

MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Monday, January 31, 2022

TIME: 1:30 P.M.

PLACE: Room EW05

MEMBERS: Chairman Holtzclaw, Vice Chairman Syme, Representatives Harris, Kingsley, Christensen, Wisniewski, Horman, Hanks, Weber, McCann, Chew, Necochea, Toone

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Holtzclaw called the meeting to order at 1:30pm.

H 464: **Rep. Skaug** said **H 464** would allow anyone injured by the COVID-19 vaccine to receive compensation if it was required by the employer. He explained that, working in worker's compensation, he has seen many such claims. He clarified that this legislation would not codify a vaccine requirement. The goal is simply to make sure those people who do get injured are covered under worker's compensation.

In response to questions about how this is related to a vaccine mandate, **Rep. Skaug** said this would not function as a mandate but would simply provide coverage. In addition, it would lessen litigation because insurance companies would know they have to cover it without going to court.

In response to questions about how this would increase the cost for all companies to provide worker's compensation, whether or not they require vaccine, **Rep. Skaug** said he didn't believe it will increase the cost enough to increase premiums.

Craig Campbell, a Boise resident, spoke against **H 464** saying people have Constitutional rights to equal protections and personal freedom. He argued this legislation violates the Constitution because it allows businesses to require vaccines. He questioned how damages would be determined and who would be qualified to put a price on the loss of someone's quality of life. By legislating how vaccine requirements function it would codify vaccine mandates.

In response to questions, **Mr. Campbell** said **H 464** codifies vaccine mandates because it goes along with the status quo. It presupposes the right of businesses to mandate vaccines.

Sarah Clendenon, a representative of Health Freedom Idaho, spoke against **H 464** explaining there is already a federal program for vaccine injury reporting which refuses to admit vaccine injuries that do occur. Making such injuries compensable will not accomplish anything because no one will ever be able to prove the injury was caused by the vaccine. She argued that the use of the word 'when' in the bill indicates businesses have the right to enforce a vaccine mandate. This bill would take away people's rights under the guise of helping them.

Cece Andrews said businesses and the legislature do not have the right to violate inherent rights like privacy and bodily autonomy.

Miste Karlfeldt, a representative of Health Freedom Idaho, also testified against **H 464** and said the crux of the problem is that individual's medical decisions should not be made by business. She raised concerns about how the cost of the injury would be determined and how, supposing payouts actually occur, this would skyrocket premiums and harm small businesses.

Alex LaBeau, President of the Idaho Association of Commerce and Industry, testified in favor of **H 464** and explaining how this legislation would allow injured employees to get compensation. He said this would be a fair process and requires less evidence than a court and payouts are received much faster.

In response to questions about whether employers or the federal government should be liable, **Rep. Skaug** said the federal government should be the one held responsible but Congress would not follow through with this.

Rep. Skaug closed by saying this legislation is not for or against COVID-19 vaccines. This is just to get compensation for those who are injured. The current system needs clarification because some claims get paid out while others are denied. This bill would ensure those who need it get compensation.

In response to questions about whether this would cover those who have no objection to getting vaccinated, **Rep. Skaug** explained this covers anyone who works for an employer who requires a vaccine whether they are for or against it.

MOTION:

Rep. Toone made a motion to send **H 464** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Hanks, Kingsley, Wisniewski, and Christensen** requested to be recorded as voting **NAY**. **Rep. Skaug** will sponsor the bill on the floor.

Chairman Holtzclaw brought matters regarding ARPA funding to the committees attention and explained that a concurrent resolution will be needed to guide how those funds will be spent. He informed them there will be a presentation on the matter on Thursday.

**DOCKET NO.
17-0000-2100F:**

Sonnet Robinson, Idaho Industrial Commission, Rules Review Officer, said the only changes to the administrative rules were in regards to worker's compensation claims reporting requirements. They received no negative feedback from stakeholders. The other proposed rule has been struck and will be reverted back to the original rule was accepted by legislature last year.

MOTION:

Rep. Harris made a motion to approve **Docket No. 17-0000-2100F**. **Motion carried by voice vote.**

**DOCKET NO.
21-0000-2100F:**

Mark Tschampl, Chief Administrator, Idaho Division of Veterans Services, said there were no changes to the fee rules governing the admission, residency, and maintenance charges in Idaho veterans homes. There is a minor increase in fees for the preparation internment sites. This increased from five to seven hundred dollars due to increased costs. Additionally, changes were made to eligibility requirements for burial as well as rules governing public behavior at the cemetery.

In response to questions, **Mr. Tschampl** said the seven hundred dollar fee is paid for by the families seeking to inter their loved one in the cemetery. Further, the increase from five to seven hundred dollars is due to the increased cost of labor and supplies since it was last increased nine years ago.

MOTION:

Rep. Weber made a motion to approve **Docket No. 21-0000-2100F**. **Motion carried by voice vote.**

MOTION: **Rep. Necochea** made a motion to approve the minutes of the January 27, 2022, meeting. **Motion carried by voice vote.**

ADJOURN There being no further business to come before the committee, the meeting adjourned at 2:08pm.

Representative Holtzclaw
Chair

Emily Huddleston
Secretary