Assistant Deputy Clerk
<table>
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<th>County</th>
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Source: Map boundaries and information generated by CRS using federal lands GIS data from the National Atlas, 2005, and an ESRI USA Base Map.

Notes: Scale 1:11,283,485. The line along the coast of California indicates BLM administration of numerous small islands. Also, the map may reflect a broader definition of DOD land than shown in the data in Table 2.
Figure 2. Eastern Federal Lands Managed by Five Agencies

Source: Map boundaries and information generated by CRS using federal lands GIS data from the National Atlas, 2005, and an ESRI USA Base Map.

Note: Scale 1:13,293,047. Also, the map may reflect a broader definition of DOD land than shown in the data in Table 2.
AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:30 A.M.
Room WW55
Tuesday, March 16, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:
https://www.idahoptv.org/shows/idahoinsession/

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>DESCRIPTION</th>
<th>PRESENTER</th>
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<td>H 135</td>
<td>Relating to the State Disaster Preparedness Act to protect the separation and balance of power between the executive and legislative branches of government.</td>
<td>Representative Jason Monks</td>
</tr>
</tbody>
</table>

Public Testimony Will Be Taken by Registering Through the Following Link:
Registry to Testify

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS
Chairman Lodge  Sen Lee
Vice Chairman Guthrie  Sen Heider
Sen Winder  Sen Stennett
Sen Anthon  Sen Burgoyne
Sen Harris

COMMITTEE SECRETARY
Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Tuesday, March 16, 2021
TIME: 8:30 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.

CONVENEED: Chairwoman Lodge called the meeting of the Senate State Affairs Committee (Committee) to order at 8:31 a.m..

H 135 Relating to the State Disaster Preparedness Act to protect the separation and balance of power between the executive and legislative branches of government.

Representative Jason Monks, District 22, presented H 135 and explained that this legislation was not an attempt to remove powers from the Governor, only that key elements were included to ensure checks and balances. Representative Monks noted that declarations of emergency must be essential to protect life or property. Referring to page 1, line 8, Representative Monks declared that because all jobs are essential, declarations of emergency must not restrict the right of Idahoans to work, provide for their families, and contribute to the economy of Idaho. He advised that orders and declarations must be narrowly tailored to their purposes and not restrict job holders by job type or classification. Representative Monks explained that, during a state of emergency, rules can be changed but laws cannot. He emphasized that H 135, page 4, lines 25-27, specifically state that rights guaranteed by the US or Idaho State Constitutions cannot be limited or suspended, including the right to peaceable assembly or free exercise of religion.

Representative Monks pointed out the 60-day time limit on an emergency declaration, noting that it can be extended if necessary. He explained the process of declaring, extending, and terminating a state of disaster, including the responsibilities of the Governor and of the Legislature.

DISCUSSION: Senator Burgoyne inquired about authorization of military intervention in case of an emergency. Representative Monks replied that the Constitution states that the Governor is the commander in chief of the National Guard and has the ability to activate the National Guard. Senator Burgoyne asked for clarification regarding the protection of property as mentioned on page 1, lines 13-14. Representative Monks explained that the protection of property refers to clean up and the restoration of infrastructure.

Senator Winder explained to the Committee that work on this bill began last summer to deal with issues surrounding emergency orders. He noted that it was decided more direction in cases of disasters and emergencies was needed to be placed in code. He thanked Representative Monks and the Legislators for their work on this bill.

Senator Guthrie observed that the word "infrastructure" should be added to the wording on page 1, line 14 to avoid confusion with real property. He asked for more
clarification regarding federal funds. Representative Monks indicated that the Federal Emergency Management Agency (FEMA) has limitations on how money can be spent, but he was unaware of any restrictions in receiving federal funds. He pointed out that current Idaho Code requires that the need to continue receiving federal funds must arise out of a declaration of emergency.

Senator Stennett asked how H 135 would be any more efficient in the case of a natural disaster than the current process. Representative Monks explained that there would be no difference. He stated that this bill addresses only statewide emergencies and provides for immediate response from the executive branch.

Senator Heider inquired of Senator Anthon how previously considered legislation compared with H 135. Senator Anthon explained that discussions with Representative Monks and the appropriate attorneys were held to assure H 135 benefits Idahoans. He explained that H 135 deals with natural disasters and gives the Governor emergency powers to immediately deal with emergency needs. He added that in other extreme situations, such as having to change elections, the legislature would be involved.

Senator Burgoyne referred to page 1, lines 15-19, and page 4, lines 21-28, and asked if this would prevent evacuation orders or advisory evacuation orders. Representative Monks replied that adding "manufacturing" was the only change made, and that nothing else had changed. He pointed out that this section of the bill relates to all jobs being essential and that citizens' rights do not go away because of an emergency declaration.

TESTIMONY: The following testified in support of H 135:

- Patricia Gall, representing self;
- Lorna Mitson, representing self;and
- Steven Kaiser.

Reasons for support of the bill included:

- The federal government's application of additional conditions on emergency funding is still a concern.
- This bill corrects weaknesses in Idaho's emergency response procedures.
- The bill provides a balance of power correcting the view that the Idaho Constitution can be ignored in the face of an emergency.

DISCUSSION: Representative Monks indicated he wanted to expand some of his answers to questions asked earlier. He referred to Senator Burgoyne's question regarding the Governor's ability to call in the militia. He noted that the ability to use the militia is stated in another section of code, so it is implied. Representative Monks then addressed a question from Senator Stennett regarding evacuations. He pointed out that page 3, line 37, grants the Governor the authority to compel and direct the evacuation for all or a part of the population, and details the conditions under which he can do so. Representative Monks thanked Senator Anthon and others who helped develop this legislation. He observed that the most concerning aspects of the current emergency procedures were identifying some jobs as unessential and the violation of constitutional rights. Representative Monks emphasized that, even though the Governor needs to be able to respond immediately, the Legislature at some point must be involved in an emergency, even if it is not in session at its onset.

Chairwoman Lodge inquired if the Governor had violated any constitutional rights as he dealt with the COVID pandemic. Representative Monks replied that much was learned during this situation. He noted that at the beginning very little was known about the seat of responsibility, and that the Governor was not alone in
making determinations. He pointed out that the Department of Health and Welfare, city governments, and county governments all had some level of decision making power at that time. Representative Monks asserted that as more information was gathered, the restriction against peaceable assembly was in violation of constitutional rights.

Senator Guthrie inquired if the pandemic would fit under H 135 or under S 1136. Senator Monks replied that some say it was man made; others say it was a natural disaster. H 135 doesn't make a distinction.

**MOTION:** Senator Lee moved to send H 135 to the 14th Order for possible amendment. Senator Harris seconded the motion.

**DISCUSSION:** Senator Lee expressed her appreciation for the work done by Representative Monks and for the Governor for his efforts. She noted as this work continues, it will bring the full force of the government together to manage extreme emergencies.

Senator Burgoyne expressed his respect for Representative Monks and his dedication as a Legislator, adding that H 135 was basically a good bill. Senator Burgoyne also indicated he agreed with Senator Guthrie regarding the term "infrastructure." He advised that the language in the bill was not parallel to the state constitution. He also suggested some work on the language dealing with evacuations. Senator Burgoyne mentioned issues found in the Attorney General's review of H 135 (see Attachment A). Senator Guthrie indicated the issue of whether the pandemic falls under H 135 or S 1136 is not clear. Senator Anthon explained that H 135 deals with a lower level emergency, and the Governor's power would not be as great as his power would be under S 1136.

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

**ADJOURNMENT:** There being no further business at this time, Chairwoman Lodge adjourned the meeting at 9:25 a.m.

____________________________________
Senator Lodge
Chair

____________________________________
Twyla Melton
Secretary

____________________________________
Carol Cornwall
Assistant Secretary
February 19, 2021

TRANSMITTED VIA EMAIL

The Honorable Ilana Rubel
Idaho House of Representatives
Idaho State Capitol
700 W. Jefferson Street
Boise, Idaho 83702
irubel@house.idaho.gov

Re: Request for legislation review of House Bill 135 – Our File No. 21-72762

Dear Representative Rubel:

This letter is in response to your recent inquiry regarding House Bill 135 (H135). Specifically, you ask:

(1) What is the impact of the language in H135 that provides that the emergency declaration "must not restrict the right of Idahoans to work" when there is an incidental impact on people's livelihoods (e.g. shutting down access to an area affected by forest fire where people work)?

(2) What other Governor emergency powers would be curtailed if the emergency declaration were only permitted to persist to the extent necessary for federal resources to be received?

(3) What other constitutional or legal issues may be at play with H135?

Each question is addressed in turn below.

I. What is the impact of the language in H135 that provides that the emergency declaration "must not restrict the right of Idahoans to work" when there is an incidental impact on people's livelihoods (e.g. shutting down access to an area affected by forest fire where people work)?
The proposed language in H135 could have unintended and confusing consequences. As presently drafted, the language in H135 states that “declared emergencies must not restrict the right of Idahoans to work, provide for their families, and otherwise contribute to the economy of Idaho.” It is assumed this language was drafted in response to the Stay at Home Orders issued in the early stages of the COVID-19 pandemic that directed non-essential business and government functions to cease operations at physical locations. It appears that this provision is intended to prevent the closure of any business or governmental operation in order to address an emergency situation. As explained below, this restriction may make it impossible to effectively address emergencies. As you noted within your inquiry, often during a wild or forest fire an area must be evacuated to protect the health and safety of the people living there as well as to enable emergency responders to address the emergency.\(^1\) This new language would have far-reaching effects that extend well beyond pandemic-based scenarios.

H135 prohibits emergency declaration restrictions on the right of Idahoans to 1) work, 2) provide for their families, or 3) otherwise contribute to the economy of Idaho during a declared disaster. There are countless ways to work, provide for one’s family, and contribute to the economy of Idaho. There are likewise countless ways to potentially halt a disaster declaration for restricting these activities.\(^2\) For instance, the Governor could be withheld from issuing evacuation orders or otherwise controlling the ingress and egress to disaster areas because doing so would affect the rights of the citizens to work, provide for their families or otherwise contribute to the Idaho economy in those disaster areas. Under the broad prohibitory language of H135, the Governor could even be prohibited from closing fee campsites threatened by fires because doing so would affect the right of Idahoans to contribute to the economy of the state (i.e. pay for a campsite). H135 potentially withholds the Governor from declaring any kind of disaster emergency and imposing measures to address the emergency that affects anyone’s ability to spend or make money in the state.

It is essential to note that the Governor’s authority to address emergencies flows from article IV, sections 4 & 5. Emergency declaration and response are core executive functions. A fire cannot be legislated out of existence and if it is to be addressed it requires the mobilization of people, resources, and execution. This presents the possibility that those provisions of H135 interfering with the Governor’s ability to address an emergency could be of limited legal effect, found to be inapplicable, or struck down as unconstitutional. It is important to note that the scope of executive authority to address emergencies in Idaho is an unresolved question of Idaho constitutional law. The type of emergency may also have differing constitutional implications. For example, it is likely more difficult for the Legislature to limit the Governor’s authority to mobilize the National Guard under article IV, section 4 to address an emergency than it is to limit his authority to declare of an emergency under article IV, section 5.

\(^1\) Consider for example a pizza delivery driver that refuses to yield to emergency responders because doing so would make his or her delivery late and potentially place his or her job in jeopardy.

\(^2\) One uncertainty raised by this legislation is whether it would authorize an individual to ignore an order of isolation or quarantine if such order arose from an emergency declaration. Potentially, this legislation creates a conflict with the provisions on quarantine and isolation, which adds further legal uncertainty.
II. What other Governor emergency powers would be curtailed if the emergency declaration were only permitted to persist to the extent necessary for federal resources to be received?

Assuming it is lawful for the state to continue an emergency declaration solely for the purpose of receiving federal resources, the proposed language of H135 would curtail all of the Governor’s emergency powers granted through Idaho Code section 46-1008 under such circumstances.

III. What other constitutional or legal issues may be at play with H135?

The proposed language of H135 allows the Legislature to terminate or extend a disaster emergency by concurrent resolution, which is likely unconstitutional.

As explained in greater detail below, the Legislature only possesses the authority granted to it through Idaho’s Constitution. Legislative authority under article III of the Idaho Constitution is exercised through the constitutional requirements for lawmaking, and a concurrent resolution does not meet the constitutional requirements for lawmaking.

a. Article III Sets Forth the Requirements for Legislative Branch Authority.

Idaho Code section 46-1008(2), provides that the Legislature has the authority to terminate a state of disaster emergency by concurrent resolution. This authority is echoed and expanded upon in H135. But this office can identify no portion of the Idaho Constitution that allows this legislative claim of authority.

Article III, § 1 of the Idaho Constitution vests the legislative power of the state within a senate and a house of representatives. In order to legislate, both chambers must vote upon and pass legislation. Article III, § 15. All bills passed by the legislature must be presented to the Governor for his signature or disapproval. Idaho Const. art. IV, § 10. If the Governor disapproves and returns the bill, the Legislature may override the Governor through a 2/3 vote of the members in

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3 The Stafford Act—the federal law governing presidentially declared disasters—requires a state to have a declared disaster in place to qualify for federal aid. 42 U.S.C.A. § 5170(a). The Act specifically states that “as part of [a presidential disaster declaration], and as a prerequisite to major disaster assistance under this chapter, the Governor shall take appropriate response action under State law and direct execution of the State’s emergency plan” (emphasis added). The appropriate state response action and the execution of Idaho’s state emergency plan is triggered by the Governor’s proclamation of a state of disaster emergency. An executive order or proclamation of a state of disaster emergency shall activate the disaster response and recovery aspects of the state, local and intergovernmental disaster emergency plans applicable to the political subdivision or area in question and be authority for the deployment and use of any forces to which the plan or plans apply and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to this act or any other provision of law relating to disaster emergencies. Idaho Code § 48-1008(3) (emphasis added). If the declared state of disaster emergency is terminated by concurrent resolution, the state would no longer be eligible for federal disaster aid.
each house. Idaho Const. art. IV, § 10. Any legislation that does not meet these requirements is not law, unless a specific exception is provided for within the Constitution. Idaho Power Co. v. State, By and Through Dept. of Water Resources, 104 Idaho 570, 574. Legislative action by resolution is not a “law” in that context. Id. citing, Griffith v. Van Deusen, 31 Idaho 136, 169 P. 929 (1917) (Requirements of legislative action to bind state); Balderson v. Brady, 17 Idaho 567, 107 P. 493 (1910) (Joint resolution is not a law of the State because it is not enacted in the manner provided for enactment of a law).

b. Resolutions of the Legislature Have No Legal Effect Unless Authorized By the Constitution.

In Mead v. Arnell, 117 Idaho 660, 668 (1990), the Court held that the Legislature was authorized to reject administrative rules because the rules were created by way of a delegation of its lawmaker authority set forth in the Idaho Constitution. This authority has since been placed in the Idaho Constitution in article III, section 29, wherein legislative approval or rejection of a rule is not subject to gubernatorial veto. Similarly, legislative action regarding constitutional amendments may occur through resolutions because article XX, section 1 directs that upon a 2/3 vote of each house, voting separately, the Legislature has the duty to submit the proposed amendment to the electorate. When the Legislature is authorized to act by concurrent resolution without presentment to the Governor, such authority is provided for within the Idaho Constitution. This conclusion is reinforced by the case law cited above, as well as the bounds the Idaho Supreme Court set on its holding in Mead v. Arnell:

This holding should not be deemed to apply to any situations, set of facts or possible application other than the rejection of an administrative rule or regulation that has been promulgated pursuant to legislatively delegated authority.

Id. at 668. The Governor’s authority to issue executive orders or proclamations is not a delegated power of the Legislature.

The Governor’s authority to issue executive orders and declarations arises from article IV, section 5:

SUPREME EXECUTIVE POWER VESTED IN GOVERNOR. The supreme executive power of the state is vested in the governor, who shall see that the laws are faithfully executed.\(^4\)

\(^4\) The Governor’s authority is reinforced by article IV, section 4:

GOVERNOR IS COMMANDER OF MILITIA. The governor shall be commander-in-chief of the military forces of the state, except when they shall be called into actual service of the United States. He shall have power to call the militia to execute the laws, to suppress insurrection, or to repel invasion.
Although there is no Idaho case law on the Governor’s authority to issue executive orders, reference to the law surrounding Article 2, section 1 of the United States Constitution demonstrates that the Governor’s authority under article IV, section 4 is highly analogous to a president’s authority under Article 2, sec. 1. A president’s executive order can be overridden through Congress’s passage of a law subject to the president’s veto. A similar process is likely required by Idaho’s Constitution. Any legislative override of an executive order or emergency declaration must comply with the law making requirements of Idaho’s Constitution.\(^5\)

c. Article IV, § 9 Provides The Governor With Exclusive Authority to Establish the Subjects for An Extraordinary Session of the Idaho Legislature.

Article IV, section 9 of Idaho’s constitution places the sole authority to convene the Legislature in an extra session with the Governor. That provision also specifically limits the subjects to be addressed to those determined by the Governor within the proclamation convening the extraordinary session. H135 purports to permit the Legislature if convened in an extraordinary session to address the disaster emergency, any legislation to respond to the disaster emergency, including appropriating necessary funding, and possible termination of the declaration. H135, p. 2, ll. 28-35. This provision of H135 would likely only be constitutionally permissible if the Legislature has been called into extraordinary session to address the disaster emergency. The precise scope of legislative authority to address these issues would be a fact dependent inquiry reliant on the language of the Governor’s proclamation assigning the subjects of an extraordinary session.

Conclusion:

The language of H135 that prohibits the Governor from declaring a disaster which might affect the right of Idahoans to work, provide for their families, or otherwise contribute to the economy of Idaho is overly broad and could introduce legal uncertainty into the Governor and the State’s authority to respond to disasters and emergencies. This language could lead to unintended consequences. Furthermore, H135’s continued use of concurrent resolution’s to set aside emergency declaration’s raises a significant constitutional question.

\(^{\text{See also McConnell v. Gallet, recognizing that when the Governor orders the National Guard to respond, the state must pay the necessary expenses incident to the response. 51 Idaho 386, 6 P.2d 143, 144 (1931).}}\)

\(^{\text{\textsuperscript{5} It is important to note that the scope of the Governor’s authority to declare and respond to emergencies while arising from article IV is largely undefined. The Legislature likely has authority to establish reasonable boundaries, but care must be taken that such boundaries do not render the Governor’s ability to identify, declare, and respond to emergencies unworkable. The Legislature may not prevent a constitutional officer from performing his constitutional duties. Wright v. Callahan, 61 Idaho 167, 178, 99 P.2d 961, 965 (1940).}}}\)
Representative Ilana Rubel
February 19, 2021
Page 6

I hope you find this analysis helpful.

Sincerely,

[Signature]

BRIAN KANE
Assistant Chief Deputy

BK:kw
AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Wednesday, March 17, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:
https://www.idahoptv.org/shows/idahoinsession/

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>DESCRIPTION</th>
<th>PRESENTER</th>
</tr>
</thead>
<tbody>
<tr>
<td>HJM 001</td>
<td>A House Joint Memorial to inform the U. S. President and Congress that China should be sanctioned in relation to the COVID-19 outbreak.</td>
<td>Representative Aaron von Ehlinger</td>
</tr>
<tr>
<td>H 106</td>
<td>Relating to Elections to eliminate August, one out of four possible election dates.</td>
<td>Representative Vito Barbieri</td>
</tr>
<tr>
<td>H 232</td>
<td>Relating to Alcohol to revise provisions related to alcohol content and revenue distribution.</td>
<td>Senator Carl Crabtree</td>
</tr>
<tr>
<td>S 1183</td>
<td>Relating to the Fetal Heartbeat Preborn Child Protection Act</td>
<td>Blaine Conzatti, Family Policy Alliance of Idaho</td>
</tr>
</tbody>
</table>

Minutes Approval: Minutes of February 10, 2021

Senator Harris and Senator Heider

Public Testimony Will Be Taken by Registering Through the Following Link: Registry to Testify

If you have written testimony, please provide a copy to the committee secretary.

<table>
<thead>
<tr>
<th>COMMITTEE MEMBERS</th>
<th>COMMITTEE SECRETARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman Lodge</td>
<td>Twyla Melton</td>
</tr>
<tr>
<td>Vice Chairman Guthrie</td>
<td>Room: WW42</td>
</tr>
<tr>
<td>Sen Winder</td>
<td>Phone: 332-1326</td>
</tr>
<tr>
<td>Sen Anthon</td>
<td>Email: <a href="mailto:sstaf@senate.idaho.gov">sstaf@senate.idaho.gov</a></td>
</tr>
<tr>
<td>Sen Harris</td>
<td></td>
</tr>
<tr>
<td>Sen Lee</td>
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<tr>
<td>Sen Heider</td>
<td></td>
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<tr>
<td>Sen Stennett</td>
<td></td>
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<tr>
<td>Sen Burgoyne</td>
<td></td>
</tr>
</tbody>
</table>
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, March 17, 2021
TIME: 8:00 A.M.
PLACE: Room WW55
MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Guthrie, Senators Winder, Anthon, Harris, Lee, Heider, and Burgoyne
ABSENT/EXCUSED: Senator Stennett

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.

CONVENEED: Chairwoman Lodge called the meeting of the Senate State Affairs Committee (Committee) to order at 8:04 a.m.

HJM 1 A House Joint Memorial to inform the U.S. President and Congress that China should be sanctioned in relation to the COVID-19 outbreak.

Representative Aaron von Ehlinger, District 6, pointed out that HJM 1 seeks to condemn the communist Chinese government and the Chinese Communist Party for its deceit, duplicity and crimes against humanity. Representative von Ehlinger explained HJM 1 would also inform the President and Congress of the U.S. that the Idaho State Legislature’s position is communist China should be sanctioned and/or otherwise punished for its misdeeds in relation to the COVID outbreak (see Attachment A).

MOTION: Senator Heider moved to send HJM 1 to the floor with a do pass recommendation. Senator Winder seconded the motion.

DISCUSSION: Senator Burgoyne stressed that COVID is not a hoax. It has caused death and human suffering, disrupted the economy, and impacted people's ability to make a living. He stated that he will support HJM 1. Senator Burgoyne noted that it is important that the Legislature agrees that COVID is not a hoax and warrants this kind of a resolution.

Senator Anthon said he would support sending HJM 1 to the floor. He emphasized that he knows of no one in the Idaho Senate who believes COVID is a hoax.

VOTE: The motion carried by voice vote.

H 106 Relating to Elections to eliminate August, one out of four possible election dates.

Jason Hancock, Deputy Secretary of State, explained that H 106 seeks to better serve voters by eliminating the August election. He explained a handout showing the election calendar, including the tasks, deadlines, and time requirements for each individual election (see Attachment B). He pointed out that clerks and their election staff do not have time to maintain voter registration lists, perform major updates on the voter registration system, provide training for new employees, and run elections every three months. Mr. Hancock noted that August elections are held for school levies and occasionally, a recall
election. He said by eliminating the August election, time would be available so that "clean" voter registration rolls would be updated going into the November elections.

**Senator Guthrie** inquired if the election workload has always been a problem or if something had changed to increase the problem. **Mr. Hancock** replied that it has been an issue since election consolidation. He explained that prior to ten years ago, county clerks only ran the primary and general elections in even-numbered years.

**Senator Lee** asked if the voter databases are maintained on a regular basis. She expressed concern regarding the integrity of elections. **Mr. Hancock** explained that a complete shutdown of the voter system occurs when there are major updates. He pointed out that keeping the 2003 equipment up to date to run 2021 programs is extremely challenging. It requires starting and stopping the system over three weekends to do the updates. **Senator Lee** asked if the voter update system is completed up to this date. **Mr. Hancock** noted that the recent transition is completed. He added that they are waiting for a new system that is necessary to process redistricting this year.

**TESTIMONY:**

The following gave testimony in favor of **H 106**:

- Chris Yamamoto, Canyon County Clerk
- Russ Hendricks, Idaho Farm Bureau, presented a letter from Bryan Searle, President, Idaho Farm Bureau Federation (See Attachment C)

The following reasons were given in favor of **H 106**: The lack of polling places; voter fatigue leading to smaller turnouts; time to complete maintenance and upgrades; training time for county clerks; and time to ensure transparency, accuracy, and confidence in the integrity of an election.

The following gave testimony in opposition to **H 106**:

- Quinn Perry, Idaho School Boards Association
- Jonathon Gillon, CFO, Ada School District
- Andy Grover, Executive Director, Idaho Association of School Administrators
- Curt Adams, Chairman, Middleton School District Board

Those opposed to **H 106** argued: It would result in loss of revenue for school districts for the current year; school district patrons expect to vote on school levies in August; August elections are critical to serve Idaho students; August elections are the last time districts can get a levy certified to meet cash flow requirements for the current year; the August election is for a supplemental levy over and above the State appropriation because budgets are not set in time for the May election; and November is too late for the current year. The result of the loss of revenue is reduction of instructional and support staff, classified staff, and several thousand dollars in classroom supplies.

**MOTION:** **Senator Lee** moved to hold **H 106** in committee. **Senator Anthon** seconded the motion.

**DISCUSSION:** **Senator Lee** stated that she wants to ensure integrity in elections, and encouraged the SOS and county clerks to do regular updates and maintenance. She emphasized that **H 106** would disadvantage schools in her district and educating the students should be a high priority.

**Senator Winder** compared the inconvenience to the clerks with the potential significant inconvenience to serve students. The schools need to use levies and
increase property taxes are symptoms of not appropriating money properly to schools. Senator Winder stated that Idaho needs to eliminate levies. The State should completely fund education in order to meet the obligation under Idaho’s Constitution to provide a fair and equitable free education system for Idaho’s students.

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

**H 232** Relating to Alcohol to revise provisions related to alcohol content and revenue distribution.

Senator Carl Crabtree, District 7, explained that the bill involves craft brewing, craft beer, and hops in Idaho. He gave the history of taxing strong beer, i.e. beer that contains over 4 percent alcohol, as wine does, noting that the taxation was the result of a law passed in 1988. Senator Crabtree pointed out that the Idaho Wine Commission (IWC) has received 5 percent of the total wine excise tax, including taxes on strong beer. Senator Crabtree stated H 232 updates the 1988 law, by moving the excise tax on strong beer from the IWC to the Idaho Hop Growers Commission (IHGC), and replenishing revenue taken from the IWC by increasing its portion of the wine excise tax to 80 percent based solely on wine produced in Idaho.

**TESTIMONY:** The following testified in support of H 232:

- Roger Batt, Idaho Grape and Wine Commission (IGWC)
- Scott Smith, IGWC
- Mike Williamson, IWC
- Sheila Francis, Executive Director, Idaho Brewers United
- Brock Obendorf, IHGC

Reasons given in support of H 232: Assurance that the IWC budget remains intact; supports both the beer and the wine industries; repairs and preserves the IWC; preserves the hop industry; and promotes Idaho products.

Written testimony in support of H 232 was submitted by Stacey Satterlee, President, Food Producers of Idaho, Inc. (See Attachment D).

The following testified in opposition to or were neutral to H 232:

- David Arkoosh, Idaho Beer Alliance, (opposed)
- Jeremy Pisca, Idaho Beer and Wine Distributors Association, (neutral)

Reasons given: Some aspects of the bill are misleading; bill needs to be amended; and IHGC is not authorized to promote beer.

**MOTION:** Senator Burgoyne moved to send H 232 to the 14th Order for possible amendment. The motion died for lack of a second.

**MOTION:** Senator Winder moved to send H 232 to the floor with a do pass recommendation. Senator Lee seconded the motion. The motion carried by voice vote.

**S 1183** Relating to the Fetal Heartbeat Preborn Child Protection Act.

Blaine Conzatti, Executive Director, Family Policy Alliance of Idaho (FPAI), advised the Committee that obstetricians consider fetal heartbeat activity to be an important indicator of the preborn child’s health. He noted that 95 percent
of preborn children with a fetal heartbeat detected early in the pregnancy will survive to term. Mr. Conzatti emphasized that the FPAI does not take a stand on whether life begins with the heartbeat. He asserted that legislative findings affirm that life begins at fertilization. He stated that the heartbeat is a universally recognized indicator of life, and that by the time a heartbeat is detectable, a unique and distinct person should be legally protected.

Mr. Conzatti referred to the previous hearing on S 1183 and acknowledged the changes that have been made to the bill would harmonize the penalties for violating the law outlined in this chapter of Idaho Code with other pro-life laws. He explained that there is no conflict between S 1183 and the criminal abortion trigger law. Mr. Conzatti pointed out that there are numerous organizations in Idaho that provide support and options for woman facing unwanted pregnancy. These organizations offer financial assistance, medical care, counseling, and other practical support for women, pregnant moms, and babies.

**TESTIMONY:**

The following gave testimony in support of S 1183:

- Samantha Doty, Stanton Health Care, Director of Clinical Services and Physician Assistant
- McKinzy Troud, Stanton Health Care, Medical Stenographer
- Brittany Jones, Attorney, FPAI
- Linda Thomas, Stanton Healthcare
- Christian Welp, Catholic Diocese
- Josh Bales, Pastor, The Well Church
- Angela Dwyer, Stanton Healthcare

The following reasons were given in support of S 1183: Life needs to be protected, even if it is unborn; abortion is not women's health care; women deserve medically accurate information about what is happening in their bodies and about the development of their babies; a conviction based on the trigger language of this law is unlikely to occur; and the bill improves the current situation, but it would be better if it abolished all abortion.

The following gave testimony in opposition to S 1183:

- Naomi Watson, herself
- Sophia Grigg, herself
- Scott Watson, himself
- Benje Graves, Vision Community Church
- Angela Housley, herself
- Joseph Smith, himself

The following reasons were given in opposition to S 1183: Abortion needs to be completely abolished with no exceptions; every unborn child should be given a chance to live; exemptions should not be made for incest and rape; severe side effects often occur during an abortion even if the heartbeat is not discernible, or if it was the result of incest or rape; and unexpected intrauterine damage to the fetus may occur and S 1183 would prevent an abortion even in this event.

Mistie Tolman, Idaho State Director, Planned Parenthood Votes Northwest and Hawaii, submitted written testimony (opposed). (See Attachment E).

In closing, Mr. Conzatti urged the Committee to send S 1183 to the floor with a
do pass recommendation to protect the lives of unborn babies.

DISCUSSION: Senator Winder acknowledged it would be a miracle to end all abortions. He explained incremental steps are being taken to arrive at a definition of when a baby becomes a person. Senator Winder stated that he believes it is at conception, but at this time the judicial system does not agree.

MOTION: Senator Winder moved to send S 1183 to the floor with a do pass recommendation. Senator Heider seconded the motion. The motion carried by voice vote. Senator Burgoyne was recorded as voting nay.

MINUTES APPROVAL: Senator Harris moved to approve the Minutes of February 10, 2021. Senator Heider seconded the motion. The motion carried by voice vote.

ADJOURNED: There being no further business at this time, Chairwoman Lodge adjourned the meeting at 9:34 a.m.
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<th>Time</th>
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<th>2019</th>
<th>2020</th>
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<td>$218,537</td>
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<td>13 Lac; Gums, Resins &amp; Other Vegetable Sap &amp; Extract</td>
<td>$49,574</td>
<td>$9,904</td>
<td>$23,677</td>
</tr>
</tbody>
</table>
2021 Idaho Election Calendar

This edition of the 2021 Idaho Election Calendar is subject to amendatory changes during the 2021 session of the Idaho Legislature. If changes occur, an updated version will be published.

**Jan. 4**
**Election Register Examination:** Deadline for county clerks to examine the election register, from the Nov. 3 election, and note challenges. [Sec. 34-432(1), Idaho Code]

**Jan. 15**
**Absentee Voter Report:** Deadline for county clerks to submit report on General Election absentee voters to the secretary of state, as required by federal law. [34-1002, Idaho Code]

**Jan. 15**
**Early Voting Security Plan:** Deadline for county clerks to submit their ballot security plan to the secretary of state. (*NOTE: The Early Voting Security Plan must be submitted at least 30 days prior to implementing an early voting plan.*) [34-1013, Idaho Code]

**Jan. 19**
**Ballot Question Submission Deadline:** School districts must supply ballot language (to the county clerk) for any bond or property tax levy questions — to be placed on the ballot — for the March 9 election. [34-106(8), Idaho Code]

**Jan. 22**
**Recall Notification Deadline:** Political subdivisions must notify the county clerk if a recall election is ordered — for the March 9 election. [34-106(9), Idaho Code]

**Jan. 28**
**Voting Procedure Modifications:** Deadline for county clerks to submit their plans to the secretary of state if they want to modify voting procedures (for a political subdivision) — for the March 9 election. [34-1413, Idaho Code]

**Jan. 28**
**Print Absentee Ballots:** Last day for county clerk to print absentee ballots for the March 9 election. [Secretary of State Directive 2015-01]

**Feb. 5**
**Designate Polling Places:** Deadline for county commissioners to designate polling places — for the March 9 election. [34-302, Idaho Code]

**Feb. 8**
**Mail Absentee Ballots:** County clerks must begin mailing absentee ballots — to voters who have requested absentee ballots — March 9 election. [Secretary of State Directive 2015-1]

**Feb. 12**
**Preregistration Deadline:** Voter registrations must be received by the county clerk — for the March 9 election. (Deadline is 5 p.m. for paper applications or until midnight for online applications.) [34-408, Idaho Code]

**Feb. 16**
**Mail Ballot Precincts:** County clerks may begin mailing ballots to voters located in designated mail ballot precincts — for the March 9 election. [34-308, Idaho Code]

**Feb. 22**
**Early Voting Must Begin:** For the March 9 election in those counties that choose to conduct early voting. [34-1012, Idaho Code]

**Feb. 23**
**Mail Ballot Precincts:** Deadline for county clerks to complete mailing ballots to voters in designated mail ballot precincts — for the March 9 election. [34-308, Idaho Code]

**Feb. 25**
**Poll Watchers:** Deadline for pro and con representatives to submit a written request (to the county clerk) for the purpose of authorizing watchers to observe at polling places — for the March 9 election. [34-304, Idaho Code]

**Feb. 25**
**Publish First Election Notification:** Deadline for county clerk to publish the first notice of election — in the county's official newspaper(s) — for the March 9 election. (If possible, the notice should appear in at least two newspapers published in the county. If not possible, it should be published in one newspaper published or circulated in the county.) [34-602 and 34-1406, Idaho Code]

**Feb. 26**
**Absentee Ballot Application Deadline:** Applications must be received by the county clerk by 5 p.m. — for the March 9 election. [34-1002(7), Idaho Code]

**March 3**
**Voter Registration Cancellation:** Last day for county clerk to cancel registration of those electors who have not voted in any election in the last four years. [34-435, Idaho Code]

Idaho Secretary of State
2021 ELECTION CONSOLIDATION CALENDAR

March 4 Publish Second Election Notification: Deadline for county clerk to publish the second notice of election — along with a facsimile sample ballot — for the March 9 election. (If possible, the notice should appear in at least two newspapers published in the county. If not possible, it should be published in one newspaper published or circulated in the county.) [§34-602 and §34-1406, Idaho Code]

March 5 In-Person Absentee/Early Voting Ends: At 5 p.m. — for the March 9 election. [§34-1002(7) and §34-1012, Idaho Code]

March 5-12 Publish Notification of Candidate Filing Deadline: County clerk (and city clerk, for municipal offices) must publish a notification of the candidate filing deadline for all taxing districts for which officers will be elected in the May 18 election — during this period. The notice should appear in the official newspaper of the political subdivision. [§34-1405 and §50-411, Idaho Code]

March 9 Absentee Ballot Return Deadline: Voted absentee ballots must be received — by the county clerk — by 8 p.m. [§34-1005, Idaho Code]

March 9 Election Day: Polling places — and the county clerk's office — to be open 8 a.m.–8 p.m. (*County clerk may opt to open at 7 a.m.) Qualified individuals may register and vote at their designated polling place on election day. [§34-211, §34-408A, and §34-1101, Idaho Code]

March 10 Voter Registration Reopens [§34-108, Idaho Code]

March 19 Nonpartisan Candidate Filing Deadline: Petitions must be filed by 5 p.m. — with the clerk of the political subdivision — to nominate political subdivision candidates — for the May 18 election. [§34-1404, Idaho Code]

March 19 County Canvass: Deadline for the board of county commissioners to meet and conduct the canvass — of the March 9 election. [§34-1205 and §34-1410, Idaho Code]

March 19* County Election Certification: Deadline for county clerks to certify the results of the March 9 election to the clerk of the political subdivision(s). (*This date may vary; to be done immediately after the canvass.) [§34-1410, Idaho Code]

March 26 Nonpartisan Nominee Certification: Deadline for the clerk of the political subdivision to certify nominees — to be placed on the ballot — for the May 18 election. [§34-1404, Idaho Code]

March 26 Nonpartisan Write-In Candidates: Deadline for write-in candidates to file a declaration of intent with the clerk of the political subdivision for the May 18 election. [§34-1407, Idaho Code]

March 29 Ballot Question Submission Deadline: Political subdivisions must submit ballot language (to the county clerk) for any bond, levy, initiative, referendum, or other question — to be placed on the ballot — for the May 18 election [§34-106, Idaho Code]

April 2 Candidate Withdrawal Deadline: Last day nonpartisan candidates can withdraw from the May 18 election. [§34-1405A, Idaho Code]

April 2 Recall Notification Deadline: Political subdivisions must notify the county clerk if a recall election is ordered — for the May 18 election. [§34-106(9), Idaho Code]

April 5* Early Voting Security Plan: Deadline for county clerks to submit their ballot security plan to the secretary of state. (*NOTE: The Early Voting Security Plan must be submitted at least 30 days prior to implementing an early voting plan.) [§34-1013, Idaho Code]

April 8* Recount Applications: Deadline — for supporters or opponents of a ballot measure — to apply to the county clerk for a recount of the March 9 election. (*This date may vary; it must be done within 20 days of the canvass. [§34-2301, Idaho Code]

April 8* Election Disputes: Deadline for electors to contest the results of the March 9 election. (*This date may vary; complaints must be filed in the proper court within 20 days of the county canvass.) [§34-2008, Idaho Code]

April 8* Voting Procedure Modifications: Deadline for county clerks to submit their plans to the secretary of state; if they want to modify voting procedures (for a political subdivision) — for the May 18 election. [§34-1413, Idaho Code]
2021 ELECTION CONSOLIDATION CALENDAR

April 16  Designate Polling Places: Deadline for county commissioners to designate polling places — for the May 18 election. [§34-402, Idaho Code]

April 19  Mail Absentee Ballots: County clerks must begin mailing absentee ballots — to voters who have requested absentee ballots — for the May 18 election. Secretary of State Directive 2015-1

April 23  Preregistration Deadline: Voter registrations must be received by the county clerk — for the May 18 election. (Deadline is 5 p.m. for paper applications or until midnight for online applications.) [§34-403, Idaho Code]

April 26  Mail Ballot Precincts: County clerks may begin mailing ballots to voters located in designated mail ballot precincts — for the May 18 election. [§34-306, Idaho Code]

May 3  Early Voting Must Begin: For the May 18 election in those counties that choose to conduct early voting. [§34-1012, Idaho Code]

May 4  Media Ballot Precincts: Deadline for county clerks to complete mailing ballots to voters in designated mail ballot precincts — for the May 18 election. [§34-308, Idaho Code]

May 6  Publish First Election Notification: Deadline for county clerks to publish the first notice of election — in the county’s official newspaper(s) — for the May 18 election. (If possible, the notice should appear in at least two newspapers published in the county. If not possible, it should be published in one newspaper published or circulated in the county.) [§34-607 and §34-1406, Idaho Code]

May 6  Poll Watchers: Deadline for candidates and pro and con representatives to submit a written request (to the county clerk) for the purpose of authorizing watchers to observe at polling places — for the May 18 election. [§34-304, Idaho Code]

May 7  Election Register Examination: Deadline for county clerks to examine the election register, from the March 9 election, and note challenges. [§34-432(1), Idaho Code]

May 7  Absentee Ballot Application Deadline: Applications must be received by the county clerk by 5 p.m. — for the May 18 election. [§34-1002(7), Idaho Code]

May 13  Publish Second Election Notification: Deadline for county clerk to publish the second notice of election — along with a facsimile sample ballot — for the May 18 election. (If possible, the notice should appear in at least two newspapers published in the county. If not possible, it should be published in one newspaper published or circulated in the county.) [§34-602 and §34-1406, Idaho Code]

May 13  Emergency Absentee Ballots: County clerks may receive emergency absentee ballot applications from this date through 5 p.m. on May 18 from those who cannot be present for voting due to hospitalization if hospitalization began after 5 p.m. on May 7. [§34-1002A, Idaho Code]

May 14  In-Person Absentee/Early Voting Ends: At 5 p.m. — for the May 18 election. [§34-1002(7) and §34-1012, Idaho Code]

May 18  Absentee Ballot Return Deadline: Voted absentee ballots must be received — by the county clerk — by 8 p.m. [§34-1005, Idaho Code]

May 18  Election Day: Polling places — and the county clerk’s office — to be open 8 a.m. – 8 p.m. (County clerk may open up to open at 7 a.m.) Qualified individuals may register and vote at their designated polling place on election day. [§34-241, §34-408A, and §34-1001, Idaho Code]

May 19  Voter Registration Reopens. [§34-408, Idaho Code]

May 28  County Canvass: Deadline for the board of county commissioners to meet and conduct the canvass — for the May 18 election. [§34-1410, Idaho Code]

May 28  Election Certification: Deadline for county clerks to certify the results — of the May 18 election — to the clerk of the political subdivision(s). (This date may vary; to be done immediately after the county canvass.) [§34-1410, Idaho Code]

May 28  Election Certificates: Deadline for the clerks of the political subdivision to issue certificates of election (*This date may vary; to be done immediately after the canvass, the deadline for which is May 23.)
2021 ELECTION CONSOLIDATION CALENDAR

June 26* Recount Applications: Deadline — for candidates and supporters/opponents of a ballot measure, excluding county ballot measures — to apply to the county clerk for a recount of the May 18 election. Applications for a recount of county ballot measures must be filed with the Attorney General. (*This date may vary; it must be done within 20 days of the county canvass.) [§34-2301, Idaho Code]

June 26* Election Disputes: Deadline for electors to contest the results of the May 18 election. (*This date may vary; complaints must be filed in the proper court within 20 days of the county canvass.) [§34-2008, Idaho Code]

July 12 Ballot Question Submission Deadline: School districts must supply ballot language (to the county clerk) for any bond or property tax levy questions — to be placed on the ballot — for the Aug. 31 election. [§34-106, Idaho Code]

July 16 Election Register Examination: Deadline for county clerks to examine the election register. From the May 18 election, and note challenges. [Sec. 34-432(1), Idaho Code]

July 16 Recall Notification Deadline: Political subdivisions must notify the county clerk if a recall election is ordered — for the Aug. 31 election. [§34-106(9), Idaho Code]

July 19* Early Voting Security Plan: Deadline for county clerks to submit their ballot security plan to the secretary of state. (*NOTE: The Early Voting Security Plan must be submitted at least 30 days prior to implementing an early voting plan.) [§34-1013, Idaho Code]

July 22 Voting Procedure Modifications: Deadline for county clerks to submit their plans to the secretary of state; if they want to modify voting procedures (for a political subdivision) — for the Aug. 31 election. [§34-1413, Idaho Code]

July 30 Designate Polling Places: Deadline for county commissioners to designate polling places — for the Aug. 31 election. [§34-302, Idaho Code]

Aug. 2 Mail Absentee Ballots: County clerks to begin mailing absentee ballots — to voters who have requested absentee ballots — for the Aug. 31 election. (Secretary of State Directive 2015-1)

Aug. 6 Preregistration Deadline: Voter registrations must be received by the county clerk — for the Aug. 31 election. (Deadline is 5 p.m. for paper applications or until midnight for online applications.) [§34-408, Idaho Code]

Aug. 9 Mail Ballot Precincts: County clerks may begin mailing ballots to voters located in designated mail ballot precincts — for the Aug. 31 election. [§34-308, Idaho Code]

Aug. 16 Early Voting Must Begin: For the August 31 election in those counties that choose to conduct early voting. [§34-1012, Idaho Code]

Aug. 17 Mail Ballot Precincts: Deadline for county clerks to complete mailing ballots to voters in designated mail ballot precincts — for the Aug. 31 election. [§34-308, Idaho Code]

Aug. 19 Poll Watchers: Deadline for pro and con representatives to submit a written request (to the county clerk) for the purpose of authorizing watchers to observe at polling places — for the Aug. 31 election. [§34-304, Idaho Code]

Aug. 19 Publish First Election Notification: Deadline for county clerk to publish the first notice of election — in the county’s official newspaper(s) — for the Aug. 31 election. (If possible, the notice should appear in at least two newspapers published in the county. If not possible, it should be published in one newspaper published or circulated in the county.) [§34-602 and §34-1406, Idaho Code]

Aug. 20 Absentee Ballot Application Deadline: Applications must be received by the county clerk by 5 p.m. — for the Aug. 31 election. [§34-1002(7), Idaho Code]

Aug. 20 - 27 Publish Notification of Candidate Filing Deadline: County clerk (and city clerk, for municipal offices) must publish a notification of the candidate filing deadline for all taxing districts for which officers will be elected in the Nov. 2 election — during this period. The notice should appear in the official newspaper of the political subdivision. [§34-1405 and §50-411, Idaho Code]
### 2021 ELECTION CONSOLIDATION CALENDAR

- **Aug. 23**  
  **City Candidate Filing Opens:** Candidates for city elective offices may file nomination petitions with the city clerk beginning at 8 a.m. [§50-410. Idaho Code]

- **Aug. 26**  
  **Publish Second Election Notification:** Deadline for county clerk to publish the second notice of election — along with a facsimile sample ballot — for the Aug. 31 election. (If possible, the notice should appear in at least two newspapers published in the county. If not possible, it should be published in one newspaper published or circulated in the county.) [§34-602 and §34-1406. Idaho Code]

- **Aug. 26**  
  **Emergency Absentee Ballots:** County clerks may receive emergency absentee ballot applications from this time through 5 p.m. on August 30 from those who cannot be present for voting due to hospitalization if hospitalization began after 5 p.m. on August 20. [§34-1002A. Idaho Code]

- **Aug. 27**  
  **In-Person Absentee/Early Voting Ends:** At 5 p.m. — for the Aug. 31 election. [§34-1002(7) and §34-1012. Idaho Code]

- **Aug. 31**  
  **Absentee Ballot Return Deadline:** Voted absentee ballots must be received — by the county clerk — by 8 p.m. [§34-1005. Idaho Code]

- **Aug. 31**  
  **Election Day:** Polling places — and the county clerk’s office — to be open 8 a.m.–8 p.m. (*County clerk may opt to open at 7 a.m.*) Qualified individuals may register and vote at their designated polling place on election day. [§34-211, §34-406A, and §34-1101. Idaho Code]

- **Sept. 1**  
  **Voter Registration Reopens** [§34-408. Idaho Code]

- **Sept. 3**  
  **Nonpartisan Candidate Filing Deadline:** Petitions must be filed by 5 p.m. — with the clerk of the political subdivision — to nominate political subdivision candidates — for the Nov. 2 election. [§34-1404 and §50-410. Idaho Code]

- **Sept. 10**  
  **County Canvass:** Deadline for the board of county commissioners to meet and conduct the canvass — of the Aug. 31 election. [§34-1410. Idaho Code]

- **Sept. 10**  
  **County Election Certification:** Deadline for county clerks to certify the results — of the Aug. 31 election — to the clerk of the political subdivision(s). (*This date may vary; to be done immediately after the canvass.*) [§34-1410. Idaho Code]

- **Sept. 10**  
  **Nonpartisan Nominee Certification:** Deadline for the clerk of the political subdivision to certify nominees — to be placed on the ballot — for the Nov. 2 election. [§34-1404. Idaho Code]

- **Sept. 10**  
  **Nonpartisan Write-In Candidates:** Deadline for write-in candidates to file a declaration of intent with clerk of the political subdivision for the Nov. 2 election. [§34-1407. Idaho Code]

- **Sept. 13**  
  **Ballot Question Submission Deadline:** Political subdivisions must submit ballot language (to the county clerk) for any bond, levy, initiative, referendum, or other question — to be placed on the ballot — for the Nov. 2 election. [§34-106. Idaho Code]

- **Sept. 17**  
  **Nonpartisan Candidate Withdrawal Deadline:** Last day nonpartisan candidates can withdraw from the Nov. 2 election. [§34-1405A. Idaho Code]

- **Sept. 17**  
  **Recall Notification Deadline:** Political subdivisions must notify the county clerk if a recall election is ordered — for the Nov. 2 election. [§34-106(9). Idaho Code]

- **Sept. 17**  
  **Candidate Withdrawal Deadline:** Last day nonpartisan candidates can withdraw from the Nov. 2 election. [§34-1405A. Idaho Code]

- **Sept. 20**  
  **Early Voting Security Plan:** Deadline for county clerks to submit their ballot security plan to the secretary of state. (*NOTE: The Early Voting Security Plan must be submitted at least 30 days prior to implementing and early voting plan.*) [§34-1013. Idaho Code]

- **Sept. 23**  
  **Voting Procedure Modifications:** Deadline for county clerks to submit their plans to the secretary of state; if they want to modify voting procedures (for a political subdivision) — for the Nov. 2 election. [§34-1413. Idaho Code]
2021 ELECTION CONSOLIDATION CALENDAR

Sept. 30* Recount Applications: Deadline — for supporters or opponents of a ballot measure — to apply to the county clerk for a recount of the Aug. 31 election. (*This date may vary; it must be done within 20 days of the canvass.) [§34-2301, Idaho Code]

Sept. 30* Election Disputes: Deadline for electors to contest the results — of the Aug. 31 election. (*This date may vary; complaints must be filed in the proper court within 20 days of the canvass.) [§34-2008, Idaho Code]

Oct. 1 Designate Polling Places: Deadline for county commissioners to designate polling places — for the Nov. 2 election. [§34-302, Idaho Code]

Oct. 4 Mail Absentee Ballots: County clerks must mail absentee ballots — to voters who have requested absentee ballots — for the Nov. 2 election. [Secretary of State Directive 2015-1]

Oct. 8 Preregistration Deadline: Voter registrations must be received by the county clerk — for the Nov. 2 election (Deadline is 5 p.m. for paper applications or until midnight for online applications.) [§34-408, Idaho Code]

Oct. 11 Mail Ballot Precincts: County clerks may begin mailing ballots to voters located in designated mail ballot precincts — for the Nov. 2 election. [§34-308, Idaho Code]

Oct. 18 Early Voting Must Begin: For the Nov. 2 election in those counties that choose to conduct early voting. [§34-1012, Idaho Code]

Oct. 19 Mail Ballot Precincts: Deadline for county clerks to complete mailing ballots to voters in designated mail ballot precincts — for the Nov. 2 election. [§34-308, Idaho Code]

Oct. 21 Poll Watchers: Deadline for candidates or pro and con representatives to submit a written request (to the county clerk) for the purpose of authorizing watchers to observe at polling places — for the Nov. 2 election. [§34-304, Idaho Code]

Oct. 21 Publish First Election Notification: Deadline for county clerk to publish the first notice of election — in the county’s official newspaper(s) — for the Nov. 2 election. (If possible, the notice should appear in at least two newspapers published in the county. If not possible, it should be published in one newspaper published or circulated in the county.) [§34-602 and §34-1406, Idaho Code]

Oct. 22 Absentee Ballot Application Deadline: Applications must be received by the county clerk by 5 p.m. — for the Nov. 2 election. [§34-1002(7), Idaho Code]

Oct. 28 Publish Second Election Notification: Deadline for county clerk to publish the second notice of election along with a facsimile sample ballot — for the Nov. 2 election. (If possible, the notice should appear in at least two newspapers published in the county. If not possible, it should be published in one newspaper published or circulated in the county.) [§34-602 and §34-1406, Idaho Code]

Oct. 28 Emergency Absentee Ballots: County clerks may receive emergency absentee ballot applications through 5 p.m. on November 1 from those who cannot be present for voting due to hospitalization if hospitalization began after 5 p.m. on October 22. [§34-1002A, Idaho Code]

Oct. 29 Election Register Examination: Deadline for county clerks to examine the election register, from the Aug. 31 election, and note challenges. [§34-432(1), Idaho Code]

Oct. 29 In-Person Absentee/Early Voting Ends: At 5 p.m. — for the Nov. 2 election. [§34-1002(7) and §34-1012, Idaho Code]

Nov. 2 Absentee Ballot Return Deadline: Voted absentee ballots must be received — by the county clerk — by 8 p.m. [§34-1005, Idaho Code]

Nov. 2 Election Day: Polling places — and the county clerk’s office — to be open 8 a.m.—8 p.m. (*County clerk may opt to open at 7 a.m.) Qualified individuals may register and vote at their designated polling place on election day. [§34-211, §34-408A, and §34-1101, Idaho Code]

Nov. 3 Voter Registration Reopens [§34-408, Idaho Code]

Nov. 12 County Canvass: Deadline for the board of county commissioners to meet and conduct the canvass — of the Nov. 2 election. (This deadline also applies to the canvass for political subdivisions.) [§34-1205 and §34-1410, Idaho Code]
2021 ELECTION CONSOLIDATION CALENDAR

Nov. 12* County Election Certification: Deadline for county clerks to certify the results of the Nov. 2 election to the clerk of the political subdivision(s). (*This date may vary; to be done immediately after the county canvass.) [§34-1410, Idaho Code]

Nov. 12* Election Certificates: Deadline for the clerk of the political subdivision to issue certificates of election. (*This date may vary; to be done immediately after the county canvass.) [§34-1410, Idaho Code]

Dec. 2* Recount Applications: Deadline — for candidates and supporters/opponents of a ballot measure, excluding city candidates and city or county ballot measures — to apply to the county clerk for a recount of the May 18 election. Applications for a recount of city elections or county ballot measures must be filed with the Attorney General. (*This date may vary; it must be done within 20 days of the county canvass.) [§81-2301, Idaho Code]

Dec. 2* Election Disputes: Deadline for electors to contest the results of the Nov. 2 election. (*This date may vary; complaints must be filed in the proper court within 20 days of the county canvass.) [§34-2008, Idaho Code]

Dec. 2 City Runoff Elections: If authorized by city ordinance, last day for a runoff city election between the two candidates receiving the highest number of votes cast if no candidate received a majority of the votes cast. [§50-612 and §50-707B, Idaho Code]

Dec. 31 2021 Election Calendar Publication Deadline: County clerks to publish the 2022 election calendar. [§34-1405(2), Idaho Code]
March 17, 2021

Dear Senate State Affairs Committee:

On behalf of the more than 80,500 Idaho families who are members of the Idaho Farm Bureau Federation, I am writing to express our support of H106.

H106 would ensure both the Secretary of State’s office and County Clerks have a time period during the year when no election activities are being conducted so they can perform necessary voter registration roll maintenance and updating prior to the general election.

H106 would also provide an annual opportunity for County Clerks and elections personnel to receive standardized training from the Secretary of State’s office on the most current election laws and procedures.

In the past, Idaho has done a good job of ensuring election integrity within our state. H106 continues that tradition by ensuring there is adequate time during the year for these necessary activities which will continue to ensure transparency, accuracy and confidence in our elections.

Idaho Farm Bureau members have recently reviewed and reaffirmed our policy positions supporting election integrity. H106 is an important step in ensuring those who oversee our elections in Idaho have the time, resources and ability to administer our elections appropriately.

We appreciate the Secretary of State for bringing forward this proposal. We believe it is a reasonable and appropriate way to ensure the accuracy of our voter registration database so that all Idahoans can be assured of integrity in our elections.

Thank you for the opportunity for us to express our support of H106. If you have any questions, please contact Russ Hendricks in our Boise office at 208-342-2688.

Sincerely

Bryan Searle, President
Idaho Farm Bureau Federation
March 17, 2021

Dear Senate State Affairs Committee:

On behalf of the more than 80,500 Idaho families who are members of the Idaho Farm Bureau Federation, I am writing to express our support of H106.

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Thank you for the opportunity for us to express our support of H106. If you have any questions, please contact Russ Hendricks in our Boise office at 208-342-2688.

Sincerely,

Bryan Searle, President
Idaho Farm Bureau Federation
March 15, 2021

TRANSMITTED VIA EMAIL

Candi Fitch
Executive Director
Idaho Hop Grower’s Commission
P.O. Box 909
Parma, ID 83660
candid@cableone.net

RE: Promotion of Beer by Idaho Hop Grower’s Commission

Dear Executive Director Fitch:

This letter is in response to your inquiry as to whether the Idaho Hop Grower’s Commission (“Commission”) has the statutory authority to use Commission funds to promote or advertise beer.

The Commission’s powers and duties are set forth in Idaho Code section 22-3105. With respect to advertising, the Commission has the authority “[t]o plan and conduct an advertising, publicity and sales promotion campaign to increase the sales of hops and to make such advertising, publicity and sales promotion contracts and other agreements as may be necessary.” Idaho Code § 22-3105(7) (emphasis added).

The Commission’s authority to advertise is not limited solely to hops. Rather, the scope of the Commission’s advertising authority extends to efforts “to increase the sales of hops.” Id. Thus, if the Commission determines the promotion of beer increases the sales of Idaho hops, such promotion would be within the Commission’s statutory authority and would benefit Idaho’s hops industry and growers. However, the Commission would need to consider each advertising or promotional campaign on a case by case basis to avoid any
marketing efforts that do not promote the sales of Idaho hops, which, as an example, could include advertising or promoting beer that does not contain Idaho hops.

I hope you find this analysis helpful.

Sincerely,

[signature]

ANDREW J. SNOOK
Division Chief
Contracts & Administrative Law Division
Idaho Hop Commission
Promotional Plan for Idaho Craft Beer

2021 - 2022
Estimated revenue distribution: $36,000
Year one is expected to be largely transitional and exploratory.
- Support of existing Idaho craft beer promotions including but not limited to:
  - Idaho Craft Beer Month
  - Idaho Brewers Trail Map
  - Beer Festivals (AleFort, Destination: Beer, Mountain Brewers Fest, etc)
  - Estimate $10,000
- Develop hop research and brewing program ($15,000)
  - Hop growers partner with Idaho breweries to brew with new and experimental hop varieties.
  - Helps growers understand what traits brewers are looking for and,
  - Gives Idaho brewers the advantage of using the next “up and coming” hop first
- Purchase advertising in national trade publications promoting Idaho beer and Idaho hops ($5,000)
- Administrative overhead ($5,000)

2022 - 2023
Estimated revenue distribution: $74,000
- Participate in trade shows such as the Craft Brewers Conference to showcase Idaho beers with Idaho specific hops like Idaho 7 or Idaho Gem ($12,000)
- Develop marketing materials and brand identity ($5,000)
- Host a Media Tour ($10,000)
  - Invite journalists to tour Idaho breweries and hop yards, followed by a dinner at the hop fields
- Host Hop Harvest Festival in Wilder ($12,000)
- Support of existing Idaho craft beer promotions ($10,000)
- Continue hop research and brewing program ($18,000)
- Administrative Overhead ($7,000)

2023 - 2024+
Estimated revenue distribution: $145,000
- Hire PR firm to pitch Idaho beer and hop stories to national publications ($7,500)
- Develop and execute marketing campaign with ad buys in national trade publications and local outlets ($22,500)
- Continue to develop relevant and successful promotions from prior years ($60,000+)
  - Trade Shows
  - Media Tour
  - Hop Harvest Festival
- Continue hop research and brewing program ($45,000)
- Administrative Overhead ($10,000)
Chairperson Lodge, members of the committee, my name is Mistie DelliCarpini-Tolman. I am the State Director for Planned Parenthood Votes in Idaho. I am here today to oppose Senate Bill 1183.

Planned Parenthood provides high-quality, evidence-based health care to patients in Idaho and across the country. Our mission is to support the health and wellbeing of all Idahoans, and to ensure that all Idahoans have access to high quality, safe, and compassionate medical care.

**SB 1183 is a cynical and callous attempt to end abortion access in Idaho.** This bill would enshrine into Idaho law an extreme and unconstitutional restriction on abortion starting at approximately six weeks of pregnancy—before most people even know that they are pregnant. Put another way, this bill could take away a person’s right to make their own medical decisions before they even know that they have a decision to make.

Forty-eight years ago in *Roe v. Wade*, the Supreme Court held that states may not ban abortion before viability for any reason. The Supreme Court has repeatedly reaffirmed this conclusion, including in *Planned Parenthood v. Casey* in 1992 and most recently in *June Medical Services v. Russo*, in 2020. **A ban on abortion before viability, regardless of any exceptions, is blatantly unconstitutional, and six-week bans on abortion in states like Kentucky, Mississippi, North Dakota, Iowa, Ohio, and Tennessee have been struck down as such every time they have been challenged.**

Recognizing that Supreme Court precedent and the Constitution of the United States do not permit states to ban abortion before viability, the sponsors of this bill seek to pass a ban on abortion at six weeks of pregnancy that would go into effect if a federal Court of Appeals were to ever uphold a similarly stringent and dangerous ban from another state. **This is a nefarious attempt to side-step federal law and Supreme Court precedent by passing a law known to be unconstitutional, and it runs afoul of the foundational principles of our Constitution.**

**What’s more, this bill would force all patients seeking an abortion to undergo a mandatory transvaginal ultrasound.** That’s because this bill would ban abortion so early in pregnancy, a transvaginal ultrasound would be the only way to determine gestational age. Forcing patients to undergo a medically unnecessary procedure is unethical and demeaning, but that’s exactly what this bill would do.

**In addition to being unconstitutional, bans on abortion are deeply unpopular and do not reflect the will of voters.** Seventy-two percent of Americans do not want to see *Roe v. Wade* overturned.¹ This includes a majority of Democrats, Republicans, and Independents. Nationwide, polling has shown that a majority of Americans—including in Idaho—believe that abortion should be safe and legal. This bill is in direct opposition to that belief, and if the six-week ban goes into effect it will hurt Idaho families.

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Evidence confirms that banning abortion is devastating for public health and family welfare. For instance, according to a study published in 2020 by the National Bureau of Economic Research, when a person is unable to secure an abortion they need, they and their child are four times more likely to end up living in poverty going forward than they would have been if they had been able to access abortion. For survivors of domestic violence, an inability to access abortion can make it more difficult for a person to leave their abuser. These burdens are exacerbated for women of color and immigrants, who already experience disproportionate levels of negative health outcomes and lack of access to medical care in Idaho.

Access to abortion is critical to ensure that women can live full and fulfilling lives, with dignity, autonomy, and social and economic equality. As one recent study concluded, “women who receive a wanted abortion are better able to aspire for the future than women who are denied a wanted abortion and must carry an unwanted pregnancy to term.”

For these reasons and others, major medical organizations like the American College of Obstetrics and Gynecologists, the American Medical Association, the American Academy of Family Physicians, the American Osteopathic Association, and the American Academy of Pediatrics have affirmed that “reproductive healthcare is essential to a woman’s overall health, and access to abortion is an important component of reproductive healthcare.”

SB 1183 seeks to deny people in Idaho the dignity and autonomy to make their own reproductive health decisions, it flouts the United States Constitution and the Supreme Court, and, if it goes into effect, it will cause untold harm to women and families in Idaho. Let’s also be crystal clear about who this bill would harm the most: people with means will always be able to travel to get an abortion. But people with low incomes – who are disproportionately likely to be people of color because of decades of inequitable policies – will have no options. This bill punishes people living in poverty and does nothing to improve health outcomes for those who need it the most, and as I previously noted, perpetuates the cycle of poverty.

We have seen multiple versions of this extreme abortion ban this session, and this is the worst yet. This version would create even more barriers for patients seeking abortion due to rape or incest. It removes language that allowed for exceptions when victims are unable to report a rape to law enforcement, even though we know that the vast majority of assault survivors do not report their assault to the police for a variety of reasons related to their mental health, safety, and wellbeing. It also adds extreme punishments for medical providers, making abortion after approximately six weeks a felony punishable by a minimum of two years in prison. This goes far beyond the previous version and criminalizes the provision of basic medical care. The changes in this version of the bill make it clear that the attacks on Idahoan’s right to access abortion are only getting more extreme and out of touch with what Idahoans truly want and need.

Particularly right now, as our state battles the effects of the COVID-19 pandemic, the people of Idaho deserve better. Our legislators should be pursuing policies that lift up our communities, not policies that will further damage the public health in this state.

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Thank you for the opportunity to testify. We urge the committee to oppose SB 1183.
AMENDED AGENDA #1
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Friday, March 19, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:
https://www.idahoptv.org/shows/idahoinsession/

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<tr>
<th>SUBJECT</th>
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<tr>
<td>RS28839</td>
<td>Stating the Findings of the Legislature to authorize the Legislative Council to establish an interim committees for study of driver authorization cards.</td>
<td>Senator Guthrie</td>
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<tr>
<td>H 245</td>
<td>Relating to Campaign Finance to strengthen State election laws regarding Idaho campaigns.</td>
<td>Representative Caroline Nilsson Troy</td>
</tr>
<tr>
<td>H 286</td>
<td>Relating to Public Shooting Ranges to revise the provisions for distribution of funds from fines and forfeitures.</td>
<td>Representative Caroline Nilsson Troy</td>
</tr>
<tr>
<td>H 299</td>
<td>Relating to the Public Integrity in Elections Act regarding college credit for voting.</td>
<td>Representative Caroline Nilsson Troy</td>
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Minutes Approval:

- Minutes of February 12, 2021
- Minutes of February 15, 2021
- Minutes of February 19, 2021
- Minutes of March 10, 2021

Public Testimony Will Be Taken by Registering Through the Following Link:
Registry to Testify

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS
Chairman Lodge
Vice Chairman Guthrie
Sen Winder
Sen Anthon
Sen Harris

COMMITTEE SECRETARY
Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov
DATE: Friday, March 19, 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 8:14 a.m.
RS 28839 Stating the Findings of the Legislature to authorize the Legislative Council to establish an interim committee for study of the driver authorization cards.
Senator Guthrie requested that an interim committee be authorized to bring all interested parties together to study driver authorization cards.
Senator Winder stated his support of the resolution to organize an interim committee instead of a working group to study and develop driver authorization cards.
MOTION: Senator Stennett moved to send RS 28839 to print. Senator Anthon seconded the motion. The motion carried by voice vote.
Chairwoman Lodge announced that there would be a change of order until the presenter for H 245, H 286, and H 299 could be in attendance.
MINUTES APPROVAL: Senator Lee moved to approve the minutes of February 12, 2021. Senator Burgoyne seconded the motion. The motion carried by voice vote.
Senator Anthon moved to approve the minutes of February 15, 2021. Senator Heider seconded the motion. The motion carried by voice vote.
Senator Lee moved to approve the minutes of February 19, 2021. Senator Harris seconded the motion. The motion carried by voice vote.
Senator Winder moved to approve the minutes of March 10, 2021 as corrected. Senator Guthrie seconded the motion. The motion carried by voice vote.
H 245 Relating to Campaign Finance to strengthen State election laws regarding Idaho campaigns.
Jason Hancock, Deputy Secretary of State, explained that H 245 adds a new section, Idaho Code § 67-6610D, addressing foreign contributions, directly or indirectly, related to Idaho campaigns. The prohibitions outlined in this new section of law exist in federal law but are not in State law. Mr. Hancock noted that there are different tiers of penalties associated with any misconduct as outlined on page 2, lines 3-25 of the bill.
DISCUSSION: Senator Burgoyne asked for clarification on page 2, Idaho Code § 67-6625 (2). He stated that a foreign entity would be criminally liable if the statute is violated, and then candidates and political committees that receive contributions could
be subject to a misdemeanor liability. **Mr. Hancock** acknowledged that Senator Burgoyne's interpretation was correct: The word "person" in relation to who violates this law refers to the definition of "person" in Title 67, Chapter 66 of the Idaho Code.

**Chairwoman Lodge** noted H 245 would put Idaho in line with federal law.

**MOTION:** Senator Burgoyne moved to send H 245 to the Senate floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

**H 286** Relating to Public Shooting Ranges to revise provisions for distribution of funds from fines and forfeitures.

**Senator Guthrie** explained that H 286 deals with the 65 percent of fines and forfeitures the Idaho Fish and Game (IDFG) receives for violations of its laws. This bill changes the recipient of the 65 percent from the IDFG fund to the Public Shooting Range fund.

**DISCUSSION:** Senator Burgoyne asked if the bill was from IDFG. **Senator Guthrie** responded he wasn't aware of any opposition to this bill.

**Senator Heider** noted that IDFG came out with this edict to support shooting ranges across the State a year ago. IDFG also has access to federal money and locations across the state to help support shooting ranges. **Senator Heider** stated he approves of the bill because it puts into statute what is already in practice.

**Senator Anthon** said he supports funding for public shooting ranges and wants to ensure that IDFG continues funding them because it is very good for Idaho. **Senator Anthon** added that, when the bill goes to the floor, there needs to be confirmation that current funding and grant funds from IDFG to local cities for public ranges will not be cut off.

**MOTION:** Senator Anthon moved to send H 286 to the Senate floor with a **do pass** recommendation. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**H 299** Relating to the Public Integrity in Elections Act regarding college credit to influence student voting.

**Senator Mary Souza**, District 4, stated it is already illegal for college and university faculties to offer extra credit during a federal election. This bill attempts to clarify that, at the State level, a faculty or university cannot offer academic credit for a student because they voted, and cannot influence students to vote in any certain manner. Page 2, lines 23-29 include language from an Attorney General's opinion; **Senator Souza** read this section.

**DISCUSSION:** Senator Stennett stated that an institution should not influence students in voting for a candidate. They can and should be teaching and encouraging participation in the voting process, but they should not tell them how to vote. **Senator Souza** pointed out it is fine to teach about the voting process but there should not be any incentives for a student to vote in a particular way.

**Senator Burgoyne** requested Mr. Hancock's comments on two scenarios: 1) buying coffee for everyone who turned out to vote; or 2) buying coffee for everyone who turned out to vote for a particular candidate. **Mr. Hancock** replied that H 299 would certainly block the second scenario. It is not certain if the first scenario would fall under current law. **H 299** clarifies that the people who are working for public colleges and universities cannot legally give incentives to students to vote a certain way.

**Senator Burgoyne** stated that giving college credit for voting for a specific
candidate clearly violates criminal code. The tougher issue in terms of the law is if employees at a college or university can encourage students to vote. Efforts to teach civics surrounding elections and voting, particularly during an election year, during which time the student is earning credit for taking the class may be an issue with respect to this bill.

**Senator Lee** questioned why the bill addresses college extra credit but doesn't address high school extra credit. She said some public high school classes incentivize 18-year-old students to register to vote. Also, does the language in this bill mean that private schools can incentivize students.

**Representative Caroline Nilsson Troy,** District 5, stated this bill doesn't address private schools and she hasn't seen them addressed in similar bills in other states.

**MOTION:** Senator Winder moved to send H 299 to the Senate floor with a do pass recommendation. Senator Harris seconded the motion.

**SUBSTITUTE MOTION:** Senator Lee made a substitute motion to send H 299 to the 14th Order for possible amendment. Senator Burgoyne seconded the motion.

**DISCUSSION:** Senator Anthon commented that he supports the substitute motion. He said it is important that public institutions do not use intangible means to incentivize students at the taxpayers' expense.

Senator Stennett indicated she supported the substitute motion. She observed it is important that kids are civically engaged. The current form of the bill discourages such engagement because students can't discuss elections in a civics classes.

**VOTE:** The substitute motion to send H 299 to the 14th order carried by voice vote.

**ADJOURNMENT:** There being no further business at this time, Chairwoman Lodge adjourned the meeting at 8:47 a.m.
Public Testimony Will Be Taken by Registering Through the Following Link: 
Registry to Testify

*If you have written testimony, please provide a copy to the committee secretary.*

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<tr>
<td>HCR 13</td>
<td>Stating Findings of the Legislature to continue the recognition of March 14 as Idaho Women's Day.</td>
<td>Janet Gallimore, Executive Director, State historic Preservation Office</td>
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<tr>
<td>H 223</td>
<td>Relating to Ballots to prevent harvesting of ballots and adding a new section to Idaho Code.</td>
<td>Representative Mike Moyle</td>
</tr>
<tr>
<td>H 302</td>
<td>Relating to Abortion to amend the Informed Consent Law related to babies diagnosed with Downs Syndrome.</td>
<td>Representative Kevin Andrus</td>
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<tr>
<td>H 220</td>
<td>Relating to Public Funds for Abortion to ensure taxpayer dollars do not support abortion.</td>
<td>Representative Bruce Skaug</td>
</tr>
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**COMMITTEE MEMBERS**
- Chairman Lodge
- Vice Chairman Guthrie
- Sen Winder
- Sen Anthon
- Sen Harris

**COMMITTEE SECRETARY**
- Twyla Melton
- Room: WW42
- Phone: 332-1326
- Email: sstaf@senate.idaho.gov
DATE: Wednesday, April 07, 2021
TIME: 8:00 A.M.
PLACE: Room WW55
MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Guthrie, Senators Winder, Anthon, Harris, Lee, Heider, Stennett, and Burgyne
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.
Chairwoman Lodge changed the order of the agenda to begin with H 223.
H 223 Relating to Ballots to prevent harvesting of ballots and adding a new section to Idaho Code.
Representative Mike Moyle, District 14, stated that, under this bill, carriers can't possess more than six ballots at one time. Representative Moyle explained that amendments to this bill are being drafted and suggested the bill be sent to the 14th order.
Phil McGrane, Ada County Clerk, and Chairman of the Elections Committee for the Idaho Association of County Recorders and Clerks, informed the Committee that Idaho has not had a problem with harvesting ballots, but the misuse of collecting ballots and the influence on elections from that practice has become a serious problem in other states. Mr. McGrane stated H 223 would preemptively prepare Idaho to deal with such a situation should it arise. Mr. McGrane emphasized that, in order to file charges against a person for participating in such activities, the charge would have to be "knowingly" participating in fraudulent handling of ballots under the guise of assisting others.
Jason Hancock, Deputy Secretary of State, stated that the Secretary of State's office worked with Representative Moyle on this legislation. He defined ballot harvesting as a practice in which someone who is not the voter, an election official, a mail carrier, a parcel carrier, or a postal service employee, collects ballots and carries the ballots between the voter casting the ballot and election officials. Mr. Hancock gave an example of ballots being opened, and those ballots that did not agree with the harvester's political choice were not submitted to the election clerk. Mr. Hancock asserted that H 223 would help ensure the integrity of Idaho's elections and build public confidence in the election process and results.
TESTIMONY: The following testified in opposition to H 223:
  • Kathy Dawes, Representing Suzanne Ripley, President, League of Women Voters of Idaho (see Attachment A)
  • Antonio Hernandez, Voting Rights Coordinator for Conservation Idaho
  • Lauren Bramwell, Policy Strategist for the ACLU of Idaho
Written testimony in opposition to H 223 (see Attachment B).
Those in opposition to H 223 provided the following reasons: no evidence exists of tampering with ballots picked up by friends and family members and delivered to the elections clerk in Idaho; law is not necessary; this bill impedes the voting process for disabled individuals, nursing home residents, hospital patients, Idahoans lacking transportation, rural Native American tribes, and voters unable to take time away from work; and, exposes people trying to assist others to felony or misdemeanor charges.

MOTION: Senator Winder moved to send H 223 to the 14th Order for possible amendment. Senator Anthon seconded the motion.

SUBSTITUTE MOTION: Senator Stennett made a substitute motion to hold H 223 in committee. Senator Burgoyne seconded the motion.

VOTE: The substitute motion to hold H 223 in Committee failed by voice vote.

VOTE: The motion to send H 223 to the 14th Order for possible amendment carried by voice vote. Senator Stennett and Senator Burgoyne were recorded as voting nay.

HCR 13 Stating Findings of the Legislature to continue the recognition of March 14 as Idaho Women's Day.

Janet Gallimore, Executive Director, State Historic Preservation Office, expressed her appreciation for the Committee's support of the Idaho Historical Society. She invited members to visit the new women's display at the museum. Ms. Gallimore encouraged the passage of HCR 13 to continue recognizing March 14 as Idaho Women's Day. She mentioned that 2020 was the 100th anniversary of the 19th Amendment, which gave women the right to vote nationally. She also pointed out that in 1896, 24 years prior to the 19th Amendment, Idaho became the fourth state to grant this right to women. Ms. Gallimore identified several outstanding Idaho women, including Emma Edwards Green who designed the State seal and the State flag depicting the equality of men and women, hope for the future, and opportunities for economic and ethical growth. She emphasized that Idaho is the only state with a seal designed by a woman. Ms. Gallimore requested the support of HCR 223 to continue Idaho's commitment to the importance of Idaho's past, present, and future women.

MOTION: Senator Stennett moved to send HCR 13 to the floor with a do pass recommendation. Senator Lee seconded the motion. The motion carried by voice vote.

H 302 Relating to Abortion to amend the Informed Consent Law related to babies diagnosed with Down Syndrome.

Representative Kevin Andrus, District 28, noted that studies have shown that up to 90 percent of babies diagnosed with Down Syndrome before birth are aborted. He stated that H 302 requires information about Down Syndrome be provided to anyone seeking to abort a Down Syndrome baby. Representative Andrus explained the information would include alternatives to abortion, organizations that offer assistance, life expectancy, and the quality of life people with Down Syndrome can anticipate. Representative Andrus turned the time over to David Ripley, Idaho Chooses Life.

David Ripley, Idaho Chooses Life, acknowledged the strong support of Representative Andrus and Senator Cook for H 302. He indicated that in addition to the items mentioned by Representative Andrus, the information must also be provided in Spanish. Mr. Ripley provided an article describing the struggle of a mother dealing with a Down Syndrome diagnosis, and the hope given to her through medical information (see Attachment C). Mr. Ripley also noted that page 2, lines 46-47, reads "that a child that may be born with some physical or mental defect" would be a reason for an abortion. In H 302, that section would be removed.

DISCUSSION: Senator Burgoyne expressed concern that striking the language would be seen as a prohibition; that section of language goes well beyond Down Syndrome.
Mr. Ripley replied that a woman would still have the choice to have an abortion as set forth in Roe vs Wade.

**TESTIMONY:** The following testified in support of **H 302**:

- Sandi Emminger and Tabitha Grace, themselves (see Attachment D)
- Senator Christy Zito
- Christian Welp, Catholic Church Diocese
- Blaine Conzatti, Executive Director, Family Policy Alliance of Idaho

Those in support of **H 302** provided the following reasons: reduces discrimination facing infants with Down Syndrome both before and after birth; provides medically accurate information to be given to families upon a diagnosis to assist in making informed decisions regarding aborting the pregnancy; allows people to better understand individuals with Down Syndrome and how they touch the lives of others for the better; allows those with Down Syndrome to show they are loving and how they transform others into compassionate and tolerant individuals; fulfills Governor Brad Little's recent Trisomy Awareness Month proclamation; and Down Syndrome children are vulnerable and special, bringing light into the lives of others.

The following testified in opposition to **H 302**:

- Moné Miller, Coalition Against Sexual and Domestic Violence
- Cameron Needham
- Lauren Bramwell, Policy Strategist, ACLU of Idaho
- Mistie Tollman, State Director, Planned Parenthood Alliance Advocates
- Richelle Tierney, Idaho Council on Developmental Disabilities

Those in opposition to **H 302** provided the following reasons: survivors of sexual violence should have access to information and support to make intentional decisions; information should not be provided with the intent of shaming or coercing survivors into keeping a pregnancy; funding and energy should go toward advocating for increased health care, access, and education; abortion is safe, legal, and common; information given people making a decision regarding abortion could be biased or coercive; information should be given at diagnosis rather than at the time of abortion; there was no consultation with any disability rights organizations in the preparation of this legislation; people deserve the freedom to have an abortion without shame and stigma; physicians are forced to provide additional state created materials intended to discourage abortion; adequate Medicaid funding is not provided to access early intervention and other supports; and information offered may interfere with decisions between family and physician.

Written testimony submitted in opposition to **H 302**. (see Attachment E)

**DISCUSSION:** Senator Anthon stated he felt the policies set forth in **H 302** were appropriate and a good step forward in recognizing the needs of Down Syndrome children, pre-born or after birth. He alleged the main problem was about agencies not being consulted in the drafting of this bill, rather than the content of the bill.

Senator Burgoyne commented that those who work in the fields of child protection, medicine, child care, and women's health are better prepared to deal with these issues; consulting with the right people is important. He also addressed the lines that were stricken on page 2, lines 46-47 of the bill so any child that would be born with physical or mental defect would not be covered for an abortion, not just Down Syndrome children. Senator Burgoyne pointed out there should be safety nets for these children, such as funding of our social services, support for families in financial distress due to catastrophic medical conditions, and funding for travel and hotel stays.
when the children need out of town care. **Senator Burgyne** declared this bill needs to include a fiscal note that addresses the financial issues.

**MOTION:** **Senator Anthon** moved to send **H 302** to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion. The motion carried by **voice vote**. Senator Stennett and Senator Burgyne were recorded as voting nay.

**H 220** Relating to Public Funds for Abortion to ensure taxpayer dollars do not support abortion.

**Senator Zito**, District 23, presented **H 220** stating the main focus of this bill is to prevent state funds from going to abortion providers. Hopefully this action can save babies lives. **Representative Zito** deferred to Representative Skaug to explain the mechanics of the bill.

**Representative Bruce Skaug**, District 12, explained the mechanics of the bill. He pointed out that **H 220** does not outlaw abortion, but it prevents state and local funding for organizations that provide abortion services. Following are the main points of the bill:

- prevents state and local government funds from flowing to abortion providers
- prevents public school districts, public colleges, and public universities from contracting with abortion providers to provide sex education or other programs and services
- prevents the use of public facilities for abortion procedures
- prevents Title 10 funds from flowing to family planning businesses where abortions are performed

**Representative Skaug** noted that the use of public funds, intentionally and knowingly, by an abortion provider could result in a misdemeanor. He said there are exceptions for Medicaid and for hospitals because of federal funding.

**DISCUSSION:** **Senator Lee** expressed concern about the reference to an affiliate of an abortion provider. She indicated that there is no exact definition of an "affiliate" in the bill. **Representative Skaug** identified affiliates as those with whom the abortion providers work such as the clinic, nonprofit healthcare services, their lobbyists, and similar entities. **Senator Lee** stated the definition and mechanics of the bill are very broad when it addresses contractual agreements and exactly what all those would entail, especially in small communities.

**Senator Stennett** stated her concern about the Fiscal Note and that the State will retain authority for the distribution of Title 10 funds. **Representative Skaug** said this bill would prevent federal funds from going to an abortion provider. **Senator Stennett** inquired how a direct contribution or grant coming from a government entity would be stopped. **Representative Skaug** stated he didn't have an answer at that time.

**TESTIMONY:** The following testified in support of **H 220**:

- Christian Welp, Catholic Church Diocese
- Brandon Durst
- David Ripley, Executive Director, Idaho Chooses Life
- Blaine Conzatti, Family Policy Alliance of Idaho (see Attachment F)

Those in support of **H 220** provided the following reasons: Idahoans do not want taxpayer money to support abortion providers; abortion clubs should not be in schools; Idaho needs to stop the expansion of public money supporting the abortion industry.
The following testified in opposition to H 220.

- Monet Miller, Idaho Coalition against Sexual and Domestic Violence
- Paige McMahon
- Cameron Needam
- Lauren Bramwell, Policy Strategist, ACLU of Idaho
- Mistie Tolman, State Director, Planned Parenthood

Those in opposition to H 220 provided the following reasons: health facilities that provide services in addition to those related to abortion would have to close; the bill is based on misinformation; autonomy of survivors of sexual violence resulting in pregnancy would be lost; Medicaid coverage for instances of rape and incest would be lost; Idaho's values of freedom, independence, individual choice, and public health would be compromised; definition of affiliate is too broad; penalty for violation is a misdemeanor; funding in the case of rape or incest is eliminated; and a full range of options is compromised.

DISCUSSION:  
Senator Stennett asked Ms. Miller to clarify her comment that this bill would remove the use of Medicaid funding for those seeking an abortion as a result of domestic violence. Ms. Miller responded that their attorney read the bill and came to that conclusion for both rape and incest.

Senator Lee had two questions for Mr. Durst: 1) how to ensure that public officials would not be charged with misuse of public funds for contracting services with an affiliate of an abortion entity, and 2) what does this bill have to do with the Republican platform. Mr. Durst stated that the first question would fall under prosecutorial discretion and the misuse would have to be knowingly. In response to the platform, Mr. Durst said it specifically states that the State legislature should support legislation that seeks to end the funding of abortion providers through taxpayer funds.

Senator Stennett asked Mr. Ripley to explain how this bill prohibits any fund or committee authorized by Idaho code for the special protection for women and children from using or distributing funds. She stated the language is unclear, requested clarification, and asked how that section would be applied. She asserted functional language is important to policy and clarity is an issue for this section of the bill. Mr. Ripley deferred the question to Representative Skaug. Representative Skaug referred to page 2 lines 35-45 that clarifies the intent of the bill.

Senator Winder asked for clarification about Idaho's ability to stop federal funds from being used in the State to provide for abortions. Representative Skaug explained that Title 10 funds that pass through the State, county or public health districts, or cities would be withheld. If the federal government gives the funds directly to an abortion provider, that is beyond the scope of Idaho law. Senator Winder referred to page 3, lines 27-28 which says that a contract or commercial transaction subject to federal law related to Medicaid is an exception. Representative Skaug explained that the State cannot stop federal Medicaid funds because we are involved in the use of Medicaid funds, but we can stop Title 10 funds from flowing through local government entities to abortion providers. That difference is based on case law.

Senator Guthrie asked for an exact definition of what an affiliate is. Representative Skaug stated that it is someone affiliated with the abortion provider, but not service people bringing in oxygen or laundry, and he doesn’t think anyone would consider prosecution for those entities.

Representative Skaug, in closing, responded to some comments that had been made during testimony and reviewed what H 220 was meant to accomplish.
Senator Burgoyne gave some examples of why this bill will not work because of the lack of clarity for "affiliate". He also gave other scenarios where this bill would not work. Senator Burgoyne stated his belief that this is boycott legislation and explained how that would affect the private sector and local communities.

MOTION: Senator Lee moved to hold H 220 in Committee. Senator Guthrie seconded the motion.

DISCUSSION: Senator Lee commented that there is a risk of unintended consequences. She reiterated her concern regarding the vagueness of the term "affiliate" as used in the bill. She emphasized that she is pro-life, and if this legislation were clearly about limiting taxpayer money going toward abortion efforts, she would be supportive.

Senator Guthrie stated he is also pro-life and would support H 220 if it were just about limiting taxpayer funding. However, it reaches beyond that and the unintended consequences could be significant.

SUBSTITUTE MOTION: Senator Winder made a substitute motion to send H 220 to the 14th Order of Business for possible amendment. Senator Anthon seconded the motion.

Senator Winder believes that this bill brings a principle forward that has been supported in the past which is to eliminate the use of State dollars to encourage or fund abortion.

Chairwoman Lodge agreed with the comments about the definition of affiliate and is concerned about it. She is also concerned about page 4, 18-8711, Right of Intervention. However, she will support the substitute motion.

VOTE: The substitute motion passed with a roll call vote. Senators Winder, Anthon, Harris, Heider, and Chairwoman Lodge voted aye. Senators Guthrie, Lee, Stennett, and Burgoyne voted nay.

Chairwoman Lodge announced that future meetings of the Committee will be at the Call of the Chair.

ADJOURNED: There being no further business at this time, Chairwoman Lodge adjourned the meeting at 10:51 a.m.
April 7, 2021

To: Chairwoman Lodge and members of the Senate State Affairs Committee

From League of Women Voters of Idaho, Susan Ripley, president

RE: Oppose HB 223

Thank you for providing the opportunity to give testimony remotely today.

My name is Kathy Dawes, and I am speaking on behalf of Susan Ripley, President of the League of Women Voters of Idaho. The League is opposed to House bill 223. This bill is intended to address a perception that fraud is being perpetrated by Idahoans who gather, and may manipulate, multiple ballots from others and deliver them to drop off boxes or election offices. It is alleged by proponents of this bill that this introduces opportunities for individuals with ill intent to alter official election ballots. If it is not happening, proponents say, it could.

The perception that Idahoans are, or could, perpetrate this kind of voter fraud, was the impetus for House bill 223.

Here is the reality: There is zero evidence that those who help others submit their ballots are intent on changing them for fraudulent purposes. Since this bill was introduced, the League has received queries from disabled individuals anxious that this bill would limit their right to vote. Others at risk of being disenfranchised include: elders with no nearby family who are no longer able to drive; nursing home residents; hospital patients; low-income Idahoans lacking reliable transportation; members of rural Native American tribes; and individuals in working class jobs without the privilege of time off. These are our neighbors, our friends – hard-working Idahoans simply seeking a voice in their state’s government. Idahoans help one another – it is the Idaho way. The League does not recognize House bill 223’s portrayal of our state and strongly recommends this bill’s defeat.
Twyla Melton

From: Kendal Shaber <kendal.shaber1@my.nd.edu.at>
Sent: Tuesday, April 6, 2021 5:19 PM
To: Twyla Melton

Dear Ms Melton,

I thought I would be able to testify regarding H223 however, I see it will be discussed in your committee tomorrow and I am on the road with unstable internet access. I have edited my testimony. Could you please include it with testimonies tomorrow? Many thanks.

Sincerely,

Kendal Shaber

ATTN: Senate State Affairs Secretary Twyla Melton at sstaf@senate.idaho.gov.

Chairman and Members of the Committee,

My name is Kendal Shaber and I am representing myself. I am speaking in opposition to H223.

The supposition of this bill is that people who collect ballots from voters at the voters’ own request have nefarious intentions. As a member of a long-standing, nonpartisan voter education organization, over the years, I have registered thousands of people to vote and/or apply for absentee ballots (an annual process). I have also collected ballots on request from neighbors, people in nursing homes and retirement centers, and people with disabilities for deposit in ballot boxes, election offices, or mailboxes, whatever their request. What all these people had in common was their inability or difficulty in getting their ballots to the proper location because of illness, lack of transportation or mobility, and lack of family members locally to help. This bill seeks to criminalize assisting those voters in need.

Additionally, the bill doesn’t include money for DNA testing or mailbox and ballot box surveillance, so enforcement is impossible. Maybe the sponsor assumes that just the threat of a felony charge will be enough to keep friends, church members, neighbors, and all who believe passionately in our Constitutional right to vote in line.

Please defend the right to vote without prejudice by voting against H223.

Thank you.
Mom refused to abort daughter with Down syndrome: ‘I wouldn’t change her for the world’

By Sarah Terzo | March 17, 2021, LIVE ACTION WEBSITE

In a book that collects the stories of family members of children with Down syndrome, Shannon Wemys wrote about her daughter Gracey. Wemys describes the stress she experienced when she was pregnant. Doctors told her Gracey had serious medical problems and might not survive:

"We were back and forth to Glasgow for months for scans and tests. We were told of numerous chromosomal abnormalities that Gracey potentially had and to prepare ourselves for her only living a very short life. We couldn’t take the unknown any longer and decided to have the amniocentesis test."

The test revealed Down syndrome. According to Wemys, when she got the call confirming the diagnosis, she “felt like my whole world just stopped.” She said, “This was not the family picture I had always dreamed of… She wasn’t the daughter I had imagined I would have; I wish I had known then that she would be way better than what I thought I wanted.”

READ: *The Atlantic* stops short of condemning eugenic Down syndrome abortions

The doctors painted a grim picture:
At appointments some professionals made me feel like my life was going to be so difficult! I was told I wouldn’t cope, that Gracey won’t get much out of life and how limited her life would be, but how wrong they were.

Everything they told me about what Gracey would be like scared me, but it turns out these things were all false. It was like they were trying to make my mind up for me.

The doctors seemed to be trying to pressure Wemys into abortion, to “make up her mind for her” to have Gracey killed. Their dire medical predictions turned out to be completely unfounded. Many other parents, when faced with such a negative portrayal of life with their child, would have given in and aborted. But Wemys refused.

She has no regrets and loves her daughter:

Gracey is exactly who she was made to be, from the very start. She is nothing like I ever imagined but exactly what I needed... Gracey has so much joy, and her smile would brighten anyone’s day. She is full of life and I am so proud to have her. I wouldn’t change her for the world. Down syndrome is a beautiful part of her but it doesn’t determine who she is. It’s not something to be scared of, she is everything we ever needed. She is our reason.

Sadly, parents of preborn children with disabilities are often put under great pressure by doctors to abort. Shannon Wemys’ story is just one example.

Source: Nicola Enoch #NobodyToldMe: The Truth about Down Syndrome
We are Trisomy Strong

#trisomyawareness

WHAT IS TRISOMY?
A trisomy is the presence of a single extra chromosome in any one of an individual's 23 pairs of chromosomes. This can result in a full trisomy (an extra chromosome in every cell), mosaic trisomy (an extra chromosome in some cells), or partial trisomy (part of an extra chromosome in every cell).

The Office of the Governor
Proclamation

WHEREAS, "Trisomy Awareness Month" is observed in March to encourage citizens to increase their awareness of trisomy, a genetic disorder that deeply affects families; and

WHEREAS, Trisomy is the presence within a person's cells of an extra chromosome, yielding a total of three chromosomes instead of two per pair, and Trisomies can occur with any of the 23 pairs of an individual's chromosomes; and

WHEREAS, the most common Trisomies in humans are Trisomy 21 (Down syndrome), Trisomy 18 (Edwards syndrome), and Trisomy 13 (Patau syndrome); and

WHEREAS, local support groups, medical professionals, and formal communities offer education, encouragement, and resources for those managing the challenges of raising trisomy-affected children; and

WHEREAS, now is the time for all citizens to educate themselves in all areas of trisomy, support families experiencing trisomy, and participate in helping people with developmental disabilities achieve their full potential;

NOW, THEREFORE, I, BRAD LITTLE, Governor of the State of Idaho, do hereby proclaim March 2021 to be

TRISOMY AWARENESS MONTH

in Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Idaho to be affixed in the City of Boise this 7th day of March in the year of our Lord two thousand and twenty-one.

BRAD LITTLE
SECRETARY OF STATE

EXTRA CHROMOSOME ≠ FATAL DISEASE!
A study, from researchers at Stanford and the University of Arkansas, has found that infants with the genetic disorders Trisomy 13 or 18 are more likely to survive, if they undergo early heart-repair surgery. In fact, as many as 50% are still alive 16 YEARS after surgery.

