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MINUTES
SENATE STATE AFFAIRS COMMITTEE

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DATE:	Tuesday, January 19, 2021
TIME:	8:00 A.M.
PLACE:	Room WW55
MEMBERS PRESENT:	Chairwoman Lodge, Vice Chairman Guthrie, Senators Winder, Anthon, Harris, Lee, Heider, Stennett, and Burgoyne
ABSENT/ EXCUSED:	None
NOTE:	The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
CONVENED:	**Chairwoman Lodge** called the meeting of Senate State Affairs Committee (Committee) to order at 8:04 a.m.
SCR 101	**Stating Findings of the Legislature Relating** to the state of the COVID-19 emergency declaration if It Is terminated and the effect on federal funding.
	Senator Vick, District 2, stated that **SCR 101** aims to end the COVID-19 state of emergency and preserve the federal funding received during said emergency. He presented a brief background of the state of emergency which started out as a 15-day period to slow the spread but has now extended to over 300 days with lock down restrictions, some of which are still in place. **Senator Vick** stated that **SCR 101** does not apply to all restrictions, but to those that would serve to open up the economy.
DISCUSSION:	**Senator Stennett** asked Senator Vick how **SCR 101** preserves federal funding. **Senator Vick** read from **SCR 101**, "Be it further resolved that nothing in this concurrent resolution shall prevent the State of Idaho from receiving any federal funds, benefits, or resources arising out of the state of disaster emergency relating to the outbreak of . . . COVID-19." He stated that the resolution allows the Governor to do what is necessary to preserve funding. **Senator Stennett** asked how the federal government will interpret **SCR 101**. **Senator Vick** said he could not say.
TESTIMONY:	**Craig Campbell**, Boise, Idaho, testified in favor of **SCR 101**. He cited statistics comparing the United States' death rate in 2019 and 2020. He also cited the Center for Disease Control and Prevention's report of the percentage of deaths directly caused by COVID-19. His concerns involve the state of the economy due to COVID-19 restrictions when death rates have remained relatively the same.
	Casey Baker, Nampa, Idaho, testified in favor of **SCR 101**. **Senator Winder** commented on Mr. Baker's concerns by reading the last sentence of **SCR 101** that states, "The Governor may make or maintain declarations only to the extent required to continue to receive Federal Emergency Management Agency (FEMA) funding arising out of novel coronavirus or COVID-19 but may not use any such declaration to impose restrictions on the citizens of the State of Idaho."
	Dana Clemeaux, Boise, Idaho, testified mostly in favor of **SCR 101**. She voiced concerns around Senator Vick's statement saying he did not know how the federal government will interpret **SCR 101**. She also stated she felt Senator Winder's explanation of the last sentence did not explain the Governor's powers thoroughly. **Senator Winder** read the sentence and explained to Ms. Clemeaux that **SCR 101**

only allows the Governor to enact emergency restrictions that do not involve the citizens of Idaho.

Margie Baker, Nampa, Idaho, testified in favor of **SCR 101**

DISCUSSION: **Chairwoman Lodge** asked General Brad Richy, Director, Idaho Office of Emergency Management, to answer questions about how FEMA funding has impacted Idaho. **General Richy** explained that Idaho has received roughly $87 million in FEMA funding and that there are currently eight state of emergency cases open in Idaho, some dating back to 2015. He stated that there is approximately $20 million related to the COVID-19 emergency for resources such as respirators that will be at risk if the emergency ends.

Senator Anthon asked if Idaho is required to have COVID-19 restrictions if it were to accept FEMA funding. **General Richy** stated that FEMA funding does not include restrictions from the federal government, but each disaster project must be eligible. He told the Committee that Idaho has the final say to enforce restrictions or not.

Senator Burgoyne asked what the benefit is to having a state of emergency case open since 2015. **General Richy** explained that there is an evaluation process through the federal government to assess the amount of assistance required to alleviate the issue. Certain disasters may take a long time to evaluate, such as floods. He also stated that if Idaho were to close a disaster case that it will no longer receive FEMA funding. **Senator Burgoyne** asked if the termination of the current emergency declaration affects the receipt and distribution of COVID-19 vaccines in Idaho. **General Richy** said Idaho could be in jeopardy based on the lack of state declaration for federal aid with the distribution of COVID-19 vaccinations, but noted that it is unclear at this time due to the new presidential administration. **Senator Burgoyne** read the last sentence of **SCR 101** and asked if there is anything besides FEMA funding that Idaho should be concerned about. **General Richy** said the Governor's declaration helps organizations such as hospitals receive aid. Ending the state of emergency will put such organizations at risk of having to search for aid on their own.

