

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, March 07, 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 8:00 a.m.

Chairwoman Lodge called for a moment of silence in remembrance of the citizens of Ukraine.

RS 29746 **RELATING TO PURCHASING BY POLITICAL SUBDIVISIONS** to revise provisions regarding procuring services or personal property.

Senator Anthon said local governments had requested the proposed legislation to raise the limits for which a competitive bid would be required to purchase personal property. He noted the limits had not been adjusted for some time.

MOTION: **Senator Harris** moved to send **RS 29746** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

RS 29774 **RELATING TO THE RURAL VETERINARIANS LOAN REPAYMENT PROGRAM** to establish provisions regarding a Rural Veterinarians Loan Repayment Fund.

Senator Stennett stated the proposed legislation was similar to a bill she previously presented for a veterinary student loan repayment fund. She said the bill included revisions suggested by stakeholders to change the proposed board to an advisory committee within the Idaho State Department of Agriculture. The new bill also would add a contract obligation for grant recipients to repay the grant if the specified service requirement was not fulfilled.

MOTION: **Senator Anthon** moved to send **RS 29774** to print. **Vice Chairman Guthrie** seconded the motion. The motion carried by **voice vote**.

DISCUSSION: **Chairwoman Lodge** remarked that she had experienced long wait times to obtain veterinary services for her pets and large animals due to a shortage of veterinarians.

S 1357 **RELATING TO BALLOT MEASURES FOR ELECTIONS** - Amends existing law to revise provisions regarding the numbering of ballot measures.

Senator Ricks, District 34, presented the bill to give ballot initiatives a sequential unique number. He advised that the legislation would make it easier to identify previous ballot initiatives. He noted the bill would start the numbering at "8."

DISCUSSION: **Chairwoman Lodge** asked if the numbering system would include the year of the initiative. **Senator Ricks** replied that Montana implemented a numbering system using the year as the first two numbers and it proved to be confusing. He said the bill would provide for sequential numbering going forward.

Senator Stennett stated the Legislature used the same numbers for bills every session. She noted that the numbers were not a meaningful indicator of the initiative topic. She asked why the bill was necessary. **Senator Ricks** answered that there was no compelling reason for the change. He added it would be helpful to identify significant initiatives by a unique number.

MOTION: **Senator Harris** moved to send **S 1357** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion.

DISCUSSION: **Senator Burgoyne** said he would not support the motion. He expressed his opinion that it would not clarify anything and it might create additional confusion. He remarked that his constituents referred to initiatives by nicknames and not their numbers. He stated he could not recall the number of an initiative he helped implement.

VOICE VOTE: The motion to send **S 1357** to the floor with a **do pass** recommendation carried by **voice vote**. **Senators Burgoyne** and **Stennett** requested that they be recorded as voting nay.

H 511 **RELATING TO BALLOTS FOR ELECTIONS** - Amends existing law to revise provisions regarding the order of candidate names on a ballot.

Representative Nash, District 16, explained that candidate names were currently rotated on ballots for federal, state, county, and city elections because research showed the name at the top of the ballot had a significant advantage. He said Idaho Code excluded some smaller races from the requirement because it was cost prohibitive. **Representative Nash** advised the bill would require candidate names to be rotated in other races where the political entity exceeded 100,000 registered voters. He gave examples of elections that would be affected, including races for Ada County Highway District (ACHD), North Idaho College (NIC), College of Western Idaho (CWI), and possibly College of Southern Idaho (CSI). He reported the Secretary of State (SOS) and county clerks were neutral on the legislation.

DISCUSSION: **Senator Stennett** asked how Representative Nash arrived at the 100,000 voter threshold. She further inquired about examples of districts that would be impacted outside the Treasure Valley. **Representative Nash** replied that the known affected races were NIC, ACHD, CWI, possibly CSI, and a couple of Treasure Valley school districts. He reported the 100,000 number was proposed in consultation with the county clerks. They considered races where it would be effective without being cost prohibitive. He related examples about recent close races where the winner's name was at the top of the ballot.

MOTION: **Senator Lee** moved to send **H 511** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

HJM 3 **A JOINT MEMORIAL FOR YELLOWSTONE NATIONAL PARK** - States findings of the Legislature and requests that Congress close a certain legal loophole regarding crimes committed in Yellowstone National Park (YNP).

Representative Nash explained that the federal judicial District of Wyoming includes YNP, created prior to Idaho statehood. Because YNP extended into Idaho and Montana, portions of those two states were also included within the District of Wyoming. He noted a 2005 law review article that pointed out it would be impossible to seat a constitutionally legitimate jury if a crime were committed in the Idaho portion of YNP. **Representative Nash** said a jury must be chosen from the state and district where the crime was committed, but no one lives in the Idaho portion of YNP. He stated the memorial would make the United States Congress aware of this loophole. It would also ask that the Idaho portion of YNP be added to the federal judicial District of Idaho.

MOTION: **Senator Stennett** moved to send **HJM 3** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

H 646 **RELATING TO ALCOHOLIC BEVERAGES** - Amends and adds to existing law to provide for the production of mead, cider, and other fermented fruit juice beverages for personal use and to provide for the use and storage of homemade beer, wine, and other fermented beverages at licensed premises in certain instances.

Representative McCrostie, District 16, advised the bill updated the home brewing statute to (1) expand the beverages that home brewers could produce, such as mead or cider; (2) enable a licensed brewery or winery to hold tasting contests for home brewed products; and (3) allow home brewed products to be stored in a segregated area at a licensed brewery or winery. He noted tasting samples would be limited to a six-ounce size and would not be available for sale to the general public. **Representative McCrostie** stated the goals of the legislation were to support social and educational networks among home brewers and allow home brewers to hold adjudicated events in Idaho. He reported that industry groups had no issues with the bill. He added the Alcohol Beverage Control noted no potential enforcement issues.

DISCUSSION: **Senator Stennett** asked for some examples of how the home brewers would showcase beverages or hold competitions. **Representative McCrostie** replied the participants would be members of home brewers clubs. The events would not be open to the general public to partake of samples.

Senator Winder asked if a definition of "other fermented beverages" was included in Idaho Code or if it precluded making liquor. **Representative McCrostie** answered that the bill contemplated beverages made from fruit juices such as ciders or wines. He explained that dessert wine was made by combining wine with spirits, so dessert wine would not be covered by the bill. He added that home brewers cannot make spirits at home.

Senator Heider inquired who would be liable should someone become ill or die as a result of consuming a home brewed product. **Representative McCrostie** responded that either the licensed brewery or the producer would be liable.

TESTIMONY: **Terry Jones**, President, Snake River Brewers, introduced himself to the Committee to respond to the question. He reported the Home Brewing Organization had no history of anyone becoming ill or dying from drinking home brewed beverages. He said his group could buy liability insurance through the National Home Brewers Association if it was required. **Mr. Jones** remarked that the goal of the competitions was to provide knowledge and get feedback on a home brewer's products.

Senator Burgoyne expressed his opinion that there was strict liability if food was sold to the public. He was unsure of the liability if food was given away. He added that if there was no strict liability, there could be liability for negligence. **Senator Burgoyne** said the premises and producer would likely be liable. He stated that existing liability rules were sufficient to protect the public. He noted people had fermented drinks for thousands of years to avoid getting sick.

Senator Lee said the current law addresses wine and beer. She asked if the bill was intended to allow people to have a home brewed beer party in their backyard. **Representative McCrostie** replied that the statute currently allowed home brewing of beer or wine subject to certain limitations. He said the bill would allow transporting home brewed beverages to a licensed brewery or winery for private events.

Senator Burgoyne observed that his previous comments did not pertain to toxic foreign substances that could taint the beverages and cause bodily injury.