"Eugenics tells us we create a better race of people by eliminating those with disabilities. However, we actually create a better race of people by enabling those with disabilities to live full lives."
April 7, 2021

Madam Chair Patti Anne Lodge
House State Affairs Committee
Statehouse, Boise, ID 83720

Dear Chair Lodge and Members of the Committee:

The Council on Developmental Disabilities is authorized by federal and state law to monitor service systems and policies and to advocate for improved services that enable Idahoans with developmental disabilities to live meaningful lives, included in their home communities. The Council is comprised of 23 volunteers appointed by the Governor, the majority of whom are adults with intellectual and developmental disabilities and family members.

The Council opposes House Bill 302.

Our concerns include that neither the DD Council, The State Independent Living Council, Disability Rights Idaho or Idaho Parents Unlimited were consulted about this bill. The Council was informed that the three Down’s Syndrome Support groups in Idaho were presented this legislation, but do not support it. The lack of inclusion of the disability advocacy community in proposing this legislation should speak volumes.

On page 5, lines 1-12, the Council has concerns about who controls the messaging in promoting information about children and adults with Down’s Syndrome. If proponents of this bill are serious about limiting the number of abortions that happen as result of learning that your baby may have Down’s Syndrome, they would work much harder at promoting a much more positive image of the lives of children and adults with Down’s Syndrome. Messaging would avoid promoting images that stereotype people born with this diagnosis as a burden on society and a miserable parenting experience. There would also be significant effort made to secure adequate Medicaid funding to ensure
that children born with Down’s Syndrome have the access they need to early intervention and supports from birth to death, that private insurance coverage simply does not provide.

The Council recognizes there is work to be done with Idaho physicians so they are able to provide accurate and best practice information to assist families to be fully informed. However, the Council views this legislation as an interference between the family and their physician with regard to the pregnancy. If a physician is doing their job they will have already provided the necessary information to their patient and the family.

The bill also mandates a Spanish language version of materials be made available. As an organization who spends significant resources to assist the Spanish speaking community to understand and access needed services, there is a complete lack of information available in Spanish to help provide needed details about the developmental disability service system. Currently, Spanish speaking families do not have equitable access to services after the birth of their child, as well access to culturally and linguistically competent service providers.

The Disability community was not included in the drafting of this legislation.

The Council opposes House Bill 302.

Sincerely,

[Signature]

Executive Director
Idaho Council on Developmental Disabilities
Good morning Madame Chair and Committee

My name is Chelsea Gaona-Lincoln, I reside in district 10 and have lived in Canyon County my entire life. I offer my testimony on behalf of Legal Voice, a regional non-profit whose mission pursues justice for all women and LGBTQ people across the Northwest. We are adamantly opposed to HB302.

This information sharing and belongs in conversation with the parents, at the time of receiving a diagnosis; and is being inappropriately interjected at the time of someone seeking safe and legal abortion care. The goal is to shame and stigmatize people seeking medical care.

The proponents of this bill emphasized and stated they do not work in the vein of disability rights and did not consult with the disability rights organizations. Based on conversations I’ve had is true, those that work directly with those impacted by this bill, were not among those invited to the table for discussion.

If this body seeks to support those with Down syndrome, do so by increasing the reimbursement rate for disability programs for adults. The exchange rate is abysmal. Many adult programs have shut down or cannot provide consistent and quality staff to work with adults. Those are the kinds of supports and quality of life improvements needed and deserved. Not this.

You cannot force people to have birth, pregnant people have constitutional rights to their bodily autonomy and rights to their medical privacy.

On a personal note my spouse and I navigated fertility challenges, we were very intentional when we started our family. At ten weeks we were given informed consent on optional genetic testing by our midwives. This optional testing came at additional costs that ranged from a few hundred dollars to several thousand depending on the level of testing selected. This additional cost was not covered by insurance. The fiscal note does not reflect the costs of who will cover that testing and how it will be uniformly offered across a state of providers, especially for families unable to access prenatal care.

This legislation does not improve the quality of life for people with Down syndrome or any disability for that matter. This bill does not improve any aspects for care providers, service providers or educators to deliver more integrity and data driven services. This legislation uses and tokenizes people with disabilities as a wedge issue in relentless attempts to ban abortion all together.

As a reminded, you can not ban abortion; you can merely restrict access to safe abortion care.

With that, I urge you to hold this bill in committee and I will yield for any questions.

Chelsea Gaona Lincoln
Idaho Programs Manager | Legal Voice
208.880.2363 | cgaonalincoln@legalvoice.org
Twyla, the following is my written testimony against H302 being heard in Senate State Affairs 4/7/21 at 8 AM.

H302 helps us understand that murder by abortion is completely LEGAL in Idaho NOT because of the US Supreme Court but because the Idaho legislature has codified chapters that state when, how, why and where children may be murdered by their mothers.

302 amends section 18-609, in which a woman may kill her child when she gives an informed consent to the murder. To better inform her, the Health and Welfare director will provide, not to her, but to the child sacrifice centers, a new publication about trisomy 21. It seems an oxymoron that a health and welfare department will provide information to child sacrifice centers, where the health and welfare of children is destroyed.

I urge you to consider that what we are doing legislatively in response to unlawful federal court opinions regarding murder by abortion is simply regulating how that type of murder will be accommodated in Idaho Code.

Many have a starting point with these murder regulations that we are where we are and 302 will put us in a slightly better place. I urge you to start with an entirely new premise: The Supreme Court has played the tyrant in its opinions that child sacrifice is a lawful enterprise. Abortion is actually the unlawful killing of our preborn neighbors, all of whom have been made, like us, in the Image of God.

We have a responsibility to resist and oppose the judicial tyrant that would authorize their deaths, and as a legislature you should not be guilty with your yes vote for bills like 302 of authorizing, albeit with conditions, the killing of children in Idaho statute.
On the whole, the sections amended in 302 are both immoral and unconstitutional. The Supreme Court is not the final arbiter of all constitutional questions. You have that authority as well as they. You should repeal the sections in 302 and outlaw abortion as murder.

Scott Herndon  
Representing Abolish Abortion Idaho  
Ph. (208) 610-2680
April 7, 2021

The Honorable Patti Anne Lodge
Chairman
Senate State Affairs Committee
P.O. Box 83720
Boise, ID 83720-0081

Chairman Lodge,

Attached is a petition signed by 760 Idahoans – from every corner of our great state – requesting that the legislature pass legislation that would prevent public funds from being used to perform or promote abortion services.

Thank you for the important work performed by you and your committee on behalf of your constituents and fellow Idahoans. You are always in our prayers (1 Timothy 2:2).

Sincerely,

Blaine Conzatti
Executive Director
Family Policy Alliance of Idaho
PETITION: Idaho Tax Dollars Should NEVER Fund Abortions

Our community priorities are reflected in the way our tax dollars are spent. For that reason, we call on our state lawmakers to make sure that none of our hard-earned money is given to abortion providers.

As Idahoans, we respect the right to life for all our citizens, including the preborn, and we view the current abortion regime as tragically dangerous to the welfare of children, mothers, and families.

Abortion providers should not receive taxpayer money or have easy access to students at public schools, colleges, and universities.

It is time for state lawmakers to pass legislation protecting taxpayer assets from abortion providers who have for too long profited from government largesse.

Signed,
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Delgado  Anne  15451 Syrah Ct  Caldwell  ID  83607-4809
Turner  Peggy  5034 Jupiter Hills Dr  Idaho Falls  ID  83401-6342
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Higby  Bo  8065 Bill Burns Rd  Emmett  ID  83617-9780
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Downswo  Stephen  34435 Pheasant Loop Rd  Lewiston  ID  83501-7866
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AMENDED AGENDA #1
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Friday, April 09, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:
https://www.idahoptv.org/shows/idahoinsession/

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Public Testimony Will Be Taken by Registering Through the Following Link:
Registry to Testify

*If you have written testimony, please provide a copy to the committee secretary.*
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, April 09, 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 in the minutes in the Legislative Services Library.

CONVENED: Chairwoman Lodge called the meeting of the Senate State Affairs Committee (Committee) to order at 8:07 a.m.

H 290 Relating to Elections to clarify requirements for current practices for signature verification.

Representative Gayann DeMordaunt, District 14, provided the Committee with a brief history about H 290 explaining that the Citizen's Committee for Election Integrity (Citizen's Committee), made up of internet technology professionals from around the State, met to develop standards to further protect election integrity. Clerks and the Secretary of State (SOS) were simultaneously working on similar standards. The two groups met together to develop legislation incorporating their recommendations resulting in H 290.

Representative DeMordaunt stated the need for this legislation became apparent when a district court case in Bonneville County over a county clerk's rejection of a recall petition for insignificant signatures concluded with the judge's ruling that it was absurd to think that the legislature had intended clerks to try to verify signature matches. Representative DeMordaunt declared that signature checks by clerks is one of the foundational cornerstones of all elections, including recalls, petitions for initiatives, and most requirements that are found in Idaho Code § 34-1807. Representative DeMordaunt noted that current Idaho Code implies that clerks should be verifying signatures and H 290 seeks to clarify it even further.

Representative DeMordaunt added that H 290 also addresses a problem brought forward when an action by a federal judge tried to force the State to accept electronic petition signatures, which are not really signatures but a font. Section 3 of the bill explicitly states that clerks are to check signatures for absentee ballots. Section 1 directs the Secretary of State to develop standards and train clerks to follow those standards. She noted that there is an emergency clause and that retention should be increased from one to two years. Representative DeMordaunt stated that closing these holes in the election process will reduce the opportunities for fraud.

DISCUSSION: Senator Stennett inquired about the expertise of the members within the Citizen's Committee. Representative DeMordaunt responded that the Citizen's Committee was a grass roots effort to discuss the weaknesses and identify improvements that could be made within the election laws. The Citizen's Committee had no authority nor did they represent any other entities or individuals. They only required that the results would be read into the Congressional Record which was done in January of this year.
Senator Stennett commented that electronic signatures are used all the time with important documents. She stated her curiosity about the resistance to accept those types of signatures. Representative DeMordaunt asked that Jason Hancock, Deputy SOS, be called forward to address those comments.

Senator Winder stated he attended a Citizen's Committee event. It was a group of citizens from all over the State that came together to discuss what other states are doing. He noted they were very complimentary of the process in Idaho, the clerks, and how the 2020 election was carried out. Senator Winder said that the Citizen's Committee observed what was happening in other parts of the country and constructed a 14 point recommendation based on those observations for Congress to work on. Those recommendations were sent to the Congressional Delegation and entered into the Congressional Record. Senator Winder stated the changes in H 290 warrant consideration to strengthen Idaho's election laws.

Mr. Hancock stated that the SOS's office, Representative DeMordaunt, and Phil McGrane, Ada County Clerk and Chairman of the Elections Committee for the Association of County Recorders and Clerks, have all been working on different aspects of this legislation in wake of the ruling from Bonneville County. With the result of the ruling and the passage of H 290, opportunity will be provided to clarify the intent in current law and to make some improvements. Mr. Hancock explained that the improvements include charging the SOS with setting standards for signature verification. Experts have been approached to provide training in handwriting analysis and verification practices.

Mr. Hancock addressed Senator Stennett's concerns regarding electronic signatures. The viewpoint from the SOS is that electronic signatures conflict with Idaho's election law that requires Idaho election officials to verify signatures. He agreed with Representative DeMordaunt that an electric signature is merely a font which delegates verification to a third party; this does not occur anywhere else in election law. Mr. Hancock noted that the U.S. Supreme Court has put a stay on the district judge's ruling.

Mr. Hancock clarified to the Committee that there will not be a third party involved in the actual verification process. Mr. Hancock provided a more detailed explanation of that section of the bill emphasizing that signatures are required to be verified.

Senator Stennett asked for confirmation that all this bill requires is training and a system for clerks to accurately verify signatures. Mr. Hancock affirmed that is correct plus it is to clarify that clerks are expected to do signature verification, and that standards will be developed along with training for the clerks.

Senator Lee stated her approval of H 290. She asked for a description of the process and asked if the signatures are scanned in. Mr. Hancock responded that some of the counties can scan in the signatures. However, all voter signatures are held electronically within the election system and can be accessed by any clerk in the State.

Mr. McGrane explained that this bill relates to standardizing Idaho statutes in practices that the SOS perceives as very important. This legislation would formalize what is currently happening in the election system. A centralized database was implemented within the State after the Help America Vote Act was passed and all 50 states were required to create centralized databases for the election and voting process. Since 2004, absentee ballots not only have a name on the return envelope, there is a bar code for verification.

Mr. McGrane provided a detailed description of how the voting system works. He noted that in Ada County, for the last election, 100 percent of the absentee ballots
were verified. There are some signatures still under investigation for voter fraud. All 44 counties have the tools for verification and the clerks are committed to work toward improving the whole verification process. Mr. McGrane said training and standards will provide the help they need.

Senator Burgoyne asked about training and if there could be some other type of electronic verification such as a thumbprint or an iris scan. Mr. McGrane said that this legislation specifically addresses consistent standards and training. If signatures are rejected, a reason is provided and, most of the time, can be resolved. Lack of registration is the most reoccurring reason for a ballot to be rejected. Mr. McGrane said the standard way to verify is by signatures. Other types of technology require collecting information from the public and it is not apparent that Idahoans are interested in that type of verification.

Representative DeMordaunt stated this bill emphasizes the importance of checking signatures, developing consistent standards across the state, and training clerks and staff how to comply. She said these changes will strengthen Idaho election laws.

MOTION: Senator Winder moved to send H 290 to the Senate floor with a do pass recommendation. Senator Burgoyne seconded the motion. The motion carried by voice vote.

MINUTES APPROVAL: Senator Guthrie moved to approve the minutes of February 17, 2021. Senator Burgoyne seconded the motion. The motion carried by voice vote.

Senator Winder moved to approve the Minutes of February 22, 2021. Senator Anthon seconded the motion. The motion carried by voice vote.

Senator Lee moved to approve the Minutes of February 26, 2021. Senator Heider seconded the motion. The motion carried by voice vote.

Senator Harris moved to approve the Minutes of March 12, 2021. Senator Stennett seconded the motion. The motion carried by voice vote.

Senator Heider moved to approve the Minutes of March 15, 2021. Senator Burgoyne seconded the motion. The motion carried by voice vote.

Senator Lee moved to approve the Minutes of March 16, 2021. Senator Harris seconded the motion. The motion carried by voice vote.

ADJOURNED: There being no further business at this time, Chairman Lodge adjourned the meeting at 8:46 a.m.

___________________________
Secretary

___________________________
Chair

Twyla Melton
AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Monday, April 12, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:
https://www.idahoptv.org/shows/idahoinsession/

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<tr>
<th>SUBJECT</th>
<th>DESCRIPTION</th>
<th>PRESENTER</th>
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<tbody>
<tr>
<td>GUBERNATORIAL APPOINTMENT</td>
<td>The Gubernatorial Appointment of Peter Smith to the Idaho Lottery Commission.</td>
<td>Peter Smith</td>
</tr>
</tbody>
</table>

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS
Chairman Lodge
Vice Chairman Guthrie
Sen Winder
Sen Anthon
Sen Harris

COMMITTEE SECRETARY
Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov
CONVENED: Chairwoman Lodge called the meeting of the Senate State Affairs Committee (Committee) to order at 8:10 a.m.

Chairwoman Lodge introduced Jeff Anderson, Director, Idaho State Lottery (ISL). She asked him to provide some information about how loss of the Powerball monies will affect the ISL and to introduce Peter Smith.

Mr. Anderson explained that Powerball has existed for 32 years, since 1989, and Idaho was one of the first states to participate. Now 44 states plus the US Virgin Islands, Puerto Rico, and the District of Columbia participate. Over the last decade, Powerball has generated about $14.5 million a year that went toward public schools and the permanent building fund in Idaho. Mr. Anderson said growth for Powerball in the U.S. is at its maximum potential so the Multi-State Lottery Association (Association) is looking to expand internationally. Idaho has laws that prohibit it from participating internationally with the exception of Canadian provinces. Originally, August would have been the final month Idaho could participate but the Association has encountered some obstacles in the expansion so Powerball will continue in the State for a while longer.

GUBERNATORIAL APPOINTMENT: The Gubernatorial Appointment of Peter Smith to the Idaho State Lottery Commission (Commission)

Mr. Anderson stated that Mr. Smith has been appointed by the Governor to fill a vacancy left by Mel Fisher who is retiring. Mr. Fisher served for many years in a variety of positions as a committee member, chairman, and attorney for the Commission. Mr. Smith is an attorney and has a professional background that is relative to the Commission. He will represent the northern part of Idaho.

Mr. Smith provided the Committee with some history about his family, education, and professional background as an attorney dealing in real estate and business law. He also spent a year teaching middle school in Costa Rica. Mr. Smith said when he was approached for the Commission appointment he investigated what the Commission does and discovered the dividends it pays back to education. Mr. Smith decided it would be a great opportunity to serve the State and, hopefully, fulfill the mission of ISL, which is to become the most well-run lottery in the Association. Mr. Smith commented that the Commission is doing very well to meet that goal and it has an excellent staff. The mission also fits his personal beliefs to give back to kids so they can be educated and pursue their endeavors in life.
Chairwoman Lodge announced that voting on the appointment would take place at the next meeting.

**ADJOURNMENT:**

There being no further business at this time, Chairwoman Lodge adjourned the meeting at 8:22 a.m.

_________________________  __________________________
Senator Lodge, Chair        Twyla Melton, Secretary
Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:
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<tr>
<td>VOTE ON</td>
<td>The Gubernatorial Appointment of Peter Smith to the Idaho Lottery Commission.</td>
<td>Senator Todd Lakey</td>
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<tr>
<td>GUBERNATORIAL APPOINTMENT:</td>
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<tr>
<td>RS28921</td>
<td>Relating to Firearms</td>
<td>Senator Lee and Senator Stennett</td>
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<tr>
<td>MINUTES APPROVAL:</td>
<td>Minutes of February 24, 2021</td>
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<td></td>
<td>Minutes of March 1, 2021</td>
<td>Senator Guthrie and Senator Heider</td>
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<td>Minutes of March 3, 2021</td>
<td>Senator Anton and Senator Burgoyne</td>
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<td>Minutes of March 19, 2021</td>
<td>Senator Winder and Senator Burgoyne</td>
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If you have written testimony, please provide a copy to the committee secretary.

**COMMITTEE MEMBERS**
- Chairman Lodge
- Vice Chairman Guthrie
- Sen Winder
- Sen Anthon
- Sen Harris

**COMMITTEE SECRETARY**
- Twyla Melton
- Room: WW42
- Phone: 332-1326
- Email: sstaf@senate.idaho.gov
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, April 14, 2021
TIME: 8:00 A.M.
PLACE: Room WW55
MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Guthrie, Senators Winder, Anthon, Harris, Lee, Heider, and Burgoyne
ABSENT/EXCUSED: Senator Stennett

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.

CONVENEDE: Chairwoman Lodge called the meeting of the Senate State Affairs Committee (Committee) to order at 8:07 a.m.

VOTE ON GUBERNATORIAL APPOINTMENT: Senator Harris moved to send the Gubernatorial Appointment of Peter Smith to the Idaho Lottery Commission to the Senate floor with the recommendation that he be confirmed by the Senate. Senator Winder seconded the motion. The motion carried by voice vote.

RS 28921 Relating to Firearms to protect the rights of Idaho citizens regarding new federal executive orders and other actions.

Senator Todd Lakey, District 12, explained that RS 28921 builds upon action taken by the Idaho Legislature in 2014 that is codified in Idaho Code § 18-3315B. RS 28921 is an amendment to Idaho Code § 18-3315B which prohibits the ordering of state and local law enforcement officials to enforce the new federal orders that violate the Idaho Constitution. Senator Lakey said RS 28921 is in response to a recent executive order from the federal administration regarding firearms as well as upcoming orders that are anticipated to be coming from that administration that would infringe upon Idaho citizens' rights to keep and bear arms. This is an Idaho effort to stand against the new federal orders and actions.

Senator Lakey further explained this is a "status quo" bill as it existed on January 20, 2021. It is not a nullification bill, but it prohibits Idaho government entities from enforcing or supporting enforcement of the new executive orders or other actions that violate Section 11, Article 1 of the Idaho Constitution. Senator Lakey related that state, local, and other government entities in Idaho cannot enforce, provide funds, personnel, or resources to assist the federal government to enforce new actions against firearms, firearm accessories, and firearm components.

Senator Winder commented this bill will provide protection for Idaho citizens and recognition that Idaho's Constitution is a stronger proponent of the 2nd Amendment than the U.S. Constitution.

MOTION: Senator Winder moved to send RS 28921 to print. Senator Anthon seconded the motion. The motion carried by voice vote. Senator Burgoyne was recorded as voting nay.

MINUTES APPROVAL: Senator Lee moved to approve the Minutes of February 24, 2021. Senator Burgoyne seconded the motion. The motion carried by voice vote.

Senator Guthrie moved to approve the Minutes of March 1, 2021. Senator Heider seconded the motion. The motion carried by voice vote.
Senator Anthon moved to approve the Minutes of March 3, 2021. Senator Burgoyne seconded the motion. The motion carried by voice vote.

Senator Winder moved to approve the Minutes of March 19, 2021. Senator Burgoyne seconded the motion. The motion carried by voice vote.

ADJOURNMENT: There being no further business at this time, Chairwoman Lodge adjourned the meeting at 8:13 a.m.
AMENDED AGENDA #2
SENATE STATE AFFAIRS COMMITTEE
1:00 P.M.
Room WW54
Monday, April 19, 2021

NOTE CHANGE IN TIME AND MEETING ROOM

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link: https://www.idahoptv.org/shows/idahoinsession/

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<tr>
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<tr>
<td>RS28939</td>
<td>A Senate Proclamation honoring the Ada County</td>
<td>Senator Winder</td>
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<td>Highway District on its 50th Anniversary.</td>
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<td>S 1205</td>
<td>Relating to Firearms seeking to protect Idaho</td>
<td>Senator Todd Lakey</td>
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<td>citizens’ rights regarding enforcement of new</td>
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<td>federal executive orders.</td>
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<td>session, referral is pursuant to Senate Rule 14(B).</td>
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Public Testimony Will Be Taken by Registering Through the Following Link: Registry to Testify

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COMMITTEE MEMBERS
Chairman Lodge
Vice Chairman Guthrie
Sen Winder
Sen Anthon
Sen Harris

COMMITTEE SECRETARY
Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, April 19, 2021
TIME: 1:00 P.M.
PLACE: Room WW54
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 1:05 p.m.

RS 28939 A Senate Proclamation honoring the Ada County Highway District (ACHD) on its 50th Anniversary.

Senator Winder said this proclamation commemorates ACHD on its 50th Anniversary. ACHD was formed by initiative and was primarily sponsored by the League of Women Voters. The purpose was to consolidate all cities and Ada County into one highway district. At that time, there was no cooperation or regional planning in place. There were duplications of equipment and personnel. Since then, ACHD has been striving to meet the needs of the public and Ada County.

MOTION: Senator Winder moved to send RS 28939 to print. Senator Heider seconded the motion.

Senator Burgoyne said he will not vote to send RS 28939 to print. He cited controversies surrounding ACHD's history and that the legislation did not acknowledge those controversies.

VOTE: The motion to send RS 28939 to print carried by voice vote. Senator Burgoyne was recorded as voting nay.

S 1205 Relating to Firearms seeking to protect Idaho citizens' rights regarding enforcement of new federal executive orders.

Senator Todd Lakey, District 12, outlined S 1205 and said Idaho's Legislature feels strongly about protecting citizens Second Amendment rights. Article 1, Section 11 of the Idaho Constitution addresses the right to keep and bear arms in Idaho. The State Constitution protects those rights more strongly than the U.S. Constitution. He said S 1205 is a direct result of the Biden Administration's Executive Order, signed on April 7, 2021, restricting gun owners' rights.

Senator Lakey said in 2014, the Legislature passed S 1332, prohibiting a state or local official from ordering another state or local official, agent, or employee to enforce an executive order from the U.S. government contrary to the Idaho Constitution regarding a personal firearm. Senator Lakey stated S 1205 is not a nullification bill. It builds upon and supports S 1332 by allowing that federal actions violating the Idaho Constitution will not be enforced or supported by government entities in Idaho as outlined on pages 2-3, subsection 4. S 1205 also provides an emergency clause with a retroactive date to the commencement of the current federal administration.
DISCUSSION: **Senator Stennett** asked for clarification of the language on page 1, lines 15-16, and lines 35-39 of **S 1205**, that disallows federal restrictions of citizen's rights to own firearms. Is it the intent of this bill to say the Legislature has more authority over gun rights that, historically, has had judicial oversight. **Senator Lakey** said the bills statement of intent says the right to keep and bear arms is a fundamental right and that cannot be infringed upon. It does not take authority away from the Idaho Supreme Court to determine constitutionality. **Senator Stennett** referred to page 1, lines 20-21 and asked if **S 1205** says the State has no say over law enforcement. **Senator Lakey** said **S 1205** states that personnel, resources, and funds cannot be used to support federal executive actions that violate the Idaho Constitution. **Senator Stennett** asked what happens when people on public lands bring in federal agents in situations when local sheriffs lack the expertise or jurisdiction to act. **Senator Lakey** said the ultimate interpretation of **S 1205** would rest with the Idaho Supreme Court.

**Senator Stennett** said Native American tribes have the same sovereignty that states do. She asked if **S 1205** implies that the Idaho Legislature has more power than the sovereignty of tribes. **Senator Lakey** said tribes are federally recognized and therefore not an Idaho government entity. **Senator Stennett** asked about page 2, lines 21-24, which talks about money charged for violation of **S 1205**. She asked if the money was being paid directly to the Legislature or to the judiciary. **Senator Lakey** said that was existing language from **S 1332** which passed in 2014, and if a violation occurred, the money would go to the entity that brought the action. **Senator Stennett** referenced page 2, line 5-9, in the case where state law enforcement works cooperatively with federal agents in situations such as human, or firearm trafficking; who has more control. **Senator Lakey** said **S 1205** does not limit the cooperation between agencies in those areas.

**Senator Burgoyne** asked about the fiscal note attached to the bill showing no fiscal impact. He talked about the many lawsuits related to gun control rights and said attorney fees will be involved, so how can the fiscal impact be zero? **Senator Lakey** said the Idaho Legislature is part of the three branches of government, and the judicial branch has the opportunity to determine the constitutionality of **S 1205**. **Senator Burgoyne** asked what could be the impact on funds coming from the Federal Government if **S 1205** passed. He specifically mentioned training funds for law enforcement, and law enforcement grants since receiving those funds requires a cooperation between State and Federal agencies. **Senator Lakey** said the **S 1332**, has been in effect since 2014 but if the Biden Administration changes the requirements for those funds or develops new programs, **S 1205** could impact funding.

**Senator Burgoyne** said page 2, lines 4-6 seems to say that this bill does not affect Idaho law enforcement officers when assisting federal agents on drug or gang enforcement activities. He asked how issues such as immigration and foreign and domestic terrorism would be affected because **S 1205** seems to say police officers will not have any flexibility with respect to those issues. **Senator Lakey** said the line items mentioned were taken from **S 1332** to be consistent. In regard to immigration law enforcement laws, if those laws are contrary to the Idaho Constitution, **S 1205** would prohibit assistance or ordering law enforcement to participate in those actions.

TESTIMONY: **Paul Jagosh**, Idaho State Lodge of Fraternal Order of Police (FOP), spoke in support of **S 1205**. He said FOP members took an oath to support and defend the Constitution of the U.S.; **S 1205** will help protect officers from being ordered to enforce unconstitutional "gun grabs." (see Attachment A)

DISCUSSION: **Senator Stennett** asked what would happen if an officer tries to enforce a state law that violates federal law. **Mr. Jagosh** said Idaho police can only enforce State and local city laws, not federal laws. **Senator Stennett** said Idaho police officers currently assist federal agencies such as the Bureau of Alcohol, Tobacco and Firearms and
Explosives, Federal Bureau of Investigations, and the Department of Homeland Security, and receive funding for joint operations and training. If Section 1205 is approved would Idaho be required to refund moneys back to the U.S. government because officers were not participating in those actions.

Mr. Jagosh said since SB 1332 passed in 2014 we haven't had any of those issues. We are able to assist federal agents with enforcing current laws that are on the books, as long as those actions do not conflict with our Idaho Constitution. Senator Stennett asked, if there was a conflict where local and federal law enforcement are trying to manage a violent incident, how would that be managed since both agencies may be viewing how to proceed differently. Mr. Jagosh said public safety is always first on law enforcements minds. If a situation arose where local police were working with federal officers they would follow the federal officers lead but would only enforce state or city codes that they have jurisdiction over.

**TESTIMONY:**

The following testified in favor of Section 1205:
- Gregg Pruett, Idaho 2nd Amendment Alliance
- Julie Paine
- Clayton Cramer
- Doug Nickle
- Joanna Keith

Those in support of Section 1205 provided the following reasons: Section 1205 gives Idaho citizens the right to bear arms as granted in the U.S. Constitution; maintains individual protections because criminals do not abide by the law, and strengthens Idaho citizens rights against federal overreach.

The following testified in opposition to Section 1205:
- Alice Arambardi
- Diana David

Those in opposition to Section 1205 provided the following reasons: federal law is the law of the land and this law would bring unnecessary lawsuits in Idaho; and would do nothing to protect the people of Idaho from gun violence.

Senator Lakey closed by restating that Section 1205 is not a nullification bill; this is Idaho exercising its rights under both the U.S. and the Idaho Constitutions, and one that would strengthen current State laws.

**MOTION:** Senator Harris moved to send Section 1205 to the floor with a do pass recommendation. Senator Anthon seconded the motion.

**DISCUSSION:** Senator Stennett asked if Senator Lakey approached the Idaho State Police, the U.S. Attorney's Office for the State of Idaho, or the Idaho courts about Section 1205 and if so, what input was provided. Senator Lakey said he spoke with the Idaho Fraternal Order of Police, the Idaho Sheriffs Association, and the Idaho Chiefs of Police, but not the judiciary or the U.S. Attorney's Office. The sheriffs association supports the bill and the police chiefs took a neutral stance.

Senator Harris spoke to his motion stating that the bill was clear and well-written, and the definitions were very clear. There has been a lot of work by Senator Lakey and others.

Senator Lee spoke in favor of the motion and recognized Senator Lakey's leadership with Section 1205. She indicated she had viewed all versions of the bill and it is brought forward in order to ensure that we are not diminishing or undermining any previous
legislation. She stated her appreciation that all parties were brought together to craft this legislation ensuring Idaho's Second Amendment rights would remain in place.

Senator Burgoyne agreed that Article 1, Section 11 of the Idaho Constitution recognizes the rights of Idahoans with respect to guns. His concern was for law enforcement officers who are ordered, by their superior, to participate in an action that later is found to violate the Idaho Constitution. There have been times when a police officer is brought before the Idaho Supreme Court for an action they were ordered to participate in. The officer then faces being guilty of a potential misdemeanor, or liable for a civil fine over $1,000, which is extremely unfair. Article 1, Section 11 also stipulates how federal and state laws intersect. If Idaho's Constitution violates the federal constitution, or if the Idaho Constitution violates a treaty, then the Idaho Constitution cannot be enforced even by the State of Idaho. On the issue of treaties in relationship to other countries when dealing with domestic terrorism, when that treaty is ratified by the U.S. Congress, it then becomes the supreme law of the land which means it may override the Idaho Constitution. Senator Burgoyne said he felt that S 1205 would give a false sense of security to gun owners and law enforcement, and he would not support the motion.

VOICE VOTE: The motion carried by voice vote. Senator Stennett and Senator Burgoyne were recorded as voting nay.

ADJOURNED: There being no further business at this time, Chairwoman Lodge adjourned the meeting at 2:08 p.m.

