

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, March 11, 2024

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane(13), Vice Chairman Young, Representatives Palmer, Barbieri, Holtzclaw, Scott, Andrus, Skaug, Alfieri, Allgood, Crane(12), Gannon, Achilles

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Crane (13) called the meeting to order at 8:30 AM.

H 627: **Rep. Andrus** made a motion to **HOLD H 627** subject to the call of the chair. **Motion carried by voice vote.**

RS 31628: **Rep. Andrus** made a motion to **HOLD RS 31628** subject to the call of the chair. **Motion carried by voice vote.**

H 659: **Rep. Palmer** presented **H 659** explaining this legislation deals with things the Public Utilities Commission and removes things they do not regulate anymore from Idaho Code.

Will Hart, Idaho Consumer-Owned Utilities Company, testified **in support of H 659** stating the clarification in this legislation is valuable and streamlines many processes. In response to committee questions, Mr. Hart explained this would allow willing buyer and willing seller agreements not to require a public hearing.

MOTION: **Rep. Crane (12)** made a motion to send **H 659** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Palmer** will sponsor the bill on the floor.

H 561: **Rep. Lambert** presented **H 561** explaining this legislation updates the canvass language by standardizing the reporting process, and striking the requirement to send by registered mail. In response to committee questions, Rep. Lambert explained the additional time allotted for the report following the election allows the Secretary of State, State Treasurer, and State Controller time to meet.

Phil McGrane, Idaho Secretary of State, testified **in support of H 561** explaining the time frames for these reports was set before the addition of post-election audits. With the addition work, an update to the time frame is needed. In response to committee questions, Secretary McGrane explained this would delay the period in which an election can be challenged but it would not shorten that period. He also clarified what the election audit process looks like which involves randomly selected counties and randomly selected precincts within those counties.

MOTION: **Rep. Alfieri** made a motion to send **H 561** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Lambert** will sponsor the bill on the floor.

HCR 28: **Rep. Lambert** presented **HCR 28** explaining this legislation honors **Paul Nettleton** who is retiring from the Owyhee County Volunteer Sheriff Department. He was involved in searching for an escaped fugitive and the capture of murderer Claude Dallas. The sponsors of this legislation are happy to honor his years of service.

MOTION: **Rep. Allgood** made a motion to send **HCR 28** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Lambert** will sponsor the bill on the floor.

H 384: **Rep. Crane (12)** presented **H 384** explaining this bill passed out of this committee, then it was replaced with a Senate bill which has failed, so this is back for public hearing before being held to introduce a new version. The largest change in this version is the Miller Test is the only thing used to determine what is harmful to minors. The 30-day written relocation request is now also standardized in the legislation. In response to committee questions, Rep. Crane (12) clarified the Miller Test is the uniform standard for determining what is harmful to minors in Supreme Court case law. He highlighted this bill does not eliminate the option to simply have a conversation and ask for a book to be relocated, the form and civil cause of action are there as second and third steps.

Abigail Wallace testified in opposition to **H 384** stating books have a positive impact and add perspective and the majority of Idahoans do not support this bill. In response to committee questions, Ms. Wallace shared fears this legislation and its included fine will scare librarians into removing books since it includes subjective terms.

Ron Pisaneschi testified in opposition to **H 384** stating there are tools in place for parents to decide what their children should read. This legislation is unnecessary and unworkable. In response to committee questions, Mr. Pisaneschi expressed he is unaware of any materials in the library which are graphically sexually explicit. He also explained many of the books which may include explicit content would still pass the Miller Test when considered in their entirety. He closed stating there is no need for this legislation and parents should determine age appropriateness for their own children.

Eric Gironda testified in opposition to **H 384** singing 'You've Got to be Carefully Taught' from South Pacific. In response to committee questions, Mr. Gironda stated none of this is happening in libraries or schools and expressed fears about the lawsuits which would follow the passage of this legislation.

Rebecca Proctor testified in opposition to **H 384** explaining this legislation could potentially deny access to hundreds of excellent books for teens and kids which are appropriate and teach lessons and provide hope and healing for students suffering from harm.

Lance McGrath, Idaho Library Association President, testified in opposition to **H 384** highlighting librarians care about the wellbeing of kids and do not provide harmful materials. He stated 69% of families trust librarians. He expressed concerns about this legislation placing a financial burden on libraries and infringing on parental rights. In response to committee questions, Mr. McGrath explained materials which do not pass the Miller Test are not entered into the library collection as is recommended by the American Library Association. He affirmed he has not seen obscene materials in libraries, but if it is there systems are in place to handle it.

Jenny Emery Davidson testified in opposition to **H 384** stating Idahoans do not want one person to prevent everyone else from reading something. In response to committee questions, Ms. Emery Davidson clarified many of the books quoted in previous debate on this topic do pass the Miller Test when read in their entirety. She questioned if the Miller Test is already in Idaho Code, why is this legislation needed if not to bring fear. In response to further questions, she explained all employees and volunteers at her library must pass a background check.

Jeff Kohler testified in **opposition** to **H 384** stating every library in the Meridian Library District has a written process to follow, request for reconsideration forms, and a thoughtful multi-hour review process to determine if a book fits and is shelved correctly. If a person disagrees with that decision they can appeal to the board. To date none of those decisions have been appealed.

Bonnie Shuster and Erin Kennedy testified in **opposition** to **H 384** expressing concern about the Miller Test only being used by the courts, not by the complainant leading to lawsuits even if the book passes the Miller Test. They affirmed the legislation is unnecessary because libraries have processes to request consideration and these processes work. In response to committee questions, they stated this problem is not actually occurring in Idaho libraries and if it is, patrons are encouraged to come discuss with librarians and use provided resources to choose proper materials.

Rep. Crane (12) closed debate stating this legislation includes no book banning or removal. There are differing viewpoints from taxpayers and relocation is the best way to hear both sides. He closed saying if libraries have these systems in place, this bill seeks to codify them.

MOTION: **Rep. Scott** made a motion to **HOLD H 384** in committee. **Motion carried by voice vote.**

RS 31627: **Rep. Crane (12)** presented **RS 31627** explaining this is an updated draft of **H 384** with the aforementioned changes. In response to committee questions, Rep. Crane (12) explained the definition for harmful materials is almost verbatim from the Miller Test. In regard to this bill impacting private schools, he clarified providing harmful material to minors is still illegal under Idaho Code. He affirmed a private cause of action suit is standard to provide a route to question something and the court can throw out lawsuits they believe are frivolous.

MOTION: **Rep. Young** made a motion to introduce **RS 31627** and recommend it be sent directly to the second reading calendar.

Rep. Gannon spoke in **opposition** to the motion voicing concerns around this legislation promoting lawsuits and the legality of including private libraries.

Rep. Achilles spoke in **opposition** to the motion voicing concern about the bill's definition of obscene material which omits the third prong of the Miller Test regarding contemporary community standards.

VOTE ON MOTION: **Motion carried by voice vote. Reps. Achilles and Gannon** requested to be recorded as voting **NAY. Rep. Crane (12)** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 9:59 AM.

Representative Crane (13)
Chair

Kennedy Jones
Secretary