

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, January 15, 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, Nash (Coberly)

**ABSENT/  
EXCUSED:** Rep. Allgood

**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 30924:** **Rep. Raybould** presented **RS 30924** explaining this legislation repeals section 67-5709a of Idaho Code which provides a separate process for a sale of state administrative facilities that have been placed in the control of the state of Idaho. This legislation removes this separate modified process from code and places the sale of all state facilities under the listed rules in Title 58 Chapter 3 of Idaho Code. In response to committee questions, Rep. Raybould clarified this legislation makes the process the same for the sale of all state facilities.

**MOTION:** **Rep. Palmer** made a motion to introduce **RS 30924**. **Motion carried by voice vote.**

**RS 30823:** **Rep. Scott** presented **RS 30823** explaining this legislation further defines electioneering messages. She stated current tax documents are advertising for non-profits, and this legislation adds 'programs' to the definition of electioneering messages.

**MOTION:** **Rep. Skaug** made a motion to introduce **RS 30823**. **Motion carried by voice vote.**

**H 384:** **Rep. Crane (12)** presented **H 384** explaining in 2023 **H 314** passed this committee, The House and Senate Floors, and was then vetoed. This bill features two crucial changes from that bill. The first change is to prevent frivolous lawsuits. On page 3 line 6 subpoints b and c there is now a 30 day written relocation form. He stated some have this process in place, but not every library, and this would codify this process. If a library disagrees, the parent can then either accept the decision, or can file a civil cause of action. The legislation states the maximum statutory damages awarded in this case are no larger than \$250. In response to committee questions, Rep. Crane (12) clarified this legislation does not address additional attorney's fees that could be awarded in the case of a lawsuit. There is also nothing in the bill that specifies the formatting of the 30-day relocation form. He further affirmed this legislation does not affect things like encyclopedias by incorporating the Miller Test prongs 1, 2, and 3. He emphasized the word 'banning' is not present in this bill, it is a relocation bill. It deals with materials in the library, not any people in the library.

**Mary Ruch** and **Mary Ruckh** testified in opposition to **H 384** stating this is not a library problem it is a parent problem. Books should not be in a separate room and taken away from other students. They expect and trust parents to exercise control over what students read. In response to committee questions, Ms. Ruckh voiced her concern with cause of civil action being included in this legislation stating there are already processes in place to solve this problem.

**Isabella Burgess** argued in opposition to H 384 explaining the library often hires minors at age 16 and 17 and this legislation would legally bar them from handling material, placing additional burden on adult staff. She also voiced concern with the inclusion of the term 'homosexual' in the description of harmful materials stating the library should provide books for all types of communities. In response to committee questions, she mentioned the Meridian library has a process in place to address this problem, and the library board is elected. When asked about minors who are unable to serve alcohol while working in restaurants, she explained she can't speak to that experience, but the largest section in the library is the adult section which would burden adult staff.

**Justin Prescott** testified in opposition to H 384 stating books on controversial subjects allow for learning and discussion, and this bill would limit youth access to quality knowledge and information and would set a precedent for further limitations on peoples ability to choose.

**Jackie Davidson** and **Rachel Ottoson** testified in support of H 384 citing a handful of books checked out from the Cole and Ustick public library which include obscene sexual activities, violence, and profanity, including the novel '*Red Hood*', and stating children are being harmed by books including pedophilia and bestiality.

**Robert Wright**, Director Idaho Falls Public Library, testified in opposition to H 384 describing the practical implementation of this bill is expensive and problematic as many libraries do not have a separate adult section. For his library to separate the adult section they would have to lock the ADA elevator and pay staff to check patrons ages before entering. In response to committee questions, Mr. Wright explained they have a policy in place which requires each child to come into the library with a parent before they can access certain materials. He also specified 'graphic sexual content' cannot be defined in black and white terms as harmful, as it can also be a tool for victims of abuse.

**Heidi Robbins** testified in opposition to H 384 highlighting that all students should be able to find a book that represents their community and this bill targets the LGBTQ community. She explained this legislation may cause librarians to not put out books with LGBTQ characters for fear of consequence. In response to committee questions, Ms. Robbins explained there is censorship when things are restricted, and as a school library they do not have an adult section.

**Kelly Reed-Heuer** testified in opposition to H 384 by citing multiple court cases outlining parents are the best protectors of children and have the natural right to decide what is best for their kids.

**Shane Reichert**, General Council for the Idaho Education Association, testified in opposition to H 384 explaining the overtly broad restrictions leave room for future lawsuits. He further stressed a worry about the \$250 amount not including other damages people may include in a lawsuit.

**Zachary Borman**, West Ada Education Association, and **Paige Beach** testified in opposition to H 384 emphasizing maturity is something parents must build in their kids over time, and accessible and understandable systems are already in place for book reconsiderations. Mr. Borman further explained elected board trustees and hired employees evaluate these reconsiderations and determine community standards, as well as recommend tools that allow patrons to filter out things they don't wish to read. In response to committee questions, Ms. Beach reported a \$250 would hurt a library's budget, and in her 8 years in a library she has not had a patron request reconsideration for a book that was not already in the adult section.

**Brian Almon, Karen Jensen, Jennifer Homes, Marianna Cochran, and Heidi Smith** testified in support of **H 384** highlighting graphic novels with vulgar imagery and books with sexual descriptions pervert the minds of children and damage the development of their prefrontal cortex, making them more susceptible to human trafficking. Ms. Homes asked a book with two men kissing on the cover be moved from display at her local library and when told no, stopped going to the library all together. Ms. Smith compared books of this kind to the distribution of tobacco or alcohol to minors. In response to committee questions, Ms. Cochran explained both library board incumbents lost their seats in the last election, however the new board members are unable to change policy due to opposition within the library.

**Nina Beasley** testified in support of **H 384** citing research in which places where these books are available rape, murder, and molestation goes up. She continued saying taxpayer money should not be used to fund the distribution of these books.

**Heather Stout** testified in opposition to **H 384** declaring relocation is a form of banning because it is restricting access.

**Rep. Crane (12)** stated in closing, this legislation offers a fair process to all parties involved. A national legal council group has read the bill and says it is something to be proud of. In response to additional committee questions, Rep. Crane (12) explained this does not alter existing policies libraries have in place, only adds the 30 day relocation period.

**MOTION:** **Rep. Alfieri** made a motion to send **H 384** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:** **Rep. Gannon** made a substitute motion to **HOLD H 384** in Committee until tomorrow to collect further testimony.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:** **Substitute motion failed by a vote of 2 AYE and 10 NAY. Voting in favor of the motion: Reps. Gannon and Coberly. Voting in opposition to the motion: Reps. Crane (13), Young, Palmer, Barbieri, Holtzclaw, Scott, Andrus, Skaug, Alfieri, and Crane (12).**

In opposition to the original motion, **Rep. Gannon** explained the broad language leaves it ripe for legal disputes and these issues should instead be addressed at the local level through the library boards.

**ROLL CALL VOTE ON ORIGINAL MOTION:** **Original Motion carried by a vote of 10 AYE and 2 NAY. Voting in favor of the motion: Reps. Crane (13), Young, Palmer, Barbieri, Holtzclaw, Scott, Andrus, Skaug, Alfieri, and Crane (12). Voting in opposition to the motion: Reps. Gannon and Coberly. Rep. Crane (12) will sponsor the bill on the floor.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 10:56 AM.

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Representative Crane (13)  
Chair

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Kennedy Jones  
Secretary