

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, March 02, 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:** Representative Palmer

GUESTS: Jason Hancock- Secretary of State, Casey Baker- EAI, Margie Baker- EAI, Kelli Brassfield- IAC, Phil McGrane- Ada County, Liz Hatter- City of Boise, Jon Basabe- Kind Idaho, Jake Cluff- BB&A

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

**UNANIMOUS
CONSENT
REQUEST:** **Chairman Crane** asked unanimous consent to move **RS 28514** to the beginning of the agenda. There being no objection, the request was granted.

RS 28514: **Rep. Boyle** presented **RS 28514** which removes the sunset clause for the Committee on Federalism. She explained the bill includes a sunset clause that ends the work of the committee this year. This prospective legislation will remove that clause so the work of the committee may continue.

MOTION: **Rep. Monks** made a motion to introduce **RS 28514** and recommend it be sent directly to the Second Reading Calendar.

In response to committee questions and discussion, **Rep. Boyle** explained that the committee met several times and created sub-committees. There were no meetings held in 2020 due to Covid-19. It was the Senate that set the two year sunset clause in 2019. She explained there is nothing that would prohibit the legislature from ending the committee in the future should they see fit. She closed by saying the cost was minimal for the committee, and it is worthwhile to continue pursuing these issues. **Rep. Monks** talked about his involvement in the committee and explained that he supports the continuation of its work even though he does not serve on the committee anymore.

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

RS 28688: **Rep. Hanks** presented **RS 28688** which would prohibit the state of Idaho, a political subdivision, or an official of the state from mandating the usage of a face mask, face shield, or other face covering for the purpose of preventing or slowing the spread of a contagious or an infectious disease. She explained we live in a republic and should have a choice about our health.

In response to committee questions, **Rep. Hanks** explained this legislation would apply to campuses of public universities. As an alternative to mask mandates she highlighted that universities can still recommend social distancing and quarantine. She affirmed that this legislation does not prohibit people from wearing masks and does not prevent private business owners from requiring masks.

MOTION: **Rep. Young** made a motion to introduce **RS 28688** with the following changes: add the word 'or' following 'state' on line 20, eliminate the commas as well as 'or an official' on line 20, strike lines 28 and 29, and add an emergency clause.

Rep. Furniss highlighted another instance where the term 'or an official' was used in the pending legislation.

**UNANIMOUS
CONSENT
REQUEST:**

Rep. Young asked for unanimous consent to withdraw her previous motion. There being no objection, the request was granted.

MOTION:

Rep. Young made a motion to introduce **RS 28688** with the following changes: strike lines 15-18, add the word 'or' following 'state' on line 20, eliminate the commas as well as 'or an official' on line 20, strike lines 28 and 29, and add an emergency clause.

Rep. Gannon expressed his concern with how this bill will effect hospitals. He does not want to tell hospitals they cannot require masks. **Rep. Young** said she would find more information about whether hospital districts are regulatory districts or taxing districts.

**VOTE ON
MOTION:**

Motion carried by voice vote.

RS 28589:

Rep. Giddings presented **RS 28589**. This Concurrent Resolution would establish accountability, transparency and fiscal oversight for public universities. The Concurrent Resolution states universities need to return to their core missions as established by the Idaho State Board of Education policies and rules, which includes protecting academic freedom in research, teaching and learning for the purpose of the "advancement of truth" and serving the "common good". This Concurrent Resolution establishes that social justice education does not serve the common good. The Concurrent Resolution further establishes that universities should eliminate courses, programs, services and trainings that are infused with social justice ideology, and that the legislature should reduce funding to public universities commensurate with the spending on any social justice courses, programs, services and trainings. She closed by saying the legislature has a responsibility to hold colleges and universities accountable for delivering their core missions.

In response to questions, **Rep. Giddings** offered to compile a report with exact numbers about how many universities furloughed employees while hiring activists.

MOTION:

Rep. Hanks made a motion to introduce **RS 28589**.

**SUBSTITUTE
MOTION:**

Rep. Scott made a substitute motion to introduce **RS 28589** and recommend it be sent directly to the Second Reading Calendar.

In committee discussion, representatives expressed this was too important of an issue to skip a full committee hearing.

**VOTE ON
SUBSTITUTE
MOTION:**

A roll call vote was requested on the substitute motion. **Motion failed by a vote of 6 Aye, 7 Nay, 1 Absent/Excused. Voting in favor of the motion: Reps. Armstrong, Barbieri, Scott, Andrus, Young, and Hanks. Voting in opposition to the motion: Reps. Holtzclaw, Monks, Furniss, Skaug, Gannon, Mathias, and Crane. Rep. Palmer** was Absent and Excused.

**VOTE ON
ORIGINAL
MOTION:**

Motion carried by voice vote.

H 137:

Rep. Young presented **H 137** which would authorize the Secretary of State to order a post-election audit of election results after a general or primary election, using procedures he would provide to county clerks at least 60 days prior to the election. Conducting such an audit would increase public confidence in election results by checking the paper ballots, which exist for each and every vote cast in Idaho, against the election results that counties tabulate and report. If problems are identified with any reported election results, the Secretary of State could order the audit of additional ballots. Costs in counties selected for a post-election audit of certain ballots would be variable, but would be unlikely to exceed \$100,000 in statewide costs per election. The Secretary of State will include these costs in his budget request for even-year election cost funding. In addition, this legislation would allow counties to use state election consolidation funds to defray these costs. Rep. Young explained she has heard from many constituents who have expressed concern with the election process. She has also received some concern from clerks, but the Secretary of State's office is working to address these concerns.

Henrienne Westberg, IACRC, **Sharee Sprauge**, Power County, and **Phil McGrane**, Ada County Clerk, all spoke **in opposition** of the bill. They expressed concern with adding another responsibility to county clerks within this time frame of an election. While supportive of the idea of audits, they would like this to have been developed from a partnership between county clerks and the Secretary of State.

Jason Hancock, Secretary of State's Office, spoke **in support** of the bill. He explained that this bill should not be more specific because the mechanics of voting are always changing and adding too much detail to the legislation would create a need to amend it more frequently.

In response to committee questions, **Mr. Hancock** explained if this legislation had been passed far enough in advance they could have conducted audits for this years' elections, so they need not wait until next year to pass it. He also addressed concerns about the fiscal note by explaining the cost of these audits would fall in the Secretary of States budget request. He further explained they do not expect these audits to find problems with Idaho elections but rather highlight how well they are run.

MOTION: **Rep. Monks** made a motion to **HOLD H 137** subject to the call of the chair. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:22 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary