

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 07, 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.

RS 31142 **Chairman Guthrie** stated that **RS 31142** had been pulled from the agenda at the request of the sponsor.

RS 31181 **Relating to Children's School and Library Protection. Senator Schroeder** stated that **RS 31181** kept pornography out of the hands of children by requiring public schools and libraries to take reasonable steps in restricting children's access to obscene or harmful material. **RS 31181** was a combination of two bills drafted in the House and the Senate. He remarked that materials harmful to minors were defined in Idaho Code § 18-1514. He outlined the process of restricting information. The process established a Material Review Committee, required public hearings for material review, and rendered a written decision at the hearings. Materials deemed harmful by this process were removed from the library. Pursuant to Senate Rule 39(h), **Senator Schroeder** disclosed that he was an attorney for a firm that represented 20 cities and number of library districts.

DISCUSSION: **Senator Wintrow** asked for information regarding the number of complaints received. **Senator Schroeder** responded that he would find that information.

Senator Ruchti asked what specific changes were made to previously proposed legislation. **Senator Schroeder** stated that **RS 31181** required one member of the committee to be a parent of a minor child. In addition, the procedure had to be followed to obtain the private right of action.

MOTION: **Senator Anthon** moved to send **RS 31181** to print. **Senator Bernt** seconded the motion. The motion carried by **voice vote**.

RS 31151C1 **Relating to Elections. Senator Hartgen** remarked that Idaho counties held three elections per year. The deadlines varied across the county districts. She stated that **RS 31151C1** standardized the dates and deadlines that county clerks followed in preparing and implementing elections. She referenced Attachment 1, which outlined the new election timeline.

MOTION: **Senator Harris** moved to send **RS 31151C1** to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

RS 31213 **Relating to State Government and State Affairs.** **Senator Ricks** stated that **RS 31213** was related to Environmental, Social, and Governance (ESG). He remarked that public contracts with companies that were boycotting certain industries were prohibited. **Senator Ricks** stated that **RS 31213** lessened reporting requirements.

MOTION: **Senator Anthon** moved to send **RS 31213** to print. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

S 1260 **CITY ELECTIONS - Amends existing law to provide that no election needs to be held for unopposed offices in cities with a population under 100,000.** **Senator Wintrow** stated that **S 1260** applied to elections for cities of more than 100,000 people. In 2020, H 413 allowed cities to run an election ballot without listing unopposed candidates. She remarked that this caused confusion among voters who did not see their candidates and elections listed on the printed ballot. **Senator Wintrow** stated that H 413 alleviated the cost of printing ballots in small communities in which candidates were more familiar to their constituents. In larger cities, citizens were confused when their races and candidates did not appear on the ballot. She remarked that 95 percent of the ballots would not require an extra page to list unopposed candidates.

DISCUSSION: **Senator Anthon** asked if some districts in Boise had unopposed elections, while others did not. **Senator Wintrow** replied that two districts were unopposed and did not appear on the ballot. **Senator Bernt** thanked **Senator Wintrow** for introducing **S 1260**. He stated that in representative government, people needed to know who represented them.

Chairman Guthrie asked if anyone present or online wanted to testify.

TESTIMONY: **Jimmy Hallyburton**, Boise City Council, District 6, testified in support of **S 1260**. He stated that he was elected at large in 2019. He knocked on approximately 10,000 doors. His second election was in 2023 for District 6, and he ran unopposed. He remarked that because he was unopposed, he was not listed on the ballot. This caused confusion for his constituents. He stated that listing candidates on the ballot was important for democracy.

Luci Willits, Boise City Council, District 1, testified in support of **S 1260**. She supported the legislature's efforts to be efficient with taxpayer dollars. Her district did not commonly have many items listed on the ballot. She remarked that in the last election, only two items were listed on the ballot. This resulted in confusion and disengagement. She stated that for democracy to work, government needed integrity and involvement. She remarked when people couldn't vote, the system was undermined.

Chairman Guthrie asked if there were any additional people who wanted to testify. There were none.

DISCUSSION: **Senator Bernt** thanked those who testified and stated that **S 1260** was a bipartisan bill. He remarked that the status quo promoted disengagement. **Senator Anthon** stated that the Committee needed to keep its eyes on this policy. He remarked that his home town, Rupert, had an election for 2 council seats and 1 mayoral position. The positions were unopposed, so there was no ballot. This resulted in confusion and disengagement. He remarked that cost must be balanced with voter engagement. **Senator Winder** commented that when he voted in his district, the couple in line in front of him were confused because they did not see their candidate on the ballot. They wondered if they were at the wrong polling place. He supported **S 1260**.

MOTION: **Senator Anthon** moved to send **S 1260** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT VOTE: **Committee vote on the Gubernatorial Reappointment of Hyrum Erickson to the Commission on Human Rights.**

MOTION: **Senator Winder** moved to send the gubernatorial reappointment of Hyrum Erickson to the Commission on Human Rights to the Senate with the recommendation that he be confirmed. **Senator Ruchti** seconded the motion. The motion carried by **voice vote**.

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

S 1261 **STATE EMPLOYEE TELEWORK - Adds to existing law to establish provisions regarding state employee telework.** **Senator Guthrie** stated **S 1261** created a new section of Idaho Code § 59-1027 that related to state employee telework policy. **S 1261** was prompted by the proliferation of communication technology and Covid-19 that resulted in more employees working from home. He remarked that **S 1261** recognized the applications, but also established parameters for telework. He stated that no more than 15 percent of in-office employees could work outside the office at any given time. The employee must sign and comply with a telework agreement. He remarked that the telework agreement included complying with technology security protocols and cost responsibilities. He remarked that the employee must be available during work hours, follow timekeeping guidelines, and avoid dependent care during telework hours. **Senator Guthrie** stated there were exemptions that depended on the type of work performed. He stated that **S 1261** contained reporting requirements. He remarked that he worked with stakeholders and modified **S 1261** based on input. Departments had flexibility, and the July 1 effective date was removed.

DISCUSSION: **Senator Anthon** asked how employees who traveled for their job were handled. **Senator Guthrie** responded that office employees who traveled out of the office as part of their work responsibilities were not counted in the 15 percent.

Senator Ruchti stated it was important to provide supervisors the ability to manage their offices effectively. He asked how **S 1261** balanced this. **Senator Guthrie** replied that **S 1261** provided supervisors with tools and parameters to balance their workforce needs effectively.

Senator Winder asked if **S 1261** provided enough flexibility to meet the individual needs of jobs whose duties required significant out of office time. **Senator Guthrie** replied that the policy spoke to that because traveling work was not included in the 15 percent limit.

Senator Wintrow stated she appreciated the flexibility in the policy. She asked how supervisors reported the remote work, and how caregiving was addressed. **Senator Guthrie** responded that the 15 percent requirement gave the supervisors latitude to address this. There were also options such as vacation time and personal days to address caregiving.

There were two people registered to testify in opposition to **S 1260**. Sheila Weaver and Gail Zarr provided written testimony that is appended to these minutes. **Senator Bernt** welcomed those present and virtual to testify

TESTIMONY:

Gail Zarr stated she was a state employee that had been notified regarding a new policy of 20 percent telework. She remarked that the purpose was accountability, and some did take advantage of remote work, but this occurred in the office as well. She remarked that her role was project oriented, and interactions were effectively conducted using email and phone calls. Her job required concentration. She stated that telework reduced costs for the company in the form of space, furniture, and wages. Remote work was still prevalent in the private sector. Returning to the office would cost her time, money, and civic involvement.

DISCUSSION:

Senator Guthrie thanked Ms. Zarr for her testimony and appreciated her courage. He commented that difficulty with the online connection that Ms. Zarr used to testify demonstrated one of the problems with remote work. He remarked that policies could be changed and modified or adjusted based on feedback. He stated that companies around the country were calling employees back to the office.

Senator Toews appreciated Senator Guthrie's work to strike a balance. He remarked that his concerns were addressed. **Senator Wintrow** stated that she appreciated the hard work and balance of the telework policy. She was concerned about exceptions, especially regarding child and parental care. **Senator Winder** stated **S 1261** would prompt discussion and interaction.

MOTION:

Senator Harris moved to send **S 1261** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**. **Senator Wintrow** requested to be recorded as voting nay.

ADJOURNED:

There being no further business at this time, **Vice Chairman Bernt** adjourned the meeting at 8:53 a.m.

Senator Guthrie
Chair

Peggy Caraway
Secretary