

MINUTES
Approved by the Committee
Committee on Federalism
Monday, October 07, 2019
9:00 A.M.
Room EW41
Boise, Idaho

Co-chair Monks called the Committee on Federalism meeting to order at 9:04 a.m.; a silent roll call was taken.

Committee members in attendance: Co-chair Jason Monks; Senators Mark Harris, Carl Crabtree, and Grant Burgoyne; and Representatives Judy Boyle, Megan Blanksma, Wendy Horman, and Jake Ellis. Co-chair Steve Vick participated via conference-phone. Absent and excused: Senator Dan Johnson. Legislative Services Office (LSO) staff present: Kristin Ford, Jill Randolph, and Ana Lara.

Other attendees: Liz Hatter - Veritas Advisors LLP; Brody Aston - Westerberg Associates; Blake Youde - Youde and Associates, LLC; and Liz Ryder - self.

Report of Federalism Efforts at American Legislative Exchange Council (ALEC) - Representative Dixon, Idaho House of Representatives

Co-chair Monks called upon Representative Dixon to present. Representative Dixon, chairman of ALEC's Federalism Task Force, stated ALEC's mission statement and briefly summarized the history of ALEC's Federalism Task Force. He stated that the Article 5 movement was a prominent issue for the task force. He noted that the task force is focused on the return of federal lands to the states. He explained that through the Good Neighbor Authority (GNA) and shared stewardship, the task force is seeing movement in the direction of more state control over federal lands. He referred to the Federal Land Policy and Management Act (FLPMA) of 1976, which declared that public land would remain in federal ownership, and noted that it affected the western states to a greater extent than eastern states. He suggested FLPMA is at odds with the Constitution because it did not maintain equal footing between the western states and eastern states. He emphasized that FLPMA hinders western states in their effort to stimulate their economies and politically as well because they cannot populate federal land and potentially increase their representation in Congress.

Representative Dixon stated that, because these lands are under federal ownership, the state is to receive payment in lieu of taxes (PILT) and secure rural schools (SRS) funding from the federal government. He noted how difficult it is to obtain these funds and they cannot be relied upon by the counties or the state to help fund education, roads, etc. He directed the committee to the website www.federalismindex.org and explained that it provides information regarding the effects of federal policy and funding on the states. He noted that the website included a PILT index that listed the amount of land controlled by the federal government and explained whether counties receive the same value from the land if the land was privately owned. He commented that in 2018, the task force put forth a resolution to study the impact of federal land on the state education system and to evaluate the tax revenue. He referenced a letter directed to President Trump from the Utah Senate President and the Utah Speaker of the House to direct the National Federalism Commission to convene a national federalism summit series to develop plans for restoring and maintaining clearly discernible divisions in the roles and responsibilities of the national government and the states.

Representative Dixon reported on the movement for states to move away from the electoral college. He expressed concern regarding the possibility of major population centers controlling policy on behalf of everyone. He believed that the intent of the founding fathers was to establish elected representation. He noted that the majority of the task force decided to support and retain the electoral college.

Representative Dixon stated that the task force discussed the decreasing number of local news outlets and how this affects federalism. He explained that the decrease of local news may skew the public's outlook because it does not allow for many people to see the local perspective of the news - only a more national perspective. He also noted that states are using federalism principles to pass legislation against female genital mutilation.

Representative Dixon noted that federal policy is often adopted into the states by the dollars attached to the policy. He added that at times the state does not agree with the federal policy, but it feels obligated to accept the policy because of the funds attached to it. He encouraged the state to not be as dependent on federal dollars to the point that it feels inclined to accept federal policy that it does not approve.

Discussion

Senator Burgoyne suggested that the electoral college should be abolished and believes that the constitution was created with the goal of providing control to the minority. He suggested it was time to recognize that the only check on the power of bureaucrats and politicians are the people who the constitution says are sovereign. He stated that if the votes of the people are not recognized, then the country does not have a true democracy. Representative Dixon suggested that the electoral college is necessary in order to protect the views of the minority (e.g., lower population centers).

Co-chair Monks asked whether the data on the federalism index website is specific to Utah. Representative Dixon responded in the affirmative. Representative Boyle thanked Representative Dixon for sharing the program with the committee and suggested that it could be a valuable tool for Idaho.

Report From the Federal Lands Subcommittee - Representative Boyle, Idaho House of Representatives

Representative Boyle listed the subcommittee members and reported that the local citizens in Kooskia, Idaho were pleased that the Federalism Subcommittee on Federal Lands held its meeting in a small community. She stated that the subcommittee discussed transportation of oversize cargo and the restrictions placed on Highway 12. The committee also discussed cooperative agency status. She explained that if a county or state wishes to partner with a federal agency, then the state may enter into an agreement with the agency on its behalf. She commented that Scott Pugrid, administrator for the Office of Species Conservation, provided the subcommittee with an overview on forest planning. She noted that Idaho has the highest number of wilderness acres in the lower 48 states and 9 million acres of it is classified as roadless.

Representative Boyle relayed County Commissioner Brandt's comments regarding the 4 million acres in Idaho County that are under federal control. She reported that Idaho County held an advisory vote to see if its citizens wanted more wilderness area in the county and the citizens overwhelmingly responded no. She noted that Idaho County pays for services on federal land such as search and rescue efforts and trash disposal; the United States Forest Service (USFS) removed its dumpsters from some areas to save the federal agency money.

Representative Boyle stated that the subcommittee discussed GNA and noted that the 2018 Farm Bill allows the county to enter into GNA, but the county does not receive any funds from timber sales. She noted, however, that the county can partner with the state, and then the state and the federal agency can enter into an agreement to use GNA funds for projects.

Representative Boyle provided a brief summary of the Clinton Roadless Rule and explained that Idaho had petitioned the federal government to implement its own Idaho Roadless Rule. In 2008, the Idaho Roadless Rule went into effect and the Idaho Roadless Commission was created. She relayed that Mr. Prouty, member of the Idaho Roadless Commission, had shared his personal frustrations with the rules that the commission is bound by and the lack of response that the USFS

has given them. She shared Mr. Mulligan's suggestion that the roadless rules should be reviewed again since forest conditions have changed drastically over the last 14 years.

Representative Boyle said that two separate periods of public testimony were provided in the agenda and noted how pleased the citizens of Kooskia were that the Idaho Legislature met in rural Idaho.

Report From the Health and Welfare Subcommittee - Senator Harris and Representative Blanksma, Idaho State Legislature

Senator Harris reported that the Federalism Subcommittee on Health and Welfare had determined its membership.

Report From the Education Subcommittee - Senator Crabtree and Representative Horman, Idaho State Legislature

Representative Horman reported the membership of the Federalism Subcommittee on Education and briefly summarized the [agenda](#) for its first meeting.

Committee Discussion

Co-chair Monks explained that the committee's charge was to monitor/review federal acts and analyze how they impact Idaho. He emphasized that the committee cannot address every issue that is affected by federalism. He encouraged the committee members to also look for potential solutions as new issues arise, even if those solutions consist of more education on the topic or potential methods to track the issue. He suggested that the federalism index would be a good program for the committee to review. He advised the committee members to share with the co-chairs any issues that are affected by federalism, that don't necessarily fall within the subcommittee topics, in order to be placed on the committee's agenda.

Co-chair Vick suggested that the committee meet again during the legislative session and encouraged the subcommittees to continue to meet in the interim.

Co-chair Monks called for the approval of the August 30, 2019 minutes. **Representative Ellis made a motion to approve the August 30, 2019 minutes. The motion passed by voice vote.**

Representative Horman suggested that the committee include the federal and state fiscal relationship, especially during a recession, as a potential agenda item for a future meeting.

The committee adjourned at 10:30 a.m.