

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, January 20, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** None

GUESTS: Matthew Jensen, Casey Baker, Margie Baker

Chairman Crane called the meeting to order at 9:00 a.m.

H 1: **Rep. Monks** presented **H 1** in conjunction with **RS 28268**. Both pieces of proposed legislation restore the separation and balance of powers between the executive and legislative branches of government. Specifically, it ensures that all Idahoans have the right to work, provide for their families and contribute to the economy during any emergency disaster declaration. The legislation also limits the length of emergency disaster declarations to a maximum of 30 days unless extended by a legislative concurrent resolution. It also clarifies that the governor may not alter, adjust or suspend Idaho Code during a disaster declaration. It terminates all currently existing emergency disaster declarations that have existed longer than 30 days. Rep. Monks stated that in the past year he has learned about relationships and the balance of power and what role the legislature plays during emergencies. There needs to be checks and balances. Citizen's constitutional rights cannot be suspended during a disaster. He said it also limits spending during an emergency to 1% of revenues made available. As clarification, regulations are defined as laws and rules. The Idaho State Legislature defines regulations as laws.

RS 28268: Using **H 1** as the base of reference, **Rep. Monks** outlined changes that were made to **RS 28268**. These changes were made as a result of a meeting with the House State Affairs Committee and members of the Senate. They came from lessons learned by legislators during the past 10 months.

Rep. Monks answered questions, saying regional health districts fall under the category of political entity. When questioned about not suspending or limiting the sale of alcohol or explosives, he said he did not research the original language and did not make any changes. Passage of this proposed legislation would immediately terminate the Governor's Emergency declaration. He said **RS 28268** would apply to any disaster after 30 days. Currently there are eight extended emergencies in Idaho. All would expire immediately. There is one emergency that would not expire because it falls under a different section.

Committee members expressed concern that the bill making process will be circumvented, leaving the governor out of the process. The concurrent resolution process looks similar to the executive branch. When asked how would modifying the Emergency Declaration work, **Rep. Monks** said rules have gone through a process to become law. The Governor and legislature agree upon a set of rules. In emergencies, the Governor can do away with those rules. The legislature should have a say in the process. Answering questions, Rep. Monks said he is getting a variety of answers when researching if FEMA dollars would be adversely affected in communities where these funds are being used. He said concurrent resolutions can extend the emergencies.

Matthew Jensen, David Keizer and Maggie Gough, all from Boise and **Margie Baker**, from Nampa, spoke in support of **H 1**. It was stated that only 15 legislators came to the Capitol in June and nothing got done.

Casey Baker of Nampa spoke in support of **H 1**. He recommended the following changes: limiting the number of days that an emergency can be extended to 60 or less; strike page 3 lines 17-18; and on page 3 line 50, add the words, according to the dictates of conscience and end line 50 with including but not limited to the right to assemble for worship according to the dictates of conscience.

MOTION: **Rep. Palmer** made a motion to **HOLD H 1** in committee and introduce **RS 28268** and recommend it be sent directly to the second reading calendar.

During discussion on **RS 28268**, it was noted these discussions typically take place during non-emergency times. There was also a concern the federal government could withhold federal funds.

VOTE ON MOTION: **Motion carried by voice vote. Reps. Gannon and Mathias** requested they be recorded as voting **NAY**. **Rep. Monks** will sponsor the bill on the floor.

RS 28288: **Rep. Monks** presented **RS 28288** that addresses six disasters that are still active. The proposed legislation keeps these disaster declarations open until the legislature votes to end them. All the declarations will expire if the legislature chooses to do nothing. It is appropriate, however, to ensure that they do not expire immediately.

In answering questions, **Rep. Monks** explained these declarations would not need to be extended every 30 days. They would remain open until the legislature decides to terminate them. It is appropriate to leave them open. This makes the legislature a part of the process and the solution. It was clarified that this legislation is specific to the immediate emergencies that are open. **Rep. Monks** said the intent of this proposed legislation is to ensure the involvement of the legislature, with the Governor, in determining when these disaster declarations should end.

MOTION: **Rep. Barbieri** made a motion to introduce **RS 28288**. **Motion carried by voice vote.**

RS 28247: **Rep. Skaug** presented **RS 28247**. The proposed legislation ensures taxpayer dollars do not support the abortion industry by prohibiting the expenditure of taxpayer dollars to abortion providers. It prohibits public contracting or participating in any commercial transaction with an abortion provider. The legislation also prohibits the use of any public asset or employee to procure, counsel in favor, refer to, or perform an abortion. These prohibitions apply to all units of government in Idaho including state, county, municipal, public health districts, and public school districts. **Rep. Skaug** clarified **RS 28247** makes corrections to **H 585** which did not pass during the 2020 legislative session.

MOTION: **Rep. Armstrong** made a motion to introduce **RS 28247**.

During the discussion the question was asked about how this proposed legislation would affect Medicaid funding. The intent of the legislation is that it would have an effect. There were concerns expressed about women's constitutional rights to make their own decisions. It was stated that it is difficult to find information about state funds being spent on abortions. A request was made to bring more specific information to the bill hearing.

VOTE ON MOTION: **Motion carried by voice vote. Reps. Gannon and Mathias** requested they be recorded as voting **NAY**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:16 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary