

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, March 26, 2025

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Guthrie, Vice Chairman Bernt, Senators Anthon, Harris, Toews, Den Hartog, Adams, Shippy, 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.

RS 32733 **To the President of the United States. Senator Woodward** presented **RS 32733** to bring attention to problems with the Albeni Falls Dam floodgates, their repair, and the water level of the lake.

MOTION: **Senator Toews** moved that **RS 32733** be sent to print. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

RS 32695 **Approving Temporary and Pending Rules. Senator Anthon** presented **RS 32695** to approve the temporary and pending administrative rules of the 68th Legislative Session.

MOTION: **Senator Harris** moved that **RS 32695** be sent to print. **Senator Toews** seconded the motion. The motion carried by **voice vote**.

RS 32760 **Relating to the Idaho Parental Rights Act. Senator Anthon** stated that **RS 32760** amended and clarified the Idaho Parental Rights Act, which he sponsored in 2024.

MOTION: **Senator Harris** moved that **RS 32760** be sent to print. **Senator Toews** seconded the motion. The motion carried by **voice vote**.

RS 32758 **Relating to Higher Education. Senator Toews** presented **RS 32758** as a replacement of **S 1048**, relating to diversity, equity, and inclusion in higher education.

MOTION: **Senator Harris** moved that **RS 32758** be sent to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Toews** moved to approve the Minutes of March 12, 2025. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Adams** moved to approve the Minutes of March 14, 2025. **Senator Shippy** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Harris** moved to approve the Minutes of March 20, 2025. **Senator Shippy** seconded the motion. The motion carried by **voice vote**.

H 378 **TRANSPARENCY IN LEGISLATIVE TRAVEL - Adds to existing law to require legislative candidates, legislators, and members-elect of the Legislature to report certain travel paid by others. Representative Mickelsen** explained the legislation required disclosure within 30 days of out-of-state travel details when paid for by another entity. She shared potential amendments (Attachment 1) and requested the bill be sent to the 14th Order for possible amendment.

DISCUSSION: **Senator Adams** asked a series of questions to clarify the impact of the legislation on various situations. **Representative Mickelsen** stated in-state travel was addressed through existing reporting requirements; no record or reporting was required for out-of-state travel. Transparency for voters' benefit was the bill's goal. **Senator Adams** queried whether **H 378** addressed a senator of means paying independently for out-of-state travel. He noted that out-of-state travel to study national issues which constituents followed could be beneficial to Idaho. **Representative Mickelsen** answered the bill intended to address independently funded travel.

Senator Shippy asked what problem the bill addressed. **Representative Mickelsen** noted significant out-of-state travel by legislators was paid for by out-of-state groups. Legislators often thought the sponsor had reported the expenses. Also, during the 2025 Legislative Session bill drafters received many bill requests from out-of-state groups that included language showing lack of knowledge of Idaho's constitution. Delay resulted for Idaho legislators in receiving their requests from the bill drafters. **Senator Shippy** noted concern about the bill's efficacy in providing transparency due to potential for independently-funded travel and out-of-state groups reaching legislators through other means, like video calls. He questioned the bill's cost worthiness. **Representative Mickelsen** noted the cost, less than \$5,000, was minimal.

Vice Chairman Bernt praised **H 378** as a means for voters to know the out-of-state influences on legislators and affirmed constituent support of the bill's intent. **Representative Mickelsen** noted out-of-state entities sometimes addressed issues unnecessarily, without awareness of Idaho Code and the constitution.

Senator Toews asked if similar transparency legislation was proposed for all elected officials, and if so, why not in one bill. **Representative Mickelsen** affirmed other 2025 legislation addressed transparency for other elected positions. Each bill addressed a different category of officials for accountability in voting and vetoing of the bill.

MOTION: **Vice Chairman Bernt** moved to send **H 378** to the floor with a **do pass** recommendation. **Senator Ruchti** seconded the motion.

SUBSTITUTE MOTION: **Senator Harris** moved to send **H 378** to the 14th Order of Business for possible amendment. **Senator Adams** seconded the motion.

