

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, February 20, 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, 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 9:00 AM.

RS 31407: **Rep. Skaug** presented **RS 31407** explaining this proposed legislation adds a small fix to legislation already seen this session. Following a recommendation from the Prosecutors Association, this adds the words 'in addition to any' regarding any marijuana charges that may be brought in addition to the original legislation's \$420 fine.

MOTION: **Rep. Young** made a motion to introduce **RS 31407**. **Motion carried by voice vote.**

RS 31417: **Rep. Gannon** introduced **RS 31417** explaining this proposed legislation requires notice when a board, commission, agency, bureau, division, or department of state government intends to enter into a transaction in which the value is over 25 million dollars. The format and text of the notice to be given is contained in the bill text and must be delivered to every legislator and elected officials via their official e-mail, newspapers, and television stations. If the transaction is made without notice, it becomes a void contract. RFP proposals and emergency expenditures in a disaster, along with transactions already approved by the legislature are exempt. The proposed legislation is not retroactive.

Rep. Allgood continued the presentation stating he was surprised to learn this was not already in place. They expect not many of these notices will be issued, but those that are could be very important.

In response to committee questions, **Rep. Gannon** stated this legislation is intended to address when large transactions take place while the legislature is out of session, and will not replace line item review in budgets. He also clarified this would not need to be a provision within contracts, because notice must be issued before any contract is signed. He referenced statute which provides procedure and consequence if an expenditure is made without authorization. He clarified the intention of the provision if notice is not given and the transaction is void, the government entity can issue notice and sign a new contract after following the correct procedure is meant to allow remedy for honest mistakes.

MOTION: **Rep. Crane (12)** made a motion to return **RS 31417** to the sponsor.

Rep. Barbieri spoke in support of the motion stating the intent should be for these transactions to be subject to legislative approval, and he'd like to get the language right.

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

RS 31421: **Rep. Andrus** presented **RS 31421** explaining this proposed legislation allows farmers and ranchers to put their land into an agricultural protection area managed by the county government to prevent it being developed. In response to committee questions, Rep. Andrus clarified this legislation allows for a county run agricultural protection area, but he is unsure which real estate circumstances that could protect against, such as just imminent domain or other purchasing.

MOTION: **Rep. Gannon** made a motion to introduce **RS 31421**. **Motion carried by voice vote.**

H 574: **Rep. Andrus** presented **H 574** explaining this legislation clarifies that tax relief funds cannot be included in the ballot question unless the amount and duration is guaranteed.

Halli Stone and **Heather Disselkoen** testified **in support** of **H 574** as residents of regions which encountered this issue. They stated it is imperative the ballot includes only valid information since one of the key contributors to voter apathy is because people claim they do not have enough information or do not understand the impact of their vote.

Scott Mensching testified **in support** of **H 574** stating Shelly School District ran a bond using deceptive language on the ballot. This legislation makes ballot language more honest and transparent.

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

H 420: **Rep. Sauter** presented **H 420** explaining this legislation is in response to a recall election that caused problems for the West Bonner School District. It solves three problems. First, after two of five board members were recalled, it was unclear what constituted a quorum. This clarifies when there are three active members, two members makes up a quorum. Second, this legislation starts a time clock to fill a vacancy of 90 days from the time the recall results are proclaimed. Third, it states a board member up for recall will not fulfill their duties in the time between the recall election and when the results are proclaimed. He highlighted this legislation has been reviewed by the Secretary of State, Superintendents Association, and the Association of School Boards.

Dale Layne, Idaho Rural Schools Association, testified **in support** of **H 420** highlighting the provisions of this bill which allow school boards to continue their work based on the will of the public in the event of a recall.

Branden Durst, West Bonner County School District, testified **in opposition** to **H 420** stating the results of a recall election are not final until certified and therefore the elected official has the rights to that office until recall result certification.

Brooke Ramsey, testified **in support** of **H 420** explaining this legislation could have prevented the problem in Bonner County which occurred when the board could not do business because all 3 remaining members were needed for a quorum, but they were often not all in attendance. Additionally, no one could or would advise without a clear explanation to be found in code.

Senator Herndon testified **in opposition** to **H 420** stating he has concern this legislation creates a contradiction with Idaho Code 34-1709 which states an elected official shall continue to perform their duties until the results are officially proclaimed.

Quinn Perry, Idaho School Board Association, testified **in support of H 420** explaining there is a loophole which needs to be closed and this legislation addresses that. In response to committee questions, Ms. Perry clarified it can sometimes take 7-10 days for the results of an election to be certified, but highlighted for the committee recalls are exceedingly rare.

Greg Wilson, State Department of Education, testified **in support of H 420** highlighting **Superintendent Critchfield** is supportive of this legislation. The State Department of Education was in an extraordinary position this summer when they were asked to advise West Bonner School District but were unable to do so without clear code to reference. In response to committee questions, Mr. Wilson clarified the real confusion was regarding what constituted a quorum following the recall of two board members.

Rep. Barbieri spoke to address previous committee questions explaining judicial review normally dictates when two statutes conflict the latest of the two statutes will prevail.

Rep. Sauter closed testimony stating highlighting this legislation only addresses school boards, no other elections and therefore is a narrow bill which has undergone extensive legal review.

MOTION: **Rep. Allgood** made a motion to send **H 420** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. Scott** made a motion to send **H 420** to General Orders.

Rep. Scott spoke to the motion stating Idaho Code 34-1709 needs to be referenced in this legislation and voiced concerns about big education removing conservative trustees.

Rep. Alfieri spoke **in support** of the substitute motion voicing concern about a person up for recall not being able to act in their office before vote results are certified.

Rep. Achilles spoke **in opposition** to the substitute motion stating this incident highlighted a gap in code and this is a good way to address this gap.

VOTE ON SUBSTITUTE MOTION: **Motion carried by voice vote. Reps. Achilles and Allgood** requested to be recorded as voting **NAY. Rep. Sauter** will sponsor the bill on the floor.

H 563: **Rep. Barbieri** presented **H 563** explaining this legislation narrows the temporary rule gap in two ways. First it states every eight years an agency must legitimize the necessity of each rule chapter. Second, it requires that anything incorporated by reference in a rule be provided to the legislature at the time of rules review. In response to committee questions, Rep. Barbieri referenced a document incorporated in a rule which was over 240 pages long.

MOTION: **Rep. Alfieri** made a motion to send **H 563** to the floor with a **DO PASS** recommendation.

Rep. Gannon spoke **in support** of the motion seconding the comments around incorporated materials.

VOTE ON MOTION: **Motion carried by voice vote. Rep. Barbieri** will sponsor the bill on the floor.

RS 31403: **Rep. Monks** presented **RS 31403** explaining this proposed legislation deals with the Division of Public Works by codifying what they have been doing and giving a process to review bids. This can happen through a request of an appeals process or a review before a hearing officer.

MOTION: Rep. Scott made a motion to introduce **RS 31403. Motion carried by voice vote. Chairman Crane (13) and Rep. Crane (12)** both declared Rule 80.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 10:23 AM.

Representative Crane (13)
Chair

Kennedy Jones
Secretary