

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, January 18, 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, District 17 Republicans; Demik Hatch and Kyler Stevens, Hillcrest High School in Idaho Falls; Rosa Martinez, Dana Clemeaugh, Monica McKinley, Jessica Marcu, Rebecca DelliCapini and Jim Store, representing themselves

Rep. Barbieri called the meeting to order at 9:00 a.m.

HJR 1: **Rep. Harris** presented **HJR 1**, giving the legislature the ability to call itself back into session. If 60% of the House and Senate request to call the legislature back into session, it could convene within 15 days. He stated this proposed legislation only has a few changes but the changes are important.

All but 14 states have legislatures that can call themselves back into session, as needed. Idaho is in the group of 14 states that do not have the authority to call themselves back into session during an interim period.

Rep. Harris answered questions, sharing that several states require a 2/3 vote, a few require 1/2 +1, and a small number require a 3/5 vote to reconvene. One state requires a 3/4 vote to come together for a special session. He stated that this should be constitutional language, not in code.

Rep. DeMordaunt reiterated the importance of representative governance. She said Idaho hasn't had this in close to a year and it is time to restore the ability to have a representative government in Idaho. She stated that this is the highest priority and ought to be protected in the constitution.

There were concerns about the mechanics. The legislation says that a written request would be submitted to leadership. There is a desire to keep the constitution straight forward. The process could be clarified in statute later, if necessary. Legislative rule-making would only be needed if issues arise with the process.

Matthew Jensen, District 17 Republicans, spoke **in support** of **HJR 1**. He is in favor of the 60% vote level and the paper trail with a written request. He does not want to see a full-time legislature in Idaho. He suggested a possible joint resolution at set intervals if the session drags on.

Rosa Martinez spoke **in support** of **HJR 1**. She stated that what happened over the summer was wrong. In June, when the legislature tried to convene, they were told it was not legal.

Dana Clemeaugh spoke **in support** of **HJR 1**.

In closing remarks, **Rep. Harris** stated that many legislators wanted to come back into session last summer. With this legislation, the legislature would have the ability to convene itself.

MOTION: **Rep. Palmer** made a motion to send **HJR 1** to the floor with a **DO PASS** recommendation.

There was discussion on the motion. Rules currently provide that working committees can convene during the interim. Maybe that would have been a way to address some of the contentious issues. **Rep. Harris** was chairman of a working group and this bill was presented to that group last summer but was not picked up. It was noted the legislature can already call itself back into session. Simplicity was suggested. There was a concern that this proposed legislation is too complicated. Simply state that the legislature can meet when deemed necessary. If it is going to be called a special session, it should have a special purpose

**ROLL CALL
VOTE ON
MOTION:**

Roll call vote was requested. **Motion carried by a vote of 13 AYE and 1 NAY.** **Voting in Favor** of the motion: **Chairman Crane, Reps. Armstrong, Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Mathias.** **Voting in opposition** to the motion: **Rep. Gannon. Rep. Harris** will sponsor the bill on the floor.

HCR 2:

Chairman Crane presented **HCR 2** which would lift the restriction on groups of 10 or more under the Governor's Emergency Declaration. He said the Governor's Emergency Order has had significant impact on many Idahoans, including the order for certain entities to be opened or closed and limiting gatherings to fewer than 10 people. Chairman Crane stated that the Idaho High School Athletic Association and school boards have met to try to enable school athletics to be continued. He said that families are disenfranchised and people should have the ability to gather.

There was committee concern shared that this legislation would not actually change the gathering size limitation. There was also a question asking if local jurisdictions can override the decision to lift the gathering size restriction in their area, which is unknown at this time. Concerns regarding the role of the State Board of Education and Idaho High School Athletic Association, were expressed. **Chairman Crane** said there are inconsistencies in rules from the districts. He said, this legislation would not present a conflict with the State Board of Education because there is an opt-out clause.

Committee members discussed the difference between the First Amendment vs. Health and Safety. The fire department limits the number of individuals allowed in a room or building for people's safety, in case of emergency. It was suggested that families are facing discrimination when they are not allowed to attend a child's sporting event. Grocery stores have no restrictions; airplanes are packed with people wearing masks but not social distancing; churches are full with people singing and shaking hands. These things are acceptable but not assembling to watch sports, attend an auction or go to a concert.

Matthew Jensen spoke **in support** of **HCR 2**. There is a mismatch between what was mandated and what people wanted. He looks forward to the passage of this legislation.

Monica McKinley spoke **in support** of **HCR 2**. She would like to see strong language that the Governor or any non-elected agency or official can limit the number of people who can gather.

Demik Hatch spoke **in support** of **HCR 2**, Demik is Student Body President and an athlete from Hillcrest High School in Idaho Falls. He said he is in charge of unifying students at his school and is trying to figure out how to get back school spirit. He is sad to see everyone's reaction to not being able to gather. Athletes make kids feel like they are welcome and because of the limitations, kids are missing out on making new friends. Right now, students feel disconnected and have low morale.

Kyler Stevens spoke **in support** of **HCR 2**. He is Student Body Vice President at Hillcrest High School in Idaho Falls and said that he participates in football, track and field and lacrosse. He worries that incoming freshmen will miss out on social interactions if attendance at sporting events is limited.

Rosa Martinez is in support of this legislation. Her child worked hard to make the band and he bought his own drum. Now, he is not allowed to participate because he has a sensory issue and cannot wear a mask. Her younger child is medically fragile. Her children feel excluded and are sad and lonely. This situation is disruptive and she feels that her civil rights are being violated. People should be able to exercise their constitutional rights and make choices for their own actions.

Jim Store spoke in support of **HCR 2**. He said Section 33 of the current law does not say the State Board of Education has authority over extracurricular activities.

Dana Clemeaugh spoke in support of **HCR 2**. She said she was emotional listening to testimony. Never has she thought that peaceful assembly would not be allowed.

Monique McKinley spoke in support of **HCR 2**. She requested strong language stating the governor or other non elected agency officials cannot limit the size of gathering.

Jessica Marcu spoke in support of **HCR 2**. Her parents were raised under Communist control in Romania. She said that churches were censored and the government took people's property and moved them into high-rise buildings. She wants to limit the Governor's power and said that oppressing people is not going to help anyone.

MOTION: **Rep. Monks** made a motion to send **HCR 2** to the floor with a **DO PASS** recommendation.

During discussion, it was stated that in an effort to slow the progression of COVID-19, many actions have been taken and many more people would have died without measures for safety put into place. Because 40% of people who are infected are asymptomatic and COVID is easily transmitted, reasonable considerations are made to protect people. All fans are willing to wear masks and social distance.

VOTE ON MOTION: **Motion carried with a voice vote.** **Rep. Mathias** requested to be recorded as voting **NAY**. **Rep. Crane** will sponsor the bill on the floor.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 10:41 a.m.

Representative Barbieri
Committee Member

Kelly Staskey
Secretary