DISCUSSION: **Senator Adams** and **Senator Anthon** supported the intent of **H 378** and noted need for amendment.

ROLL CALL VOTE: **Chairman Guthrie** called for a roll call vote on the substitute motion. **Senators Ruchti, Adams, Toews, Harris, Anthon, Vice Chairman Bernt,** and **Chairman Guthrie** voted aye. **Senator Shippy** voted nay. **Senator Den Hartog** was absent and excused. The substitute motion carried.

H 389 **UNCONTROLLED FIRES - Amends and adds to existing law to provide that a fire burning out of control on federal land in Idaho is a nuisance and cost recovery actions related to such fires are subject to a statute of limitations after ten years, and to allow the Governor to direct state resources to suppress fires on federal land.** **Senator Harris** presented that the legislation followed from the Idaho 2024 Committee on Federalism. Legislators learned then that the federal mission was to manage, not immediately extinguish, a wildfire, while the Idaho Department of Lands and private owners aimed to immediately extinguish a fire. He described recent fire damage in the State, contrasting federal acreage burned to State and private acreage, noting health harms to humans and livestock, and listing financial costs in private property, insurance, utility grids, and habitat destruction. The bill was based on the State's sovereign right to protect the health and safety of its citizens. **H 389** extended the statute of limitations for civil action

from four to ten years, on page 2, lines 14-16. It allowed the Governor to declare an emergency and allocate State resources in firefighting, page 2, lines 25-33. It provided for firefighting cost recovery from the federal government by civil action through prosecution by the Idaho Attorney General (AG), page 2, lines 34-37.

DISCUSSION: **Senator Ruchti** noted concern regarding the fiscal note. Under the bill, reimbursement of State-incurred firefighting costs on federal lands was to be gained by the AG from the federal government. The Master Cooperative Wildland Fire Management and Stafford Act Response Agreement (Master Fire Agreement) already defined responsibilities and remedies. He questioned recovery success under the bill, considering the pre-existing agreement. **Senator Harris** noted that in the 2020 Beachie Creek fire in Oregon, the state AG recovered costs. He would research the interaction of the bill and Master Fire Agreement.

TESTIMONY: **Steve Ellis**, representing himself, opposed the bill, noting that success in fire management depended on cross-boundary efforts and coordination. Rangeland Fire Protection Associations in Idaho could legally facilitate firefighting in their areas. **H 389** would decrease trust built between governmental groups and increase risks in firefighter safety due to unilateral action. He supported the Master Fire Agreement as a clear and legal path for coordination and reimbursement.

Ryan McGoldrick, Conservation Voters for Idaho, opposed the bill, advocating for better cooperative agreements between firefighting entities.

Dexton Lake, Idaho Farm Bureau, and **Patxi Larrocea-Phillips**, representing Idaho Cattle Association, supported the bill, noting inaction of the federal government in promptly extinguishing wildfires in Idaho resulted in extensive damages. Further remedy was needed beyond the current agreement.

DISCUSSION: **Senator Ruchti** asked how Idaho could succeed in suing the federal government when the State, through entering the Master Fire Agreement, had agreed to responsibilities in actions and payment, already. **Mr. Lake** responded, noting he was not offering legal counsel, that the federal government had breached the agreement. The Master Fire Agreement stated nothing should prevent either party from entering into the other party's land, yet he understood the federal entities did prevent State entities from entry. **Senator Ruchti** noted the agreement likely included remedies.

TESTIMONY: **Lynn Oliver**, representing himself, opposed the bill. Noting his former employment as a resource and planning officer with the U.S. Forest Service, he stated Idaho had inadequate staffing and equipment to accomplish **H 389**. The federal entities prioritized fire suppression, regardless of land ownership, according to immediate risk to life and property. Southern Idaho was a fire-dominated ecosystem. The weather conditions of 2024, which greatly contributed to the fire experiences described, needed to be considered as context for damages cited. He advocated for maintaining the current course; fire fighting was a team effort. **H 389** would destroy 10-years' work with the federal entities.

