

MINUTES  
**SENATE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, February 14, 2024

**TIME:** 8:00 A.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Guthrie, Vice Chairman Bernt, Senators Winder, Anthon, Harris, Lee, Toews, Wintrow, 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 8:04 a.m.

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

**MINUTES APPROVAL:** **Chairman Guthrie** stated that the Minutes Approval would be moved to the end of the meeting to accommodate those registered to testify regarding proposed legislation.

**PRESENTATION:** **Chairman Guthrie** stated that the presentation would be moved to the end of the meeting to accommodate those registered to testify regarding proposed legislation.

**RS 31316** **Relating to a Joint Memorial on the Hearing Protection Act. Senator Harris** stated that **RS 31316** was a Joint Memorial that dealt with gun suppressors, which were heavily regulated under the National Firearms Act of 1934. He remarked that they were included in the National Firearms Act because of poaching concerns during the Great Depression. Current law required a \$200 tax stamp and a wait of 250 days to purchase a suppressor. He remarked that it was easier to buy a gun than to buy a suppressor. He stated that a gunshot was 150 to 165 decibels, while suppressors reduced this to 20 to 35 decibels. Gun suppressors were legal in 42 states. He remarked that it was time to update the legislation.

**MOTION:** **Senator Anthon** moved to send **RS 31316** to print. **Senator Bernt** seconded the motion. The motion carried by **voice vote**.

**RS 31322** **Relating to a Senate Resolution on Senate Rules. Senator Hart** stated that **RS 31322** addressed Senate Rule 3. Idaho Code § 67-412 stated that when legislators were absent, qualified substitutes may exercise the duties of a legislator, but the elected Senator or Representative retained the office. He remarked that **RS 31322** clarified that when someone is substituting for a legislator, that time did not count toward seniority. He stated that the effective date of this legislation was December 1, 2024.

**DISCUSSION:** **Senator Anthon** stated that there was a process to address rule changes. He remarked that he would vote to print, then would allow the process to decide.

**MOTION:** **Senator Anthon** moved to send **RS 31322** to print. **Senator Toews** seconded the motion. The motion carried by **voice vote**.

**S 1313**

**IDAHO COUNCIL ON INDIAN AFFAIRS - Amends existing law to provide for the council members to elect two cochairs.** Senator Hart stated the Idaho Council on Indian Affairs (Council) was a hybrid committee composed of 10 members. There were 5 tribal members, 4 legislative members, and 1 member appointed by the Governor. He remarked that the Council had one chair and one cochair. He stated that in other hybrid committees in Idaho, there were 2 cochairs, which resulted in the two halves of the committee being equal. He remarked that because the Legislative Services Office (LSO) organized the meetings, it was appropriate that a legislator be a cochair.

**TESTIMONY:**

**Tyrell Stevenson**, Legislative Director, Coeur d'Alene tribe, stated that the Coeur d'Alene tribe supported **S 1313**. He remarked that **S 1313** aligned with other joint legislative committees and availed the committee the full support of LSO.

**Chairman Guthrie** remarked that he agreed. He had chaired the Council and served as the legislative representative.

**MOTION:**

**Senator Anthon** moved to send **S 1313** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

**S 1290**

**ELECTIONS - Amends existing law to revise certain dates regarding when candidates must file their declarations of candidacy and when a candidate may withdraw from a race.** Senator Hartgen stated that Idaho elections were consolidated into three dates. However, the administrative deadlines county clerks must follow leading up to an election varied across the hundreds of Idaho elected offices. **S 1290** standardized the dates and deadlines county clerks followed to prepare and implement elections. She remarked that there was inconsistency across local and state offices regarding how many days prior to an election the candidate filed their candidacy, and when a candidate could withdraw. In some cases, the dates and deadlines conflicted with the printing and mailing of absentee ballots to overseas voters. **S 1290** standardized a 12-week timeline.

**Trent Triple**, Ada County Clerk, explained the process in more detail. He remarked that the three consolidated election dates, May, August, and November, would now have the same timeline. This eliminated confusion and reduced errors. The following sections were affected: Chapter 1 dealing with magistrate judges, Chapter 67 dealing with auditorium districts, Chapter 27 dealing with cemetery districts, Chapter 33 dealing with community college education districts and library districts, Chapter 31 dealing with fire districts, Chapter 40 dealing with highway districts, Chapter 39 dealing with hospital districts, Chapter 50 dealing with municipal elections, and Chapter 34 dealing with primary and general elections. **S 1290** did not change how, when, or where citizens voted.

**Mr. Triple** remarked that the timeline was defined from the 12th Monday prior to the election date, which began the candidate filing period. The final day of candidate filing was the 10th Friday from election day. He remarked that any clerk of any political subdivision must submit filings to the county clerk within 24 hours of receipt. On the 10th Friday, all candidate filings were due. In addition, all ballot language was due. The candidate withdrawal period started on the 10th Friday. By the 9th Friday, the candidate withdrawal period ended. He stated that the county clerk had all information by the 9th Friday. This allowed one week to review and deliver ballots to the printer, then one week for ballot printing.

He stated that neither the registration deadline nor the absentee ballot deadline changed. He stated that the canvass was standardized at the county and state level at 10 days.

The proposed election timeline is appended in Attachment 1 of these minutes.

- TESTIMONY:** **Douglas Miller**, Valley County Clerk and President, Idaho Association of Counties, Clerks, and Recorders, stated that all of the 44 county clerks unanimously supported **S 1290**.
- DISCUSSION:** **Senator Anthon** thanked him for coming and stated that it was important to hear from the county clerks on this issue.
- MOTION:** **Senator Lee** moved to send **S 1290** to the floor with a **do pass** recommendation. **Senator Harris** seconded the motion. The motion carried by **voice vote**.
- S 1303** **Chairman Guthrie** stated that **S 1303** had been removed from the agenda at the request of the sponsor.
- S 1311** **VETERANS CEMETERY - Adds to existing law to provide eligibility requirements and to provide for services.** **Senator Trakel** stated anyone eligible for military honors could utilize the facilities at the Idaho State Veterans Cemetery (ISVC). There was not a requirement of the ISVC being the final resting place. He remarked that confusion arose in 2023 when some individuals were denied use of the facilities even though they were eligible. **Senator Trakel** stated that he had been in contact with the ISVC director, and he was assured that this was a mistake. The director stated that remedies were in place. He remarked that there were no regulations he could find that required a state veterans cemetery to follow Federal regulations.
- DISCUSSION:** **Senator Anthon** asked if there was any opposition to **S 1311**. **Senator Trakel** responded there was minor opposition from the cemetery director because he believed the situation had been remedied.
- TESTIMONY:** **Daniel Murphy** testified in support of **S 1311**. He stated that in 2023, a daughter of a retired veteran of 32 years was told she could not hold an honorable memorial service at the veterans cemetery because the remains of the deceased would be sent out of state. He remarked that it was unacceptable that the ceremony could not be held simply because the family chose a different location for the remains. He stated that a wife of another veteran came to him with the same situation. He remarked that both families were eventually allowed to hold the memorial services. **S 1311** ensured that families would not be prevented from an honorable memorial service for their loved ones. He stated he was thankful to live in a state that valued veterans.
- Karen Brodresser** testified in support of **S 1311**. She remarked that she was initially denied a memorial service because she and her husband were to be buried together in Oregon. She stated that memorial services should be held 6 days per week in order to accommodate families that traveled for the service. She stated that services should be for all residents. She eventually held a memorial service on a Saturday at the cemetery.
- DISCUSSION:** **Senator Winder** thanked Karen for attending the meeting. He stated that he knew her late husband and offered his condolences.
- TESTIMONY:** **Mark Tschampl**, Director, Idaho Veterans Services, was not opposed to **S 1311**, but he wanted to provide additional information. He remarked that a junior employee made an erroneous assumption that those who were not interred at the cemetery could not have a memorial service there. The mistake was immediately corrected. Federal law already stated that any veteran who passed away could have a service at a veterans cemetery, regardless of whether they were interred there. The law was contained in Title 38 of CFR 39, subsection 39.31. He stated that **S 1311** was redundant. He recommended an Idaho Administrative Procedures Act (IDAPA) rule change.