______________________________
Senator Lodge
Chair

______________________________
Twyla Melton
Secretary

______________________________
Florence Lince
Secretary
Honorable Senator Lodge, Chairman  
Senate State Affairs Committee

RE: Support of SB 1205

Dear Chairman Lodge and members of the State Affairs Committee:

The Idaho Fraternal Order of Police (FOP) is the Largest Law Enforcement organization in Idaho with more than 2400 members statewide and we support SB 1205.

The brave men and woman of law enforcement took an oath to protect and preserve life, to support and defend the Constitution of the United States. We understand that law abiding, responsible gun owners are our partners in keeping Idaho a safe place to live and raise families. This is why in 2014 we played a large part in crafting SB 1332, which was signed into law, Idaho Code 18-3315B, that year.

We are once again proud to have played a role in amending Idaho code 18-3315B to help protect officers from being ordered to enforce un-constitutional “gun grabs.” In doing so, we re-affirm our support of the People of Idaho and hope to offer them some peace of mind that their law enforcement officers do not want to confiscate firearms from law abiding citizens. This bill still allows Idaho law enforcement to maintain law and order through the enforcement of current laws.

Sincerely,

Bryan Lovell
President, Idaho FOP

Building On A Proud Tradition
**AGENDA**
**SENATE STATE AFFAIRS COMMITTEE**
8:00 A.M.
Room WW55
Tuesday, April 20, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:
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<td>RS28943C10</td>
<td>Pertaining to Fish &amp; Game</td>
<td>Senator Harris</td>
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<tr>
<td>H 366</td>
<td>Relating to the Fetal Heartbeat Preborn Child Protection Act</td>
<td>Brian Conzatti, Family Policy Alliance of Idaho</td>
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<td>MINUTES</td>
<td>Minutes of March 5, 2021</td>
<td>Senator Anthon and Senator Guthrie</td>
</tr>
<tr>
<td>APPROVAL:</td>
<td>Minutes of March 17, 2021</td>
<td>Senator Winder and Senator Heider</td>
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**COMMITTEE MEMBERS**
Chairman Lodge  Sen Lee  
Vice Chairman Guthrie  Sen Heider  
Sen Winder  Sen Stennett  
Sen Anthon  Sen Burgoyne  
Sen Harris  

**COMMITTEE SECRETARY**
Twyla Melton  
Room: WW42  
Phone: 332-1326  
Email: sstaf@senate.idaho.gov
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Tuesday, April 20, 2021
TIME: 8:00 A.M.
PLACE: Room WW55
MEMBERS PRESENT: Chairwoman Lodge, and Senators Winder, Harris, Heider, Stennett, and Burgoyne
ABSENT/EXCUSED: Vice Chairman Guthrie, and Senators Anthon and Lee
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 8:08 a.m.
RS 28943C1 Pertaining to Fish and Game (F&G) to expand the options and opportunities for management of wolves.

Senator Harris introduced RS 28943C1 stating that the original agreement between Idaho and the federal government for the number of wolves that would be allowed in the State was 15 packs or 450 wolves; currently there are over 1,500 wolves seen on a consistent basis. About 300 wolves were killed in 2020. The large number of wolves is a growing concern for sheep and cattle producers. Senator Harris yielded his time to Senator Burtenshaw to explain the bill.

Senator Van Burtenshaw, District 35, stated that the final number of wolves shot last year was 500. The wolf population was 1,500 in 2019 and remained at 1,500 in 2020. He concluded that the number of wolves that were removed would equal the number of the pups that were born throughout the year. Senator Burtenshaw reported that F&G set up 500 cameras throughout the State and took pictures of the wolves that were then run through facial recognition along with identifying colors and markings of each animal. This process identified a little over 1,500 wolves.

Senator Burtenshaw explained each change to current law: page 1 made an addition to who the Idaho Wolf Depredation Control Board could authorize as a contractor; page 2 set out how the wolf control fund would be managed; page 3 described how wolves would be trapped both on private and public property; and page 9 outlined the reporting and disposition of wolves. Senator Burtenshaw also explained the process to obtain a hunting tag for wolves.

DISCUSSION: Senator Stennett commented on the statistics that show that the population remains at 1,500 wolves but the reasoning behind the bill is the "explosion" of the wolf population. She also asked who a private contractor might be who would contract to dispose of the wolves. Senator Burtenshaw responded that the population grew to over 2000 wolves. If 500 had not been killed, that would have been the growth. In answer to your question about private contractors, there are several in Northern Idaho. The current budget is exorbitant and engaging a contractor would reduce those expenditures.

Senator Burgoyne referred to page 3, lines 28-29 referring to the provision that allows for wolves to be taken in any manner that a wild canine can be taken and asked for an explanation of those provisions. Senator Burtenshaw said that would be the use of all-terrain vehicles or utility terrain vehicles in the taking of wolves.
Senator Harris commented on the lateness of this legislation. Senator Burtenshaw and others have been working on four different renditions of these bills all session. Unfortunately, the COVID outbreak slowed the process and that is the reason RS 28943C1 is late.

**MOTION:** Senator Harris moved to send RS 28943C1 to print and then refer it to the Senate Resources and Environment Committee. Senator Heider seconded the motion.

Senator Winder stated his support of RS 28943C1 and acknowledged that Senator Siddoway substituted for Senator Burtenshaw during his absence and continued the work on this bill during that time.

Senator Burgoyne stated his intention to vote no on this bill and that it had nothing to do with the content of the bill; it was about managing the work for this session and there should not be any more bills printed.

**VOTE:** The motion to send RS 28943C1 to print and then refer it to the Senate Resources and Environment Committee carried by voice vote. Senator Stennett and Senator Burgoyne were recorded as voting nay.

**H 366 Relating to the Fetal Heartbeat Pre-born Child Protection Act**

Blaine Conzatti, Family Policy Alliance of Idaho, explained that an error was made during a redrafting of S 1085 to S 1183 which was passed by the Senate. The language in S 1183 read: "licensed health care professional who intentionally, knowingly, and recklessly performs or induces an abortion as defined in this chapter... " The wording was corrected in H 366 to read: "a licensed health care professional who intentionally, knowingly, and recklessly performs or induces an abortion in violation of this chapter..." Mr. Conzatti stated it was never the intention of the authors that doctors would be exposed to criminal or civil liability for performing an abortion according to this chapter.

Mr. Conzatti noted that there has been talk in the Legislature and the media about restricting abortion access. There are a few principles for interpreting a constitution; Mr. Conzatti reviewed those principles. He also gave a brief history regarding the development of laws related to abortion.

**TESTIMONY:** The following testified in opposition to H 366:

- Scott Herndon, Abolish Abortions Idaho
- Mistie Tolman, Director, Planned Parenthood Alliance Advocates
- Lauren Bramwell, Policy Strategist, ACLU of Idaho (see Attachment A)
- Chelsea Gaona-Lincoln

Those in opposition to H 366 provided the following reasons: exceptions should be removed; the trigger of the effective date of an appellate court was inappropriate; there is in the bill protecting survivors of sexual abuse; restricting abortion as early as six weeks is unconstitutional; abortion would be banned long before the point of viability of the child; the definition of medical emergency is vague; and it is not the Legislature’s job to restrict medical choice.

**MOTION:** Senator Winder moved to send H 366 to the Senate floor with a do pass recommendation. Senator Harris seconded the motion.

Senator Burgoyne commented on the exceptions in H 366. Timing is an issue because the investigation for either rape or incest will take longer than the time it would take to establish that a heartbeat exists. Also, it is questionable if the trigger of a ruling by any appellate court would be effective. It really triggers a financial liability for the State of Idaho to litigate an issue where the outcome is uncertain.
Senator Burgoyne said he will vote no because of these reasons in addition to the reasons stated during the hearings on the earlier bills.

**VOTE:**
The motion to send H 366 to the Senate floor with a do pass recommendation carried by voice vote. Senator Stennett and Senator Burgoyne were recorded as voting nay.

Chairwoman Lodge postponed voting on the minutes.

**ADJOURNED:**
There being no further business at this time, Chairwoman Lodge adjourned the meeting at 8:50 a.m.

___________________________  ___________________________
Senator Lodge  Twyla Melton
Chair  Secretary
Testimony of Lauren Bramwell
OPPOSE: HB 366
April 20, 2021
Before the Senate State Affairs Committee

Madam Chair and Members of the Committee:

The ACLU of Idaho strongly opposes HB 366. If “triggered,” this bill would ban abortion long before the point of viability and would undermine a pregnant person’s ability to make personal and private decisions that should be left to the pregnant person, their family, and their doctor. This bill both inserts unnecessary political interference in the practice of medicine and is unconstitutional.

The bill would serve as an outright ban on abortion for most pregnant people.

Embryonic cardiac activity can be detected as early as six weeks from a person’s last menstrual period. In contrast, viability - typically defined as the ability of a fetus to survive outside the womb with or without artificial support - does not occur until approximately twenty-four weeks from the last menstrual period. Thus, so-called “heartbeat”¹ bans operate as unconstitutional pre-viability abortion bans and, in many cases, effectively acts as a complete ban on abortion.

Six weeks from a person’s last menstrual period, most people do not even know they are pregnant. A number of factors other than pregnancy can cause a late period. Moreover, people may have irregular periods for a myriad of reasons, including certain medical conditions or the use of contraceptives. People can also experience light bleeding early in pregnancy, which can be mistaken for a period.

Even when a person has quickly identified a missed period, a six-week ban would only allow them two weeks, at most, to decide whether to have an abortion and to seek and obtain abortion care - including raising the money, getting permission for time off work, securing transportation, setting up child care if needed, and complying with Idaho’s mandatory waiting period. Accordingly, this legislation poses a particularly unobtainable timeline for low-income, rural Idahoans.

This bill will prohibit health care providers from providing ethical, necessary care to their patients.

The American College of Obstetricians and Gynecologists, the largest professional organization for doctors specializing in women’s health, opposes fetal heartbeat legislation because it “places physicians in an impossible position between the law and providing evidence-based, individualized, and medically

¹ The term “fetal heartbeat” is a misnomer. First, cardiac activity can be detected before a fully-functioning heart has formed. Second, this activity can be detected during the embryonic stage of pregnancy, i.e., before an embryo has developed into a fetus.

For questions or comments, contact Lauren Bramwell, Policy Strategist, at 208-344-9750 x1204.
necessary care to their patients." Decreasing access to abortion will likely increase negative health outcomes and complications, including maternal mortality. While the legislation offers a medical emergency exception, the definition is vague and will require physicians to navigate an uncertain legal framework of what "necessitates" an "immediate abortion," and what constitutes a "substantial and irreversible impairment of a bodily function." For example, is a rupture of membranes, without infection, serious enough to sanction intervention, or must the physician wait until the pregnant person becomes ill from infection to avoid criminal liability?

**HB 366 is particularly harmful to survivors of sexual violence.**

This morning, numerous organizations and members of the community submitted a joint letter in opposition to HB 366, noting how the legislation is particularly harmful to survivors of sexual violence. Organizational signees included the Family Safety Network, the Idaho Coalition, Add the Words, Legal Voice, ACLU of Idaho, Planned Parenthood, The Idaho Indigenous Alliance, The Northwest Abortion Access Fund, and YWCA of Lewiston.

This iteration of the 6-week abortion ban (previously SB 1085), deliberately narrows the rape & incest exemption so that survivor would be required to report to law enforcement in order to qualify for the exemption. This amendment was made without any consultation with survivors or advocates against intimate partner violence.

Mandatory reporting requirements deny the realities & lived experiences of survivors. Many do not feel safe reporting to police or do not want to involve the criminal legal system. 1183 also would also require survivors to obtain a medically unnecessary trans vaginal ultrasound in order to exercise their constitutional right to abortion care. This too, will compound trauma experienced by someone who is raped and becomes pregnant. Trans vaginal ultrasounds require insertion of an ultrasound probe. While there are instances where that procedure is medically necessary— it is another issue entirely when it is a procedure required only because the state says so.

**This bill is unconstitutional.**

It goes without saying that this legislation is unconstitutional, as acknowledged by the fact that there is a

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4 The issue is that at very early stages of pregnancy a regular abdominal ultrasound doesn't provide a clear picture of the fetus, requiring instead an invasive transvaginal ultrasound.

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For questions or comments, contact Lauren Bramwell, Policy Strategist, at 208-344-9750 x1204.
trigger provision in the bill. Not a single fetal heartbeat ban has survived a legal challenge.\textsuperscript{5} The bill undermines pregnant people’s rights under the federal constitution and is out of line with judicial precedent.

For these reasons, we ask you to oppose HB 366.


For questions or comments, contact Lauren Bramwell, Policy Strategist, at 208-344-9750 x1204.
Sexual Assault Survivors & Advocates against Intimate Partner Violence: An Open Letter in Opposition to HB 366

We are survivors, families and loved ones of survivors, community-based advocates, attorneys, civil rights advocates, clinicians, healthcare providers, and social workers working with survivors of gender-based violence. Collectively, we have decades of experience working to eradicate gender-based violence and to meet the immediate and long term needs of survivors.

It is because of this collective knowledge and experience that we stand in firm opposition to legislation that places additional burdens on survivors to offer "proof" or "verification" that a sexual assault occurred in order to obtain an abortion after a fetal heartbeat is detected.¹

In order to obtain an abortion after a provider detects embryonic cardiac activity, a sexual assault survivor would be forced to engage in a time-consuming and emotional process. HB 366 would require those seeking an exemption to report to law enforcement and provide a copy of the report to the physician who is to perform the abortion. This requirement is problematic for a myriad of reasons. First, it is incredibly difficult, if not impossible, for a survivor of sexual assault to obtain a report because police will not release reports during active investigations. Secondly, applying for an exemption asks victims to undertake an onerous process that can compound the trauma of being raped and becoming pregnant. The obligation to show "proof" of rape or incest places an additional burden on survivors and implicitly suggests that the survivor’s version of the events cannot be believed without verification from the state.

Additionally, mandatory reporting requirements fail to take into account that many survivors of intimate partner violence do not wish to report their assault to law enforcement and do not want to involve the criminal legal system. Many survivors report feeling blamed, disgraced, defamed, or too ashamed to report their sexual victimization.² Furthermore, a survivor’s relationship with the offender may also influence their decision on whether or not to report. According to 2010 CDC report, more than half (51.1%) of female victims of rape reported being sexually assaulted by an intimate partner and 40.8% by an acquaintance.³ Survivors of intimate partner violence may not involve the police due to a desire for privacy,⁴ concern for their children, or because

¹ Embryonic cardiac activity can be detected as early as six weeks from a person’s last menstrual period, i.e. two weeks after a missed period.
they believe that calling the police will only make things worse.\textsuperscript{5} Other survivors report that they are afraid to involve the criminal legal system because they don’t think they will be believed, or they think their abuser will just get a “slap on the wrist.”\textsuperscript{6} For example, in Idaho, not all forms of spousal rape are currently criminalized.\textsuperscript{7} These variables may all factor into a person’s decision not to report.

Mandatory reporting requirements also fail to acknowledge that many survivors, particularly survivors from communities of color, do not feel safe reporting to police. According to a study from the National Coalition of Anti-Violence Programs, transgender people of color were 6 times more likely to experience physical violence from the police compared to white cisgender survivors and victims. The intersection of racism and transphobia can make survivors and victims more vulnerable to violence and more likely to experience discrimination and violence from direct service providers and law enforcement.\textsuperscript{8}

In sum, this legislation fails to acknowledge the realities that survivors of sexual violence experience. The amendment from the previous iteration of this bill (SB 1085) was deliberate, and without any consultation with survivors of sexual violence or advocates against intimate partner violence. This lack of consultation shows a disregard for survivors and their lived experiences.

We must do better for survivors of gender-based violence and their families. That means bringing survivors and advocates against intimate partner violence to the policy making table and ensuring access to abortion services, regardless of whether or not the survivor chooses to report their assault to police.

\textsuperscript{5} Id.  
\textsuperscript{6} Id.  
\textsuperscript{7} See Idaho Code 18-6107.  
\textsuperscript{8} National Coalition of Anti-Violence Programs. \textit{Hate Violence Against Transgender Communities.}  
ORGANIZATIONS

Family Safety Network
YWCA of Lewiston
Idaho Coalition against Sexual & Domestic Violence
Idaho Indigenous Alliance
Add the Words
Legal Voice
ACLU of Idaho
Northwest Abortion Access Fund
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**AGENDA**

**SENATE STATE AFFAIRS COMMITTEE**

8:00 A.M.
Room WW55
Monday, May 03, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

https://www.idahoptv.org/shows/idahoinsession/

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<td><strong>H 258</strong></td>
<td>Relating to Alcohol, Waterfront Resort Liquor Licenses, and a public right-of-way.</td>
<td>Representative Jim Addis</td>
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<td><strong>H 322</strong></td>
<td>Relating to Federalism to provide a method to interpose between Idaho Citizens and the federal government for actions outside the enumerated authority.</td>
<td>Representative Sage Dixon</td>
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<td><strong>H 348</strong></td>
<td>Relating to City Appropriation Ordinances and certain required reporting for financial information.</td>
<td>Jason Hancock, Deputy Secretary of State</td>
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<td><strong>MINUTES APPROVAL:</strong></td>
<td>Minutes of April 19, 2021</td>
<td>Senator Lee and Senator Stennett</td>
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<td>Minutes of April 20, 2021</td>
<td>Senator Winder and Senator Burgoyne</td>
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Public Testimony Will Be Taken by Registering Through the Following Link:

Registry to Testify

*If you have written testimony, please provide a copy to the committee secretary.*

**COMMITTEE MEMBERS**

Chairman Lodge  
Vice Chairman Guthrie  
Sen Winder  
Sen Anthon  
Sen Harris  

**COMMITTEE SECRETARY**

Twyla Melton  
Room: WW42  
Phone: 332-1326  
Email: sstaf@senate.idaho.gov
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, May 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 8:03 a.m.

H 258 Relating to Alcohol for Waterfront Resort Liquor Licenses involving a public right-of-way.

Representative Jim Addis, District 4, presented H 258 dealing with liquor licenses and right-of-ways. He said this bill was brought on behalf of a constituent in District 2, although the subject matter pertains to business owners in District 4 - along with others throughout the State - concerning Idaho Code § 23-948.

In 2017 the Buttonhook near Coeur d'Alene (see Attachment A), was purchased by a new owner. When the new owner tried to transfer the license through the Alcohol Beverage Control Division (ABC), the division returned it on a technicality. After the application period expired, ABC denied the transfer of this long-standing, existing license on the grounds that a public right-of-way bisected the property between the waterfront and the restaurant, creating two separate parcels; the property is one parcel according to the area plat map, not two separate parcels.

Representative Addis stated there has been a four year battle in the court system culminating with Kootenai County District Judge John T. Mitchell ruling in favor of the Buttonhook's owner. Judge Mitchell stated, "There is nothing in Idaho Code that requires the resort to be a waterfront parcel." Representative Addis said It is very common throughout Idaho to see a right-of-way along a waterfront such as a sidewalk, a roadway, or a bike path. Other waterfront resorts could be affected by this issue if they seek to sell their property. A simple modification to a very narrow code to codify this judicial ruling is appropriate to save future businesses in this same situation.

DISCUSSION:

Senator Burgoyne asked if the applicant brought a court action to determine if ABC's interpretation was correct and, if so, the result of the court action. Representative Addis answered in the affirmative and the ruling was in the applicant's favor.

Senator Stennett asked if there were other communities that might be impacted by the court decision. Representative Addis said there is a restaurant called Tony's in District 4 that has been in business approximately 70 years that ABC inquired about concerning this issue. Representative Addis said he has spoken with Senator Burtenshaw and Representative Rod Furness about the Highland Park Resort Hotel in eastern Idaho whose owners expressed concerns about this issue.
Senator Heider asked if there is any difference between the Buttonhook situation and the one the Committee dealt with earlier in the Session with the Highland Park Resort. Representative Addis responded that the Highland Park Resort case dealt with water flow; this bill concerns right-of-way issues.

MOTION: Senator Winder moved to send H 258 to the Senate floor with a do pass recommendation. Senator Heider seconded the motion.

DISCUSSION: Senator Burgoyne stated he is not in favor of the motion. He said changing the law is not necessary since the applicant took the case to court and won.

VOTE: The motion carried by voice vote. Senator Burgoyne was recorded as voting nay.

Chairwoman Lodge explained that this bill was discussed several weeks ago but it just came to the Committee. She also noted that the liquor laws must be reviewed and updated to make them economically responsible for the citizens of the State.

H 322 Relating to Federalism to provide a method to interpose between Idaho citizens and the federal government.

Representative Sage Dixon, District 1, explained that this legislation is a tool or procedure to use when examining federal actions to determine whether they comport with the Idaho and U.S. Constitutions then, if not, to determine whether those federal actions would be enforced within the State (see Attachment B).

Representative Dixon explained the process that would be used by the Committee on Federalism (COF). This bill allows the COF to hold hearings and determine if a complaint is valid. He remarked on the anti-commandeering laws that state the federal government cannot force states to enact federal actions and rules.

Representative Dixon related that courts in several other states recently upheld actions not enforcing federal actions based on anti-commandeering laws and 10th Amendment principles.

DISCUSSION: Senator Stennett said she views the dispute at hand as a power struggle. This bill would give the Legislature the ability to invalidate federal actions. She also inquired if taxpayers would be expected to pay for litigation costs. Representative Dixon responded that during COF hearings, it would be determined if the action was not within the purview of the federal government. He said the federal government shouldn’t force actions on the State beyond its jurisdiction. He stated the disputes would not always end up in court. There is no fiscal note because the COF is a standing committee that falls within the legislative budget.

Vice Chairman Guthrie asked if the COF’s actions would contradict open meeting law. Representative Dixon said he could not answer that question.

Senator Heider referred to an earlier issue from the 2020 Legislative Session concerning boys and girls sports, and asked if this is a similar issue where the State disagreed with federal actions. Representative Dixon said this matter is not similar. The COF would not require a court case before hearing a complaint.

Chairwoman Lodge inquired about what types of issues, other than land issues, would the COF review, for instance, personal federal taxes. Representative Dixon said taxes would not be under their purview. COF would look at issues the federal government forces on states when it does not have the authority to do so.

TESTIMONY: Russ Hendricks, Idaho Farm Bureau Federation (FB), spoke in support of H 322, noting that this is not a new or novel idea, as it existed before the federal constitution was ratified. James Madison and others wrote the Federalist Papers, in part, to convince the states that the Constitution was a good idea. Mr. Hendricks quoted from Federalist No. 46 which stated “should an unwarrantable measure of the federal government be unpopular in particular states or even unwarrantable measure be, so the means of opposition to it are powerful and at hand.” Madison
then listed several issues that disquieted the people.

Mr. Hendricks said, as Representative Dixon pointed out, there are several U.S. Supreme Court cases regarding anti-commandeering doctrine (see Attachment C). He noted that this Legislature just passed a bill, S 1205, that accomplished that to which H 322 refers. H 322 is a two step process: 1) an idea or issue is brought to the COF, and 2) the COF reviews it for merit and decides whether to proceed with legislation.

Chairwoman Lodge asked why, if S 1205 was authored and drafted by members of the Legislature, is there a need to have another committee to participate in the process. Representative Dixon said it is more formal and initiates the process.

Senator Burgoyne noted that H 322 is not an anti-commandeering bill, it is a nullification bill. He read from page 1, line 10 which "declares a procedure to make null and void..." He said his research found that no federal court would uphold this approach; federal law has been ruled as supreme. He referred to a letter from former Idaho Supreme Court Chief Justice Jim Jones (see Attachment B) and asked Mr. Hendricks for his comments. Mr. Hendricks clarified that H 322 is not a FB bill, but FB policy supports the concept of not enforcing laws that the State does not think are good for Idaho. Mr. Hendricks referred to page 1, lines 28-31, that says no agency or political subdivision of the State shall take action or use resources to enforce the federal actions in question.

Jonathan Oppenheimer, Idaho Conservation League (ICL), spoke in opposition to H 322. The ICL is interested in this legislation because of its potential impact on air, water, and public lands. This bill is inconsistent with Article I, Section 3, of the Idaho Constitution as well as Article I, paragraph 2, of the U.S. Constitution. Both affirm that the U.S. Constitution is the supreme law of the land. Also, the COF violates open meeting laws. Mr. Oppenheimer spoke about the lack of a fiscal note and anticipated legal fees would ensue if the Legislature passes H 322. He discussed the differences between the advance of S 1205 and the process for H 322. H 322 allows the COF to take action for any federal action after January 1, 2021. Mr. Oppenheimer then elaborated on the differences between state and federal laws, and how they interact.

Representative Dixon made his closing statements and clarified several issues from Mr. Oppenheimer's testimony; the fiscal note, commandeering and anti-commandeering, and the COF process.

DISCUSSION: Vice Chairman Guthrie asked for clarification of when the pause would start during the process. Representative Dixon responded it would start as soon as the COF hearing process started.

Vice Chairman Guthrie commented that he appreciates the frustrations when dealing with the federal government. However, he is not convinced H 322 includes the correct mechanics to counter those frustrations. This bill could cause lawsuits and other actions could be problematic. He stated his love for the State and that he doesn't always agree with what the federal government does, but there should be some respect for the system.

MOTION: Vice Chairman Guthrie moved to hold H 322 in Committee. The motion was seconded by Senator Heider.

Senator Winder explained the difficulty when cities and counties are authorized by state law and federal law is authorized by the states. The pause could put Idaho in court. S 1205 exemplified how to properly resolve a problem through legislation. Senator Winder said the Legislature should always be sensitive about how its actions impact Idaho citizens.

Senator Lee expressed her concern with the immediate pause requirement. There
is currently a process in place and the COF can currently go through the process outlined in this bill and bring a proposal to the Legislature.

**Senator Burgoyne** stated this legislation would make the COF very powerful. **H 322** is a mix of nullification and commandeering, and a small group of people would make large decisions.

**Chairwoman Lodge** acknowledged that page 1, lines 11-15 are concerning. She referred to the undocumented drivers bill and **S 1205** as examples of how legislation is successful. This bill needs some more work; she will support the motion.

**VOTE:** The motion carried by voice vote. Senators Winder, Anthon, and Harris were recorded as voting nay.

**H 348** Relating to City Appropriation Ordinances and certain required reporting for financial information.

**Jason Hancock**, Deputy Secretary of State, explained that **H 348** is a trailer bill to **H 73** which the Governor signed in March. **H 73** delegated financial reporting for cities to the State Comptroller's Office (SCO) which includes access to a website for all financial reporting. Cities currently send financial reports to the Secretary of State's Office; this bill eliminates that process, and instead, those reports will go to the SCO. This change eliminates duplication.

**DISCUSSION:** Senator Lee asked why this bill couldn't wait until next year. **Mr. Hancock** responded that cities would duplicate reports over the next year.

**MOTION:** Senator Heider moved to send **H 348** to the Senate floor with a do pass recommendation. **Senator Lee** seconded the motion. The motion carried by voice vote.

**MINUTES APPROVAL:** Senator Lee moved to approve the Minutes of April 19, 2021. Senator Stennett seconded the motion. The motion carried by voice vote.

Senator Winder moved to approve the Minutes of April 20, 2021. Senator Burgoyne seconded the motion. The motion carried by voice vote.

**ADJOURNED:** There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 9:08 a.m.
Statement of Jim Jones in opposition to House Bill 322  
Senate State Affairs Committee  
May 3, 2021

Honorable Chairman Lodge and members of the Committee:

House Bill 322 seeks to place the Idaho Legislature on a par with the United States Supreme Court--able to “make null and void and of no force and effect federal executive orders, agency orders, rules, policy directives, regulations, acts of congress, or federal court rulings.” Usually, legislatures just exercise legislative powers, leaving it up to the courts to exercise judicial powers, such as ruling upon the constitutionality of actions by all three branches of government. I'm inclined to think the House has overreached a bit with this bill.

The problem, as I see it, is that Article VI of the United States Constitution states, in pertinent part, “This Constitution, and the laws of the United States which shall be made in pursuance thereof...shall be the supreme law of the land.” All of the “federal actions” that House Bill 322 purports to give the Idaho Legislature the ability to invalidate are presumed to be the law of the land until such time as they might be invalidated by a federal court.

From the beginning of this country, it has been assumed that the way to challenge the constitutionality of any action taken by the federal government is to do so in the federal court system. Since “federal actions” are presumed to be valid laws of the United States, unless and until found to be otherwise by a federal court, another potential problem arises under Idaho Code section 59-401. Legislators are required to take an official oath that they will “support the Constitution of the United States.” If legislators seek to invalidate any “federal actions” on their own, without the benefit of a federal court ruling, it would seem to be a clear-cut violation of their oath of office.

Finally, it seems a bit cheeky for the House to contend it has the power to declare “acts of congress or federal court rulings” to be null and void. I'm sure that won't work too well. I can recall an instance that illustrates the point. When I was working for the late Senator Len Jordan in Washington in 1970, the U.S. Supreme Court found that a provision of the Idaho Constitution was violative of an Act of Congress. Our Constitution said Idahoans could not vote until they were 21 years of age, but Congress set the voting age at 18 that year. Idaho lost, at least with respect to federal elections. The case is Oregon v. Mitchell, 400 U.S.112(1970).
If the Legislature wishes to send a message to the federal government, it would be best to do so in a non-binding resolution, rather than by way of a legislative act that is unconstitutional and bound to fail. I would urge the defeat of House Bill 322.

Respectfully submitted,
Jim Jones
jimjjust27@gmail.com
Anti-Commandeering: An overview of five major Supreme Court cases

By: Mike Maharrey | Published on: May 23, 2018 | Categories: Anti-Commandeering Doctrine, Court Cases

The Supreme Court has long held that states do not have to actively participate in the enforcement or effectuation of federal acts or regulatory programs.

James Madison's advice for resisting federal overreach in Federalist #46 serves as the basis for what we now know as the legal doctrine of "anti-commandeering." Madison advised four primary tactics for individuals and states to effectively push back against federal overreach, including a "refusal to cooperate with officers of the Union."

The following are the five landmark cases where the Court has upheld this doctrine.

In *Prigg v. Pennsylvania* (1842), Justice Joseph Story held that the federal government could not force states to implement or carry out the Fugitive Slave
Act of 1793. He said that it was a federal law, and the federal government ultimately had to enforce it:

The fundamental principle applicable to all cases of this sort, would seem to be, that where the end is required, the means are given; and where the duty is enjoined, the ability to perform it is contemplated to exist on the part of the functionaries to whom it is entrusted. The clause is found in the national Constitution, and not in that of any state. It does not point out any state functionaries, or any state action to carry its provisions into effect. The states cannot, therefore, be compelled to enforce them; and it might well be deemed an unconstitutional exercise of the power of interpretation, to insist that the states are bound to provide means to carry into effect the duties of the national government, nowhere delegated or intrusted to them by the Constitution.

In *New York v. United States* (1992) the Court held that the regulations in the Low-Level Radioactive Waste Policy Amendment Act of 1985 were coercive and violated the sovereignty of New York, holding that “because the Act’s take title provision offers the States a ‘choice’ between the two unconstitutionally coercive alternatives—either accepting ownership of waste or regulating according to Congress’ instructions—the provision lies outside Congress’ enumerated powers and is inconsistent with the Tenth Amendment.”

Sandra Day O’Connor wrote for the majority in the 6-3 decision:

*As an initial matter, Congress may not simply “commandeer[s] the legislative processes of the States by directly compelling them to enact and enforce a federal regulatory program.”*

She later expounded on this point.

*While Congress has substantial powers to govern the Nation directly, including in areas of intimate concern to the States, the Constitution has never been understood to confer upon Congress the ability to require the States to govern according to Congress’ instructions.*

*Printz v. United States* (1997) serves as the lynchpin for the anti-commandeering doctrine. At issue was a provision in the Brady Gun Bill that required county law enforcement officers to administer part of the background check program. Sheriffs Jay Printz and Richard Mack sued, arguing these provisions unconstitutionally forced them to administer a federal program. Justice Antonin Scalia agreed, writing in the majority opinion “it is apparent that the Brady Act purports to direct state law enforcement officers to participate, albeit only temporarily, in the administration of a federally enacted regulatory scheme.”

