

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, November 16, 2021

TIME: 9:30 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: The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Crane called the meeting to order at 9:30 a.m.

Chairman Crane announced because of the expedited session, the secretary will pass minutes to committee members for approval while the House is on the floor.

H 429: **Rep. Nate** presented **H 429**. This bill protects the rights of children to attend public schools, to provide exemption from mandates for mask wearing, Plexiglas enclosures, or other medical interventions for medical, religious, or personal reasons, which cannot be denied. No person will create limitations on participation or activity in any school programs on the basis of such exemption.

Rep. Nate stated this bill says there are already established laws regarding vaccination with exemptions. This legislation extends the current law. Students shall not be diminished in their ability to attend school because of an exemption.

In response to questions, **Rep. Nate** said there are several school districts across Idaho with current mask mandates in place and there is a possibility of additional schools adding mask mandates in the future.

A concern was expressed about the word, "exempt" on line 31. It was suggested it the wording might include, "getting or receiving" an exemption, so it does not appear that people are exempting themselves. **Rep. Nate** said the word, "exempt" was chosen carefully.

A committee member stated he goes into schools weekly and a very small number of students express discontent about wearing a mask, when asked.

H 412: **Rep. Skaug** presented **H 412**, a civil rights bill. This bill amends Idaho Code Ch. 59, Title 67 by the addition of a new section which will prohibit certain acts of discrimination based on immunization status or the possession of an immunity passport. The bill makes it unlawful for state and local governments to withhold or deny any person local or state government services, goods, facilities, advantages, privileges, licensing, education, health care access, or employment opportunities. It also makes it unlawful for any employer to refuse employment or discriminate in any way based on immunity passport or vaccination status. Public accommodations may not exclude or refuse to serve a person based on vaccination status. A health care facility is allowed to make reasonable accommodation measures for an unvaccinated employee for health and safety reasons, but not to deny employment. The bill exempts schools and day cares pursuant to existing Idaho statutes. Licensed nursing homes are exempt only if compliance would violate regulations from Medicare and Medicaid services. **Rep. Skaug** said Montana adopted a similar

law prior to COVID and it is working well. This law has been tried and is prevailing. It is not a bill against vaccines, it is a personal freedom bill.

H 414:

Rep. Moyle presented **H 414**. This bill proposes the ability to claim an exemption based on religious beliefs by establishing provisions regarding a person's right to refuse medical treatment based on religious beliefs; and declaring an emergency. Rep. Moyle stated many people asking for a religious exemption are not currently being given those exemptions. There are currently penalties in code for businesses who do not grant exemptions.

Kendra Martin, Bill Martin, Tiffani Bates, Crystal Erickson, Amaber Pearson, Darnell Ship, Teresa Holderson, Laurie Boza, and Kerry Mance spoke in favor of H 429, H 412 and H 414. Those testifying stated they are not in favor of forcing our children to wear masks, stating it is a fundamental attack on our nation. It also sets an imbalance of power for our children. It was stated the transmission between children and adults is shown to be low and children are the innocent and unseen victims. It was noted, as an educator, facial dynamics are critical in communicating. Parents should have a choice to make decisions for their families. A concern was expressed about not knowing what information would be included on a liability release form, as included in **H 414**.

In response to questions, **Ms. Erickson** said her children don't want to remove their masks outside at school because they don't want to get into trouble. Boise School district has not asked for parental input since the beginning of this school year. She said her son has to wear a mask while playing the saxophone in band class. The entire instrument was covered in a T-shirt last year. **Ms. Boza** said a doctor provided exemptions for her children but it created many problems at school. One child was asked to carry a Plexiglass divider from class to class. When they did not comply, her children were expelled from school.

Sophia Boyarchuk and Lynn Laird, spoke in favor of H 412. Ms. Boyarchuk stated nursing students have no leverage. The mandates effect her schooling and where she can get a job. She requested protection for medical workers and to respect patient and personal autonomy. Other comments included the critical nature of religious freedom and the need for local control.

Sarah Clendendon spoke in favor of H 429. She shared a personal story and said bodily autonomy must be above all else. She shared 31% of parents in West Ada School District completed the Mask Opt-Out form for their children. She wants local control but the state legislature needs to provide an opt-out option.

Petra Hoffman spoke against H 429. She stated she and her fellow students follow rules as a means of respect. Masks prevent the spread of COVID-19 and it is not cool to not to wear a mask. Principals should be able to open and close schools as they see fit.

In response to questions, **Ms. Hoffman** indicated she does not want to go to back to on-line school. She knows people who have had COVID-19 and people who have died. Students are ready to work together to stop the spread of COVID-19. Masks and vaccines are giving students the ability to participate.

Mike Satz spoke against H 414 and H 429. Mr. Satz said **H 414** would create another protected class and businesses are concerned about being told how they have to operate. He is also concerned about ADA compliance and advocated for local control. Mr. Satz is concerned about running a foul with established federal laws.

Rep. DeMordant spoke in favor of H 429. She reminded the committee she was the sponsor of H 67 earlier this year to empower school boards with local control. Representing the largest school district in Idaho, Rep. DeMordant said she has spoken to many parents and 13,000 of them requested a mask exemption for their children. She stated the greatest form of local control is the parent.

Rep. Nate closed by stating **H 429** is worthwhile bill. This bill was drafted in Idaho and has not been in other states. He stated the ADA cuts both ways. It protects children in their health and safety as well. Reasonable accommodation currently includes not wearing a mask. Exemptions must be available for students. Masks do not provide the panacea for protection. Rep. Nate said students in masks equal a mute button. He encouraged the committee to free up schools and children.

MOTION: **Rep. Barbieri** made a motion to send **H 429** to the floor with a change of language. He then asked for **unanimous consent** to withdraw his motion. with no objection, **consent was granted. Motion withdrawn.**

MOTION: **Rep. Barbieri** made a motion to send **H 429** to the floor with a **DO PASS** recommendation.

Discussion on the motion included a question as to the breadth of H 429. Line 29 says, Any individual age eighteen (18) years or older...", suggesting this bill applies to more than just the students. It was suggested H 429 is broader than discussed in committee. **Rep. Gannon** stated he will not support this bill.

VOTE ON MOTION: **Motion carried by voice vote. Reps. Gannon and Mathias are recorded as voting NAY.**

Rep. Skaug closed by restating **H 412** is a civil rights bill and declared Rule 80.

MOTION: **Rep. Monks** made a motion to send **H 412** to floor with **DO PASS** recommendation.

Discussion on the motion included concerns about creating unintended consequences. It was stated **H 412** is being rushed. It is not clear if home health care and restaurant workers are exempt. There was a concern restaurant owners cannot require health safety measures to be put in place.

VOTE ON MOTION: **Motion carried by voice vote. Reps. Gannon and Mathias are recorded as voting Nay.**

Rep. Moyle closed by saying if there is a religious concern about a medical procedure, **H 414** provides the opportunity for individuals to receive an exemption.

Discussion on the motion included concerns that the bill would not prevent medical personnel from withholding health care. **Rep Moyle** clarified a patient may refuse care for him or herself but a doctor cannot withhold care. **Rep. Mathias** will not support **H 414**. **Rep. Moyle** said **H 414** plugs the existing hole for businesses to get around religious exemptions. Religion cannot be defined and this bill is so broad that anyone can declare a religious exemption. Keep religious freedom sacred.

MOTION: **Rep. Palmer** made a motion to send **H 414** to the floor with a **DO PASS** recommendation.

Discussion on the motion included a desire to hear the opinion of attorneys. It was stated medical treatment is something affirmative.

VOTE ON MOTION: **Motion carried by voice vote. Reps. Gannon and Mathias are recorded as voting Nay.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 11:29 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary