

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

- DATE:** Wednesday, January 29, 2025
- TIME:** 9:00 A.M.
- PLACE:** Room EW40
- MEMBERS:** Chairman Crane(13), Vice Chairman Scott, Representatives Palmer, Barbieri, Holtzclaw, Skaug, Alfieri, Crane(12), Boyle, Dygert, Hostetler, Mickelsen, Pohanka, Achilles, Green (Dotter)
- 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** called the meeting to order at 9:00 AM.
- MOTION:** **Rep. Dygert** made a motion to approve the minutes of Thursday January 23, 2025.
Motion carried by voice vote.
- RS 32052:** **Rep. Crane (12)** presented **RS 32052** which prohibits the illegal entry into, or illegal presence in this state, by a person who is an alien, the enforcement of those prohibitions, and certain related orders. Law Enforcement Officers may enforce this section only when a person is detained or investigated for suspected commission of an independent crime and hereby authorizes under certain circumstances the removal of persons who violate those prohibitions; creating criminal offenses. Rep. Crane (12) addressed one of the committee members previous question on the status of a Texas bill and reviewed the changes from the Dairyman's Association.
- A committee member asked a question around an infraction verses a natural crime and elaborated on changes from the Dairyman's Group.
- MOTION:** **Rep. Alfieri** made a motion to introduce **RS 32052**.
- Rep. Barbieri** made a comment around their concern for the protection of one's Fourth Amendment rights.
- VOTE ON
MOTION:** **Motion carried by voice vote.**
- RS 32037:** **Rep. Cheatum** presented **RS 32037** which states by providing health insurance at an affordable rate for employees and employers is a key part of recruiting and retaining employees. Many cities across Idaho find health insurance costs are rising at dramatic rates for a variety of reasons, among them is a relatively small number of employees in the insured pool. The intent of this bill is to allow cities to join the health insurance pool administered by the Office of Government Insurance and thus spread the insurance risk across a much larger group, reduce the cost to cities and lower the cost of city operations to citizens. There is no requirement for cities to enroll in the state plan if they desire not to do so. Rules for implementation will need to be created by the Office of Government Insurance similar to those in place for allowing school districts to enroll in the state insurance plan, specifying enrollment procedures, dates, and premium payments.
- MOTION:** **Rep. Mickelsen** made a motion to introduce **RS 32037**.

Committee members asked questions around if the word 'counties' could be added to the bill, why the issue was not brought to local government, and if the committee could ask the 'county' people a question in the room in which **Chairman Crane** denied, being it is not allowed in an RS hearing. The committee member asked if adding the word 'counties' in the RS would be considered a hostile amendment.

UNANIMOUS CONSENT REQUEST: **Rep. Mickelsen** supported **Rep. Boyle's** request for an amendment and made a unanimous consent request to withdraw her motion. There being no objection, the request was granted.

MOTION: **Rep. Holtzclaw** made a motion to introduce **RS 32037**.

SUBSTITUTE MOTION: **Rep. Mickelsen** made a substitute motion to introduce **RS 32037** with the following changes to include the word 'counties' on lines 10, 14, and 18.

Rep. Boyle spoke in opposition to the substitute motion.

VOTE ON SUBSTITUTE MOTION: **Substitute motion failed by voice vote.**

VOTE ON ORIGINAL MOTION: **Original motion carried by voice vote.**

RS 32036C1: **Rep. Skaug** presented **RS 32036C1** which address the initiative process, within the bounds of the Idaho Constitution and a decision of the Idaho Supreme Court. The Idaho Supreme Court is clear that the initiative power is essentially coextensive with the Legislature's power to enact legislation. But Article III, Section 1 of the Constitution says, "The people reserve to themselves the power to propose laws and enact the same at the polls independent of the Legislature." The Constitution is silent on what role the Governor could play in the process. Because the case law says that people's right to initiate legislation is essentially the same as the Legislature's, and because the Legislature cannot enact a law independent of presentment to the Governor, the initiative legislation should also be subject to presentment to the Governor for his signature or veto. While the Legislature has expertise on staff to advise on matters of policy and appropriations, the voters do not. So the information they rely on when deciding to vote might not be as helpful. Since initiatives are allowed to have an emergency clause to allow immediate implementation, the Legislature may not be in session to preview misinformed initiative legislation. It would be prudent to implement veto power to the Governor over any initiative passed by the people.

