

MINUTES  
**SENATE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, January 18, 2023

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

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Guthrie, Vice Chairman Bernt, Senators Winder, Anthon, Harris, Lee, Toews, Wintrow, and Ruchti

**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:** **Chairman Guthrie** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:00 a.m.

**PRESENTATION:** **Ben Earwicker**, Administrator of the Idaho Commission on Human Rights (Commission), presented an overview (Attachment 1) of the Commission preparatory to the Committee hearing the Gubernatorial Appointments. He described the Commission as part of the Department of Labor since 2010 with a focus on prevention, protection, and resolution. He explained a majority of the complaints were resolved through mediation and attributed much of the success of the programs to well-trained staff.

**Senator Ruchti** asked about the length of time it took for resolution of a complaint. **Mr. Earwicker** shared the average wait time was reduced from a year or more to six to nine months since staff caseloads were intentionally reduced to allow for timely resolution. **Chairman Guthrie** asked about the ability of complainants to file civil suits. **Mr. Earwicker** advised a Notice of Right to Sue was issued in every case the Commission did not resolve through mediation or conciliation.

**GUBERNATORIAL REAPPOINTMENT:** **Gubernatorial Reappointment of Estella Zamora to the Idaho Commission on Human Rights** to serve a term commencing July 1, 2022 and expiring July 1, 2025.

**Ms. Zamora** identified as a 60-year resident of Canyon County, with decades of service in human rights organizations through a variety of city, county, and state agencies. She acknowledged she worked alongside many dedicated people.

**Senator Anthon** questioned the categorization of claims and asked about trends she saw. **Ms. Zamora** noticed numbers increased regarding COVID and mask requirement issues. **Chairman Guthrie** thanked Ms. Zamora for her dedication and informed that her application would be voted on at the Committee meeting on January 20, 2023.

**GUBERNATORIAL REAPPOINTMENT:** **Gubernatorial Reappointment of Brian Scigliano to the Commission on Human Rights** to serve a term commencing July 1, 2022 and expiring July 1, 2025.

**Brian Scigliano** shared he served on the Commission for 15 years and was honored to return.

**Senator Winder** asked for an overview of the case process and the education and training provided for staff. **Mr. Scigliano** described the process from intake to various ways cases were resolved, up to and including education provided to employers. **Chairman Guthrie** queried the average time involved in gathering information by the appealing body. According to **Mr. Scigliano**, the response time of employers and witnesses was critical in timely resolution. **Chairman Guthrie** thanked Mr. Scigliano and stated the Committee would vote on his application at its meeting on January 20, 2023.

**GUBERNATORIAL REAPPOINTMENT:** **Gubernatorial Reappointment of Janet Gallimore as State Historic Preservation Officer** to serve a term commencing January 2, 2023 and will serve at the pleasure of the Governor.

**Janet Gallimore** provided the appended handout (Attachment 2) that included her credentials, experience, and information about the State Historic Preservation Office as a branch of the State Historical Society.

**Chairman Guthrie** and **Senator Wintrow** both thanked Ms. Gallimore for her service. **Chairman Guthrie** said the Committee would vote on this application at its next meeting on January 20, 2023.

**GUBERNATORIAL REAPPOINTMENT VOTE:** **Committee Vote on the Gubernatorial Reappointment of Russell Ludlow to the Bingo-Raffle Advisory Board** to serve a term commencing January 7, 2022 and expiring January 7, 2025.

**Senator Anthon** moved to send Mr. Ludlow's application to the full Senate with a recommendation to confirm. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

**RS 29995**

**Relating to Immigration. Senator Foreman** identified **RS 29995** as a ban on the establishment of sanctuary cities. This would add a new Chapter 62, Title 19 and provide for enforcement of Federal immigration law. It gave the Attorney General's office a mechanism to handle noncompliance by cities, counties, a variety of district offices, and public corporations.

**Senator Anthon** moved that **RS 29995** be sent to print. **Senator Bernt** seconded the motion.

**Senator Anthon** suggested **RS 29995** warranted further discussion. **Senator Toews** asked if it had been reviewed by the Attorney General and if he responded. **Senator Foreman** stated the Attorney General had not reviewed the proposed legislation, however, he did not envision any problems.

**Senator Toews** requested a **roll call vote**. The motion carried unanimously by **roll call vote**.

**RS 29997**

**Relating to Militia and Military Affairs. Senator Foreman** stated **RS 29997** was in support of the First and Second Amendments of the United States Constitution and every Idahoan's right to defend property and well-being.

**Senator Ruchti** asked if by repealing the statute it would allow armed militia to parade. **Senator Foreman** responded that as much as he disagreed with the ideologies of some groups, he supported all groups to exercise their constitutional rights, and that in a free society it was important to stand up for rights.

**Senator Anthon** moved that **RS 29997** be sent to print. **Senator Harris** seconded the motion. **Senator Anthon** stated further consideration was warranted regarding how the bill might impact the community while protecting

constitutional rights. Hearing no further discussion, **Chairman Guthrie** asked for a vote. **Senator Toews** requested a **roll call vote**. The motion carried unanimously by **roll call vote**.

**RS 30006**

**Relating to Firearms. Senator Foreman** presented **RS 30006** giving the governing boards of public colleges and universities authority to regulate firearms on campus, citing the United States Constitution regarding infringing on the right to keep and bear arms. He believed repealing Idaho Code § 18-3309 would simplify and standardize the law, and restore Second Amendment rights.

**Senator Bernt** moved that **RS 30006** be sent to print. **Senator Toews** seconded the motion and asked for a **roll call vote**. The motion carried unanimously by **roll call vote**.

**PASSED THE GAVEL:**

Chairman Guthrie passed the gavel to Vice Chairman Bernt.

**DOCKET NO. 11-0402-2201**

**Rules Governing Simulcasting (ZBR Chapter Repeal) - Proposed Rule. Lt. Col. Gardiner**, of the Idaho State Police (ISP), noted 13 different chapters of the Racing Commission were being reduced to one chapter in an effort to eliminate redundancy. He said by creating a rule 11.04.01, 13 rules could be eliminated without substantive changes. He said approval of **Docket No. 11-0402-2201** would repeal the remaining docket numbers on the agenda.

**Senator Harris** moved to approve **Docket No. 11-0402-2201**. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**DOCKET NOS. 11-0403-2201 11-0404-2201 11-0405-2201 11-0406-2201 11-0407-2201 11-0408-2201**

Rules governing racing being repealed as described by Lt. Col. Gardiner.

**Senator Harris** moved to approve **Docket Nos. 11-0403-2201, 11-0404-2201, 11-0405-2201, 11-0406-2201, 11-0407-2201, and 11-0408-2201**. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:**

Vice Chairman Bernt passed the gavel to Chairman Guthrie.

**ADJOURNED:**

There being no further business at this time, **Chairman Guthrie** adjourned the meeting at 9:05 a.m.

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Senator Guthrie  
Chair

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Joyce Brewer  
Secretary