

MINUTES  
**SENATE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, February 07, 2022

**TIME:** 8:00 A.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairwoman Lodge, Vice Chairman Guthrie, Senators Winder, Anthon, Harris, Lee, Stennett, and Burgoyne

**ABSENT/ EXCUSED:** Senator McClusky (Heider)

**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 8:11 a.m.

**VOTE ON GUBERNATORIAL APPOINTMENT:** **VOTE ON THE GUBERNATORIAL APPOINTMENT** of John Hammond to the Idaho Public Utilities Commission.

**MOTION:** **Senator Harris** moved to send the Gubernatorial Appointment of John Hammond to the Idaho Public Utilities Commission to the Senate floor with the recommendation that he be confirmed by the Senate. **Senator Anthon** seconded the motion. **Senator Burgoyne** noted his Rule 39H disclosure of his interest in the position of PUC Commissioner. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENTS:** **THE GUBERNATORIAL APPOINTMENT** of Brian Yeargain to the Idaho Endowment Fund Investment Board (Board).

**Brian Yeargain**, explained he is currently a practicing CPA in Boise, Idaho for Little-Morris LLP, and has been there 29 years since graduating from Boise State University. He has served on multiple finance committees, non-profit boards, and as president of the Bronco Athletic Association; the Boise State Alumni Association, Finance Committee of the Boise State Foundation, and West Valley Little League. The finance committee makes sense for him because he is in finance all the time. He said he is not an investor. **Mr. Yeargain** stated that being on the audit committee makes sense because his work and the firm did not do audits, there would not be any conflicts.

**DISCUSSION:** **Senator Winder** thanked Mr. Yeargain for his willingness to serve on this Board. He asked Mr. Yeargain what he saw as his role as a member of the Board. **Mr. Yeargain** said he had attended two meetings and thinks his role was to bring an evaluation perspective of the numbers and assist the audit committee because he was experienced with audits. **Senator Winder** asked whose position he was filling. **Mr. Yeargain** said for either Dean Buffington or Gary Mahn.

**Senator Lodge** asked if Mr. Yeargain had any interest in the State buying gold or silver, and if there was an interest, where would it be held. **Mr. Yeargain** stated that gold and silver could be a hedge against other investments. That type of investment would have to be evaluated by the Board. **Mr. Yeargain** said that most of the time when precious metals were bought, they were held at a mint and a certificate was issued. Also, there was a secure site in Eagle that holds precious metals. **Senator Lodge** thanked Mr. Yeargain and stated that the Committee would vote on the appointment at the Monday meeting.

**THE GUBERNATORIAL APPOINTMENT** of Mark Tschampl as Administrator for the Idaho Division of Veterans Services.

**Mark Tschampl**, Chief Administrator, Idaho Division of Veterans Services, spoke about a lifetime associated with the military. Both parents were army, a brother went to the Coast Guard Academy and was active Coast Guard, two sisters were in the Navy, one went to Naval Academy, and a sister served in the Army, **Mr. Tschampl** served in the United States Airforce as did his wife who currently serves full time in the Idaho Active Duty Guard. She appeared before this Committee earlier in the session. **Mr. Tschampl** stated he was a combat veteran in security services and deployed to Iraq in 2004. This background gives Mr. Tschampl a unique perspective into some of the challenges in the lives of the military members here in Idaho. Experiencing first hand and seeing the sacrifices that military members and their families make when they go to war for our country provides a better understanding of the physical and emotional scars members of the military come home with.

**Mr. Tschampl** separated from the military to obtain his masters degree and returned to work for the military as a civilian at Mountain Home Air Force Base (Base). He said he was the director of the Health and Wellness Center at the Base and also piloted a couple of national level programs that are currently in use in the United States Air Force. The experience in developing and implementing those programs have been very helpful in Mr. Tschampl's current duties. He said the military was his home and so this position is a natural fit. He said there were three core values that were instilled in him since childhood: integrity first, service before self, and excellence. **Mr. Tschampl** stated he tried to do those three activities every day because the veterans deserve it, they deserve excellence in every program or service that was offered them.

**DISCUSSION:**

**Senator Winder** thanked Mr. Tschampl for assuming the responsibilities that deal with meeting the needs of the veterans in our State. He asked if there were changes that could be made or changes that may need to be made quickly. **Mr. Tschampl** replied the staffing shortage was the single biggest problem within the skilled nursing home. The CMS's vaccine mandate made that worse. The mandate was not necessary to keep veteran's safe in the veteran's homes. **Senator Winder** explained that the State took an active role in pushing back against the executive orders and were able to get the Supreme Court of the United States to put stays that would be in place for a while. As for staffing and wages, there were not enough qualified people to hire. **Mr. Tschampl** agreed and said they were taking steps to make themselves more competitive and have had some success. It is primarily the supply.

**Chairwoman Lodge** announced that voting would take place at the next meeting.

**S 1262**

**STATE DISASTER PREPAREDNESS ACT** to amend existing law to provide for certain limitations on firearms regulation during a state of disaster emergency.

**Senator Lakey**, District 12, stated that **S 1262** was consensus legislation that deals with a disaster emergency declaration. It had the support of the NRA, the gentleman on the second floor, the sheriffs, the chiefs of police, and the Idaho Fraternal Order of Police (see Attachment A). Through review of current language, it was recognized there was an opportunity to clarify and enhance the protections that exist under Idaho Code § 46-1008(7) to clarify that protections included not only firearms and ammunition, but components and accessories. It established that firearms related businesses and commerce would be considered essential businesses in evaluations made during a declared emergency. **S 1262** also provided that the issuance, processing, and revocation

of concealed weapons licenses would continue to be handled under Title 18, Chapter 33 and would not be circumvented. **Senator Lakey** explained this legislation excluded firearms and related businesses from being commandeered; firearms could not be commandeered as part of an emergency declaration. It also clarified that when firearms were possessed and sold in connection with otherwise lawful conduct, those firearms would not be subject to confiscation.

**DISCUSSION:**

**Senator Winder** asked if there were any current emergency orders in place in Idaho. **Senator Lakey** responded that Idaho may still be under stage four. **Senator Winder** noted legal counsel for the gentleman on the second floor was in attendance and requested an update on the current status.

**Brady Hall**, General Counsel for the Idaho Governor's Office, thanked Senator Lakey for bringing this consensus legislation forward. He reported that there was one emergency declaration for COVID remaining that was referred to as an administrative order allowing the state to continue to access the disaster emergency account, and allows additional flexibility for the State to deploy certain entities, for instance the National Guard, to assist with health care capacity issues for that emergency order. There were no restrictions placed on any rights or constitutional privileges whatsoever; it exists as an administrative document.

**Senator Winder** asked about legislation passed in 2021 regarding the length of an emergency declaration. **Mr. Hall** responded the legislation referred to helped to some extent but it was a complicated relationship between FEMA and the state and it was critical that counties and communities receive reimbursement for incurred costs. It did not address the State's ability to deploy the National Guard for health care reasons. **Senator Winder** asked if any amendments to existing code would resolve the issue. **Mr. Hall** said the issue was dealing with a third party, the federal government. It was critical to make sure whatever was done was responsible and did not jeopardize the cost sharing arrangements.

**TESTIMONY:**

**Aoibheann Cline**, Northwest Regional Director, National Rifle Association (NRA), stated the NRA's support for **S 1262** which sought to place limitations on firearm restrictions by state and municipal agencies during disaster emergency declarations. **Ms. Cline** explained the reasons behind the NRA's stance on this bill (see Attachment A).

**David Taylor**, Idaho State Rifle & Pistol Association, stated their strong support of **S 1262**.

**Delbert Chappell**, representing himself, spoke in support of **S 1262**.

**MOTION:**

**Senator Winder** moved to send **S 1262** to the floor with a **do pass** recommendation. **Senator Harris** seconded the motion.

**Senator Burgoyne** stated he would not be supporting the motion and gave an explanation of what his reasons were. He commended the testimony by the representative from the NRA and the letter they submitted (see Attachment A). He said this legislation suggested to the people of Idaho that their rights were not protected when, in fact, they were. **Senator Burgoyne** said that Idaho is the most uninhibited, most unrestricted place in this country when it came to guns. The suggestion that we are not, in his opinion, creates an issue for Idaho citizens.

**Senator Lakey** closed by saying that he recognized and appreciated that there have not been executive orders pertaining to restrictions on firearms and that there are none now. Idaho's Governor supports the Second Amendment and **Senator Lakey** stated his appreciation for his support as well as the points

raised by Senator Burgoyne. However, we may not always have a governor with the same support. It is important to clarify what are essential businesses during emergencies.

**VOICE VOTE:**

The motion carried by **voice vote**. Senator Burgoyne was recorded as voting nay.

**ADJOURNED:**

There being no further business, **Chairwoman Lodge** adjourned the meeting at 8:42 a.m.

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Senator Lodge  
Chair

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Twyla Melton  
Secretary