

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, March 18, 2024

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Guthrie, Vice Chairman Bernt, Senators Winder, Anthon, Harris, Toews, Wintrow, and Ruchti

ABSENT/ EXCUSED: Senator Lee

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 meeting.

NOTE: **Chairman Guthrie** stated that he modified the agenda slightly to account for the presenters' schedules.

GUBERNATORIAL REAPPOINTMENT VOTE: **Committee Vote on the Gubernatorial Reappointment of Travis "Bear" Prairie to the Idaho Energy Resource Authority.**

MOTION: **Senator Harris** moved to send the gubernatorial reappointment of Travis "Bear" Prairie to the Idaho Energy Resource Authority to the Senate with the recommendation that he be confirmed. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT VOTE: **Committee Vote on the Gubernatorial Reappointment of James Hammond to the State Building Authority.**

MOTION: **Senator Winder** moved to send the gubernatorial reappointment of James Hammond to the State Building Authority to the Senate with the recommendation that he be confirmed. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

H 561 **ELECTIONS - Amends existing law to provide for a canvass report after votes are cast for elected offices.** **Senator Herndon** stated that **H 561** affected sections of Idaho Code § 34-1207 that related to the counting of and signing off on ballots for a post-election canvass. He remarked that the language "abstract" was changed to "canvass report" for consistency. He stated that **H 561** added information to the canvass report. He remarked that **H 561** removed the requirement that the reports be sent by registered mail. He stated that the State Board of Canvassers had 21 days to complete their work.

DISCUSSION: **Senator Winder** inquired if **H 561** went into effect after the 2024 primary. **Senator Herndon** replied yes, this gave time for the Secretary of State to give counties notice of the change in the timeline.

TESTIMONY: **Jason Lehosit**, Policy Director, Secretary of State's Office, stated that the Secretary of State's Office supported **H 561**. He remarked that constituents had questions about the abstract.

MOTION: **Senator Winder** moved to send **H 561** to the floor with a **do pass** recommendation. **Senator Toews** seconded the motion. The motion carried by **voice vote**.

HCR 28 **PAUL NETTLETON - States findings of the Legislature and commends Special Deputy Paul Nettleton on his 50 years of exemplary service to the Owyhee County Sheriff's Office and the people of Owyhee County.** **Senator Lakey** stated that Special Deputy Paul Nettleton and his family ranched in Owyhee County for five generations. He remarked that **HCR 28** commemorated Mr. Nettleton's 50 years of service to the Owyhee County Sheriff's Department. He stated that much of the county's 7,600 square miles was inaccessible except by plane and horseback, and since the 1970's, Mr. Nettleton and his horse Nuggett had answered hundreds of calls and searched for many who needed to be found. He remarked that Mr. Nettleton cared about his community and served his community and others in his 50 years of service.

TESTIMONY: **Lew Shaver**, Deputy, Owyhee County Sheriff's Office, thanked the Legislature for recognizing Mr. Nettleton and reaffirmed support for his 50 years of service.

Written testimony in support of **HCR 28** appears in Attachment 1.

DISCUSSION: **Senator Winder** inquired if Mr. Paul Nettleton was related to Sheriff Nettleton. **Mr. Shaver** replied that Sheriff Nettleton was the cousin of Paul Nettleton.

MOTION: **Senator Winder** moved to send **HCR 28** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

H 620aa **KNIVES - Adds to existing law to provide that a political subdivision shall not enact certain rules, ordinances, or taxes regarding knives, to provide certain exceptions, and to provide that certain rules and ordinances from a political subdivision shall be null and void.** **Representative Redman** stated that **H 620aa** enacted state right preemption law that prevented political subdivisions in the State from regulating the possession, sale, transfer, or manufacture of knives. He remarked that Idaho had preemption laws for the protection of firearms from local regulation. He stated that knives were arms that were protected by the Second Amendment. He remarked that **H 620aa** allowed exceptions for schools, courthouses, law enforcement facilities, places of involuntary confinement, and political subdivisions that were regulated by childcare. He stated that 14 other states had passed similar legislation. He asked to yield to Todd Rathner.

Todd Rathner, Knife Rights Organization, stated that Knife Rights was a national organization made up of knife collectors, owners, designers, makers, and manufacturers. He remarked that Knife Rights worked in 14 states to enact knife law preemption. He stated that knives were protected under the Second Amendment and the Idaho Declaration of Rights. He remarked that under **H 620aa**, people who carried knives would not have to question whether their knives were legal to carry when they crossed an arbitrary boundary. He stated that the exceptions accommodated all of the concerns raised by stakeholders.

DISCUSSION: **Senator Ructhi** remarked that he appreciated the exceptions, but he did not see childcare centers listed in the legislation. **Representative Redman** read the exceptions, then realized that the Senators did not have the amended legislation in their packets. He handed out copies of **H 620aa**, and he read the amendments to the Committee, then they reviewed them from the copies provided to them. He stated that childcare facilities were exempted on Line 28 of **H 620aa**.

Senator Wintrow asked how university housing on college campuses was impacted by **H 620aa**. She inquired if residence halls were able to set their own policy regarding knives. **Representative Redman** replied that Idaho Code § 18-3302 covered private contracts contracted through a public entity. He remarked that private contracts were allowed to use whatever security protocol they chose.

TESTIMONY: **Andrew Luther**, General Manager, Ford Idaho Center, stated that he supported the exemptions in **H 620aa** because the Ford Idaho Center had contracts that required no weapons of any type. He remarked that this was important for the financial viability on behalf of the Nampa taxpayers.

Written testimony in support of and in opposition to **H 620aa** appears in Attachment 1.

MOTION: **Senator Winder** moved to send **H 620aa** to the floor with a **do pass** recommendation. **Senator Toews** seconded the motion. The motion carried by **voice vote**.

H 563 **IDAHO ADMINISTRATIVE PROCEDURE ACT - Amends existing law to revise provisions regarding adoption of a temporary rule and regarding legislative review of incorporated material, to provide that an agency shall make incorporated material available on its website, and to require the periodic review of administrative rules.** **Senator Harris** stated that he would present on behalf of Representative Barbieri. **Senator Harris** stated that **H 563** furthered the efforts of H 206 from 2023 to establish legislative authority to oversee administrative rulemaking. He remarked that language was clarified that when a temporary rule was issued, it reduced a regulatory burden on individuals and businesses. He stated that **H 563** addressed legislative oversight of material incorporated by reference in the administrative rules. He stated that rule changes were made easily accessible on the agencies' websites. He remarked that agencies were required to review the administrative rules every eight years.

DISCUSSION: **Senator Wintrow** asked Josh Scholer to discuss the changes and whether the changes would hamper temporary rules that were affecting change.

TESTIMONY: **Josh Scholer**, Regulatory and Legislative Affairs Bureau Chief, Division of Financial Management, stated that he was not aware of any temporary rules that would not have been implemented. He remarked that **H 563** did not impact the protection of public health and safety or any change in Federal law. He stated that temporary rules reduced regulatory burdens.

DISCUSSION: **Senator Harris** closed by stating that **H 563** ensured that the rules from regulatory agencies were reasonable and necessary.

MOTION: **Senator Toews** moved to send **H 563** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Anthon** moved to approve the Minutes of March 8, 2024. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

ADJOURNED:

There being no further business at this time, **Chairman Guthrie** adjourned the meeting at 8:32 a.m.

Senator Guthrie
Chair

Peggy Caraway
Secretary