

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, March 20, 2026

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.

RS 33741 **Senator Shippy** moved to send **RS 33741, RS 33780, RS 33762, RS 33775, RS 33780** **RS 33781, RS 33778,** and **RS 33782.** to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote.**

RS 33762

RS 33775

RS 33781

RS 33778

RS 33782

GUBERNATORIAL REAPPOINTMENT: **Committee consideration of the Gubernatorial reappointment of Bud Tracy to the State Building Authority** to serve a term commencing January 1, 2026 and expiring January 1, 2031. **Mr. Tracy** said that he had worked with the State Building Authority and enjoyed his time. He shared that it provided a way for him to give back to Idaho and assist with saving the State money.

GUBERNATORIAL REAPPOINTMENT VOTE: **Committee vote on the Gubernatorial reappointment of Skip Smyser to the Idaho Lottery Commission.** **Senator Bernt** moved to send the Gubernatorial reappointment of Skip Smyser to the floor with the recommendation that he be confirmed by the Senate. **Senator Harris** seconded the motion. The motion carried by **voice vote.**

GUBERNATORIAL REAPPOINTMENT VOTE: **Committee vote on the Gubernatorial reappointment of Jerry Aldape to the Idaho Endowment Fund Investment Board.** **Senator Harris** moved to send the Gubernatorial reappointment of Jerry Aldape to the floor with the recommendation that he be confirmed by the Senate. **Senator Toews** seconded the motion. The motion carried by **voice vote.**

GUBERNATORIAL REAPPOINTMENT VOTE: **Committee vote on the Gubernatorial reappointment of Nikeela Black-Abrams to the Idaho State Racing Commission.** **Senator Den Hartog** moved to send the Gubernatorial reappointment of Nikeela Black-Abrams to the floor with the recommendation that she be confirmed by the Senate. **Senator Anthon** seconded the motion. The motion carried by **voice vote.**

H 795 **OBSCENE MATERIAL AND LEWD MATTER - Amends existing law to revise the definition of "obscene material" and to revise the definition of "lewd matter".** **Representative Jaron Crane** explained that this legislation was code cleanup. He said that this was recommended by the Attorney General's Office in response to litigation-related concerns from the 9th District.

MOTION: **Senator Shippy** moved to send **H 795** to the floor with a **do pass** recommendation. **Senator Bernt** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Chairman Guthrie passed the gavel to Vice Chairman Bernt.

S 1398 **ELECTIONS - Amends and adds to existing law to include the office of the President of the United States into the state primary election and to move the primary election date to the Tuesday following the first Monday in May.** **Chairman Guthrie** shared that this legislation adjusted the presidential primary by moving it to the Tuesday following the first Monday in May. He explained that this would replace the current caucus system Idaho had in place for Presidential primaries which had proved in recent years to lower voter turn out. He believed this change would improve accessibility and participation for voters. **Phil McGrane**, Idaho Secretary of State, said that there was strong demand from voters to restore Presidential primaries and that this legislation would combine this with state primaries in order to increase voter turn-out. **Secretary McGrane** said this would promote consistency across Idaho election cycles, making it easier for voters.

Senator Toews asked Secretary McGrane how long Idaho previously held Presidential primaries in the month of March and what prompted Idaho to shift away from that system. **Secretary McGrane** explained that March Presidential primaries were in place until 2012 when Idaho moved to a caucus to try to increase national influence. He shared that due to a legislative issue in 2023, party-run caucuses were held in 2024 and that this legislation sought to reinstate a unified, state-run primary system.

TESTIMONY: **Marsha Bravo** representing the Idaho League of Women Voters (League), testified in favor of **S 1398**. **Ms. Bravo** shared that the League was committed to election education and strong voter turn out in Idaho. She emphasized the negative effect on voter turnout that caucuses had in recent election cycles. She argued that this legislation would increase election participation, improve voter turnout, and save Idaho money.

MOTION: **Senator Den Hartog** moved to send **S 1398** to the floor with a **do pass** recommendation. **Senator Harris** seconded the motion.

DISCUSSION: **Senator Den Hartog** thanked Chairman Guthrie and Secretary McGrane for their efforts on this legislation and believed this was a positive direction to move Idaho elections in. **Senator Anthon** shared that his constituents had expressed the desire to vote and acknowledged the obstacles that caucuses created. He voiced his support for this legislation and believed this was a good solution for Idahoans. **Vice Chairman Bernt** believed the opportunity to vote was essential and said that he saw this legislation as a good opportunity to increase voter accessibility.

VOICE VOTE: The motion to send **S 1398** to the floor with a **do pass** recommendation carried by **voice vote**.

PASSED THE GAVEL: Vice Chairman Bernt passed the gavel to Chairman Guthrie.

HCR 32 **ENERGY - State findings of the Legislature and supports advancement of state energy sovereignty.** **Senator Kohl** explained that this legislation would affirm Idaho's commitment to advancing state energy sovereignty through secure, dispatchable, in-state, baseload energy generation. **Representative David Leavitt** emphasized that energy decision making should prioritize benefitting Idaho residents by focusing primarily on affordability and reliability. He said this resolution supported the development of local energy resources while shifting away from reliance on imported energy. **Representative Leavitt** believed this would reinforce local control and overall strengthen Idaho's energy independence.

DISCUSSION: **Senator Den Hartog** asked Representative Leavitt if this legislation was consistent with the Boardman Hemingway Transmission Line project. **Representative Leavitt** said it was consistent and believed this would assist in offsetting costs for research development.

MOTION: **Senator Shippy** moved to send **HCR 32** to the floor with a **do pass** recommendation. **Senator Toews** seconded the motion. The motion carried by **voice vote**.

H 893 **CODIFIER'S CORRECTIONS - Amends existing law to make codifier's corrections.** **Senator Toews** said that this legislation was a cleanup bill that fixed technical corrections and other errors.

DISCUSSION: **Chairman Guthrie** pointed out how tedious yet important code cleanup legislation was and thanked Senator Toews for his effort.

MOTION: **Senator Den Hartog** moved to send **H 893** to the floor with a **do pass** recommendation. **Senator Bernt** seconded the motion.

DISCUSSION **Senator Den Hartog** acknowledged the amount of work that went into code cleanup and recognized Senator Toews' attention to detail and work on this legislation.

VOICE VOTE: The motion to send **H 893** to the floor with a **do pass** recommendation carried by **voice vote**.

H 817 **TOBACCO PRODUCTS - Amends existing law to revise provisions regarding the sale of cigars.** **Senator Shippy** explained that this legislation updated Idaho's tobacco retail laws to better reflect the current market and modern, adult-focused cigar businesses. He said this would create clear definitions and regulatory framework for mobile cigar sales, cigar gardens, and adult-only cigar events. **Senator Shippy** emphasized that strict age protections were still enforced and that this maintained permitting and oversight requirements.

TESTIMONY: **Tommy Elledge**, of Parma, Idaho, and **Brody Aston**, representing the Cigar Association of America, testified in favor of **H 817**. **Mr. Elledge** owned a mobile cigar business and said this legislation would permit him to provide cigar services he was not able to currently provide under current law. **Mr. Aston** echoed Senator Shippy's explanation and emphasized the positive impact this legislation would have on small cigar business owners.

DISCUSSION: **Chairman Guthrie** asked Mr. Elledge what the price range of his cigars was. **Mr. Ellege** showed the Committee one of his hand-rolled cigars that retailed around \$15.

MOTION: **Senator Ruchti** moved to send **H 817** to the floor with a **do pass** recommendation. **Senator Den Hartog** seconded the motion.

DISCUSSION: **Vice Chairman Bernt** told the Committee about a small business in his district that was in need of this legislation. He shared this legislation directly helped small businesses and the hard-working, passionate families that run them.

- VOICE VOTE:** The motion to send **H 817** to the floor with a **do pass** recommendation carried by **voice vote**.
- H 872** **ELECTIONS - Amends existing law to remove a provision regarding the preparation of ballots for general elections.** **Vice Chairman Bernt** explained that this would allow constitutional amendments and initiatives to be printed on the same page as other ballot items. He said that currently, these items were printed on a separate page and that this would increase printing efficiency and save counties significant costs. **Vice Chairman Bernt** noted that this legislation was supported by the Idaho Association of County Recorders and Clerks as well as the Secretary of State's Office.
- TESTIMONY:** **Dr. Jean Henscheid** representing the Idaho League of Women Voters, testified in opposition to **H 872**. **Dr. Henscheid** explained that separate ballot pages helped voters to recognize the responsibility of a direct democracy. She argued that combining these ballot pages could make it harder for citizen to cast informed votes and diminish the seriousness of citizen participation in the lawmaking process.
- TESTIMONY:** **Jennifer Locke**, Kootenai County Clerk, and **Phil McGrane**, Idaho Secretary of State, testified in favor of **H 872** for the following reasons:
- Limited voter confusion on the reason for separate ballot pages;
 - Separate pages were unnecessary and costly;
 - Produced significant cost savings and simplified the voter experience.
- DISCUSSION:** **Senator Ruchti** asked Secretary McGrane if there was any research to suggest that putting two types of ballots together harmed voting outcomes. **Secretary McGrane** said he was not familiar with any research to indicate that and believed this legislation was just a practical administration measure.
- MOTION:** **Senator Den Hartog** moved to send **H 872** to the floor with a **do pass** recommendation. **Senator Toews** seconded the motion. The motion carried by **voice vote**.
- S 1397** **WASTEWATER CORPORATIONS - Amends and adds to existing law to provide when wastewater corporations may be a public utility.** **Senator Woodward** said this legislation brought private wastewater corporations under the regulation of Idaho's Public Utilities Commission (PUC). He believed this would protect consumers from unfair pricing and ensured that wastewater providers maintained proper services. **Senator Woodward** noted that this would only apply to wastewater corporations that currently had 100 or more service connections.
- TESTIMONY:** **David Frohnen**, of Sandpoint, Idaho, testified in support of **S 1397**. **Mr. Frohnen** highlighted that private wastewater corporations currently operated unregulated. He emphasized the need for state oversight and believed that under PUC supervision customers would not be subject to the excessive rates and poor reliability they currently were.
- DISCUSSION:** **Senator Shippy** asked **Mr. Frohnen** to detail the difference between a private corporation owned wastewater service and a wastewater service under PUC supervision. **Mr. Frohnen** explained that private corporations operated for profit without state-level regulation which could leave customers vulnerable. He believed under the PUC, Idahoans would be protected from exploitation and poor service. **Senator Shippy** asked **Mr. Frohnen** how many private corporations this legislation would affect in Idaho. **Mr. Frohnen** believed this would affect eight of the largest providers.

Senator Woodward closed the discussion by pointing out that private wastewater companies were already regulated by the Idaho Department of Environmental Quality but still lacked oversight on rates and customer protection. He explained this legislation gave the PUC authority to oversee these providers to ensure Idahoans were protected. **Senator Shippy** asked Senator Woodward to confirm his understanding that the monopoly was created and sustained by government regulation, meaning pursuing other services was not an option. **Senator Woodward** said that his understanding was accurate.

MOTION: **Senator Harris** moved to send **S 1397** to the floor with a **do pass** recommendation. **Senator Ruchti** seconded the motion.

DISCUSSION: **Senator Shippy** voiced his support for the motion and believed this legislation deserved broader discussion.

VOICE VOTE: The motion to send **S 1397** to the floor with a **do pass** recommendation carried by **voice vote**.

PASSED THE GAVEL: Chairman Guthrie passed the gavel to Vice Chairman Bernt.

H 831

ELECTIONS - Amends existing law to prohibit certain in-person instruction in schools on election day. **Chairman Guthrie** explained that this legislation addressed the use of schools as polling places to ensure that instructional activities were not happening simultaneously with polling activities. **Representative Britt Raybould** said that this legislation was meant to ensure schools maintained controlled access to ensure student safety while still allowing schools to be a polling location option. She shared that she consulted with the Idaho Department of Education, Idaho School Board Association, Superintendent of Public Instruction, County Clerks Association, and the Secretary of State who were in favor of moving this forward. **Representative Raybould** detailed the two-year period allotted to align school calendars with election schedules ahead of the 2028 Presidential election.

DISCUSSION: **Senator Ruchti** asked Representative Raybould why children could not be in a school building during polling times and why additional law enforcement would not address security concerns. **Representative Raybould** explained this was a solution that balanced student safety and voter accessibility. She explained there was a need, especially in recent decades, to ensure school campuses were controlled environments.

TESTIMONY: **Dr. Jean Henscheid**, representing the League of Women Voters, **Trent Tripple**, Ada County Clerk, and **Phil McGrane**, Idaho Secretary of State, testified in support of **H 831** for the following reasons:

- Belief that this was a good compromise that benefitted all parties;
- Protection for students while expanding access to polling places;
- Protection of Constitutional rights;
- Enhanced community and supported civic value.

DISCUSSION: **Chairman Guthrie** thanked Representative Raybould for her extensive work on this issue and appreciated Secretary McGrane for sharing his thoughts with the Committee.

MOTION: **Senator Harris** moved to send **H 831** to the floor with a **do pass** recommendation. **Senator Ruchti** seconded the motion.

DISCUSSION: **Senator Ruchti** voiced initial concerns surrounding civic exposure for students but appreciated that stakeholders were happy with this solution.

VOICE VOTE: The motion to send **H 831** to the floor with a **do pass** recommendation carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Vice Chairman Bernt** adjourned the meeting at 9:32 a.m.

Senator Guthrie
Chair

Abby Rowe
Secretary