Citing the New York case, the court majority declared this provision of the Brady Gun Bill unconstitutional, expanding the reach of the anti-commandeering
We held in New York that Congress cannot compel the States to enact or enforce a federal regulatory program.

Today we hold that Congress cannot circumvent that prohibition by conscripting the States' officers directly. The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States' officers, or those of their political subdivisions, to administer or enforce a federal regulatory program. It matters not whether policymaking is involved, and no case-by-case weighing of the burdens or benefits is necessary; such commands are fundamentally incompatible with our constitutional system of dual sovereignty.

In *Independent Business v. Sebelius* (2012), the Court held that the federal government cannot compel states to expand Medicaid by threatening to withhold funding for Medicaid programs already in place. Justice Robert Kennedy argued that allowing Congress to essentially punish states that refused to go along violates constitutional separation of powers.

The legitimacy of Congress's exercise of the spending power “thus rests on whether the State voluntarily and knowingly accepts the terms of the ‘contract.’” *Pennhurst*, supra, at 17. Respecting this limitation is critical to ensuring that Spending Clause legislation does not undermine the status of the States as independent sovereigns in our federal system. That system “rests on what might at first seem a counterintuitive insight, that ‘freedom is enhanced by the creation of two governments, not one.’” *Bond*, 564 U.S., at ___ (slip op., at 8) (quoting *Alden v. Maine*, 527 U.S. 706, 758 (1999)). For this reason, “the Constitution has never been understood to confer upon Congress the ability to require the States to govern according to Congress’ instructions.” *New York*, supra, at 162. Otherwise the two-government system established by the Framers would give way to a system that vests power in one central government, and individual liberty would suffer.

In *Murphy v. NCAA* (2018), the Court held that Congress can't take any action that “dictates what a state legislature may and may not do” even when the state action conflicts with federal law. Samuel Alito wrote, “a more direct affront to state sovereignty is not easy to imagine.” He continued:

*The anticommandeering doctrine may sound arcane, but it is simply the expression of a fundamental structural decision incorporated into the Constitution, i.e., the decision to withhold from Congress the power to issue orders directly to the States ... Conspicuously absent from the list of powers given to Congress is the power to issue direct orders to the governments of the States. The anticommandeering doctrine simply represents the recognition of this limit on congressional authority.*
Taken together, these five cases firmly establish a legal doctrine holding that the federal government has no authority to force states to participate in implementing or enforcing its acts.

Madison’s advice in *Federalist #46*, supported by the anti-commandeering doctrine, provides a powerful tool that states can use against federal acts and regulatory programs.

*Tags*: Anti-Commandeering, Murphy v NCAA, New York v US, NFIB v Sebelius, Prigg v Pennsylvania, Printz v United States, supreme-court

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**Mike Maharrey**

Michael Maharrey [send him email] is the Communications Director for the Tenth Amendment Center. He is from the original home of the Principles of '93 - Kentucky and currently resides in northern Florida. See his blog archive [here](#) and his article archive [here](#). He is the author of the book, *Our Last Hope: Rediscovering the Lost Path to Liberty*, and *Constitution Owner's Manual*. You can visit his personal website at [MichaelMaharrey.com](http://MichaelMaharrey.com) and like him on Facebook [HERE](http://Facebook.com).

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<td>A Concurrent Resolution rejecting certain rules of the State Public Defense Commission.</td>
<td>Senator Lakey</td>
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<td>RS28955</td>
<td>Relating to Uniform Controlled Substances.</td>
<td>Senator Grow</td>
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<td>RS28982C1</td>
<td>Relating to a state of extreme emergency.</td>
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<td>H 391</td>
<td>Relating to the State Disaster Preparedness Act; to revise certain provisions.</td>
<td>Representative Jason Monks</td>
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NOTE: Based upon the Tuesday afternoon Senate session, referral is pursuant to Senate Rule 14(B).

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COMMITTEE MEMBERS
Chairman Lodge
Vice Chairman Guthrie
Sen Winder
Sen Anthon
Sen Harris

COMMITTEE SECRETARY
Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Tuesday, May 04, 2021
TIME: 3:00 P.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 3:20 p.m.


Senator Lakey reported this concurrent resolution reflects the negotiated approval and rejection of certain public defense commission rules achieved by the Public Defense Commission and various stakeholders. The approval and rejection of these rules were approved by both the Senate and House Judiciary and Rules Committees.

DISCUSSION: Senator Lakey and Senator Stennett discussed that certain rules of the SPDC relating to General Provisions and Definitions and Requirements and Procedures for representing indigent persons are not consistent with legislative intent and should be rejected. Senator Stennett remarked there were many sections and paragraphs that will prohibit the SPDC from performing any services. Senator Lakey stated these items will be addressed in temporary rules and will be reviewed during the next Session.

MOTION: Senator Lee moved to send RS 28867 to print. Senator Harris seconded the motion. The motion carried by voice vote.

RS 28955 Relating to Uniform Controlled Substances.

Senator Grow reported this proposed legislation will amend Idaho Code to prohibit the commercial promotion or advertisement of Schedule 1 controlled substances in the State of Idaho. He noted there is a law prohibiting advertising for simulated substances instead of the substances themselves. He explained how the legislation was authorized to eliminate simulated substances and to add actual controlled substances.

DISCUSSION: Senators Burgoyn and Grow discussed why this legislation was not brought forth sooner. Senator Stennett remarked the legislation was confusing and asked about how it will affect compounding pharmacists or doctors because they all work for corporations. She noted there should be clearer language regarding the types of substances. Senator Grow explained the substances were registered as Schedule 1 controlled substances.

MOTION: Senator Burgoyn moved to return RS 28955 to the sponsor. The motion died due to the lack of a second.

MOTION: Senator Anthon moved to send RS 28955 to print. Senator Lee seconded the
motion. The motion carried by voice vote. Senator Stennett and Senator Burgoyne were recorded as voting nay.

RS 28977  A Concurrent Resolution Approving Administrative Rules that Impose a Fee or Charge.

Senator Anthon reported this concurrent resolution comes up annually, relates to rules that impose a fee, and is a housekeeping measure.

DISCUSSION: Senator Burgoyne asked to be reassured this measure would be passed by the House of Representatives. Senator Anthon reassured Senator Burgoyne that it would be likely.

MOTION: Senator Lee moved to send RS 28977 to print. Senator Winder seconded the motion. The motion carried by voice vote.

RS 28978  A Concurrent Resolution Approving and Extending Temporary Rules.

Senator Anthon reported this legislation is relevant to cooperation between the House of Representatives and the Senate. This is a customary resolution extending Temporary Rules with one exception. Senator Anthon noted that by adopting this concurrent resolution, the Legislature avoids having agency rules expire, which would cause additional expense to State agencies for readopting and republishing the temporary rules needed to conduct State business.

DISCUSSION: Senators Anthon, Burgoyne, and Stennett discussed the idea that temporary rules or sections of temporary rules that are excepted from approval or that were not submitted to the Legislature for review during the 2021 Legislative Session shall expire by operation of statute upon adjournment unless approved by adoption of a separate concurrent resolution by both Houses of the Legislature.

MOTION: Senator Harris moved to send RS 28978 to print. Senator Burgoyne seconded the motion. The motion carried by voice vote.

RS 28982C1  Relating to a State of Extreme Emergency.

Senator Anthon explained this is a bill that addresses the extreme emergency powers of the Governor as outlined and delegated in Idaho Code § 46-601. He noted the purpose of the legislation is to delegate authority to the Governor to act in a state of extreme emergency. He said the bill clarifies and limits the power of the Governor during these episodes of extreme emergency by providing a window of time where the Governor can act in an emergency before there is a required concurrence by the Legislature.

Senator Anthon stated this bill is also designed to protect Idaho workers as essential, protect suspension of their rights, protect Idahoans from the suspension of the right to peaceably assemble, and protect Idahoans’ right to exercise their religion. He said RS 28982C1 protects Idahoans with the right to bear arms during episodes of extreme emergency, such as the pandemic, and prohibits the Governor from unilaterally altering or suspending Idaho Code.

MOTION: Senator Harris moved to send RS 28982C1 to print. Vice Chairman Guthrie seconded the motion. The motion carried by voice vote. Senator Stennett and Senator Burgoyne were recorded as voting nay.


Representative Jason Monks, District 22, remarked this legislation clarifies that constitutional rights cannot be suspended because of a declared emergency. Representative Monks commented the State and U.S. Constitutions prevail. He noted that does not mean there cannot be limitations to rights.

DISCUSSION: Senator Stennett inquired about rights that are being protected and what is the
Representative Monks stated rights have been suspended across the country, such as freedom of assembly during the pandemic. He noted those rights do not go away just because an emergency has occurred.

A discussion ensued between Senator Burgoyne and Representative Monks regarding lawful manufacturing of firearms or ammunition and the definition of constitutional rights. Representative Monks stated every Supreme Court Justice grapples with the question of constitutional rights as outlined in the Idaho and U.S. Constitutions.

**MOTION:** Senator Harris moved to send H 391 to the floor with a do pass recommendation. Senator Lee seconded the motion.

**DISCUSSION:** Chairwoman Lodge and Representative Monks discussed communications with the Governor's office relating to this bill. Senator Lee noted she was personally involved with this bill and received input from others and from the Governor.

**VOTE:** The motion to send H 391 to the floor with a do pass recommendation carried by voice vote. Senator Stennett and Senator Burgoyne were recorded as voting nay.

**H 392** Relating to the State Disaster Preparedness Act to Revise Certain Provisions.

Representative Monks reported this legislation clarifies that the power and authority to create and amend laws is reserved for the Legislature and that, during a declared emergency, the executive branch cannot change laws but can change rules, and is silent about enforcing laws.

**DISCUSSION:** Chairwoman Lodge commented the Governor would be able to suspend regulations but not law under H 392. Representative Monks indicated this bill makes a statement that laws cannot be changed during an emergency just because there is an emergency, but rules are changed all the time as necessary. He noted a simple statement was added that says during any disaster emergency, the Governor may not alter, adjust, or create any provision of the Idaho Code. Laws were broken and changed without legislative input last year. Representative Monks noted the Governor can issue temporary rules any time and he can choose not to enforce the law.

Senator Lee commented some rules for inspections of food manufacturing facilities were suspended during the last emergency due to safety concerns.

Senator Burgoyne pointed out he thought the Governor as well as the President of the U.S. were bound to enforce the law.

Senator Stennett commented on the election process and that the primary election was in jeopardy on May 19 primarily because it was going to be very hard for the clerks to be able to manage through an absentee ballot process. She noted there would be a shortage of polling places and workers because of COVID-19 concerns. She remarked that Representative Monks mentioned the election process was changed without legislative input. Representative Monks stated the Legislature cannot be absolved even though others may make decisions involving the State.

Senator Burgoyne commented he wanted to know what this language accomplishes and how it relates to the Idaho Constitution. He expressed a concern of why 5 percent of funds have been sequestered for 12 months and no one is concerned. Representative Monks remarked he thought this bill helps tremendously as it addresses the issue of appropriations.

**MOTION:** Senator Anthon moved to send H 392 to the floor with a do pass recommendation.
Senator Lee seconded the motion.

**DISCUSSION:** Senator Anthon commented the Governor does not have the authority to suspend, adjust, create, or do away with a law unless he is vetoing a bill nor does the Secretary of State or the Speaker of the House have that authority. Senator Anthon said laws are created by the Legislature that says elections are to be held and that sacred right should be protected at all costs.

**VOTE:** The motion to send H 392 to the floor with a do pass recommendation carried by voice vote. Senator Stennett and Senator Burgoyne were recorded as voting nay.

**H 393** Relating to the State Disaster Preparedness Act to Revise Certain Provisions.

Representative Monks stated this legislation identifies that all jobs are essential and that any restrictions during a declared emergency be narrowly tailored to not place restrictions based on job type or classification.

**DISCUSSION:** Senator Stennett and Representative Monks discussed restrictions on the economy for both large and small businesses. Representative Monks stated he thought there is latitude, but it is not so open that a declaration of an emergency affect the economy. Senator Stennett clarified that in a state of disaster emergency, threatening the safety of persons or property within the State must be narrowly tailored to effectively protect without placing unnecessary restrictions on people. Representative Monks noted this bill is a guidance to the Governor the restrictions that should not be made unless they are absolutely necessary.

**MOTION:** Senator Heider moved to send H 393 to the floor with a do pass recommendation. Senator Lee seconded the motion.

**DISCUSSION:** Vice Chairman Guthrie stated the default has to be in the governmental system and the people in office. Every possible policy cannot be anticipated. The Legislature must stop the conflict and disagreements and become unified and do the best for the benefit of the citizens. He noted it is time to move forward.

Senator Burgoyne stated he could see potential lawsuits and cannot support this bill.

Senator Lee stated she supports the motion because this is delegated authority from the Legislature and only gives guidance. She noted it is important to look across all of the powers and statutes.

Senator Winder noted the essential worker is necessary for the safety of the people. The Legislature is trying to say that they respect everyone's life and there are requirements to provide for Idaho citizens and their families.

Chairwoman Lodge thanked all who have worked so hard to try to bring all these difficult issues together. She indicated she wanted to see a healing of the relationship between the Legislative and Executive branches of government.

**VOTE:** The motion to send H 393 to the floor with a do pass recommendation carried by voice vote. Senator Stennett and Burgoyne were recorded as voting nay.

**ADJOURNED:** There being no further business at this time, Chairwoman Lodge adjourned the meeting at 4:45 p.m.
AGENDA
SENATE STATE AFFAIRS COMMITTEE
10:45 A.M.
Room WW55
Wednesday, May 05, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link: https://www.idahoptv.org/shows/idahoinsession/

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<tr>
<th>SUBJECT</th>
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<tr>
<td>RS28991</td>
<td>A Concurrent Resolution to allow for a recess from May 6, 2021 to May 12, 2021.</td>
<td>Senator Winder</td>
</tr>
<tr>
<td>S 1218</td>
<td>Relating to Uniform Controlled Substances to prohibit the commercial promotion or advertisement of schedule 1 controlled substances in the State.</td>
<td>Senator Scott Grow</td>
</tr>
<tr>
<td>S 1217</td>
<td>Relating to a State of Extreme Emergency to repeal and replace I.C. 46-601.</td>
<td>Senator Kelly Anthon</td>
</tr>
<tr>
<td>H 394</td>
<td>Effective Dates to amend and add to existing law to revise effective dates.</td>
<td>Representative Jason Monks</td>
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NOTE: Based upon the Tuesday afternoon Senate session, referral is pursuant to Senate Rule 14(B).

Public Testimony Will Be Taken by Registering Through the Following Link: Registry to Testify

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS
Chairman Lodge  Sen Lee  Sen Winder  Sen Anthon  Sen Harris
Vice Chairman Guthrie  Sen Heider  Sen Stennett  Sen Burgoyne

COMMITTEE SECRETARY
Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, May 05, 2021
TIME: 10:45 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 11:30 a.m.
RS 28991 A Concurrent Resolution to allow for a recess from May 6, 2021 to May 12, 2021.

Senator Winder stated that RS 28991 would allow the Legislature to recess for a five day period that would allow the Governor to determine whether to sign into law or veto any bills that were on his desk. The RS also terminates per diem payments to the Legislators during that time period, which is in keeping with the Citizens' Committee on Legislative Compensation's guidelines.

MOTION: Vice Chairman Guthrie moved to send RS 28991 to print. Senator Anthon seconded the motion. The motion carried by voice vote.

S 1218 Relating to Uniform Controlled Substances amending existing law to prohibit the commercial promotion or advertisement of Schedule 1 Controlled Substances in the State.

Senator Scott Grow, District 24, stated that this legislation would make what the State does with tobacco advertising, i.e., no advertising on billboards or television consistent with prohibiting advertising of Schedule 1 controlled substances.

TESTIMONY: The following testified in opposition to S 1218:

• Joe Evans
• Russ Belville, Idaho Citizens Coalition
• Daniel Potter
• Tyler Booze

Those in opposition to S 1218 provided the following reasons: marijuana cannot be sold in the State because it is illegal; attacking out-of-state advertising is against freedom of speech; the bill says "advertise and promote," so it prohibits more than just advertising; would give rise to unintended consequences; promoting marijuana is a First Amendment right.

DISCUSSION: Senator Stennett questioned the use of the word "person" on behalf of a legal entity. She asked if a person might lose control over their private property under this bill. Senator Grow said violation would result in a misdemeanor, and a corporation could not be put in jail for a violation; it must be someone who knowingly commits
an illegal act. He said S 1218 only relates to Schedule 1 controlled substances. Senator Stennett asked to what degree does this bill control the ability to advertise CBD products. Senator Grow reiterated that this only applies to Schedule 1 controlled substances.

Senator Burgoyne noted that under federal law, CBD could be sold with trace amounts of THC, but under Idaho law, any amount of THC constitutes a Schedule 1 drug. Senator Grow replied that this bill is directed towards marijuana, methamphetamine, and fentanyl; those are included as Schedule 1 drugs.

Senator Grow explained the difference in First Amendment rights between commercial and noncommercial speech. He referenced Central Hudson Gas and Electric Corp. v. Public Service Commission (1980) used today as the standard to test protection for commercial speech.

**MOTION:** Senator Heider moved to send S 1218 to the Senate floor with a do pass recommendation. Senator Lee seconded the motion.

Senator Burgoyne referenced page 1, lines 18-19 regarding the promotion and sale of a Schedule 1 controlled substance. He provided an example of advertising by the Ontario, Oregon Chamber of Commerce as an example. Senator Burgoyne stated his belief that there are substantial First Amendment issues in the draftsmanship of the legislation. He commented about the lateness and manner in the introduction of this legislation.

Senator Anthon spoke in favor of the motion. As a representative of his constituents, he is adamantly against advertising for alcohol and tobacco, so he will vote for this motion.

Senator Lee said some Payette County residents are concerned about bill boards advertising illegal drugs. She will support the motion. This bill is a way to be consistent with policy. Senator Lee stated her concern about the timing in the session this bill is coming to the Committee.

**VOTE:** The motion to send S 1218 to the Senate floor with a do pass recommendation carried by voice vote. Senator Stennett and Senator Burgoyne were recorded as voting nay.

S 1217 Relating to a State of Extreme Emergency to repeal and replace Idaho Code 46-601.

Senator Anthon presented S 1217 which is essentially a rewrite of legislation already seen this session. This is a rewrite of Idaho Code § 46-601 dealing with extreme emergencies and the powers the Legislature delegates to the Governor to equip him to manage those emergencies. He referred to Section 1, relating to Legislative Intent, that states the Legislative and Executive branches should work together to recognize that all Idahoans who work and provide for their families and pay taxes are essential and should be treated as such.

Senator Anthon emphasized that the bill prevents the delegation of government power to nonelected officials. This legislation is careful to protect the Governor's constitutional powers. This legislation applies to very particular, narrow circumstances the State has never seen: a breakdown of services, personnel, equipment, and resources in emergency situations in cities and counties. He referred to page 2, lines 29-31, which protects Idahoans' ability to work and provide for their families.

Senator Anthon explained new requirements included in this legislation limits the Governor's powers as outlined on page 2, lines 45-50 and page 3, lines 1-39. S 1217 includes a 90-day provision that, if an extreme emergency continues, the Legislature would be called into session within a minimal time period to work with...
the Governor to ensure protection for the people of Idaho. Page 3, lines 20-27, state that during the extreme emergency, the Governor cannot impose restrictions related to firearms, limit the right to peaceable assembly, and free exercise of religion. Page 3, line 28, says the Governor may not alter or suspend the provisions of Idaho Code.

DISCUSSION: Senator Stennett referred to the delegation of power to nonelected officials; does that also refer to the Director of the Office of Emergency Management where Federal Emergency Management Agency goes. Senator Anthon said this legislation is not mandatory, it is advisory and only applies to the Governor's powers which are delegated by the Legislature, and would include any agency underneath the Governor. Senator Stennett asked why has the Governor's ability to have an organized militia been removed. Senator Anthon replied that this is a repeal and replace bill and the Governor would have the ability to call out the Idaho National Guard in an extreme emergency. Under the Constitution, the governor also has the powers to order up militias. Senator Stennett read from the bill that such rules and orders must be "narrowly focused"...; how is "narrowly focused" defined. Senator Anthon stated it was on lines 28-29, "narrowly focused without placing unnecessary restrictions on the ability for a person or persons..." Senator Stennett inquired about the 12 county requirement and the requirements to declare an extreme emergency. Senator Anthon said they arrived at the 12 counties after consulting with the Governor's Office and the exploration of the size of an emergency in terms of its affect on Idahoans.

MOTION: Senator Harris moved to send S 1217 to the Senate floor with a do pass recommendation. Senator Winder seconded the motion.

Senator Winder said this bill will meet the needs of the Legislature and not unduly interfere with the rights and obligations of the Governor to respond to emergencies. He thanked those who worked on this bill and the cooperation of the Governor to get to this point.

Chairwoman Lodge reiterated those comments and thanked the leadership and the Governor for the work to bring this legislation together. She said this effort shows that all who are involved can work together for the benefit of Idaho's citizens.

Senator Burgoyne stated his concern with involving the Legislature in emergencies past the 90 days; the Legislature is not elected by the entire State as the Governor is. There is the potential for the Legislature to be influenced to pick and choose certain counties, and the degree it is willing to look out for the interests of those particular counties as well as particular parts of the State.

VOTE: The motion to send S 1217 to the Senate floor with a do pass recommendation carried by voice vote. Senator Stennett and Senator Burgoyne were recorded as voting nay.

H 394 Effective Dates to amend and add to existing law and to revise effective dates.

Senator Winder explained that H 394 deals with the fact that the Legislature has gone beyond May 2, which complicates the 60-day requirement that bills will not take effect until 60 days from the end of the Legislative session. This legislation ensures that all legislation passed and signed by the Governor, or allowed to become law by the Governor without his signature, or does not have an emergency clause, will become effective July 1, 2021.

MOTION: Senator Anthon moved to send H 394 to the Senate floor with a do pass recommendation. Senator Lee seconded the motion.

Senator Burgoyne stated he cannot support the motion because this kind of legislation provides an incentive for the Legislature to stay in session longer.
VOTE: The motion to send H 394 to the Senate floor with a do pass recommendation carried by voice vote. Senator Stennett and Senator Burgoyne were recorded as voting nay.

ADJOURNED: There being no further business at this time, Chairwoman Lodge adjourned the meeting at 12:15 p.m.

__________________________________________  ____________________________________________
Senator Lodge                                           Twyla Melton
Chair                                                   Secretary
Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:
https://www.idahoptv.org/shows/idahoinsession/

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<tr>
<td>RS29092</td>
<td>Relating to the Federal Overreach Legal Defense Fund providing for an appropriation for said fund.</td>
<td>Senator Bair</td>
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<tr>
<td>RS29100</td>
<td>Relating to COVID-19 to establish provisions regarding certain COVID-19 funding.</td>
<td>Senator Burgoyne</td>
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<tr>
<td>RS29106</td>
<td>A Senate Concurrent Resolution related to the Federal Overreach Legal Defense Fund regarding use of funds related to COVID-19.</td>
<td>Senator Winder</td>
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<tr>
<td>RS29107</td>
<td>A Senate Joint Memorial to Representatives of the United States Congress and the Idaho Congressional Delegation regarding the Presidential mandates related to COVID-19.</td>
<td>Senator Winder</td>
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<tr>
<td>RS29109</td>
<td>Relating to the Idaho Health Freedom Act regarding termination based on health care services.</td>
<td>Senator Riggs</td>
</tr>
<tr>
<td>RS29110C1</td>
<td>Relating to Employers and Employees regarding conditions of employment related to medical and natural immunity exemptions.</td>
<td>Senator Grow</td>
</tr>
<tr>
<td>RS29111C1</td>
<td>Relating to Employers and Employees regarding conditions of employment regarding informed consent.</td>
<td>Senator Grow</td>
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MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, November 15, 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 Senate State Affairs Committee (Committee) to order at 8:53 a.m.

MOTION: Senator Winder moved to send the items listed on the agenda to print in the following order:

- RS 29107 – A Senate Joint Memorial to Representatives of the United States Congress and the Idaho Congressional Delegation regarding the Presidential mandates related to COVID-19.
- RS 29109 – Relating to the Idaho Health Freedom Act regarding termination based on health care services.
- RS 29110C1 – Relating to Employers and Employees regarding conditions of employment related to medical and natural immunity exemptions.
- RS 29111C1 – Relating to Employers and Employees regarding conditions of employment regarding informed consent.

Senator Anthon seconded the motion.

VOTE: The motion carried unanimously by voice vote.

ADJOURNED: There being no further business at this time, Chairwoman Lodge adjourned the meeting at 8:57 a.m.

___________________________   __________________________
Senator Lodge                     Twyla Melton
Chair                                Secretary
### AGENDA

**SENATE STATE AFFAIRS COMMITTEE**  
8:00 A.M.  
Room WW55  
Tuesday, November 16, 2021

**NOTE: INFORMATIONAL MEETING ONLY**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:  
[https://www.idahoptv.org/shows/idahoinsession/](https://www.idahoptv.org/shows/idahoinsession/)

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<td>Senator Burgoyne</td>
</tr>
<tr>
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Public Testimony Will Be Taken by Registering Through the Following Link:  
[Registry to Testify](https://www.idahoptv.org/shows/idahoinsession/)

### COMMITTEE MEMBERS

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<thead>
<tr>
<th>Chairman Lodge</th>
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<tr>
<td>Vice Chairman Guthrie</td>
<td>Sen Heider</td>
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<td>Sen Winder</td>
<td>Sen Stennett</td>
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<td>Sen Anthon</td>
<td>Sen Burgoyne</td>
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<td>Sen Harris</td>
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### COMMITTEE SECRETARY

| Twyla Melton |
| Room: WW42 |
| Phone: 332-1326 |
| Email: sstaf@senate.idaho.gov |
MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Tuesday, November 16, 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 Senate State Affairs Committee (Committee) to order at 8:01 a.m. She announced that this is an informational hearing to allow for Committee and public input. She distributed a copy of Title 39, Chapter 90, known as the Idaho Health Freedom Act (IHFA) (see Attachment A) to the Committee.

S 1222 Relating to COVID-19 to establish provisions regarding certain COVID-19 funding.

Senator Grant Burgoyne, District 16, stated this legislation is not intended to go against personal beliefs in respect to the issue of vaccinations. Under existing law, there are no government nor school mandates in Idaho to vaccinate against any disease including COVID. Idaho's approach to vaccination has been entirely voluntary. However, there is no assurance that anyone who wants to vaccinate has access to timely, correct, and understandable information about vaccinations. Idaho has received federal COVID money which can be used to address these issues. The following are ways to address work force and vaccination issues by reimbursing employers for wages paid to workers taking time off to:

-Receive or assist a family member to receive COVID vaccinations.
-Recover from adverse reactions to COVID vaccines.
-Reimburse employers for wages paid to workers who are recovering or caring for a family member who has an adverse reaction.
-Have rapid COVID testing readily available to employers and general public.
-Compensate people who are exposed and must stay home.
-Enhance multi lingual capabilities for COVID-19 vaccine information and administration.
-Develop a sick leave bank for all public employees including school personnel.
-Compensate people at the State level for vaccine injuries.
-One-time bonus payments to essential workers.

Senator Janie Ward-Engelking, District 18, explained why this bill is critical at this time by focusing on teachers and the school system. Educators are working harder than ever trying to address the teaching issues and the addition of other duties while losing paraprofessionals and parents who are no longer allowed in classrooms to assist teachers. Education is not the only field where essential workers are dealing with similar issues.

Senator Ward-Engelking stated there is $1.1 billion of COVID relief money in Idaho. Four percent of those funds have been allocated and only one percent of the allocated funds have been spent. These issues cannot wait until next year's budget cycle so she made the following suggestions:
-Every teacher could receive a $1,000 bonus before the holidays; the total cost would be $20 million.
-Set up a state-wide sick leave bank to be used only if it is a COVID related sick leave or quarantine leave.
-Employers could apply for those funds to cover the cost. She explained why regular sick leave does not work for COVID related issues.

Senator Ward-Engelking referred to Attachment B, Category (B) where The American Rescue Plan Act of 2021 (ARPA) provides a premium up to $13.00 per hour in addition to base pay for performing essential work during the COVID-19 health emergency. This includes a wide range of workers. Another critical action would be to get rapid testing into the schools. There is a worker shortage and a teacher shortage and we can't wait any longer for solutions.

DISCUSSION: Senator Harris asked for an explanation of the COVID-19 vaccine injury compensation program. Senator Ward-Engelking yielded to Senator Burgoyne. Senator Burgoyne responded that there is difficulty making this fund nationally functional in respect to COVID vaccines and it is widely reported that this fund has not been accepting and paying claims of injury from COVID-19 vaccines. A way needs to be found to at least partially compensate people who experience these injuries.

Senator Anthon asked how much the districts have received in pandemic relief. Senator Ward-Engelking answered that it is close to $400 million. Those funds have been used for building improvements for sanitation, air quality, and protection projects. A portion of the funds have been held in reserve for future needs.

Senator Guthrie referred to Lines 16-24, bullets 1 and 3 of the bill related to compensating employers when off work. He asked if there is a cap on reimbursement and would this be applicable to State employees? Senator Ward-Engelking responded that it would be applicable to State employees and for educators. Senator Burgoyne stated this legislation is not meant to be overly prescriptive with respect to the executive branch. This allows for the executive branch to set appropriate caps and limits. Senator Ward-Engelking said this legislation is addressed to areas where there are huge work shortages and employees are in danger.

Senator Lee asked how the emergency clause would impact some of the things in this legislation that need further investigation. Passage of S 1222 would be immediate and the structure is not in place to support the emergency clause. Senator Ward-Engelking stated there are some of the issues that could be addressed immediately; more time will be needed for other items in the bill.

S 1223 Relating to the Idaho Health Freedom Act regarding termination based on health care services.

Senator Peter Riggs, District 3, quoted paragraph (2) of the IHFA (see Attachment A). If there is to be a change to IHFA, the language must be properly constructed to protect the people of Idaho, both employers and employees. There are already baseline labor regulations that businesses are legally required to follow. The key is making sure that when new regulations are considered, they will not create undue burdens for businesses or their employees.

Senator Riggs said there should be a level playing field for all of the people of Idaho to work and build their lives on. The proposed language gives more clarity to the IHFA by allocating a considerable amount of responsibility for employers and employees to work together to come to a collaborative solution.
DISCUSSION: Senator Stennett asked about the difference between policy and law and what would be the effect when there are conflicting employees who feel their own rights are not evenly served under that employer. Senator Riggs responded that there will be a legal weight difference associated to formally passed laws and those that are executive orders. If there is a lawsuit, the difference between the two determines who is going to make the decision. It is not going to alleviate conflict between the dictates of a business and personal philosophies. The purpose is to get people to work together toward collaborative solutions.

Senator Stennett asked how the State could comply with this. Senator Riggs stated the State doesn't enforce it. The State's job is to set the standard.

Senator Winder said Federal mandates have provided policies of vaccination or termination; those are currently rescinded. Also, there are employers with jobs that need international travel requirements which requires vaccination. How does this bill strike a balance between employment policies and employee rights of privacy? Idaho already has some strong anti-vaccination laws. Senator Riggs said there is not a solution that "fits all" because this is an unprecedented situation. There is no way to craft legislation specific and broad enough to work well in each situation. Legislation should be the bare minimum to set the framework and let the people work out the process.

