

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, February 04, 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: Jake Cluff, Benn Brocksom, Association of Idaho Cities; Sean Schupack, Idaho General Contractors; Jeremy Pisca, Risch Pisca, Idaho Newspaper Association of Idaho; Ken Burgess, Veritas Advisors, Idaho Press Club; Matt Davison, Newspaper Association of Idaho; Martin G.; Brody Aston, Westerberg Associates; Seth Grigg, Association of Idaho Counties; Rosa Martinez, self

Chairman Crane called the meeting to order at 9:02 a.m.

Chairman Crane asked for a point of personal privilege to not hear **RS 28407**. There being no objections permission was granted.

RS 28391C1: **Rep. Gannon** presented **RS 28391C1** to provide incentives to speed up the availability of Covid-19 vaccine doses to those who want them. It provides that 70% of vaccine doses must be distributed by vendors within 14 days of receipt and the State Administrator of the program shall be immediately notified if there are vaccines that have not been distributed within that time. A vendor would incur a \$5,000 fine for failing to notify the State Administrator. The extra doses not distributed must immediately be reassigned and delivered to another vendor. It also provides that vaccine doses must be administered as provided in the Governor's Order, but if a dose will be wasted or destroyed, then alternative persons on a waiting list may receive that dose. There is a sunset provision. Cosponsor **Rep. Skaug** stated that there is no excuse for Idaho to be near the bottom of the state rollout list.

In response to questions, **Reps. Gannon** and **Skaug** indicated that administrators of the vaccine rollout said that tracking has not been good. Idaho is only administering 2,000 – 4,000 vaccines per day.

Committee members want to hear from Health and Welfare representatives as well as practitioners. It was suggested that other states don't require people to make an appointment to get vaccinated and they are administering many more vaccines. It was stated that Idaho needs private entities on board but it may be more difficult for them to participate if fines are issued for not reporting unused vaccine doses.

MOTION: **Rep. Armstrong** made a motion to introduce **RS 28391C1**. **Motion carried by voice vote.** **Reps. Barbieri** and **Hanks** requested to be recorded as voting **NAY**.

RS 28412: **Rep. Monks** presented **RS 28412** which protects the separation and balance of powers between the executive and legislative branches. It ensures that everyone has the right to work, provide for their families and contribute to the economy during an emergency disaster declaration. It states such orders, rules, and proclamations must be narrowly tailored to their purposes and not restrict jobholders by job type or classification. The proposed legislation also limits emergency disaster declarations to a maximum of 60 days unless extended under certain provisions.

In response to questions, **Rep. Monks** requested permission to talk about other legislation. Permission granted, he stated that the Senate has been working on a similar piece of legislation that deals with another section of code and both houses of the legislature are using common language for consistency. For example, the term "Rules" is being used. Rules are reviewed by the legislature on an annual basis. It was recommended when an extraordinary session is convened it should be to specifically address the disaster emergency. Also, to ensure the constitutional rights of Idaho's citizens, laws should not be changed during a declared emergency.

MOTION: **Rep. Scott** made a motion to introduce **RS 28412**.

During discussion, it was requested to make sure the mechanics of the bill are clear during the hearing.

VOTE ON MOTION: **Motion carried by voice vote. Rep. Mathias** requested to be recorded as voting **NAY**.

H 53: **Rep. Weber** presented **H 53** relating to public notices by governmental entities giving them the option to publish public notices or publications electronically using the government entity's office website.

Rep. Weber cited a Pew Research study reporting two out of ten adults get their news from the newspaper. Transparent Idaho reports over \$9.4 million is spent on advertising and notices annually. Because transparency is critical, the same guidelines for print notices would be the same for electronic notices.

In response to questions, **Rep. Weber** acknowledged he knows that newspapers have a website with all legal notices posted. He is in favor of multiple platforms. **Rep. Weber** stated if a legal issue arises in 10 years, the electronic documents will stand up in a court of law. **Rep. Weber** emphasized that small taxing districts will not need their own websites. Electronic publication is a choice, not a mandate. Many of the smaller districts use the county or city's website.

Speaking **in opposition of H 53** were **Pam Morris**, Publisher of the Idaho Mountain Express, **James Phillips** of Hailey, **Travis Quast**, President of Adams Publishing Group, **Nathan Alford**, publisher of the Lewiston Tribune and Moscow Daily News, **Clint Schroeder**, Publisher Hagadone Publishing Group; **Sean Schupack**, **Jeremy Pisca**, **Matt Davison**; and **Ken Burgess**.

Points of opposition included duplicating service; unnecessarily damaging newspapers; and making notices more difficult to find by requiring people to look at multiple websites for information already contained in one central location through newspapers. idahopublicnotices.com already uploads notices daily, again providing ease of access. The website is ADA compliant, allows for e-mail and text alerts and is designed to be embedded in governmental websites at no additional cost. This bill does not address archiving notices. There is a danger of websites getting hacked or losing data, making proof of publication difficult. The bill states that notices could be enclosed in city or country generated bills but many customers have paperless billing. Consistency is needed. While many find jobs to bid online, the smaller companies rely on the newspapers. The Idaho General Contractors compile requests for proposals from a variety of newspapers and compile everything in one place for their members.

Speaking **in support of H 53**, **Seth Grigg**, and **Jake Cluff** stated it would be beneficial to post public notices and meeting agendas on governmental websites. Currently, 43 of Idaho's 44 counties have websites and property taxes cover the expense for internet services. Collectively, it cost \$600,000 to print legal notices in newspapers, last year.

In closing, **Rep. Weber** asked the committee not to be distracted by what they heard during testimony. With multiple platforms for public notifications, more people will be served. Agencies deserve the option to post notices online and reduce their general fund expenditures.

MOTION: **Rep. Scott** made a motion to send **H 53** to the floor with a **DO PASS** recommendation.

Discussion included concern that smaller taxing districts wouldn't have access to posting information online. It was clarified that most smaller taxing districts post on their county or city website. There are 900 taxing districts in Idaho. Citizens should not have to search 900 websites instead of one. The cost of maintaining websites was also raised. It was noted that most agencies currently have employees hired to do this work. It was noted that physical archiving is critical for history and there is a legal and legitimate expense to maintaining an archive record as set by law.

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

MOTION: **Rep. Mathias** made a motion to approve the minutes from January, 18, 20 and 27, 2021. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:56 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary