

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, February 02, 2024

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.

WELCOME: **Chairman Guthrie** welcomed all to the Committee meeting.

MINUTES APPROVAL: **Senator Harris** moved to approve the Minutes of January 29, 2024. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

S 1218 **CAMPAIGN CONTRIBUTION DISCLOSURES - Amends existing law to remove minimum dollar amounts for certain campaign contributions.** **Senator Herndon** stated that **S 1218** affected campaign contributions of candidates and political committees that were aggregated to total less than \$50. Presently, contributions aggregated to political candidates less than \$50 were not required to be itemized. This legislation would require that the names and addresses of all contributors be reported regardless of the contribution amount. Idaho Code § 67-66-14 stated that no anonymous donations were to be received. The new campaign finance reporting system required donations under \$50 be reported. In 2022, donations \$50 and under totalled \$1.1 million. Of these, only \$86,000 were not reported. He stated **S 1218** treated all donations the same.

DISCUSSION: **Senator Bernt** asked how **S 1218** affected donors located in small communities. **Senator Herndon** responded that the majority of donors already disclosed. He stated that campaign sunshine outweighed privacy concerns. **Senator Bernt** inquired if donations received as a rotating monthly amount were currently aggregated. **Senator Herndon** replied that yes, those were aggregated once they totalled \$50.

Senator Lee asked if **S 1218** required disclosure from Political Action Committees (PACs). **Senator Herndon** replied that PACs and candidates covered by the sunshine laws reported all contributions and expenditures. Only 501-C3 and 501-C4 organizations were exempt from reporting, and only if they did not state they were for or against particular candidates.

Senator Wintrow asked about organizations that graded candidates, rather than advocated for a particular candidate or position. **Senator Herndon** replied that this was considered advising the voters. Disclosure was only required if the organizations stated to vote for or against a specific candidate. **Senator Wintrow** asked if Senator Herndon's research discovered if there were particular players who accumulated larger amounts, or if the amounts were spread. **Senator Herndon** replied that it was spread, but candidates

outweighed PACs.

Chairman Guthrie asked if there was anyone present who wanted to testify. He invited Phil McGrane to the podium.

TESTIMONY:

Phil McGrane, Secretary of State, testified in support of **S 1218**. He stated that the new campaign finance system tracked and aggregated donations from every donor. He stated it was easier reporting all donations than aggregating donations as they were received. **Chairman Guthrie** noted that written testimony was submitted.

Norma Staff submitted testimony in opposition to **S 1218**. She wrote to urge the senators to address dark money spending, and to allow donors to keep their right to privacy.

DISCUSSION:

Senator Ruchti asked how **S 1218** affected dark money. **Secretary McGrane** stated there was other legislation that addressed disclosure. Electioneering communication is regulated within a 30 day (primary election) or 60 day (general election) window. **Senator Ruchti** asked if disclosure was required if there was an alliance between a 501-C3 or 501-C4 organization and a PAC. **Secretary McGrane** stated if they engaged in politics and established a PAC, then they must disclose donations.

Senator Herndon stated that the new system was in place and no changes were required due to this legislation. **Senator Anthon** stated that concerns existed, but he preferred more disclosure rather than less. He favored disclosure.

MOTION:

Senator Anthon moved to send **S 1218** to the floor with a **do pass** recommendation. **Senator Toews** seconded the motion. The motion carried by **voice vote**.

S1235

LIBRARY BOARD ELECTIONS - Amends existing law to change library board elections from once every six years to once every four years.

Senator Herndon stated **S 1235** changed the terms of library district trustees from six years to four years. The change took effect on January 1, 2025, and did not effect the length served by current trustees. This legislation only affected public libraries, which had elected trustees. He remarked that four year terms were similar in length to other city terms. **Senator Herndon** remarked that the pressures of COVID and cultural issues necessitated having more frequent elections. Voters were provided more opportunity for input.

DISCUSSION:

Senator Bernt questioned why other city entities had six year terms but only libraries were included in **S 1235**. **Senator Herndon** replied other entities were more administrative in nature, but libraries had more cultural significance and were involved in the education of children. School district trustees served four years terms. **Senator Bernt** asked if Senator Herndon was opposed to amending **S 1235** to address all trustee terms. **Senator Herndon** stated that **S 1235** only addressed one section of Idaho Code.

Senator Wintrow stated that she valued local control and asked if local voters were involved in the discussion to shorten trustee terms to four years and what they thought about it. **Senator Herndon** replied that his constituents supported four year terms. **Senator Wintrow** asked what the historical reasons were for four and six year terms. **Senator Herndon** postulated that historically libraries were a more administrative role, but now citizens were more involved.

Chairman Guthrie asked if anyone present or online would like to testify. There were none.

Senator Wintrow noted that she still saw the library board as administrative in nature. Information was available for everyone. She supported the language that the term limits were not retroactive.

Senator Winder inquired that there had been discussion regarding two year terms. He asked if four year terms were acceptable. **Senator Herndon** replied that four year terms were parallel to the school district. **Senator Bernt** commented that **S 1235** merited a more broad debate on the Senate floor. **Senator Toews** stated that four year terms match with local school trustees and gave the community more input.

MOTION: **Senator Toews** moved to send **S 1235** to the floor with a **do pass** recommendation. **Senator Bernt** seconded the motion. The motion carried by **voice vote**. **Senator Harris** requested to be recorded as voting nay.

RS 31157 **Relating to Election Voter Guides.** **Secretary McGrane** stated that **RS 31157** expanded the voters' guide for primary and general elections to include information about candidates for federal, state, and county offices and other election information. The election information included voter registration and voting requirements, important dates, and county clerk contact information. He stated that candidates submitted information to be included in the voters' guide. **Secretary McGrane** remarked that costs were reduced by changing dimensions, reducing postage, and adding efficiency. No additional funding is needed per voters' guide, but the voters' guide would be produced every year instead of every other year. 78.2 percent of voters favor a voters' guide.

DISCUSSION: **Senator Ruchti** asked if the Secretary's office edited the candidate's statements. **Secretary McGrane** replied that his office provided guidance and learned from neighboring states regarding the statements, but there was no filtering. **Senator Wintrow** asked if the candidate statements were fact-checked. **Secretary McGrane** answered that the timeframe was too quick to produce 800,000 voters' guides, and that his office did not want to be in the position to fact check.

MOTION: **Senator Harris** moved to send **RS 31157** to print. **Senator Bernt** seconded the motion. The motion carried by **voice vote**.

RS 31136 **Relating to Postsecondary Education.** **Senator Bernt** stated **RS 31136** required that Idaho's policy on hiring and admissions decisions for state agencies, including public colleges and universities, be made on merit. There were technical changes to the language of a previous RS consistent with existing Idaho Code.

MOTION: **Senator Harris** moved to send **RS 31136** to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

RS 30964 **Relating to Parties to Actions.** **Senator Trakel** stated **RS 30964** furthered the protection of employers' immunity regarding firearm storage (in lockers or vehicles) by adding immunity for employers who allowed or did not prohibit employees to lawfully carry firearms.

DISCUSSION: **Chairman Guthrie** asked if an employer could allow the employee to store but not carry a firearm. **Senator Trakel** responded that yes, the employer decided what to allow. **Senator Ruchti** asked for the specific purpose of the modernization of the language. **Senator Trakel** responded that the language protected the employer from liability. The responsibility resided with the gun owner.

Senator Wintrow asked for the difference between a firearm stored in a car and carried by an employee. She was reluctant to grant immunity. **Senator Trakel** responded gun owners must take personal responsibility.

Senator Ruchti asked if an employee made a threat that management was aware of and then followed through, shouldn't the employer be liable? **Senator Trakel** answered that an employer was not protected from inaction when an employee had made a known threat. **Senator Wintrow** stated that she wanted more clarity regarding employer responsibility.

MOTION: **Senator Harris** moved to send **RS 30964** to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

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

S 1251 **ELECTIONS - Amends existing law to remove entities registered with the federal election commission from the definition of a "political committee."** **Senator Guthrie** stated **S 1251** amended Idaho Code § 66-6602 and required Federal Political Action Committees (PACs) to follow the same laws as in-state candidates and in-state PACs. They were required to follow the same reporting procedures.

DISCUSSION: **Vice Chairman Bernt** asked if anyone present or online wanted to testify. He invited Secretary McGrane to the podium.

TESTIMONY: **Secretary McGrane** stated that there were federally registered PACs that provided influence in the State of Idaho, but did not report their activities. He supported **S 1251** because it made official the requirement that involvement in local elections required reporting.

MOTION: **Senator Winder** moved to send **S 1251** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

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

GUBERNATORIAL REAPPOINTMENT: **The Gubernatorial Reappointment of Mark Ciavarella to the State Building Authority** to serve a term commencing January 1, 2022 and expiring January 1, 2027. **Chairman Guthrie** stated that the Gubernatorial Appointment would be considered at another time.

ADJOURNED: There being no further business at this time, **Chairman Guthrie** adjourned the meeting at 8:57 a.m.

Senator Guthrie
Chair

Peggy Caraway
Secretary