Senator Winder asked how this particular bill will strike that balance. Senator Riggs answered that there should be discussion between the two parties to develop a compromise to overcome the issue.

Senator Burgoyne stated that the Americans with Disabilities Act, a Federal law, requires employers to reasonably accommodate medical conditions that might be applicable to taking a COVID vaccine. Title 7 of the Civil Rights Act of 1964, a Federal law, currently requires employers to accommodate religious objections to vaccinating. The Idaho Human Rights Act, State policy, requires that employers accommodate religious and medical objections. The Federal and State laws already relate to the issue of undue hardship. The language in Subsection 5 on page 2, lines 6-15, is worded differently than existing law and could create legal confusion. Some of the COVID money could be used to apprise employers and employees of their legal rights.

Senator Burgoyne addressed page 1, lines 36-37, and suggested the language be changed to read that "no employer shall discriminate against any employee for choosing not to receive the COVID vaccine". This language would make it clear that an employee cannot be fired or reassigned because of a refusal to take the COVID vaccine but can be fired for not doing a good job. Senator Riggs commented that it is important to ensure that both businesses and employees understand the legal framework available to them through existing State and Federal laws.

S 1224 AND Relating to Employers and Employees regarding conditions of employment related to medical, and natural immunity exemptions.

S 1225 Relating to Employers and Employees regarding conditions of employment regarding informed consent.

Senator Grow, District 14, stated his objective with both bills was to get employers and employees to a middle ground. There is a fear factor involved with the mandated deadlines and the timelines to comply. The objective of these pieces of legislation is to protect individuals so they are not forced to be vaccinated; to keep businesses open and safe; and have customers feeling safe to go to businesses, especially medical facilities.

S 1224 - Senator Grow outlined the exemptions:
Exemptions for medical, religious, and natural immunity.

- The medical and religious immunity are in Federal statute but S 1224 would also add it to Idaho statute.

-Senator Grow did not go into great detail on religious exemptions because an employee only needs to sign a statement to refuse the COVID vaccination on religious grounds.

-A Natural Immunity exemption can occur if someone has had the disease. An employee must provide proof of a positive polymerase chain reaction (PCR) test from a physician or a positive serum antibody test from a CLIA-certified laboratory showing positive results of specific antibodies against the COVID-19 virus to the employer.

S 1225 - Senator Grow noted this is a stand alone bill relative to philosophical exemptions.

-Senator Grow read the contents of the bill (see Attachment D)

Senator Grow said the objective is to ensure employers or employees are not adversely affected.

DISCUSSION: Senator Lee asked how this information would be distributed to employees. Senator Grow stated that each employer could handle it differently. He provided examples of how it could be done but in all cases a copy of the law would be handed out.

Senator Stennett referred to S 1224, page 1, lines 15-16 and inquired how a medical facility is supposed to determine if the COVID-19 immunization caused the injury. Senator Grow explained that the physician has the flexibility to make a decision on the physical condition of the employee. Senator Stennett asked who would be paying for the tests outlined on page 1, lines 21-24 of the bill and is there an expectation one of these tests would be required to settle a dispute. Senator Grow said costs would be decided between the employer and the employee. The cost of a test runs between $40 and $60.

Senator Stennett asked if there is a need for a statute; the information could be included in the employee manual. Senator Grow explained that many Idaho businesses are very small. Having a Human Resources Department or manuals is not possible.

Senator Burgoyne referred to page 1 lines 22-27 and explained the kind of costs involved in dispersing the information would cause a different impact relative to a small or large business. Some of the COVID money could be used to have the State Attorney General draft something to give employers help in complying with this section of the legislation.

Senator Burgoyne asked where in the process is the PCR test done; does it have to be current and is there an expiration date? How are the antibody values established? Senator Grow answered that the specific answers to those questions are not indicated in S 1224. The PRC test only indicates if someone has had COVID. The positive immunity test for antibodies lasts longer.

Senator Burgoyne explained his concern on subsection (a) and suggested a change in the "would be" language. Senator Grow said a change in that language would be a professional call by a medical person.

Senator Stennett referred to the PCR or the CLIA approved laboratory antibody test and gave examples of what happened in her district when it was hard hit by COVID. These methods of testing are questionable because some facilities don't do the testing nor are some of the labs available. It is questionable if the employer or lay person will know how to do this provision. Senator Grow said that doctors did not raise any concern about the ability or accessibility of testing at this time.
TESTIMONY: Kathy Dawes, Remote, supported S 1222 stating federal funds should be accepted. She is opposed to S 1223, S 1224, and S 1225 stating that there must be an alternative to rejecting vaccinations and loosing jobs.

The following testified in opposition to at least two of the four bills:

Maggie Goff, Idaho
Rosa Martinez, District 20
Monica McKinley, Idaho
Brian Whitlock, Idaho Hospital Association
Ken McClure, Idaho Medical Association (see Attachment C)
Nina Beesky, Idaho
Doug Gross, Eagle, Idaho
Michael Shore, Boise, Idaho
Amy Henry, District 13

Reasons for opposition were as follows: stop taking federal funds, the people are paying for it through both state and federal taxes; there are no vaccines only Message RNA; government is causing the problems; job of government is to protect rights not attack them; not the job of Federal Government to threaten employers and force employees to be vaccinated; get information out but don't vote on it – landscape is changing rapidly; all the bills can be improved in a variety of ways; opposition to testing in schools; and the need to be precise on the definition of vaccine.

DISCUSSION: Senator Winder stated that he found the discussion very beneficial through those presenting the bills and public testimony and to see how difficult this question really is. How do we strike a balance? How do we legislate in such a way that people's individual rights are respected? These discussions have emphasized the difficult job before us to deal with all aspects of the situation we are in.

ADJOURNED: There being no further business at this time, Chairwoman Lodge adjourned the meeting at 9:56 a.m.

__________________________________________  ________________________________________
Senator Lodge                             Twyla Melton
Chair                                      Secretary
TITLE 39
HEALTH AND SAFETY
CHAPTER 90
IDAHO HEALTH FREEDOM ACT

39-9003. STATEMENT OF PUBLIC POLICY. (1) The power to require or regulate a person's choice in the mode of securing health care services, or to impose a penalty related thereto, is not found in the Constitution of the United States of America, and is therefore a power reserved to the people pursuant to the Ninth Amendment, and to the several states pursuant to the Tenth Amendment. The state of Idaho hereby exercises its sovereign power to declare the public policy of the state of Idaho regarding the right of all persons residing in the state of Idaho in choosing the mode of securing health care services free from the imposition of penalties, or the threat thereof, by the federal government of the United States of America relating thereto.

(2) It is hereby declared that the public policy of the state of Idaho, consistent with our constitutionally recognized and inalienable rights of liberty, is that every person within the state of Idaho is and shall be free to choose or decline to choose any mode of securing health care services without penalty or threat of penalty by the federal government of the United States of America.

(3) The policy stated herein shall not be applied to impair any right of contract related to the provision of health care services to any person or group.

History:
[39-9003, added 2010, ch. 46, sec. 1, p. 84.]

How current is this law?

Search the Idaho Statutes and Constitution
2nd UPDATED REVIEW OF THE AMERICAN RESCUE PLAN ACT OF 2021

A PUBLICATION OF THE LEGISLATIVE SERVICES OFFICE BUDGET AND POLICY ANALYSIS

FIRST REGULAR SESSION * SIXTY-SIXTH LEGISLATURE

Updated October 19, 2021
- Providing assistance to high-poverty school districts to advance equitable funding across districts and geographies;
- Evidence-based educational services and practices to address the academic needs of students, including tutoring, summer, afterschool, and other extended learning and enrichment programs; and
- Evidence-based practices to address the social, emotional, and mental health needs of students.

  - Promoting Healthy Childhood Environments.
    - New or expanded high-quality childcare to provide safe and supportive care for children;
    - Home visiting programs; and
    - Enhanced services for child welfare involved families and foster youth.

- Uses Outside the Scope of this Category.
  - A general infrastructure project, for example, typically would not be included unless the project responded to a specific pandemic public health need (e.g., investments in facilities for the delivery of vaccines) or a specific negative economic impact like those described above (e.g., affordable housing in a QCT). ARPA explicitly includes infrastructure if it is “necessary” and in water, sewer, or broadband.

  - This category of eligible uses also would not include contributions to rainy day funds, financial reserves, or similar funds.

Category (B) To provide premium pay of up to $13.00 per hour in addition to base pay to workers performing essential work during the COVID-19 health emergency or provide grants to employers with employees performing essential work.

- Fiscal Recovery Funds payments may be used by recipients to provide premium pay to eligible workers performing essential work during the COVID–19 public health emergency or to provide grants to third-party employers with eligible workers performing essential work. These are workers who have been and continue to be relied on to maintain continuity of operations of essential critical infrastructure sectors, including those who are critical to protecting the health and wellbeing of their communities.

- Such workers include:
  - Staff at nursing homes, hospitals and home care settings;
  - Workers at farms, food production facilities, grocery stores, and restaurants;
  - Janitors and sanitation workers;
  - Truck drivers, transit staff, and warehouse workers;
  - Public health and safety staff;
  - Childcare workers, educators, and other school staff; and
  - Social service and human services staff.

- To ensure that premium pay is targeted to workers that faced or face heightened risks due to the character of their work, the Interim Final Rule defines essential work as work involving regular in-person interactions or regular physical handling of items that were also handled by
November 12, 2021

Dear Senator -

The return of the Idaho Legislature for a November session is cause for great uncertainty for physicians and the health care community at large. Physicians across Idaho have been disheartened to see political attacks on science, health care workers, and the COVID-19 vaccine -- the only proven mechanism to end the global pandemic.

While the topics the Legislature plans to discuss are disappointing on many levels, perhaps the most troubling is the discussion about state government restricting the rights of private business. In the case of health care, physicians are extremely concerned about unwarranted intrusion into how medical practices and health care facilities decide to keep our patients and employees safe.

The physician community stands ready to advocate for science and public health, as we communicated to you earlier this year. That has not changed. However, given the uncertainty of what will be discussed the week of November 15th, we ask that you follow the lead of the physician oath and do no harm to Idahoans, public health, and employers. The following is a list of principles that will guide Idaho Medical Association's assessment of proposed legislation:

- IMA is opposed to any new laws or regulations that prohibit physicians' ability to make decisions on how they run their private businesses, especially as it relates to the health and safety of patients and employees.
- IMA is opposed to any new laws or regulations that conflict with federal government policies and leave businesses with no ability to comply with the law.
- IMA is opposed to any new law or regulation that would criminalize physician compliance with federal policies on vaccine distribution or other medically necessary treatment.
- IMA is opposed to any provision that creates a new private right of action that increases liability for employers.
- IMA is opposed to any policy or regulation that does not follow the best available science related to antibody testing and natural immunity.
- IMA fully supports the COVID-19 vaccine and will oppose any policy that inhibits the ability for it to be widely available and accessible to the public.

It isn't a secret that Idahoans do not like government interference. While there is a legitimate debate proceeding in the United States court system about the federal policies proposed by President Biden, IMA implores you not to restrict the rights of private business. We need all the tools available to keep our workforce healthy and our economy open. On behalf of nearly 4,000 members representing physicians in all specialties, practice settings, and geographic locations in Idaho, we stand ready to answer questions and help guide policy that protects the health of and well-being of all Idahoans.

Sincerely,

Susie Keller, IMA CEO

ADDRESS | P.O. Box 2668
Boise, ID 83701

CONTACTS | 208-344-7888
Susie@idmed.org
Antibody Testing

IMA Public Health Committee Facts and Guidance

1. An antibody test **does not** tell you whether you are immune to the virus that causes COVID-19 disease.
2. An antibody test **may** indicate whether you have been infected or vaccinated; testing is currently used in research settings but is not recommended for individual decision-making, such as whether to get vaccinated.
3. Even those with antibodies should still be vaccinated if they previously had COVID-19 and should still receive booster vaccinations when they meet the criteria for booster shots. Vaccines after having COVID-19, boosts immunity so you are less likely to get COVID-19 again.
4. If you have a positive antibody blood test, and you develop symptoms, you should still get a COVID-19 nasal swab test to identify if you have an acute COVID-19 infection. A positive nasal swab test will unfortunately indicate that you have COVID-19 reinfection.
5. A positive antibody test is not a reason to not get the COVID-19 vaccine.
6. One day, we may have a blood test that will show whether you are immune and protected from COVID-19, but we don’t have that test today.
7. Vaccines are still the most effective and certain way to keep yourself and others safe from COVID. If you want to learn more on natural immunity vs. vaccine immunity, visit the recent IMA Public Health Guidance.

*LabCorp says, “This test should not be used to determine the level of immunity you have.”

*CVS says, “The test cannot determine whether or not you can spread the virus to others. It should not be used for diagnostic purposes or to confirm immunity.”

The **CDC** says **antibody testing is not currently recommended** to determine if you are immune to COVID-19 following COVID-19 vaccination. Antibody testing should also not be used to decide if someone needs to be vaccinated.

Background on antibodies and related testing

Some people suggest that is it possible to tell who is immune and protected from getting COVID by checking a blood test to see if the person has antibodies. Unfortunately, that **will not** work. Why not?

1. Not all antibodies are the same, and it is likely that there are only certain ones that actually protect you from getting infected. We don’t yet know the level and type of antibodies that provide you with immunity from COVID.
a. What does this mean? It means that you might have antibodies that will show up on a test, but perhaps not the right antibodies or enough of them to protect you from getting COVID. This is true even if you already had COVID or were vaccinated.

2. Antibody levels to this coronavirus are reported in different ways with different manufacturers of the tests. Therefore, even if we knew what level of antibodies would be protective for one test, it would not be possible to compare antibody levels from that test with another. There is no approved standard test for COVID-19 immunity.

3. Antibody levels change over time. A test done just days after infection or vaccination may not detect antibodies. Antibody levels rise and are usually detectable by three weeks after infection or vaccination. Antibody levels decline with time, which may, but doesn’t necessarily mean that the person has declining immunity to the virus.

4. The immune system is very complicated. Antibodies only represent one part of the immune response and don’t tell the whole story. Cells that are part of the immune system are thought to play an important role in defending against the virus and this element of the immune system is harder to measure.
October 15, 2021

IMA Public Health Committee Guidance

The bottom line until we have more data — (1) If you have not had COVID- and are unvaccinated, you and your family, friends and loved ones are at risk. Please get vaccinated as soon as possible. (2) if you previously had COVID, we cannot tell you how much or little protection you may have against getting COVID again, and whether getting the virus again might cause more severe disease, so please get at least one dose of vaccine.

The vaccine is safe and effective. As the Governor said, “Since the COVID-19 vaccine was made widely available to everyone in May, nearly all new COVID-19 cases, hospitalizations, and deaths are among the unvaccinated.”

IMA Talking Points

Natural Immunity vs. Vaccine-induced immunity

1. The IMA is committed to promoting the health and safety of Idahoans.
2. The science around COVID continues to evolve and the decisions regarding natural immunity (immunity from getting COVID) vs. vaccine immunity differ in what science is available to evaluate effectiveness.
3. There are conflicting data from studies looking at the strength and durability of natural immunity. These studies often involve only one vaccine, and any conclusions from these studies cannot be assumed to be the same for other COVID vaccines. These studies also have taken place in different countries at different times, where the virus variants (different types of COVID-19) may differ.
4. The fact that some people who have recovered from COVID appear to have strong immunity that lasts for many months is a very good thing. We do not want Idahoans to get COVID in the first place and risk the fate of nearly 700,000 Americans who have died from COVID. But we certainly are happy that it appears few will get COVID again, at least with the variants that we have encountered thus far.
5. Getting COVID and developing natural immunity is far more dangerous than getting vaccinated and developing vaccine-induced immunity.
6. COVID has caused many hospitalizations, deaths and in many cases long-term complications, such as so-called “long-COVID.” Long-COVID is when a person experiences ongoing symptoms that could last weeks or months after having COVID.
7. While some studies look back at populations of people who have had COVID and have seen evidence of strong immunity, it should be noted that natural immunity is unpredictable – some people develop more protection for a longer period of time than others. The problem is that we have no simple way as of today to identify people who have recovered from COVID that are likely to have strong immunity. The fact that someone may have a positive antibody test, does not necessarily mean that the person is protected from getting sick again, nor that any protection the person does have will protect against future versions of COVID.

8. Antibody tests are qualitative (positive or negative) and do not indicate the amount of immunity a person has.

9. Studies have looked at the natural immunity of people who, in most cases, had COVID with symptoms. We do not have enough data to determine whether those who previously had COVID without any symptoms or those who had a severe case of COVID, have strong and long-lasting immunity. There are reasons based upon our knowledge of immunology to believe that it could be different for these persons.

10. There is some decreasing immunity with people that had COVID. It is likely that this period of time is different for every person.

11. Some people who get COVID a second time can result in more severe disease than the first experience with COVID.

12. Even those who previously had COVID appear to benefit from at least a single dose of vaccine.

13. For those who had COVID, we do not know how long the protection will last and how effective it will be against future types of the disease.
**AMENDED AGENDA #1**  
**SENATE STATE AFFAIRS COMMITTEE**  
**8:00 A.M.**  
**Room WW55**  
**Wednesday, November 17, 2021**

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:  
https://www.idahoptv.org/shows/idahoinsession/

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<th>DESCRIPTION</th>
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<td>Relating to Worker's Compensation to provide that vaccine-related accidents or injuries shall be compensable.</td>
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<td>H 419</td>
<td>Relating to Employment Contracts to provide that no person or entity shall require the disclosure of COVID-19 vaccination status as a condition of employment or continued employment.</td>
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Public Testimony Will Be Taken by Registering Through the Following Link:
Registry to Testify

**COMMITTEE MEMBERS**  
Chairman Lodge  
Vice Chairman Guthrie  
Sen Winder  
Sen Anthon  
Sen Harris  

**COMMITTEE SECRETARY**  
Twyla Melton  
Room: WW42  
Phone: 332-1326  
Email: sstaf@senate.idaho.gov
DATE: Wednesday, November 17, 2021
TIME: 8:00 A.M.
PLACE:
MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Guthrie(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.

CONVENSED: Chairwoman Lodge called the Senate State Affairs Committee (Committee) to order at 8:00 a.m. and introduced Carol Guthrie as substitute for Senator Jim Guthrie.

H 414 Relating to Religious Freedom regarding a person's right to refuse medical treatment based on religious beliefs.

Senator Rice, District 10, stated H 414 prohibits questioning the sincerity of religious beliefs in the case of a religious belief waiver for a vaccine. Under the Equal Employment Opportunity Commission (EEOC) guidance, individuals are recognized if they have a religious belief that differs from any organized religion. If the business realities requires a vaccination, like traveling to other countries requiring a vaccination, the religious exemption would not apply. The impact of this legislation is only that sincerity would not be questioned.

DISCUSSION: Senator Lee asked how this bill changes what is already on the books and suggested that conscientious objections may be missing. Senator Rice stated it does not diminish any religious exemption right that an individual currently has, it only states that sincerity will not be questioned and this bill doesn't affect conscientious objections.

Senator Stennett referred to the Attorney General's (AG's) opinion (see Attachment A) that indicates this legislation inverts the framework of what is already in existing statute because it no longer requires that a religious belief must be established. The legislation may require the employer to comply with Federal regulations while simultaneously required to recognize a religious exemption. Senator Rice stated this legislation allows the employer to question whether it is a religious belief or not, but not the sincerity of that belief. Senator Stennett said this is legislating sincerity; how is that determined. Senator Rice answered that the EEOC investigates claims of discrimination and there has always been a question about gauging sincerity.

Senator Burgoyne commented that it is unclear as to whether this will change the law or not; it differs from the wording in the Idaho Human Rights Act (IHRA) and in Title 7 of the Civil Rights Act of 1964 which are pretty clear. Different wording will be put into place that could raise questions about changes in the law. There is a potential to subject the private sector to paying legal costs associated with defining the law. Senator Burgoyne explained how it would affect small and large employers.

H 417 Relating to Worker's Compensation to provide that vaccine-related accidents or injuries shall be compensable.
**DISCUSSION:**

**Representative Jason Monks**, District 22, explained if an individual is required to get a vaccination from an employer and are injured because of that requirement, he/she could file a worker's compensation claim. There is confusion as to whether or not they would be covered. If injuries occurred because of something that was required in the course of employment, it should be covered. It is not easy to prove an injury is related to the job if sickness occurs. This legislation is saying there is a presumption that the injury was associated with the vaccination. If vaccinations are covered, rates will go up for employers. **Representative Monks yielded** to Representative Skaug.

**Senator Burgoyne** referred to "vaccination" on line 13 in subsection 1. Does the term vaccination refer to the vaccine itself or the process of manufacturing, distributing, storing, or administering the vaccine. If a vaccine was handled incorrectly and became toxic, would it be a compensable injury. **Representative Monks** answered that anything associated with the vaccination would be covered. Workers compensation is set up as a no-fault system so whether the employer was at fault or not, the employee will be covered. Nothing in this bill constrains the employer from holding the provider responsible. **Senator Burgoyne** stated his concern about employers under a Federal contract requiring their employees to vaccinate resulting in an injury causing premiums to increase which, in effect, would impose a kind of tax.

**Senator Stennett** noted that the language is not specific so it must apply to all vaccinations. Currently, vaccinations are required for occupational purposes to keep the workplace safe and to protect employees. This legislation is not limited to COVID and it may put people in harms way by insinuating that other vaccinations required for safety purposes would be affected. **Representative Monks** responded if an injury occurred because of any vaccination, it should be covered. Vaccinations that have been around for years have shown no adverse reactions but if there are any, employees should be compensated.

**Senator Winder** stated vaccination is an operative word for receiving the vaccine but if the real cause of the problem is the vaccine and not the vaccination; is that a concern. **Representative Monks** stated that over the last year, the Center for Disease Control (CDC) has changed the definition of a vaccination. Instead of saying "preventing" it now is "lessening the severity of". If changing the definition continues, it could be a problem.

**Representative Bruce Skaug**, District 12, cosponsor of H 417, stated people injured from vaccines need help now. This bill only applies to employers who require that employees must have a vaccine. There could be lawsuits against a third party that caused the injury and that would then reimburse the workers compensation carrier that covered the damages.

**Senator Anthon** said it is troubling to require someone to have a vaccination in order to earn a living without any remedy if there is an injury. He asked for an explanation of line 17 where it says it is an injury that is or may be related to the employee's receipt of the vaccine. **Representative Skaug** responded the language is there because it is not certain the vaccination caused the injury but if it makes sense, it should be covered. **Senator Anthon** asked if this kind of language is used in other places in code that applies to workers compensation claims. **Representative Skaug** did not have that information.

**Senator Lee** referred to section 3 and asked how this changes case law. **Representative Skaug** said this bill makes the presumption in favor of the employee. The language is already in workers compensation law. Section 3 is only advisory and shouldn't change any case law.
Senator Stennett noted that workers compensation laws are already working in accommodating injury. Even if vaccinations are not explicitly stated, it says injury so it is already covered. Representative Skaug answered that this makes it easier for the employee to get coverage.

**H 419**

Relating to Employment Contracts to provide that no person or entity shall require the disclosure of COVID-10 vaccination status as a condition of employment or continued employment.

Representative Ron Mendive, District 3, stated what is happening now with COVID is unconstitutional. There is a need to address the issues to support the constitutional rights of the citizens and of businesses. He outlined how the 5th and 14th amendments to the Constitution guarantying life, liberty, and property have been suspended.

**DISCUSSION:**

Representative Mendive noted, in answer to Chairwoman Lodge’s comment, the emergency clause was inadvertently omitted but it would still go into effect in 60 days.

Senator Burgoyne asked if a consumer of medical services shouldn't have the right to request vaccination status when choosing a provider; how would one know if the provider was vaccinated if the facility could not ask the status of its employees; and, if the questions are not answered, can the employer take appropriate action. 

Representative Mendive said that it would be the consumer's choice to ask but it is also the providers choice to not provide that information.

Senator Stennett noted that the State has no penalties in place for this bill and inquired if the bill is timely due to the current multiple State and national issues. Representative Mendive said there is the right to ask and the right to refuse the answer – no penalties are required. The bill is timely because it specifies COVID-19.

Senator Lee inquired if the requirements of this bill are already in statute and noted that the issues it addresses will be settled in court; how does this bill provide more for Idaho citizens. Representative Mendive said it provides comfort that someone is protecting the Constitution.

Senator Burgoyne said that the three laws being proposed today can have good and bad consequences. When the law is cluttered with "feel good" language, it creates ambiguities and uncertainties. Comfort language should be in resolutions. Representative Mendive responded that the Idaho Health Freedom Act (IHFA) is already in code and nobody has been paying attention to it. This bill says action must take place.

Chairwoman Lodge commented that she was Chairman of the Health & Welfare Committee when the IHFA was passed and agreed that it has not been followed. Hopefully, the hearings this week have made people in Idaho more aware.

Senator Winder noted that the AG’s office, the Governor's office, and the Legislature did not wait to get involved. They have been involved with cases in the 5th and 6th Districts since prior to the Occupational Safety & Health Administration (OSHA) rules which are currently stayed.

Representative Mendive closed by emphasizing the importance of standing by the Constitution stating there are more serious issues than COVID involved.

**TESTIMONY:**

Following are those testifying on one or more of H 414, H 417 and H 419.

-Christine Nuoff, Sr. Vice President, St. Luke’s Heath System, opposes H 414. 
Senator Stennett noted that it is not uncommon to require vaccinations as part of the hiring process; other vaccinations are required. Ms. Nuoff gave a brief
overview of the vaccinations required for the health care workers. 

Senator Burgoyne asked if H 414 would interfere with drug testing. Ms. Nuoff stated that has yet to be determined.

Senator Anthon asked what current legal standing is being used to determine the validity of the religious exemption request. Ms. Nuoff outlined St. Luke’s process.

-Alex LaBeau, President of Idaho Commerce and Industry, opposes all of the bills. 

-Katheryn Whitney, District 11, representing family, supports H 419.

-Mike Cane, American Property & Casualty Insurance Association, opposes H 414 and H 417.

Senator Anthon asked if H 417 was dealing with litigation. Mr. Cane confirmed that it creates a civil rights action to require someone to get any medical treatment of any kind. Senator Anthon asked if medical treatment is the same thing as medical examination. Mr. Cane responded that would not be known until it is litigated. He asked that an exemption be put in the bill. He believes that H 414 would allow a mentally disturbed prisoner to refuse psychiatric care while in jail. Senator Burgoyne asked for clarification that a religious exemption could be used to avoid psychiatric treatment. Mr. Cane concurred.

-Quinton Pike, District 14, supports all three bills.

-Neena Beesley, Rathburn, ID., representing family, opposes all three bills.

-Elizabeth Criner, on behalf of JR Simplot Company, opposes H 414 and H 419.

-Leah Henry, Caldwell, representing self, supports H 419.

-Sheri Trovinger, District 14, representing self, supports all three bills.

Dr. Lynn Laird, District 20, supports all three bills with an amendment to H 419 to add an emergency clause.

Senator Winder stated there are court cases in progress and currently there is a stay on the OSHA rules which also defends the Constitution. Senator Burgoyne asked if he had the right to ask a live-in nurse if they have been vaccinated for COVID-19. Dr. Laird responded no; if sick don’t show up to work.

-Amy Henry, District 13, supporting self, supports H 414 and H 419.

-Adam Zent, District 20, representing self, supports H 419 with an added emergency clause.

Senator Lee said that when signing an employment agreement, it applies to the employer origination state and not to the state the employee is actually located it. Senator Burgoyne asked if Mr. Zent interacted with individuals or travel in his line of work. Mr. Zent said he does but a large majority of his current job is remote based from his home. Most of his travel is in the state of Idaho.

-Tim Young, District 14, representing self, supports H 419.

-Ken McClure, District 16, Idaho Medical Association, opposes H 414 and H 419. Senator Anthon noted that once a person has received the COVID-19 vaccine, COVID can still be transmitted. Mr. McClure concurred. The risk of transmission is significantly different between vaccinated and the unvaccinated population.

Senator Burgoyne commented that some vulnerable people can take vaccines and some cannot. Those people have two needs: the need not to take the vaccine and the need for those around them who can take the vaccine to be vaccinated. The risk of those vaccinated is a lot less likely to transmit the disease. Mr. McClure said there are personal rights involved on both sides. Rights go with responsibility.
-Brian Whitlock, President, Idaho Hospital Association, opposes H 414 and H 419. Senator Anthon voiced his concern about medicare and medicaid funds being affected. He asked for an explanation of medical treatment being interpreted as drug testing. Mr. Whitlock said that the medical treatment definition is unclear. It isn’t in code as far as he knows. Adding this particular section to the Idaho Human Rights Act where medical treatment is not defined potentially creates conflict.

Senator Winder noted that since mandates occurred, communication was initiated with major health care providers to determine a way to get a balance between the health care worker on the front line versus someone in a desk job in other locations. How can the rights of the majority of the citizens be met and will the health care providers work with the legislature to find a solution. Mr. Whitlock responded that the lawsuits going through the court system will bring balance and understanding to these issues. He agreed that they should work together to ensure the constituents, patients, and employees needs are met and balanced so that a safe hospital environment will exist. Senator Winder referred to the informational hearings held on November 16th in this Committee and stated that this engagement needs to continue so when the session starts, some of the issues will have been resolved. With both employers and the general public providing information at these hearings, it has allowed everyone to better understand the issues of balancing the job requirements and the contractual relationship between employer and employee and how all would best be served.

Senator Burgoyne observed that there is a feeling all across America and particularly in Idaho, that current laws are not providing protection. The various health care providers were not authorized to put in the mandates they chose to put in place as the appropriate thing to do with respect to their employees. There are a lot of ways under current Idaho and Federal law to attack what those employers did that were not exercised. Is vaccination the only way to contain transmission in those facilities or are there other ways to take on that issue that science would support short of requiring vaccinations. Legislation must be crafted that protects people on both sides. There is freedom at stake on both sides of this equation.

-Max Brown, District 14, supports H 414 and H 419. Senator Lee asked how passing additional laws creates a better remedy for the rights of the individual. Enforcement is through the courts. Mr. Brown said if existing statutes were enough, we wouldn’t be here today. Federal mandates are forcing people to lose their jobs; they need an attorney to write exemptions for them because employees cannot write them for themselves and they are being denied. Senator Lee said our laws are being tested and it is not clear that adding this additional piece will further those clarifications. She stated her expectation that the stay will continue and the bills can be strengthened but the result may be different than expected.

Senator Stennett asked if the laws are not being applied because of lack of enforcement and if other bills are passed will lack of enforcement continue. Mr. Brown stated the reason this issue exists is that Federal mandates were created that do not protect our Constitution. There are issues with the ways the current statutes are being applied. This session is to address the issues and raise awareness to resolve the conflicts that do exist. That is why these discussions are urgent.

-Aspen Whitney, District 11, spoke in support of all three bills.

-Colette Costello, representing self, supports all three bills.

-Dr. Howard Bowers, General Surgeon, representing self, supports H 414. Senator Anthon inquired if, as a doctor, at what point do you tell someone they can’t be at work because they might infect the patients. Dr. Bowers responded
when that person is sick. Senator Anthon said there has been a carve out in medical or related facilities where it is legally allowed to require vaccinations for communicable diseases happening inside that institution. Those facilities are allowed to take precautionary steps that are reasonable and they can inquire if an employee has had the required vaccination so the risks are known. Dr. Bowers agreed that was true for all vaccines prior to the COVID-19 medical gene therapy because messenger RNA technology is new and the efficacy was not originally known. The CDC had to change the definition of what a vaccine does. Dr. Bowers stated his support of vaccinations for all kinds of reasons but this vaccine, as it is defined today, does not prevent the spread of disease. Senator Burgoyne asked if he had the right to know if his provider was fully capable to provide a medical service. Dr. Bowers stated, as a surgeon, he has never had anyone ask for his vaccination or injury status. Private medical information should be just that.

-Kelly Williamson, District 19, representing family, supports all three bills.

Senator Lee stated she sees penalties for employers who do not follow the current law. If an employer were facing penalties, fines, or additional sanctions, how would this change what is currently happening; in any case, you would probably still have to engage an attorney. Ms. Williamson said that meeting today and passing this legislation sends a message; what is currently happening doesn’t work.

-Maggie Goff, District 13, representing self, supports all three bills.

-April Arnzen, District 18, Sr. Vice President, Human Resources-Micron, opposes H 419.

Chairwoman Lodge asked for confirmation that they have honored medical and religious accommodations. Ms. Arnzen responded that all accommodations have been honored for people who have completed the interactive process. She provided the statistics of how many are working, accommodations, and some with COVID who are on temporary unpaid leave but can return to work. Senator Burgoyne asked if H 419 was to be enacted into law in Idaho, would Ms. Arnzen view that as incentivising or disincentivising Micron operations to remain in Idaho considering the global reach of the company and the need of the employees to move in and out of Idaho to foreign countries where there may be vaccination mandates. Ms. Arnzen answered they need to ensure they have the ability to maintain their operations in Idaho successfully. It is important that decisions are made in the best interest of the company and all employees.

-Teresa Haldorson, District 22, a nurse representing herself, supports all three bills.

-Miste Karlfedt, District 20, Health Freedom Idaho, opposes H 414 and H 417.

-Alicia Abbott, District 1, Sandpoint, ID, representing self, also Field Organizer for the Idaho 97 Project, opposes all three bills.

Senator Burgoyne questioned the Strict Scrutiny Standard (SSS) with respect to the issue of religious freedom. He asked if Ms. Abbott was saying the claim for religious exemption is subject to SSS as opposed to the employers denial being subject to a SSS analysis. Ms. Abbott said she was referred to the SSS from private business to question that claim.

-Yvonne Sandmire, District 19, representing self, opposes all three bills.

-Representative Brent Crane, District 13, supports H 414.

Senator Lee stated a law is already on the books that people are not following. If this bill were to pass, and if a business continued to do what you were describing, what is the remedy for the employee. Representative Crane answered the concerns of the employees is they don’t understand 1) the legislative process, and 2) the legal process. Also, a lot of them don’t have the means to address this in court. The Legislative branch needs to tell businesses what you are doing is wrong.
Representative Crane advocates respect for someone's individual religious rights. Senator Lee said the objective is to ensure the citizens of Idaho understand that if an employer violates this law, the remedy is not with the Legislature; that employee still must go through the court system.

Senator Burgoyne commented that the issue is employers receiving claims for exemption from vaccination requirements on the basis of religious belief and the sincerity of the belief. The only reasons for denial under the law is that you can't reasonably accommodate the religious belief or it creates an undue hardship. It is important to understand the law does not ignore a person's religious rights. Representative Crane agreed. There is a legal remedy but these individuals do not have the financial resources to go against a corporation and they don't want to, they just want to work. Idaho respects First Amendment rights and businesses are expected to do that as well.

Chairwoman Lodge asked if the information coming out of this hearing will bring the various groups together to be able to solve some of the issues over the next seven weeks. Representative Crane said dialogue is always important. A deadline is approaching where people will lose their jobs so legislation does need to move forward. Businesses have tough issues to deal with and to dismiss and discount those would be a discredit to those businesses. However, the First Amendment gives the right to practice your religion. A statement must be sent out to the public that the Legislature stands with them on first amendment rights.

The following are comments in support of the bills:

**H 414**: Employers are not recognizing religious exemptions. Small print in employers paperwork states workers religious exemptions will be shared. The only person who can tell the true level of sincerity is that individual. No time or money to fight a global company when a religious exemption is not approved. The First Amendment right needs to be protected by employers in the State of Idaho.

**H 417**: Injuries are not being compensated through workers compensation. The presumption is, an injury was caused by the vaccine.

**H 419**: Add an emergency clause to this bill and add penalties if necessary. citizens have a fundamental right to medical privacy. Employees have the right of choice for disclosure of medical issues. Unable to receive needed medical care because of injuries sustained in military and cannot wear a mask or take vaccine. Currently employers are requiring information on vaccinations.

**General comments**: Lawsuits can take months or years. If current laws were enough, job losses would not be imminent. Employers are asking workers to take the risk of the vaccine in order to get a job. Can't force people to take something that is under emergency approval. The Idaho Constitution and IHLA are being ignored. Federal employers clearly state that legal proceedings and stays do not affect them. Vaccine can make someone deathly ill. The COVID vaccine is not proven and it is not the same as other vaccines. Every individual needs their personal rights protected. Vaccination injuries have been occurring for a long time and tabling any of this issues will bring more injuries due to the COVID vaccination. Those private organizations who are pushing the vaccine mandates are funded, at least in part, by private pharmaceutical companies who also produce the data people hear about. Vaccinated status is no one's business. This is an ethical issue; individual rights versus the greater good. Non-medical people are mandating that a vaccine is given to people for a virus that has a 99.97 percent recovery rate.

The following are comments in opposition to the bills:

**H 414**: It is specific to religious exemptions. Violates privacy and creates more divide. Large employers can only use this for vaccinations and sometimes drug testing. Doesn't require a basis for religious exemptions. Prevents employers and institutions from obtaining independent medical evaluations.
H 417: Because State and Federal government employers or any entity does not have the power to require or regulate an employees medical treatment. This bill violates the fundamental rights to privacy and bodily autonomy and gives the illusion that businesses can act outside of the Constitution and require medical treatment for employment. The presumption is that the injury was caused by the vaccination. Worker's Compensation experience rating can be adjusted if claims arise as opposed to claims settled. Specifies exemptions are for employers but there are many types of entities it would also affect.

H 419: Change of language to reflect that no entity shall require disclosure of vaccination status unless international travel to a country or state requiring that information is involved. Difficulty for employer to keep a safe working environment particularly in health care. How can an accommodation be made if the employer can’t require the information. As an employer, using many resources to keep employees safe. Vaccines have been the most effective tool to avoid infections and decrease severe illness. Removes the ability to keep people safe. Medical and religious accommodations have been given to all who applied. Add emergency clause.

General comments: All vaccinations have caused harm and damage. Whether vaccinated or not, COVID can still be transmitted. Employers have pressures from demands related to regulations and employees with different requirements or beliefs plus customer demands. The way bills will be implemented will place mandates and limitations on businesses. This is not a novel virus but because of it, the country is losing its system of government in this process. There could be unintended consequences to current laws in place. Laws shouldn’t be passed that are not great. Majority of Idahoans want a safe workplace, safe businesses to patronize, and safe health care facilities.

MOTION: Senator Anthon moved to send H 414 to the Senate floor with a do pass recommendation. There being no second, H 414 will be held in the office of the Senate State Affairs Committee.

MOTION: Senator Lee moved to hold H 417 in Committee. Senator Heider seconded the motion.

Senator Lee noted that this is an important bill but that some work is required to get the bill to a place that will protect Idahoans. There has been some suggested language for amendments. There is not time to do this during this session. She encouraged working together to get language that everyone can approve and do this at the very beginning of the upcoming session.

Senator Anthon stated he will be opposing the motion because we are underrepresented in our ability to pursue normal courses of recourse in the courts because of the immunity provided to pharmaceutical companies. To the extent the motion succeeds he would be happy to work with the sponsors and others on the Committee.

Senator Burgoyne said he will be supporting the motion. He sincerely believes in the intent of this bill. There is a concern with subsection 4, financial burdens should not be imposed on Idaho employers for Federal mandates. Instead, that potential financial burden for increased premium costs and experience rating related costs should be paid for from the Federal COVID funds that Idaho has received. Senator Burgoyne pledged that he would provide help with this bill and he would like to see it at the beginning of the next session with appropriate amendment(s).

VOTE: The motion carried by voice vote. Senator Anthon was recorded as voting nay.

MOTION: H 419 will be held in the Senate State Affairs Committee for lack of a motion.
ADJOURNED: There being no further business at this time, Chairwoman Lodge adjourned the meeting at 11:50 a.m.

___________________________  __________________________
Senator Lodge               Twyla Melton
Chair                         Secretary
Hi Senator Burgoyne—

This e-mail is in response to your recent inquiry regarding H. 417, H. 412, H. 414, and H. 429. Set forth below is a brief explanation of each bill along with a brief legal analysis. These pieces of legislation are generally legally permissible as within the discretion of the legislature, but they may create legal uncertainty, or alter the traditional legal relationships established by other laws. For example, traditionally within the employment context, the employer has the ability to establish workplace requirements that arise out of the employers determination of the necessities of the workplace. Certain pieces of legislation below appear to turn that relationship on its head because they allow an employee to refuse certain requirements of employment without any recourse from the employer. For example, within the context of a medical or religious accommodation, an employer has the ability to offer alternatives to an employee in order to accommodate a validly held religious or medical limitation on a workplace requirement. Legally, certain of these measures appear to place the employee in the position of telling the employer what he or she can and cannot do with regard to the employer’s place of employment.

H. 417 Worker’s Compensation for Vaccine-Related Accidents

H. 417, if enacted, will make injuries arising from employer mandated vaccinations to be compensable under Idaho’s Worker Compensation laws. Generally the Idaho Legislature has the authority to establish the parameters of workers compensation and its coverage. One question with regard to coverage may arise if the vaccination requirement is imposed by federal statute such as the OSHA ETS requiring vaccinations in all businesses with 100 or more employees. This requirement is required by the Federal Government, but implemented and overseen by the employer. This legislation is uncertain as to whether workers compensation coverage would be extended in such a situation. Another legal uncertainty is that under the legislation, all inferences are made in favor of a vaccination causing the injury to a worker, but these inferences may be legally difficult in application because it will most likely require medical expert testimony to establish causation. This could result in much more costly worker’s compensation cases for employees, employers, and the government. Finally, this legislation could create compensable injuries due to circumstances beyond the control of the employer or the State of Idaho. The federal government has established requirements for vaccinations in several employment settings. These requirements are being challenged and parts of their implementation are either stayed or delayed. Although the ETS is currently stayed, it is also being actively litigated
and could ultimately be upheld. In such a scenario, the ETS would be considered the law of the land and Idaho businesses within its ambit required to comply.

This legislation also applies to all vaccinations, including those that may prevent occupational diseases. Hepatitis B is a common occupational disease for which there is a vaccine that is both available and routinely required for certain types of employment based on the likelihood of exposure. This legislation would discourage employers from requiring this vaccine, which in turn would make the worker’s compensation system exposed to more claims for compensation for sufferers of this disease. It is worth noting that COVID-19 is not considered an occupational disease at this time, which means one could not claim worker’s compensation for the claims arising from contraction of the virus, but one could make a claim due to adverse effects from the vaccine. Similarly, the addition of this provision is inconsistent with the existing definition of injury and accident under Idaho Code sec. 72-102(17).

H. 412: Adding Vaccine Discrimination as Actionable Under the Idaho Human Rights Commission

H. 412 is legislation that would prohibit discrimination on the basis of vaccination status or a vaccination passport under certain circumstances. Most importantly provisions of this legislation could be preempted if (1) the executive order requiring vaccines for federal contractors is upheld; and/or (2) the OSHA ETS vaccine requirement for employers with more than 100 employees is upheld. Similarly, CMS has issued a regulation requiring all healthcare workers in certain circumstances to be vaccinated. This regulation appears to be addressed by proposed Idaho Code sec. 67-5909B(2)(c), which creates an exemption from these requirements for licensed nursing homes, long-term care facilities, or assisted living facilities if subject to regulations issued by CMS. But this provision may create legal uncertainty and conflict with the other federal executive orders and regulations because if they are upheld the orders and regulations would likely preempt the application of this legislation in those circumstances. Practically speaking this could create a great deal of legal uncertainty because this legislation would be enforceable with regard to certain businesses, and preempted with regard to others.

H. 414: Right to Refuse Medical Treatment For Religious Beliefs

H. 414 purports to create a right to claim a religious exemption from medical treatment that cannot be challenged by an employer, government, or other entity. Although identified as a religious exemption, the inability to question the sincerity of religious beliefs, converts this exemption into one of conscience in effect. This provision also allows an employer or government to include a waiver of liability for any refused medical treatment. This provision could also be subject to preemption as explained above. This legislation alters the legal landscape of the employer/employee relationship, as well as the traditional system of an employer claiming an exemption and then the employer evaluating and accommodating such a claim.

The traditional framework for establishing a prima facie case of discrimination based on religious accommodation requires an employee to demonstrate that: (1) the employee has a bona fide religious belief, the practice of which conflicts with the requirements of employment; (2) the employer is informed of this belief and conflict; and (3) the employer nevertheless enforced its requirement against the employee. Heller v. EBB Auto Co., 8 F.3d 1433, 1438 (9th Cir. 1993); Turpen v. Missouri-Kansas-Texas R.R. Co., 736 F.2d 1022, 1026 (5th Cir. 1984). To show undue hardship, an employer must demonstrate that an accommodation would require more than a de minimis cost. Trans World Airlines v. Hardison, 432 U.S. 63, 74 (1977). Relevant factors may include the type of workplace, the nature of the employee’s duties, the identifiable cost of the accommodation in relation to the size and operating costs of the employer, and the number of employees who will in fact need a particular accommodation. The employer needs to demonstrate how much cost or disruption a proposed accommodation would involve. See Don T. v. U.S. Postal Serv., EEOC Appeal No. 2019001176 (Jan. 30, 2020); Heidi B. v. U.S. Postal Serv., EEOC Appeal No. 0120182601 (Nov. 8, 2019).

This legislation inverts this framework because it no longer require that a religious belief be established or bona fide. It also removes from an employer the ability to accommodate such a belief in way that allows for the employer to remain
in charge of his or her workplace because the employer can no longer balance the needs of the workplace with reasonable accommodations of validly held religious beliefs. Finally, this legislation may place an employer within a federal/state vise whereby the employer is required to comply with federal regulations requiring vaccinations while simultaneously being required to recognize religious exemptions that may not be correspondingly recognized within the federal regulatory environment. In this instance, the employer will be required to potentially subject himself to either federal sanction for non-compliance or state sanction for non-compliance. Care should be exercised to avoid placing an employer within the vise of a Hobson’s choice.

H. 429: Opt Out of School Mask Mandates

H. 429 would allow parents to opt themselves and their children out of mask mandates, as well as anyone over the age of 18. The language of this exemption is extremely broad. For example, the legislation permits one to “[...] exempt himself or the minor child from any requirement for the adult or child to wear a mask, use a plexiglass barrier, or observe other similar medical measures by submitting a signed statement...” H. 429, p. 2, ll. 29-35. Although the title of this provision is related to the spread of infectious diseases, proposed Idaho Code sec. 33-212(4-5) could be read as stand-alone provisions to apply more broadly than just the spread of infectious diseases. For example, this provision, if read as a stand-alone, could also be interpreted to apply to safety measures such as a catcher’s mask, a welding visor, or a football facemask as examples. It is recommended that this language be narrowed to more closely adhere to the drafter’s intent. Additionally, the opt-out would likely have the practical effect of negating any safety effects achieved by the use of masks. One additional consideration is that this measure would operate into an unknown and uncertain future—although the effects of COVID-19 are mostly known, the next virus, pathogen, or other airborne malady are unknown—this legislation if enacted could operate to preclude schools from taking appropriate steps to address future instances.

It is also worth noting that legally, H. 429 allows for an opt out for any reason—not just medical or religious reasons—but also for personal beliefs. Such an exemption should also include a waiver of liability by the person opting out. If a school imposes a safety measure that an individual opts out of, and then contracts a disease due to that opt out, it is recommended that the legal liability of the school be limited.

As noted above, these pieces of legislation are likely legally permissible, but as noted above will create a series of legal questions. Certain portions of the legislation may be preempted, certain provisions as indicated above may create legal uncertainty, and others may have unintended legal consequences.

I hope that you find the brief analysis above helpful.

Brian
Attachment B
11-17-21

Written Testimony Submitted
Talking Points for Businesses Regarding Vaccine Legislation

- Businesses strongly oppose any legislation that would step between an employer and their employees by creating new government mandates on how they operate.

- Idaho is a right-to-work state. Government should not be in the business of deciding who employers can hire and fire, and under what parameters. Government should especially not be in the business of creating new liability for employers who are working to keep their businesses open and their employees safe.

- The Biden Administration has already over-reached by federally mandating companies vaccinate their employees and subcontractors. The answer to the federal mandate is not conflicting state mandates. All of these types of mandates create uncertainty and liability for businesses and do nothing to help employers keep their doors open and contribute to the advancement of Idaho’s economy.

- Any legislation likely to be considered in this Session is premature. Idaho has already joined two lawsuits to stop the federal orders creating vaccines mandates for many employers. The OSHA mandate has already been stayed. The US Supreme Court will ultimately decide this issue in the near future.

- Once we know the legal fate of the federal mandates, the best thing Idaho’s government can do is to help businesses comply with any requirements left in place. This means not hamstringing local officials at hospitals and health departments from helping businesses trying to follow the law.

- Idaho businesses have worked tirelessly since the start of the pandemic to keep their doors open, and their employees safe. Many businesses have found new ways to operate that work for them and their employees. Many of the ideas being considered will have the effect of undoing these hard-fought gains.

- This is an economic issue for Idaho. Idaho’s economy has been leading the country on the way out of the pandemic, largely because government has stayed out of the operation of private businesses. Idaho employers are already struggling with supply chain issues because of the pandemic. More harmful regulations from state government only weaken our efforts and damage our economy.
November 17, 2021

The Honorable Patti Anne Lodge  
Chair, Senate State Affairs  
Idaho State Senate  
Boise, Idaho 83704

Via Email

Re: HB 414, Right to Refuse Medical Treatment Based on Medical Beliefs

Dear Chairwoman Lodge and Members of the Committee:

The American Property Casualty Insurance Association (APCIA) is the primary national trade association for home, auto, and business insurers, and promotes and protects the viability of private competition for the benefit of consumers and insurers, with a legacy dating back 150 years. APCIA members represent all sizes, structures, and regions—protecting families, communities, and businesses in the U.S. and across the globe.

APCIA opposes HB 414 as a threat to the stability and functioning of the Idaho workers’ compensation system.

HB 414 provides that “Any person may refuse medical treatment of any kind based on the person’s religious beliefs.” Emphasis added. Moreover, "no governmental entity, employer, or any other entity may question the sincerity of the religious beliefs claimed by a person."

The Idaho workers’ compensation system depends on the injured worker submitting to an initial medical evaluation, subsequent medical treatment, and periodic medical evaluations to determine appropriate return to work and medical improvement. A law that provides a worker the right to refuse any medical treatment and medical evaluations based on a claimant’s self-expressed “religious belief,” a belief that may not be questioned by the employer, the insurer, or the government, directly undermines the entire basis of the workers’ compensation system.

Idaho Code 72-434 currently recognizes the critical importance of the injured worker complying with medical treatment requirements and mandatory medical evaluations. Idaho Code 72-434 provides “If an injured employee unreasonably fails to submit to or in any way obstructs an examination by a physician or surgeon designated by the commission or the employer, the injured employee’s right to take or
prosecute any proceedings under this law shall be suspended until such failure or obstruction ceases, and no compensation shall be payable for the period during which such failure or obstruction continues.”

Idaho Code 72-434’s mandate that the injured worker comply with and submit to medical treatment and medical evaluations is absolutely critical to the functioning of the workers’ compensation system. Unfortunately, HB 414, by creating a new right of a person to refuse any type of medical treatment on the mere allegation of a religious belief, an allegation that an employer or the government may not contest, appears to override Idaho Code 72-434’s mandate and thereby threatens to destabilize Idaho’s workers’ compensation system.

Based on the foregoing, APCIA urges that HB 414 be defeated. Please let me know if I may provide additional information. Thank you for your consideration of this important policy matter.

Sincerely,

[Signature]

Lyn Darrington Elliott
Assistant Vice President, State Government Relations – Mountain Region
American Property Casualty Insurance Association
November 17, 2021

The Honorable Patti Anne Lodge  
Chair, Senate State Affairs  
Idaho State Senate  
Boise, Idaho 83704

Via Email

Re: HB 417, To Provide that Vaccine-Related Accidents or Injuries Shall be Compensable and to Provide for a Presumption in Favor of Compensation

Dear Chairwoman Lodge and Members of the Committee:

The American Property Casualty Insurance Association (APCIA)\(^1\) opposes HB 417 for creating a presumption of compensability under workers’ compensation when an employee receives a vaccine in the course of employment and suffers an injury or accident that “may be related to the employee's receipt of such vaccine.”

By creating a presumption of coverage that a workers’ vaccination was in the course of employment and a subsequent accident or injury was the result of the vaccination, HB 417 overturns a century of workers’ compensation bedrock principles that a claimant may recover only upon the claimant offering sufficient proof that the accident occurred in the course and scope of employment and the accident or injury was work-related.

Workers’ compensation is a no-fault system where the employer provides the injured worker with indemnity benefits and unlimited first dollar medical benefits (without any deductibles or co-pays) *even in the absence of fault by the employer* for all workplace accidents and injuries. Such a no-fault system can survive only if claimants are required to provide sufficient proof that there is a medical injury and that the injury arose in the scope and course of employment.

HB 417, however, dispenses with any requirement that the claimant offer sufficient proof that any alleged accident or injury arose in the scope and course of employment or sufficient medical proof that the alleged injury is a result of a workplace event. Instead, HB 417 shifts the burden on the employer to prove “by a

\(^1\) APCIA represents nearly 60 percent of the U.S. property casualty insurance market and the broadest cross-section of home, auto, and business insurers of any national trade association. APCIA members represent all sizes, structures, and regions, protecting families, communities, and businesses in the U.S. and across the globe.
substantial certainty” that the alleged injury was not related to the workplace. A “substantial certainty” standard is an extremely high standard to meet, and the employer should not have the standard of proof in any event. The burden of proof that an alleged injury is compensable under the workers’ compensation act should always rest on the claimant seeking benefits under a no-fault system.

To eliminate the long-established bedrock principle that a claimant first must prove a compensable injury taking place in the scope and course of employment will open the no-fault system to claims entirely unrelated to the workplace. Indeed, HB 417 by its terms authorizes application of the presumption merely upon an allegation an injury “may be related to the employee’s receipt of such vaccine.” Emphasis added. Creating a presumption of compensability, that can be defeated only upon the high standard of “substantial certainty” to the contrary, merely because an alleged injury or disease “may be related to a vaccine” will only authorize compensability to a host of illnesses and injuries that are not in any way related to the workplace. A no-fault system that pays indemnity benefits and unlimited medical benefits even in the absence of employer fault should not be required to pay for illnesses or diseases without any proof that such illnesses or diseases were in any way work-related.

Based on the foregoing reasons, APCIA requests that HB 417 be defeated.

Sincerely,

 Steven A. Bennett
Assistant Vice President, Workers Compensation Programs & Counsel
American Property Casualty Insurance Association
Twyla Melton

From: LaRae Wilson <laraewilson@gmail.com>
Sent: Wednesday, November 17, 2021 12:05 PM
To: Twyla Melton; Senator Patti Anne Lodge
Subject: Today’s Committee Hearing

Madam Chair and Members of the Senate State Affairs Committee,

I am LaRae Wilson from Boise, Idaho District 18. I am a member of MWEazy-Idaho (Mormon Women for Ethical Government), but am writing to you today as a private citizen in lieu of my remote testimony that I had hoped to share, but there was simply no more time.

Thank you for your reasoned consideration of all testimony today. I watched the entire session online. I learned a great deal.

I think that these bills could have waited for the 2022 Legislative session, but instead urgency cited by the House leadership and supported by the majority party members in that body resulted in the Idaho Constitution being suspended to rush these bills through without proper review, debate, or citizen input. And listening to the discussion in committee this morning, each of these bills would have benefitted from additional review, oversight, and input. Moreover, redundant legislation taken in a hurry is not an appropriate remedy for violation of individual rights and employment laws, examples of which we heard today.

Bills 414 and 419 infringe on the self-governance of individuals and entities, like school districts and businesses and nonprofits, to allow other individuals an expansion of their rights as they see them.

Most of the bills that came out of the House on November 16 are an example of government overreach seen regularly in recent legislation in Idaho. I wish to see less paternalistic legislation that seeks to impose a point of view on the entire citizenry of our state and more legislation that is born of good policy after strong research, clear data, and committee oversight.

Thank you for pushing back on legislative redundancy and overreach by insisting on more discussion from all parties involved and needed editing and amending. Thank you for not passing any of these bills through your committee to the Senate floor at this time.

Sincerely,
LaRae Wilson

LaRae Wilson
Legislative Co-Lead, Idaho Chapter
Mormon Women for Ethical Government (MWEazy)
Dear Senate State Affairs Committee Members:

Thank you for the opportunity to provide input regarding legislation that will be before your committee tomorrow morning. Before I get into specifics on these bills, I’ll just express some frustration at the frantic speed at which these bills are moving through the legislature, without adequate time for review, analysis and discussion of potential unintended consequences of these proposals. With the regular legislative session coming up in just a few weeks, it would be far preferable to be going through the deliberative process that the legislature should, to ensure adequate opportunity for input from all sides of an issue and for proper consideration of possible ramifications before passing into law. But I’m sure some of you agree with me on that, so I’ll get to specific concerns related to a couple of the bills on your agenda.

**House Bill 414**, with its broad approach to expanding religious exemptions for all medical procedures (when the likely target was vaccination) and banning employers from asking clarifying questions about deeply held beliefs that support religious exemptions, creates concern about an employer’s ability to comply with federal requirements. While the OSHA federal vaccine requirement on employers with >100 employees is currently held up in the court system, there is nothing to prevent implementation of the CMS vaccine requirement for healthcare workers, which our organization must comply with if implemented as scheduled in the very near future. It would be premature for the state legislature to pass a law that places employers between a rock and a hard place, and the federal requirement would supersede the state requirement.

Since this bill is also crafted so broadly referring to medical procedures in general, I was also wondering about an unintended consequence such as an employer asking a new hire or existing colleague for a drug test, and that employee refusing on the basis of religious exemption without the employer being able to inquire further. With so little time to review this bill and get input from our team, it’s difficult to say what other challenges it might create. The fact is that we do grant religious exemptions to the COVID-19 vaccine requirement for our colleagues who request accommodation and are able to establish that their request is based on a sincerely held belief. **Given the uncertainty around impacts of this legislation and uncertainty/confusion it would create in the midst of an evolving situation with the federal vaccine requirements, we ask that you vote to hold HB 414 in committee.**

**House Bill 419** also causes us great concern due to conflict with federal vaccine requirements. As stated in an AG opinion obtained today, "if HB419 went into effect, a private CMS funded employer would be put in a difficult position where the employer would be unable to comply with HB419 and maintain CMS federal funding." While Idaho is currently part of a legal challenge to the CMS regulations, there is currently nothing stopping implementation from moving forward, and Idaho’s healthcare employers must comply or face devastating loss of Medicare and Medicaid funds. **We ask that you vote to hold HB 419 in committee, given the conflict with current federal regulations.**

Again, thank you for the opportunity to share our thoughts on these bills before your committee. I would have come to testify in person, but have a prior commitment moderating a behavioral health panel at Leadership Boise so am unable to be there. If you have any questions, please feel free to send me a message and I will try to get you a quick response, but I think others may be in attendance who can speak to questions just as well, maybe better.
Madam Chair and Committee,

Good morning, My name is Cindi Bennett, I am from Nampa Idaho District 12. I would like to say that I do support this bill 419. I am a nurse with 16 years of experience, and I also have my master’s degree in Nursing Population Health, Additionally I'm an internationally board-certified lactation consultant I had the privilege of designing several programs within the largest hospital system in the state of Idaho. I left my job 4 weeks ago this Friday rather than being fired.

This bill will allow myself and others to obtain employment and not be discriminated against whether we have received the COVID shot or not. I showed up to work every day working through the COVID crisis. I came to work when there wasn't enough PPEs supposedly which is (Personal protective equipment). I've taken care of COVID positive patients and never once have I asked a patient have you received the COVID shot.

I made a medical freedom decision just like many others and we should not be denied the opportunity to continue to work and I'm especially saying this in the nursing field we are losing nurses at a huge rate as shared earlier (the NICU nurse with several years of experience), pleasure of working with her.

Please take note that travel nurses are NOT required to have to take the COVID shot.

I don't know about you but I do know if I am in the hospital setting and need medical attention for myself or my family I want a competent seasoned well educated nurse taking care of me or my family and these same well educated seasoned nurses are the ones we need to keep in this community because these same well-educated seasoned nurses are needed to precept new nurses.

Thank you for allowing me this time to share.

In the Grip of Grace,
Cindi Faith Bennett
Katherine Dawes requested that her testimony be sent to you. As her message said, she appreciates it that the bills were held in Committee.

Ms. Melton,
I had signed up to testify yesterday in the State Affairs Committee but was unable to do so because of time constraints. I would greatly appreciate it if you would send this message to all the members of the committee. Thank you so much.
Sincerely,
Kathy Dawes

Chair Lodge and members of the Senate State Affairs Committee,

Although I had signed up the night before the hearings to testify remotely on behalf of myself and my husband, I was not called upon, due to time constraints. We greatly appreciate that the committee chose to hold all three bills, since we oppose them. However, we would greatly appreciate it if you could read the following testimony that I had planned to give in order to understand our rationale. Thank you.
Kathy and Dana Dawes
Moscow, ID

**H 414 – Religious Exemptions**

This bill is too broad and allows the words “religious exemption” to be used by anyone, without question, for any reason, and actually cheapens the meaning and intent of the term. This bill allows virtually anyone to avoid getting vaccinated and also allows them to work without taking any responsibility at all for taking any measures to protect themselves or others, no matter what the circumstances.

**H 417 – Workers Compensation:** This bill is totally unnecessary. There is already a mechanism for compensation for the unlikely event someone experiences a serious injury from numerous vaccinations, including COVID. The federal [Countermeasures Injury Compensation Program (CICP)](https://www.hhs.gov/cber/cicp/) was created for this very reason. A countermeasure is a vaccination, medication, device, or other item recommended to diagnose, prevent or treat a declared pandemic, epidemic or security threat.

In addition, if you want to allow people to be compensated by workers comp for "an accident or injury that is or may be related to the employee's receipt of such vaccine" then you should also allow similar compensation for work-related COVID cases that happen due to the fact that the employer did not take adequate safety measures to assure their employee's health. Both of these would require some investigation to determine if the 'injury' was directly due to work-
related events, but if you are going to allow compensation for one, then you must also allow compensation for the other.

Senator Burgoyne suggested that workers comp claims for vaccine injury could be paid using federal COVID funds, which makes a lot of sense to us, but if you do that, we also feel that claims for illness due to COVID as we described above should also be included.

**HB419 Vaccination Status (COVID) cannot be disclosed as a condition of employment:**

Our major concern with this bill is that hospitals and other health care facilities are included in this bill and could therefore not require their employees to prove their vaccination status. Already, many healthcare workers are required to have proof of several other vaccinations. Why separate COVID from these, when these workers are in direct contact with patients who could get COVID from them? Whose rights should come first, the worker’s or the patient’s?

Mandatory vaccines have been required for health care workers for a long time. Nursing students must show proof of childhood vaccines or show developed immunity prior to being allowed into the clinical setting and ultimately obtain a license. Currently, an annual flu shot is usually required. Some facilities may allow employees to opt out of the vaccine and wear a face mask during the flu season.

It is not only realistic but essential for health care workers to be required to disclose to their employer their vaccination status, especially for such an extremely transmissible agent like COVID-19. It is not fair or reasonable for this bill to specifically single out the COVID-19 vaccine.