

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, January 30, 2024

TIME: 9:00 A.M.

PLACE: Room EW40

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

**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 committee to order at 9:02 AM.

MOTION: **Rep. Coberly** made a motion to approve the minutes of January 24 and 25, 2024. **Motion carried by voice vote.**

RS 31118: **Rep. Price** presented **RS 31118** explaining this proposed legislation provides a cause of action for anyone exposed to material harmful to children as clarified on page 4 lines 3-35 of the proposed legislation. She further explained commercial entities shall be liable if they fail to perform reasonable age verification. She highlighted there is a constitutional duty to protect virtue and promote temperance and sobriety. She cited a study in which 58% of teens stated they had encountered pornography accidentally. She closed saying other states have passed similar bills which have withstood judicial scrutiny. In response to committee questions, Rep. Price clarified any personal data collected from these websites cannot be retained. She further highlighted it is up to the content provider how they are going to verify ages, one example of this is requiring website visitors to enter their birth date before they can access the site.

Rep. Young further explained this proposed legislation is important because pornography is not only offensive to the prevailing community standards but harmful to the healthy development of people's minds.

MOTION: **Rep. Crane (12)** made a motion to introduce **RS 31118** with the following change on page 4 line 8; after the word 'material' remove the period and insert 'or after verifying the age of the individual, provides a minor access to the material.' **Motion carried by voice vote.**

HJR 1: **Rep. Price** presented **HJR 1** explaining this legislation would put a question on the ballot for voters about whether or not to repeal the Blaine Amendment from the Idaho Constitution. She explained the author of this amendment had a hatred for Irish Catholics and expressed his bigotry in this amendment. She further clarified the separation of church and state is addressed within the constitution, not its amendments. She closed citing court cases in which Blaine Amendments in other states were deemed unconstitutional. In response to committee questions, Rep. Price said there is not currently language in the bill that outlines the exact language which would be on the ballot. She further clarified this resolution is only about putting the choice before constituents.

Nancy Gregory and Sean Craft testified in opposition to **HJR 1** stating concerns this legislation could take away public school funding which is already at an all time low.

Grace Howat testified in support of **HJR 1** explaining it is unconstitutional to prevent a religious school from receiving state funds and it is time to ask the people of Idaho if it should remain in the constitution.

Dr. Jean Henscheid testified in opposition to **HJR 1** highlighting the ways in which the Blaine Amendment positively enunciates the separation of church and state. She further stated the former and current Attorney Generals of Idaho have said the amendment is alive and well and the rulings cited today are state specific.

Danny Steinmeiner, Truth Family Bible Church, testified in support of **HJR 1** speaking about the myth of neutrality. He explained all school is inherently religious, giving the example of biology which has religious elements in it. He highlighted citizens are taxed by a government which acknowledges a god, as heard in the pledge of allegiance, but those same citizens are denied access to those taxpayer dollars.

Rowan Astra, Satanic Idaho, testified in support of **HJR 1** stating the true representation of religious plurality in this legislation affords her the opportunity to open a satanic performing arts school and have access to the same funds as any other Idaho school.

Kathrine Hartley, Pacific Justice Institute, testified in support of **HJR 1** explaining it is unconstitutional for the state to condition a benefit on whether or not a person or institution is religious. In response to committee questions, she clarified if someone's free exercise of religion is strongly concerning the state can prohibit it. The Smith case in Oregon was given as an example of this. She further clarified the stipulations of funding would be included in the specific language tied to that benefit, not the language of this legislation.

MOTION: **Rep. Palmer** made a motion to **HOLD HJR 1** subject to the call of the chair.

Rep. Palmer spoke to his motion stating he has a few outstanding technical questions about the legislation.

Rep. Gannon spoke to the motion highlighting concerns and questions regarding the fiscal note, what other areas outside of schools this legislation would impact, and what the definition of religion is in statute.

VOTE ON MOTION: **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 9:47 AM.

Representative Crane (13)
Chair

Kennedy Jones
Secretary