Jonathan Oppenheimer, Conservation Voters for Idaho, opposed the bill, providing explanation of the Master Fire Agreement. It divided the State into zones and defined an entity to lead protection efforts in each zone. If the jurisdictional entity requested assistance, reimbursement was defined. He provided further clarification on reimbursement. **H 389** increased the State's financial liability.

DISCUSSION: **Senator Ruchti** expressed further concern regarding the State's participation in the Master Fire Agreement and **H 389**. **Mr. Oppenheimer** noted similar legislation in 2016; the AG provided an opinion addressing State liability when firefighting occurred without request and agreement of the federal agency. **Senator Ruchti** noted the State spent of \$51 million on firefighting during 2024. He suggested amending the bill to ensure agreement with federal and State law.

Senator Harris affirmed the value of responding to fires while they were small, as possible. He noted an example in Malta: private firefighters put out a fire while federal entities deliberated. The private group was fined.

MOTION: **Senator Shippy** moved to send **H 389** to the 14th Order of Business for possible amendment. **Senator Toews** seconded the motion.

DISCUSSION: **Senator Ruchti** opposed the motion, noting financial concerns. If the State sued the federal government to recover firefighting costs, incurred by the State's initiation without federal consent, recovery success was doubtful under the Master Wildfire Agreement.

Senator Shippy supported the motion, noting impact of the Paddock Fire on his district, the instruction from the federal entities that private parties not extinguish the small fires, and the current lack of trust of federal efforts in firefighting.

VOICE VOTE: The motion carried by **voice vote**.

PRESENTATION: Honoring of the Page: Boston Young. **Chairman Guthrie** invited Page Boston Young to address the Committee. **Mr. Young** thanked the Committee for his experience, noting he learned much about life and government while serving. He expressed especial appreciation to Vice Chairman Bernt, his sponsor, Chairman Guthrie, and Secretary Kathryn. In response to a question of **Chairman Guthrie**, **Mr. Young** stated he planned, after high school, to serve a two-year mission in Mexico then attend BYU-Idaho. He aimed to teach, first seminary, through his church, then at BYU, and to eventually enter politics. **Senator Harris** asked what most surprised him in the Capitol. **Mr. Young** answered that the Legislature was much like family, with different components and times of opposition and greatness. **Chairman Guthrie** invited Mr. Young to pose a question. **Mr. Young**, quoting President Truman about the amazing work possible if one didn't worry about credit being received, recognized the contribution of committee secretaries, and asked Secretary Kathryn how to help people in his Committee in a way that typically went unrecognized. **Secretary Kathryn** replied to look for ways to serve, think of others' good, and trust it would work out in the end. **Chairman Guthrie** thanked Mr. Young for his service, praised his attitude and goals, and wished him well in the future.

PRESENTATION: Honoring of the Page: Shylee Johnson. **Chairman Guthrie** invited Page Shylee Johnson to address the Committee. **Ms. Johnson** shared her education and career plans, noting she aimed to earn a bachelors of science in nursing then specialize as a nurse anesthetist at Idaho State University. Highlights of her experience as a page included being in the beautiful Capitol building and gaining deeper understanding of the process of legislation. **Senator Harris** inquired what she had learned about her grandfather, Chairman Guthrie, while working with the Committee. **Ms. Johnson** replied she gained knowledge of what he did, along with the impact made and challenges faced by a chairman. Invited to pose a question by **Chairman Guthrie**, **Ms. Johnson** asked Senator Harris what the most important legislation passed during his time was. **Senator Harris** noted a bill that aided Bear Lake County in building new courthouse, to replace a condemned structure. Seeing the courthouse reminded him of the assistance given to the community. **Chairman Guthrie** expressed his thanks to Ms. Johnson and his pride in her.

Mr. Young and Ms. Johnson were presented with gifts from the Committee.

ADJOURNED: There being no further business at this time, **Chairman Guthrie** adjourned the meeting at 9:20 a.m.

Senator Guthrie
Chair

Kathryn Wells
Secretary