Senator Winder questioned General Richy about how FEMA funding has impacted the Boise Veterans Affairs Medical Center (VA Med Center) and the Idaho State Veterans Home. **General Richy** explained that the Veterans Home went through the U.S. Department of Veterans Affairs to receive the necessary funding for staffing and medical needs during the COVID-19 state of emergency. **Senator Winder** asked if funds for programs such as Meals on Wheels and nursing homes are at risk. **General Richy** said that local health districts tell the Idaho Office of Emergency Management what they need. **Senator Winder** asked if there are any funds that come with contingencies placing restrictions on citizens. **General Richy** stated that there have been in the past, such as evacuation orders for wildfires where businesses have had to close due to their proximity to those disasters.

Senator Lee asked if Idaho could still receive funding for schools, hospitals, and businesses if it were to end the state of emergency. **General Richy** said those funds might not be canceled immediately, but those responsibilities would return to Idaho eventually.

Senator Guthrie asked if Idaho could remove restrictions and still receive federal funds for resources such as vaccines and personal protection equipment (PPE) if it were to leave the state of emergency open. **General Richy** said he could not say what will happen; the current state of emergency in Idaho has no end date.

Senator Guthrie asked if Idaho could rescind a potential decision to end the state of emergency. **General Richy** stated that if Idaho ends the state of emergency, it will likely be responsible for all funds and that it cannot go back to a state of emergency without going through the legislative process anew.

Senator Winder referred to language in Idaho Code § 406-10-5A that says "arising out of" a disaster. He inquired if the COVID-19 state of emergency falls under the same statute. **General Richy** said he is not sure and that he would have to do some investigating to see what the impact will be. **Senator Winder** asked how long the evaluation process would be if **SCR 101** passes both the Senate and House of Representatives. **General Richy** believes, depending on the implementation process, it will not take long.

Senator Anthon asked if any other emergency declarations have occurred since COVID-19 and how many total cases are currently open in Idaho. **General Richy** stated that there are currently 22 counties and 4 Native American tribes with open emergency declarations.

Senator Burgoyne mentioned that he likes the language of lines 29-33 in **SCR 101**, but he feels it contradicts the language in lines 25-26. He stated that he believes the best course of action is to modify the Governor's emergency declaration rather than terminating it. There are many unanswered questions surrounding COVID-19, making the termination of the state of emergency precarious. It is also important to make sure that citizens of Idaho who want the vaccine have that capability.

Senator Guthrie asked if the State could end all restrictions and still keep the state of emergency open in order for Senator Burgoyne's concerns to be met. **General Richy** said he is not a legal expert but believes that is a possibility. **Senator Guthrie** stated he is concerned that the Governor could not take the necessary actions to receive funding if **SCR 101** is enacted.

Senator Heider stated that he interprets the resolution as allowing Idaho to nullify **SCR 101** if federal funding is impacted.

MOTION:	**Senator Winder** moved to send **SCR 101** to the Senate floor with a **do pass** recommendation. **Senator Anthon** seconded the motion.
DISCUSSION:	**Senator Lee** stated she supports the motion. She explained that she believes this is a local issue and restrictions do not need to come from the Governor.
	Senator Burgoyne said the resolution needs to be a modification and not a termination of the COVID-19 state of emergency. He plans to vote no because there are resources that may rely on federal funding.
	Senator Guthrie explained that he intends to vote in favor of the resolution. His concern relates to the loss of federal funding and the tax dollars that would come back to Idaho. He supports the motion currently, but may not when it reaches the Senate floor.
	Chairwoman Lodge stated she is supporting the motion but reserves the right to change her vote when **SCR 101** is heard on the floor.
VOTE ON MOTION:	The motion carried by **voice vote**. **Senator Burgoyne** and **Senator Stennett** requested to be recorded as voting nay.
ADJOURNED:	There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 9:29 a.m.

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Senator Lodge, Chair

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Twyla Melton, Secretary

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Tucker Craig, Assistant Secretary