

MINUTES  
**SENATE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, March 04, 2022

**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 VOTE:** **VOTE ON THE GUBERNATORIAL REAPPOINTMENT** of Irving Littman to the Idaho Endowment Fund Investment Board.

**Senator Winder** moved to send the gubernatorial reappointment of Irving Littman to the Idaho Endowment Fund Investment Board to the floor with recommendation that he be confirmed by the Senate. **Vice Chairman Guthrie** seconded the motion. The motion carried by **voice vote**.

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

**DOCKET NO. 15-1001-2100F** **IDAPA 15 - OFFICE OF THE GOVERNOR/ID STATE LIQUOR DIVISION -** Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule, pp. 62-72.

**Tony Faraca**, Chief Deputy Director, Idaho State Liquor Division, introduced himself to the Committee. **Mr. Faraca** reported the agency's fee rules had not changed since the Legislature's last review.

**MOTION:** **Senator Anthon** moved to approve **Docket No. 15-1001-2100F**. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

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

**RS 29687** **RELATING TO LANDS** regarding alternatives to General Counsel for the State Land Board and Department of Lands.

**Senator Harris** presented the proposed legislation to allow the Idaho Department of Lands (IDOL) to hire independent counsel. He stated the bill would remove any conflict of interest from the State Board of Land Commissioners (Board).

**DISCUSSION:** **Senator Stennett** inquired if it would be possible to hire outside counsel with sufficient expertise to understand all the functions of the IDOL. She further inquired if the reason for the bill was because the IDOL had insufficient staff. **Senator Harris** answered that the IDOL had three to four staff attorneys. He said it would be possible to find appropriate outside counsel. He explained the bill was needed due to a perceived conflict of interest by using deputy attorneys general to represent the Board.

**MOTION:** **Senator Anthon** moved to send **RS 29687** to print. **Senator Lee** seconded the motion.

**DISCUSSION:** **Senator Burgoyne** stated he would vote no because it would add another bill to the list of legislation yet to be considered. He advised the issue was controversial and he could not support the legislation under any circumstances.

**VOICE VOTE:** The motion to send **RS 29687** to print carried by **voice vote**. **Senators Burgoyne** and **Stennett** requested that they be recorded as voting nay.

**RS 29739** **UNANIMOUS CONSENT REQUEST** from the Senate Education Committee relating to distribution of funding for literacy intervention and full-day kindergarten.

**Senator Winder** stated the bill would provide for optional full day kindergarten if a school had the necessary facilities and teachers. He noted the proposed legislation also included a requirement for the school to track student reading progress.

**MOTION:** **Senator Anthon** moved to send **RS 29739** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**RS 29732** **UNANIMOUS CONSENT REQUEST** from the Senate Education Committee relating to provisions for career exploration courses.

**Senator Lent**, District 33, presented the proposed legislation to require middle school students to take a career exploration course under certain conditions. He advised no new funding would be required.

**MOTION:** **Senator Lee** moved to send **RS 29732** to print. **Vice Chairman Guthrie** seconded the motion.

**DISCUSSION:** **Senator Burgoyne** suggested the legislation was a good idea but it should wait until next year.

**VOICE VOTE:** The motion to send **RS 29732** to print carried by **voice vote**.

**RS 29548C1** **RELATING TO VOTER IDENTIFICATION** to revise provisions regarding election day registration.

**Senator Souza**, District 4, stated the proposed legislation would (a) standardize the list of acceptable identification (ID) documents for voting and voter registration; (b) require a form of ID that proved United States citizenship; (c) require a voter who registers by mail or online to cast their first ballot in person; (d) provide for free state ID cards for anyone who could not afford one; and (e) specify clerical requirements to ensure absentee ballot security.

**DISCUSSION:** **Senator Stennett** expressed confusion about the reason for disallowing military ID cards. **Senator Souza** answered that the United States Veterans Administration confirmed that proof of citizenship was not required to obtain a military ID.