**DISCUSSION:** **Senator Bernt** asked if Mr. Tschampl supported or opposed **S 1311**. **Mr. Tschampl** replied that he was not for or against. He wanted to present the full picture and request rule changes. **Senator Lee** asked if anything in the Federal guidelines prohibited **S 1311**. **Mr. Tschampl** replied that it did not. He stated that he proposed a rule change. **Chairman Guthrie** asked if anything in **S 1311** was contrary enough to the Federal process to cause a problem. **Mr. Tschampl** stated that it was not.

**TESTIMONY:** **Rosa Martinez** testified in support of **S 1311**. She stated that her father passed away due to exposure to agent orange in Vietnam. She stated that when he passed away, her family was twice denied services at the ISVC. She remarked that her mother was devastated. **Ms. Martinez** stated that she had reviewed the statutes and found nothing to prohibit holding services at the veterans cemetery. She stated that **S 1311** was not redundant. Idaho taxes were funding the veterans cemetery. She remarked that it took six months to resolve this issue.

Written testimony regarding **S 1311** and **S 1291** is contained in Attachment 2 (submitted electronically) and Attachment 3 (submitted in written form) of these minutes.

**DISCUSSION:** **Senator Trakel** clarified that there was no opposition to **S 1311**. He stated that he preferred legislation to an IDAPA rule change. **Senator Anthon** stated that mistakes happened. He stated that IDAPA rules should not be created without a statute. He remarked that he was happy to be redundant for the veterans of Idaho. **Senator Winder** thanked Senator Trakel for bringing the bill, and for those who testified in support of their loved ones and their service to the country. **Chairman Guthrie** thanked all veterans.

**MOTION:** **Senator Anthon** moved to send **S 1311** to the floor with a **do pass** recommendation. **Senator Toews** seconded the motion. The motion carried by **voice vote**.

**S 1312** **STATE BUDGETS - Amends existing law to revise a provision regarding the preparation and filing of a budget request.** **Senator Lee** stated the executive branch was required to meet a September 1 budget deadline, while the legislative and judicial branches submitted budget information on approximately November 15. **S 1312** created consistency for all three branches of government by aligning with the September 1 date. She remarked the Department of Administration was the exception to this requirement. **Senator Lee** stated that she talked with judicial branch representatives and there was no opposition to the September 1 deadline.

**MOTION:** **Senator Harris** moved to send **S 1312** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

**S 1291** **STATE GOVERNMENT - Adds to existing law to prohibit public entities from entering into contracts with entities that boycott certain industry sectors.** **Senator Ricks** stated that **S 1291** prohibited public contracts with companies that were boycotting certain industries that were important to Idaho. **S 1291** did not apply to contracts with a total potential value of less than \$100,000, or to contractors with fewer than 10 employees.

He remarked that a new section, Idaho Code § 67-2347A, defined the industries and exemptions to which **S 1291** applied. He stated that only public companies were affected. The companies would not enter into a contract for goods or services unless the contract contained a written certification that the contract provider did not engage in a boycott of the following industries: fossil fuels, timber, minerals, hydroelectric power, nuclear energy, agriculture, or firearms.

**S 1291** contained an exemption if there was no other option for the contract. He stated that there was an administrative process of appeal. **S 1291** added public contracts to existing code.

**DISCUSSION:** **Senator Lee** asked what processes smaller districts would follow to ensure they were compliant with **S 1291**. **Senator Ricks** replied that companies interested in the bid provided a written certification. Guidelines were contained in the code. **Senator Lee** clarified that companies just included the acknowledgement in the request for bid. **Senator Ricks** stated yes, that was part of the process.

**Senator Wintrow** asked what line of **S 1291** contained the exclusion that described what to do if no other company was available. **Senator Ricks** replied that the language related to the exemptions began on line 22. He stated that the exemption gave the company an option to use a provider if no other provider could fill the need.

**Senator Wintrow** asked if this exemption clause interfered with contract law or interstate commerce. **Senator Ricks** stated that **S 1291** related to industries important to the State of Idaho. He remarked that the intent was to prevent outside influences from interfering with those industries and the legislative process. He stated that similar legislation in 2023 resulted in an increase in contracts.

**TESTIMONY:** **Nathan Guy**, owner, Great Outdoors Gun Shop, testified in support of **S 1291**. He remarked that gun stores faced discrimination from merchant services, banks and financial institutions, insurance providers, and advertising, including websites. He stated that this had a direct impact on consumers in Idaho. He remarked that **S 1291** addressed these issues and brought about positive change.

**DISCUSSION:** **Senator Wintrow** stated that **S 1291** affected public contracts and not private companies. **Mr. Guy** replied that he wanted to highlight the general discrimination experienced by gun shops.

**TESTIMONY:** **Aoibheann Cline**, Northwest Regional Director, National Rifle Association (NRA), stated the NRA supported **S 1291**. She remarked that the Second Amendment was ingrained in the values of Idaho. She had talked with gun store owners. She remarked that they experienced discrimination and were excited about **S 1291**. She stated that a boycott of the firearms industry should be disclosed if a company wanted to do business in Idaho.

**Trent Wright**, President and CEO, Idaho Bankers Association, testified in opposition to **S 1291**. He stated that much of the language in **S 1291** was crafted in 2023 under HB 191, which related to the banking industry. He remarked that there had been a total of 9 bills over the last three sessions that addressed Environmental, Social, and Governance (ESG) issues. He remarked that enough was enough.

**Mr. Wright** recommended sending **S 1291** to the amending order. He stated that he wanted the legislation limited to the fossil fuel and firearm industries. In addition, he recommended that the list of business sectors be confined to those directly pertinent to banking operations geographically located within the boundaries of Idaho. He proposed excluding the political subdivisions within government entities. He remarked that local governments were better equipped to determine the needs of their communities. He proposed additional language regarding the waiver requirements. He remarked that these changes ensured fairness.

**DISCUSSION:** **Senator Wintrow** inquired what the unforeseen circumstances were if **S 1291** was not amended. **Mr. Wright** replied that he was concerned regarding existing contracts. He wondered if the exemption language would allow those contracts to continue. He remarked that political subdivisions might not know about or understand how to apply the legislation.

**TESTIMONY:** **Nephi Cole**, Director Government Relations-State Affairs, National Shooting Sports Foundation, stated that discrimination against the gun industry was a real issue. He remarked that it cost businesses and livelihoods. 50 percent of the consumer credit market had policies that discriminated against gun manufacturers and businesses. He stated that consumers should be provided with this information so that they had a choice to know and decide who they wanted to do business with. He supported **S 1291**.

**DISCUSSION:** **Senator Ruchti** stated that from a legal standpoint, discrimination related to protected classes. He remarked that this was a market issue. He asked why couldn't the market figure this problem out. **Mr. Cole** replied that this was not a market issue. When entities denied access to public goods as a political issue, that constituted discrimination. He remarked that similar bills were passed in 8 other states. **Senator Ruchti** asked if the market already took into account political and social issues. **Mr. Cole** replied that **S 1291** was market-based. **S 1291** required companies to disclose boycotts to the consumers.

**TESTIMONY:** **Braden Jensen**, Idaho Farm Bureau, testified in support of **S 1291**. He remarked that **S 1291** established a clear policy that if companies wanted to do business in the State of Idaho, they would not boycott businesses that made up the backbone of Idaho's economy. **S 1291** honored the contributions of these industries. He remarked that legitimate exceptions were considered in the legislation.

Written testimony regarding **S 1311** and **S 1291** is contained in Attachment 2 (submitted electronically) and Attachment 3 (submitted in written form) of these minutes.

**DISCUSSION:** **Senator Ricks** remarked that every section of **S 1291** was consistent with what was already in Idaho Code. He stated that amendments would also require changes to existing legislation. He recommended a do pass recommendation for **S 1291**. He stated that it was important for Idaho.

**Senator Anthon** stated that he believed in a free market, however the market was no place to determine Constitutional rights. There was a Constitutional right to keep and bear arms. There are those who don't like that and attempt to deprive people of that right. He stated that this was not the function of the market. He remarked that there was a proper place to debate Constitutional rights. He stated that just because something did not fall in the current definition of a protected class, that did not mean that it was not discrimination. He supported **S 1291**.

**Senator Wintrow** stated that she had been involved with contract legislation in the past. She stated it was very involved and complex. She remarked there could be unintended consequences with legislation that was this comprehensive. She remarked that she did see the exclusion clause as helpful. She stated that the legislature was asking the government to intervene in the market. She did not support **S 1291** due to the potential for unforeseen consequences and government involvement.

**Senator Ruchti** disagreed with the concept of the exercise of Constitutional rights in the market. He stated that he was a Democrat, but if someone chose not to seek legal help from him, then that was their choice. He remarked that **S 1291** used the government to put a finger on the scale on behalf of certain industries. He asked for consistency.

**Senator Winder** stated he had friends on both sides of the issue. He remarked that there was an effort to bring the stakeholders to the table and try and work it out. He remarked that balance was required. He stated that **S 1291** provided a light touch, but also protected those who did not have the gold. He stated that legislators

should intervene when efforts were made to work against the public.

**Chairman Guthrie** echoed Senator Winder's comments and thanked those who were involved in crafting **S 1291**. He stated that there was an effort to balance both sides of the issue.

**Senator Lee** stated that the legislature did this every day. She remarked that the legislature created policy, such as tax policy, to incentivize and disincentivize many activities. She stated that the legislature expressed its values through legislation. She remarked that the legislature was not solving all of the private issues heard today, but was focused on investments for public dollars in intent and policy. She supported **S 1291**.

**MOTION:** **Senator Anthon** moved to send **S 1291** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by **voice vote**. **Senator Wintrow** and **Senator Ruchti** asked to be recorded as voting nay.

**MINUTES APPROVAL:** **Senator Harris** moved to approve the Minutes of February 7, 2024. **Senator Ruchti** seconded the motion. The motion carried by **voice vote**.

**PRESENTATION: Honoring the Page - Liberty McGuire.** **Chairman Guthrie** welcomed Liberty McGuire to the podium and requested that she share her experience working as a Page. **Liberty McGuire** remarked that she loved art and rugby. She stated that she loved working in the Senate and enjoyed seeing the humanity in politics. She remarked that she learned a great deal and was very grateful for the experience.

**Chairman Guthrie** asked what was her biggest surprise. **Ms. McGuire** stated that she was surprised that the Senators were so funny. She stated that being on the Senate floor and witnessing the relationships and respect among the Senators was great.

**Chairman Guthrie** requested that Ms. McGuire ask one of the Senators a question. **Ms. McGuire** stated that she admired Senator Lee very much. She admired her strength of conviction and her hard work. She asked for any advice as she prepared for college, and also for advice that had helped Senator Lee accomplish what she had. **Senator Lee** responded that she was grateful for those kind words and recommended that Ms. McGuire take risks. She stated that she had a lot of time to be an adult. She recommended that Ms. McGuire do things that might scare her and push herself to take risks.

**Chairman Guthrie** requested that the Secretary present Ms. McGuire with a gift from the Senators on the Committee and thanked her for all of her hard work.

**ADJOURNED:** There being no further business at this time, **Chairman Guthrie** adjourned the meeting at 9:31 a.m.

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Senator Guthrie  
Chair

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Peggy Caraway  
Secretary