Rep. Achilles asked questions around language precluding the Legislature from repealing any kind of initiatives, 2/3 levels of the Governor's involvement, the problems trying to be solve in the role of government after 100+ years, other state provisions for an initiative or a referendum to be vetoed, the Governor's role to pass or to veto, referendums verses initiatives, and if any initiatives have passed with 66%. A committee member had a concern around the accuracy of the Fiscal Note, and placing more hurdles in front of citizens around money and politics.

MOTION: **Rep. Scott** made a motion to introduce **RS 32036C1**. **Motion carried by voice vote.**

H 33: **Rep. Ehlers** presented **H 33**. He explained this legislation allows for electronic publication on the State Controller's website for public notices (including public works projects) and other publications required by law. It directs the State Controller to facilitate electronic publications in a staggered implementation schedule. It also directs the State Controller to create the ability for users to subscribe and receive push notifications – including those filtered to a geographic location. Finally, it clarifies that notices sent through mail may be included in a regular mailing such as a utility billing. He states this is the best way to bring transparency to the public while modernizing the notification system. One-time development costs are estimated to be \$570,000. Ongoing operation costs are estimated to be \$300,000 annually. However, state agencies may save at least \$1 million annually in total publication fees and local government entities could also save at least \$1 million annually.

Committee members had concerns around permanent records, no confidants in internet capabilities and internet manipulation, searchable filing on water rights, transition of the new processes, current laws to be able to read and understand the different codes in local papers for public notices, and font size requirements.

MOTION: **Rep. Scott** made a motion to send **H 33** to the floor with a **DO PASS** recommendation.

Committee members had concerns around smaller communities being able to put this in their monthly water bill and post on the internet and local post offices, requirements for counties and cities to include in utility bills, and power utility company requirements. Committee members had concerns around controlling the ministry of information and government control, public trust within the government, and the concern with the development costs of \$570,000.

Jonathan Wheatly, Deputy District 20; **Misty Swanson**, Executive Director of Idaho School Board Association; **Rob Beck**, Chairman of the Ada County Commission; **Zack Brooks**, Commission of Canyon County; **Tom Daily**, Ada County Commissioner; **Ryan Davidson**, Ada County Commissioner; **Sarah Westbrook**, IAC; spoke **in support** of **H 33**.

Nathan Alford, Editor Moscow and Pullman Daily News; **Jim Phillips**, Idaho Mountain Express Newspaper; **Matt Tranquill**, Publisher of Idaho Press and Kuna Press, and VP of NAI; **Clint Shroeder**, President of Communication Firm, **Travis Quast**, Regional President and Publisher for Adams Publishing Group; **Jeremy Pisca**, Newspaper Association of Idaho; spoke **in opposition** to **H 33**.

Committee members asked question around online school presents to send notices, school districts that are required to post in newspapers, system set up costs, investment and time to set up, costs to maintain, subscription totals, partnerships with Transparent Idaho, legal notices subscriptions, visitor tracking, subscription money to help enhance push notifications, font sizes, public website abbreviation, law only for public entity, other counties in Idaho that do not have their own publications, digital and paper agendas, counties and cities who are open to split between digital and paper, and archiving processes for the newspaper.

In closing, **Rep. Ehlers** addressed some of the comments of those who testified and addressed digital print being more accessible through the internet, has a broader reach and a better deal for the taxpayer.

SUBSTITUTE MOTION: **Rep. Alfieri** made a substitution motion to **HOLD H 33** in committee.

Rep. Alfieri spoke to the motion citing the risk of having information kept from the public when it does not have the best interest of the state, as well as to guard against government control of information.

Rep. Scott wanted the committee to understand mobile push notification.

Rep. Skaug and **Rep. Barbieri** spoke in support of the Substitute Motion.

ROLL CALL VOTE ON SUBSTITUTE MOTION: Roll call vote was requested. **Substitute motion carried by a vote of 9 AYE and 6 NAY. Voting in favor of the motion: Reps. Barbieri, Skaug, Alfieri, Crane (12), Boyle, Hostetler, Mickelson, Achilles, Dotter. Voting in opposition to the motion: Chairman Crane, Reps. Scott, Palmer, Holtzclaw, Dygert, Pohanka. H 33** will be held in committee.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 10:38 AM.

Representative Crane (13)
Chair

Liaza Richardson
Secretary