**Senator Burgoyne** stated that Idaho had never required proof of citizenship at the time of voting. He did not understand why student and military IDs would be removed from the list. **Senator Souza** responded that neither student nor military IDs proved citizenship, and the student ID did not prove residence. She added that most military members had another form of ID.

**MOTION:** **Senator Anthon** moved to send **RS 29548C1** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**. **Senators Burgoyne** and **Stennett** requested that they be recorded as voting nay.

**RS 29733C1** **RELATING TO ABSENTEE BALLOTS** to revise provisions regarding the return of absentee ballots by persons other than the elector.

**Senator Souza** presented the proposed legislation to prohibit ballot harvesting in Idaho. She explained the provisions of the bill would limit the number of absentee ballots returned by one person to six in any election. She reported the 2005 Commission on Federal Election Reform called out absentee ballots as the largest source of potential voter fraud.

**DISCUSSION:** **Senator Stennett** asked if there was a similar bill in the House. **Chairwoman Lodge** advised she had the House bill but the Committee had not heard it yet. **Senator Stennett** mentioned some families like to discuss how to fill out absentee ballots. She asked if they could deliver each other's ballots. **Senator Souza** replied the bill would allow family members or a caregiver to carry up to six ballots including their own.

**MOTION:** **Senator Harris** moved to send **RS 29733C1** to print. **Senator Anthon** seconded the motion.

**DISCUSSION:** **Senator Burgoyne** said he would not support the motion. He expressed concern that ballots returned by mail might be disallowed because they were collected by nursing home staff or a postal worker, resulting in someone handling more than six ballots. He remarked that Idaho did not have a problem and the bill was unnecessary.

**VOICE VOTE:** The motion to send **RS 29733C1** to print carried by **voice vote**. **Senators Burgoyne** and **Stennett** requested that they be recorded as voting nay.

**RS 29685** **RELATING TO ELECTIONS** to provide for more consistent deadlines in the election process.

**Jason Hancock**, Deputy Secretary of State, Idaho Secretary of State's Office (SOS), presented the bill to standardize timelines to prepare and mail ballots for all elections, including recall elections. He explained the bill would also (a) clarify deadlines when the 60th day fell on a weekend or holiday; (b) provide timelines for candidate withdrawals and filling vacancies; and (c) include a deadline for a recall candidate to submit their 200-word statement to the county clerk.

**DISCUSSION:** **Senator Winder** asked why the bill was brought so late in the session. **Mr. Hancock** answered that there were delays receiving drafts of legislation.

**Senator Burgoyne** inquired if there would be negative consequences to the State if the legislation waited until next session. **Mr. Hancock** replied that negative consequences were possible.

**Senator Stennett** noted a typographical error in the emergency clause. She asked why the effective date of the bill was specified as July if there was an urgent need. **Chairwoman Lodge** commented that there was an emergency clause included in every piece of legislation this year. **Mr. Hancock** stated he did not ask for the emergency clause.

**MOTION:** **Vice Chairman Guthrie** moved to send **RS 29685** to print. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**RS 29695** **RELATING TO IDAHO CODE VOLUMES** regarding distribution, publishing, and printing of Idaho Code.

**Mr. Hancock** reported the bill would clean up outdated language related to distribution of Idaho Code books. He said the bill would update the statutes to align with current SOS practices. He mentioned the bill could wait until next year.

**Senator Winder** agreed that the legislation could wait. He said it would be difficult to move the bill through the legislative process at this late date.

**MOTION:** **Senator Winder** moved to hold **RS 29695** in Committee. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**RS 29697** **RELATING TO ELECTIONS** regarding cemetery maintenance board elections.

**MOTION:** **Senator Stennett** moved to send **RS 29697** to print. **Senator Harris** seconded the motion.

**DISCUSSION:** **Senator Winder** asked the reason for the delay in presenting the legislation. He further inquired if it would create a hardship to wait until next year. **Mr. Hancock** answered that the SOS found ambiguous or contradictory language in Idaho Code every year. He said waiting until next year would likely result in a larger bill to include any new items found between now and next session.

