



## Idaho State Senate

### SENATOR DAN FOREMAN

26 February 2024

Senator Melissa Wintrow  
Representative David M. Canon  
Co-Chairs Joint Legislative Oversight Committee  
954 W. Jefferson St.  
Ste. 202  
Boise, ID 83702

Dear Co-Chairs Wintrow and Canon:

I formally request the Joint Legislative Oversight Committee authorize the Office of Performance Evaluation (OPE) to investigate the Idaho state government's official response to the Covid pandemic. This request is for the discovery of information useful to our state planners, managers, and leaders if we should ever experience something like Covid in the future. It is not the intent of this requested investigation to point fingers or impart blame. It is a request for useful information to be employed if, and when, we must respond to another crisis.

The Covid-19 episode occurred during the years 2020, 2021, and 2022. The State of Idaho Department of Public Health Covid 19 Dashboard lists Covid related deaths for the period February 2020 through February 2024, at 5,721. The Covid pandemic had a monumental impact on the state as a whole and likely negatively affected every Idahoan in some way.

Now the legislature did respond by enacting legislation reiterating the constitutional rights of Idahoans cannot be suspended during an emergency. (H-391, 2021,) and limiting the emergency powers of the Governor, reaffirming the rights of Idahoans to keep and bear arms during an emergency, and prohibiting the Governor from unilaterally altering or suspending Idaho Code (H-391, S-1217, 2021.) The legislature also reaffirmed only it can create or amend laws, even in a declared emergency (H-392, 2021.) And, in addition, the legislature declared all jobs in Idaho are essential, and that any restrictions declared during an emergency cannot be based on job type or classification (H-393.)

All these actions of the legislature were appropriate, timely, and prudent under the circumstances. However, there has been no comprehensive after-action review conducted to study the collective actions of the State of Idaho in response to the pandemic. It seems

prudent, and actually a prerequisite to preparedness for any future challenge like the pandemic, that we be prepared as a state to promptly, intelligently, and constitutionally act to mitigate damage to our home and our people.

Much happened in our state during the pandemic. The Governor declared an emergency in March of 2020. Some Idaho municipalities canceled scheduled events and restricted public gatherings. The Governor issued a "Stay at Home Order" for all "nonessential" personnel.

The Governor activated the National Guard and closed houses of worship. And the Mayor of Boise ordered all indoor dining to cease. Also, Idaho's medical facilities reportedly reached record numbers of emergency room visits as crisis standards of care were implemented by the Idaho Department of Health and Welfare.

Many small and medium sized businesses were forced by local governments to close, and all four of Idaho's state-funded universities forced students to wear masks. Furthermore, Idahoans were arrested and cited in various jurisdictions around the state for mask mandate and social gathering restriction violations.

In short, many things of an unprecedented nature happened in Idaho during the pandemic. The human cost and financial burden created during the period of the pandemic are monumental. And we are still suffering from the aftereffects of this very trying time.

Again, I state, this request for an investigation is not about finger-pointing or assigning blame for anything that happened. And I know some would simply like to forget the whole episode and move on. Well, it is my assessment that would be the worst thing we could do. What would we say to our citizens if another pandemic or similar event occurred? Would we make the same mistakes witnessed during the first iteration? For that matter, did we make mistakes? My point is, we can learn by putting the official actions of the Idaho state government during covid under a microscope. By so doing we can learn, and we can prepare.

Therefore, as previously stated, I am asking for the Joint Legislative Oversight Committee to authorize the Office of Performance Evaluation to investigate the Idaho state government's official response to the Covid 19 pandemic, with emphasis placed on whether violations of the U.S. Constitution, State Constitution, or Idaho Code occurred, resulting in the infringement of the constitutional rights of Idahoans.

Sincerely,



Dan Foreman

Idaho State Senator

Legislative District Six

THE FOLLOWING ARE CO-SPONSORS OF THE 26 FEBRUARY 2024 LETTER TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE REQUESTING AN INVESTIGATION INTO THE OFFICIAL ACTIONS OF THE IDAHO STATE GOVERNMENT DURING THE COVIND PANDEMIC.

Ben Toews  
Senator, Dist. 4

Scott Herndon  
Senator, Dist. 1

Cindy Carlson  
Senator, Dist. 7

Phil Hart  
Senator, Dist. 2

Brian Lenney  
Senator, Dist. 13

Carl Bjerke  
Senator, Dist. 5

Glenneda Zuiderveld  
Senator, Dist. 24

Chris Trakel  
Senator, Dist. 11

Tammy Nichols  
Senator, Dist. 10

Dale Hawkins  
Representative, Dist. 2

Heather Scott  
Representative, Dist. 2

Mike Kingsley  
Representative, Dist. 7