MINUTES

SENATE STATE AFFAIRS COMMITTEE

DATE:	Friday, March 28, 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 8:01 a.m.
MINUTES APPROVAL:	**Senator Den Hartog** moved to approve the Minutes of March 17, 2025. **Senator Adams** seconded the motion. The motion carried by **voice vote**.
NOTE:	**Chairman Guthrie** noted the agenda order would be modified due to the shortened Committee meeting time.
S 1199	**IDAHO PARENTAL RIGHTS ACT - Amends existing law to revise provisions regarding the Idaho Parental Rights Act. Senator Anthon** noted that the Parental Rights Act of 2024, which he sponsored, intended to preserve the inherent rights of parents to make decisions for their children in health-related matters. **S 1199** added a statute of limitations, a definition of a minor child including pregnancy and parenthood, the testing of a newborn for illegal drugs, and addressed sexual molestation. The bill did not address first aid. He requested the bill be sent to the 14th Order for possible amendment.
TESTIMONY:	**Nicole Trakel**, representing herself, opposed the bill, noting concern that the bill encouraged pregnant teens to separate themselves from parental support and make independent decisions. She questioned who was responsible for medical treatment in such scenarios.
DISCUSSION:	**Senator Anthon** replied the bill authorized a minor to make decisions for her child; this language could be considered further. The bill addressed decision-making, rather than payment responsibility. **Senator Adams** asked if the original bill contained a statute of limitations for bringing civil action. **Senator Anthon** said it did not.
MOTION:	**Senator Adams** moved to send **S 1199** to the 14th Order of Business for possible amendment. **Senator Ruchti** seconded the motion. The motion carried by **voice vote**.
S 1198	**EDUCATION - Adds to existing law to establish provisions to ensure freedom of inquiry in higher education. Senator Toews** explained that the bill, a replacement to **S 1048**, resulted from much consultation and refinement and incorporated best practices from other states with effective legislation. He identified sources of drafting language (Attachment 1), then relayed the bill's definitions and the provisions.

DISCUSSION: **Senator Ruchti**, pointing to the detailed definitions, noted the potential confusion between the bill's definitions with those commonly used. Resultant policy decisions could have negative consequences. The situation in the Ada County School District with the "Everyone is Welcome Here" poster debate was an example. **Senator Toews** replied that the definition specificity was intentional to avoid such a situation. The ever-shifting cultural definitions of these words posed challenges. **Senator Ruchti** inquired if other states with similar legislation, like Florida, had been challenged legally. **Senator Toews** noted the bill addressed public entities whereas the Florida case referred to involved private entities.

TESTIMONY: **Dr. Mary Mosley**, American Association of University Women of Idaho, **Audrey Numbers**, President, Southwest Idaho Chapter of National Organization for Women (NOW), and **Janelle Wintersteen**, Southwest Idaho Chapter of NOW, opposed the bill. Common themes included that the bill jeopardized progress in women's equity and likely led to litigation.

Samuel Lair, Idaho Freedom Foundation, supported the bill, providing current examples of diversity, equity, and inclusion (DEI) in higher education (Attachment 2), including State universities.

DISCUSSION: **Senator Ruchti**, noting Mr. Lair's assertion of "pernicious ideology" in higher education, asked if language quoted from the provided examples was such. **Mr. Lair** noted education should be skill based, and the spirit of civil rights advancement today differed significantly from the 1960s, which was the basis of the quoted language.

TESTIMONY: **Kendal Shaber**, representing herself, opposed the bill, noting harms such as the removal of the Women's Center at the University of Idaho. The Women's Center supported students from marginalized communities and benefited the broader community. Legislation like this was fueled by fear.

Edward Clark, Idaho Family Policy Center, supported the bill, stating DEI demanded preferential treatment for politically-favored groups. Devaluation of merit and attachment of inherent value to race, gender, and sexual orientation was unjust.

Karen Hansen and **Bonnie Pfaff**, each representing herself, opposed the bill. Common themes were that the bill contradicted the principle it asserted to value – free, robust speech and freedom to pursue knowledge.

Thad Butterworth, Ada County Republican Party, supported the bill, noting the documented experience of students feeling pressured to self-censor. The bill balanced not banning DEI programs and allowing that students not be forced into DEI coursework.

Senator Toews noted women's rights were not attacked in the bill. Regarding potential cost of litigation, the bill's 30-day cure period provided opportunity to fix an issue prior to litigation. Universities were not placed in danger of frivolous lawsuits, as seen by injunctive relief without monetary damages.

MOTION: **Senator Shippy** moved to send **S 1198** to the floor with a **do pass** recommendation. **Senator Adams** seconded the motion.

DISCUSSION: **Senator Ruchti** spoke in opposition to the motion. Term definitions were a key concern, as anxiety, uncertainty, and confusion would follow. Subsequent anticipated actions varied from people leaving the State's higher educational institutions to noncompliance.

Senator Toews noted that if a fraction of the funds spent on DEI programs would be directed to training in accordance with the bill, term definition concerns would be addressed.

Senator Shippy supported the motion, stating the bill was clear and made policy formation simple.

Chairman Guthrie spoke in opposition to the motion. The bill's term definitions and the review of the prior two years of university policy to identify bill non-compliance were noted concerns. The State provided one portion of the funding for the university, with several other contributors. University students should be prepared for the real world. He praised the work by the State Board of Education.

Senator Toews stated that the two-year retrospective report allowed learning from history.

VOICE VOTE: The motion carried by **voice vote**. **Senator Ruchti** and **Chairman Guthrie** requested that they be recorded as voting nay.

H 356 **STATE ASSETS - Amends and adds to existing law to revise provisions regarding who may own certain property, to provide for prohibition on lease or purchase of certain land or dwellings, and to provide for prohibition on access to state assets. Representative Hill**, a former naval aviator with 38 years of experience, emphasized that foreign adversaries used military, economic, and societal tactics to access U.S. military sites. The bill restricted foreign adversaries like China and Russia from owning land near critical military areas in Idaho (See map, Attachment 3). A whistleblower clause enabled citizens to report illegal foreign holdings, leading to forced divestment. **H 356** aimed to protect Idaho's military training areas from espionage, citing past incidents of Chinese surveillance. The bill was essential for safeguarding Idaho's sovereignty and national security.

Colonel Kyle Carpenter noted that the Mountain Home Range Complex, which was the size of Vermont, allowed employing military techniques and tactics useful around the world. The Orchard Combat Training Center, south of Boise, was a singular place for such practice.

DISCUSSION: **Senator Harris** requested explanation of page 2, Subsection 11, relating to the Department of Agriculture and Department of Lands' involvement in determining if an entity was subject to the land-owning restriction. **Representative Hill** replied registration was required when mines or lands were purchased. Foreign ownership disclosure was required under a 1978 law, but identity was often disguised through multiple layers of ownership entities. The bill's foreclosure and whistleblower provisions aided in prevention of purchase and detection of suspicious activity. **Senator Harris** inquired what a qualified whistleblower was. **Representative Hill** described someone in proximity able to observe unusual activity or equipment. He noted that similar legislation enacted in Arkansas was effective.

Senator Shippy posed a hypothetical situation. If an individual from another country established a farming operation over the years, what would happen to his farm should that country be declared a foreign adversary under this legislation. **Representative Hill** replied that the individual from another country would likely be required to divest. He noted declaration of a nation as a foreign adversary involved an executive order and a multi-agency process. **Senator Den Hartog** noted the bill definition of a long-term pattern of action in determining a foreign adversary, on page three, Subsection 18(c), as a potential protection for the farmer's situation and capricious categorization of a nation as a foreign adversary.

In response to **Senator Harris's** question of how a nation came to be defined as a foreign adversary, **Representative Hill** noted the interaction included a security threat to the United States.

Chairman Guthrie inquired about the disbursement priority list, on page 3, Subsection 16. Requiring sale within 180 days for a multi-million dollar property would likely result in a discounted price and thus inadequate satisfaction for lienholders. If the lienholder had entered the agreement legally, this seemed to invite litigation. **Representative Hill** replied that banks had been consulted and requested first position in the payee list. The foreign adversary was the party that would lose financially.

TESTIMONY: **Lieutenant Colonel Travis Slack**, representing the 366th Fighter Wing, Mountain Home Air Force Base, spoke as a neutral witness. He stated that the varying types and remoteness of the terrain in the Mountain Home Range Complex were valuable for executing large-force training with minimal disturbances to the public. A secure space, free of minor encroachments, was critical to operational training effectiveness.

Bob Rice, representing Idaho Land and Title Association, opposed the bill. He noted a technical concern with page 2, lines 41-43, which stated that any deeds, contracts, rental agreements, or other legal agreements in conflict with the law would be deemed invalid from the date of adoption. Divestiture and satisfaction of lienholders was problematic if the foundational legal agreements invalidated.

DISCUSSION: In response to **Senator Adams's** request for a solution proposal, **Mr. Rice** stated Subsection 9 should be removed in its entirety. The rest of the bill provided definition of who could own property and the process for addressing contravention.

Representative Hill noted **H 356** addressed foreign adversaries, in contrast to **S 1149** addressing foreign governments. **H 356** allowed assertive action to address security threats.

Senator Shippy inquired about the State, rather than federal government, defining foreign adversaries. **Representative Hill** anticipated the listed foreign adversaries, defined in Title 15, Code of Federal Regulations, would remain unchanged for a while and advocated for the defining to remain at the federal level.

MOTION: **Senator Adams** moved to send **H 356** to the floor with a **do pass** recommendation. **Senator Den Hartog** seconded the motion.

DISCUSSION: **Senator Adams** supported the motion, noting the precedence for states' action in matters of national security and asserted this legislation was imperative in this time.

Chairman Guthrie opposed the motion due to the retroactive and disbursement language in the bill.

VOICE VOTE: The motion carried by **voice vote**. **Vice Chairman Bernt** and **Chairman Guthrie** requested that they be recorded as voting nay.

HCR 18 **TRADITIONAL FAMILY VALUES MONTH - States findings of the Legislature and recognizes Mother's Day through Father's Day as Traditional Family Values Month to raise awareness about the challenges facing traditional families and the alarming rate at which the traditional American family is declining. Senator Toews** noted the bill replaced **SCR 111**, with some portions removed and none added.

MOTION: **Senator Den Hartog** moved to send **HCR 18** to the floor with a **do pass** recommendation. **Senator Adams** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Guthrie** adjourned the meeting at 9:36 a.m.

Senator Guthrie
Chair

Kathryn Wells
Secretary