**ROLL CALL VOTE:** **Chairwoman Lodge** called for a roll call vote on the motion to send **RS 29697** to print. **Senators Harris, Stennett, Vice Chairman Guthrie, and Chairwoman Lodge** voted aye. **Senators Winder, Anthon, Lee, Heider, and Burgoyne** voted nay. The motion failed.

**RS 29674** **RELATING TO AN ENDANGERED AND MISSING PERSON ALERT (EMPA)** to create procedures with standardized requirements to alert the public to any endangered or missing person regardless of age.

**Senator Lee** commented that the bill required the work of many stakeholders. She reported the proposed legislation was created as a "silver alert" for missing elderly and dementia patients. **Senator Lee** advised there was a need to include alerts for other types of missing persons. She described the case of Michael Vaughn, a missing five year old Fruitland child, whose circumstances did not qualify for an America's Missing: Broadcast Emergency Response (AMBER) Alert. She noted Idaho was the only state in the northwest without this type of missing persons alert system. **Senator Lee** said the bill underwent a lengthy drafting process to verify it did not conflict with other alerts and to determine implementation costs.

**DISCUSSION:** **Senator Winder** asked why the bill was brought so late in the session. **Senator Lee** replied that it took time to work with Idaho State Police regarding AMBER Alert requirements and to ensure it would address all stakeholder concerns for other types of missing persons. She said it was important to include all costs of the EMPA.

**MOTION:** **Senator Stennett** moved to send **RS 29674** to print. **Senator Anthon** seconded the motion.

**DISCUSSION:** **Senator Burgoyne** expressed his view that the bill was important and he would support the motion.

**Senator Anthon** stated that lives of Idahoans would be at risk without the bill.

**Chairwoman Lodge** asked why the missing Fruitland child did not qualify for an AMBER Alert. **Senator Lee** responded that the AMBER Alert system involved an interstate agreement requiring a known abduction and description of a vehicle. She said the proposed legislation would allow for missing children alerts that did not meet those criteria.

**Senator Winder** explained why some routing slips were printed late in the session and some were held.

**VOICE VOTE:** The motion to send **RS 29674** to print carried by **voice vote**.

**S 1351** **RELATING TO VOTERS** to amend existing law to provide for a report to the Legislature on voter registration maintenance actions.

**Senator Heider** stated the bill would require the SOS to conduct a weekly review of new voter registrations to ensure prior registrations would be cancelled. He said the bill would also require the SOS to report to the Legislature annually about any maintenance to the voter registration rolls.

**Senator Stennett** asked how much SOS staff time would be required to conduct the weekly review and oversee the county clerks. She noted the SOS fulfilled its duties with few staff. **Senator Heider** stated the county clerks already conducted a weekly review. He did not anticipate the bill would result in any additional cost or staff time. **Mr. Hancock** affirmed the weekly review currently existed in Idaho law. He said the bill would merely add a requirement for the SOS to compile and present an annual report to the Legislature of all voter maintenance actions throughout the year.

**MOTION:** **Senator Burgoyne** moved to send **S 1351** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**S 1352** **RELATING TO ELECTIONS REGARDING ABSENTEE BALLOTS** to amend existing law to provide for an investigation if an absentee ballot is returned to the county clerk as undeliverable.

**Senator Heider** presented the bill to require a county clerk to investigate a voter registration if an absentee ballot was returned as undeliverable by the United States Postal Service. He observed there would be no additional cost to perform the investigation.

**MOTION:** **Senator Harris** moved to send **S 1352** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

**MINUTES APPROVAL:** **Senator Winder** moved to approve the Minutes of February 7, 2022. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**Vice Chairman Guthrie** moved to approve the Minutes of February 11, 2022. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

**Senator Lee** moved to approve the Minutes of February 18, 2022. **Senator Stennett** 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.

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Senator Lodge  
Chair

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Twyla Melton  
Secretary

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Jeanne Jackson-Heim  
Assistant Secretary