- MOTION:** **Senator Burgoyne** moved to send **H 646** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion.
- DISCUSSION:** **Senator Stennett** stated that the same types of food events already occurred without regard for food safety. She remarked the bill would allow home brewers to have social gatherings to share a common hobby.
- VOICE VOTE:** The motion to send **H 646** to the floor with a **do pass** recommendation carried by **voice vote**. **Senators Anthon, Harris,** and **Heider** requested that they be recorded as voting nay.
- HJM 6** **A JOINT MEMORIAL RELATED TO RUSSIA** - States findings of the Legislature and condemns the military invasion of Ukraine by Russia.
- Representative Bundy**, District 23, presented the memorial to commend the courage and resolve of the Ukrainian people during the Russian invasion of their country and urge further sanctions against Russia. He gave an overview of his military career and described his participation in treaty negotiations related to arms control and nuclear disarmament. He described his time in Ukraine on a one-month teacher exchange where he was the first American some of the host teachers had ever met. **Representative Bundy** noted the Ukrainian people wanted a free economic system and self-determination. He said the memorial would be an important statement to make on behalf of the State of Idaho.
- DISCUSSION:** **Senator Burgoyne** said he appreciated the memorial. He reported he read a number of articles regarding the Ukraine-Russia conflict that criticized the United States' foreign policy. He observed that the United States had made foreign policy mistakes in the past. He said the policy reflected in the memorial was the right step.
- MOTION:** **Senator Winder** moved to send **HJM 6** to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion.
- DISCUSSION:** **Senator Winder** thanked the sponsor for bringing the memorial and for his military service. He agreed the United States had made mistakes. He commented this was an important way to acknowledge the problem and try to make a small difference.
- Chairwoman Lodge** also thanked Representative Bundy for bringing the memorial.
- VOICE VOTE:** The motion to send **HJM 6** to the floor with a **do pass** recommendation carried by **voice vote**.
- H 521** **RELATING TO ABORTION** - Amends existing law to revise provisions regarding certain permitted abortions and to provide that certain abortions shall not be made legal.
- Representative Young**, District 31, presented the bill to clean up outdated language that became obsolete at the time of the United States Supreme Court decision in *Roe v. Wade*. She said the deleted language included a list of acceptable or recommended reasons to abort a baby. She added that the language did not reflect the values or positions of many Idahoans.
- DISCUSSION:** **Senator Burgoyne** asked if the bill would make it unlawful to take medication to induce an abortion. **Representative Young** responded that the bill drafters sought to remove only certain language that did not reflect Idaho's values or positions. She said the bill would not change the meaning of the statute.
- TESTIMONY:** **David Ripley**, Executive Director, Idaho Chooses Life, testified in support of **H 521** because it cleaned up Idaho Code without changing abortion laws. He noted the stricken language was offensive to Idaho values because it listed casual reasons to discard a human life.

MOTION: **Senator Anthon** moved to send **H 521** to the floor with a **do pass** recommendation. **Senator Harris** seconded the motion. The motion carried by **voice vote**. **Senators Stennett** and **Burgoyne** requested that they be recorded as voting nay.

H 566 **RELATING TO THE PUBLIC INTEGRITY IN ELECTIONS ACT** - Amends existing law to revise the definition of "property or resources."

Representative Monks, District 22, presented the bill to clarify that publicly owned properties could be used by private political groups. He explained that some county attorneys expressed the opinion that under Idaho Code, county political parties could not use a county meeting room. He stated the Attorney General's office believed that opinion was incorrect. **Representative Monks** agreed it would be inappropriate to limit use to one party or the other. The bill would specify that government facilities available to the general public could be used on an equal basis by political parties.

DISCUSSION: **Senator Stennett** asked if the bill would distinguish between general public areas and private properties with meeting rooms. **Representative Monks** responded that the bill applied only to publicly owned properties. He said the bill would only apply to areas where one had to request authorization for the use, such as a meeting room. He clarified that a space would not have to be always open to be considered generally available to the public, as long as it was open fairly to all parties.

Senator Stennett inquired whether it would be better to disallow all political activities to avoid the appearance of favoritism. **Representative Monks** replied the bill did not require a public building to be open to anyone, it merely gave the option.

MOTION: **Senator Winder** moved to send **H 566** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion.

DISCUSSION: **Senator Winder** commented that it was important to codify this change. He noted the bill represented the policy followed at the Statehouse to allow public use on an equal and fair basis. He said the legislation addressed a problem with Ada County not allowing use of the commissioner's room.

Senator Burgoyne stated that he was not in favor of the bill. He said political meetings in public buildings made him uncomfortable because it gave the appearance of a government endorsement. He observed that many actions were now interpreted as political statements. **Senator Burgoyne** said it would be best to declare government buildings off limits to political organizations. He added that public building exteriors and parks could still be used for peaceable assembly. He noted it could be potentially intimidating to hold a political event on school property.

VOICE VOTE: The motion to send **H 566** to the floor with a **do pass** recommendation carried by **voice vote**. **Senator Burgoyne** requested that he be recorded as voting nay.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 9:03 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Jeanne Jackson-Heim
Assistant Secretary