

MINUTES  
**HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE**

**DATE:** Monday, August 24, 2020

**TIME:** 11:00 A.M.

**PLACE:** Room EW42

**MEMBERS:** Chairman Chaney, Acting Vice Chairman Monks, Representatives Kerby, Amador, Zito, Zollinger, Ehardt, Scott, Goesling, Hartgen, Marshall, Ricks, Troy, Young, Gannon, McCrostie, Wintrow, Davis

**ABSENT/  
EXCUSED:** None

**GUESTS:** None

Due to the large number of persons in attendance, the commotion they were causing, and their unwillingness to leave the committee room, the committee meeting was moved to the Lincoln Auditorium prior to the start of the meeting.

**Chairman Chaney** called the meeting to order at 11:47 a.m.

**Chairman Chaney** welcomed the guests and explained the bill development process.

**Rep. Wintrow**, stating her concern regarding the social distancing and the building's ventilation system limitations, left the meeting. Prior to leaving, she commented on the lack of civility being demonstrated by the public in attendance.

**MOTION:** **Rep. Kirby** made a motion to introduce **RS 28049C2, RS 28049C1, RS 28060, RS 28062**, and **RS 28061** to allow public review prior to the hearing.

**SUBSTITUTE MOTION:** **Rep. Scott** made a substitute motion to lay **RS 28049C2, RS 28049C1, RS 28060, RS 28062**, and **RS 28061** on the table. Explaining the motion, she stated the courts have been sufficiently handling liability issues for over 120 years and this legislation is unnecessary.

**Chairman Chaney** put the committee at ease at 11:58 a.m. The committee was called back to order at 11:59 a.m. Chairman Chaney explained the substitute motion was non-debatable.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:** A roll call vote was called on the substitute motion to lay **RS 28049C2, RS 28049C1, RS 28060, RS 28062**, and **RS 28061** on the table. **Motion failed by a vote of 4 AYE, 13 NAY, 1 Absent/Excused. Voting in favor** of the substitute motion: **Reps. Zito, Zollinger, Scott, Davis. Voting in opposition** to the substitute motion: **Reps. Chaney, Monks, Kerby, Amador, Ehardt, Goesling, Hartgen, Marshall, Ricks, Troy, Young, Gannon, McCrostie. Rep. Wintrow** was Absent/Excused.

**SUBSTITUTE MOTION:** **Rep. Zito** made a substitute motion to divide the question and vote on each piece of legislation individually.

**Chairman Chaney** put the committee at ease 12:02 p.m. The committee was called back to order at 12:05 p.m.

In response to a question, **Chairman Chaney** explained the Article 4, Section 9, Idaho Constitution, says the Governor can define the subjects of a special legislative session. The RS included in the proclamation defines the outer boundaries of what the committee can consider. House Rules prohibit amending bills within the committee.

Committee discussion included concerns regarding the parameters of the legislation to be considered during the special session, the intent to address all of the bills in the same hearing, the fact that the 42-day legislative limitation does not exist during the special session, and, the five RS' offer different approaches on the same topic.

**AMENDED  
SUBSTITUTE  
MOTION:**

**Rep. Young** made an amended substitute motion to introduce **RS 28060** with changes. In section 39-9702 (1), the definition beginning "Covid-19" and ending with "coronavirus 2" is replaced with the coronavirus definition found in **RS 28049C1**, section 6-1608 (8)(a), beginning with "coronavirus" and ending with Idaho law". On **RS 28060's** line 23, strike "COVID-19" and insert "coronavirus." Section 39-9702 (2) strike the entire definition of "person" and insert, from **RS 28049C1**, section 6-1608 (8)(d) beginning with "person" and ending with "jurisdiction."

**WITHDRAWAL  
REQUEST:**

**Rep. Kerby** requested his original motion to introduce **RS 28049C2**, **RS 28049C1**, **RS 28060**, **RS 28062**, and **RS 28061** be withdrawn. **Chairman Chaney** ruled the request out of order.

**ROLL CALL  
VOTE ON  
AMENDED  
SUBSTITUTE  
MOTION:**

**Chairman Chaney** called for a roll call vote on the amended substitute motion to introduce **RS 28060** with the specified changes. **Motion carried by a vote of 17 AYE, 0 NAY, 1 Absent/Excused. Voting in favor** of the motion: **Reps. Chaney, Monks, Kerby, Amador, Zito, Zollinger, Ehardt, Scott, Goesling, Hartgen, Marshall, Ricks, Troy, Young, Gannon, McCrostie, Davis. Voting in opposition** to the motion: **None. Rep. Wintrow** was Absent/Excused.

**MOTION:**

**Rep. Scott** made a motion to lay **RS 28049C2**, **RS 28049C1**, **RS 28062**, and **RS 28061** on the table.

**ROLL CALL  
VOTE ON  
MOTION:**

A roll call vote was requested on the motion to lay **RS 28049C2**, **RS 28049C1**, **RS 28062**, and **RS 28061** on the table. **Motion failed by a vote of 4 AYE, 13 NAY, 1 Absent/Excused. Voting in favor** of the motion: **Reps. Zito, Zollinger, Scott, Davis. Voting in opposition** to the motion: **Reps. Chaney, Monks, Kerby, Amador, Ehardt, Goesling, Hartgen, Marshall, Ricks, Troy, Young, Gannon, McCrostie. Rep. Wintrow** was Absent/Excused.

**RS 28049C2:**

**Chairman Chaney** presented **RS 28049C2**. This proposed legislation exempts state government eligibility and pertains only to COVID. It has a 2021 sunset date.

**ORIGINAL  
MOTION:**

**Rep. Kirby** made a motion to introduce **RS 28049C2**.

**ROLL CALL  
VOTE ON  
MOTION:**

A roll call vote was requested on the motion to introduce **RS 28049C2. Motion carried by a vote of 12 AYE, 5 NAY, 1 Absent/Excused. Voting in favor** of the motion: **Reps. Chaney, Monks, Kerby, Amador, Ehardt, Goesling, Hartgen, Ricks, Troy, Young, Gannon, McCrostie. Voting in opposition** to the motion: **Reps. Zito, Zollinger, Scott, Marshall, Davis. Rep. Wintrow** was Absent/Excused.

**RS 28049C1:**

**Chairman Chaney** presented **RS 28049C1**, which includes colleges and universities. It confines the legislation scope to the transmission of only the coronavirus.

**MOTION:**

**Rep. Kirby** made a motion to introduce **RS 28049C1**.

**ROLL CALL  
VOTE ON  
MOTION:**

A roll call vote was requested on the motion to introduce **RS 28049C1. Motion carried by a vote of 9 AYE, 8 NAY, 1 Absent/Excused. Voting in favor** of the motion: **Reps. Chaney, Monks, Kerby, Amador, Goesling, Hartgen, Troy, Young, Gannon. Voting in opposition** to the motion: **Reps. Zito, Zollinger, Ehardt, Scott, Marshall, Ricks, McCrostie, Davis. Rep. Wintrow** was Absent/Excused.

**RS 28062:** **Rep. Gannon** presented **RS 28062**, which exempts schools. Schools are already expected to use best practices to provide a safe environment and maintain the mandatory attendance. This is especially important for working parents with no virtual attendance option.

**MOTION:** **Rep. Gannon** made a motion to introduce **RS 28062**.

**ROLL CALL VOTE ON MOTION:** A roll call vote was requested on the motion to introduce **RS 28062**. **Motion failed by a vote of 7 AYE, 10 NAY, 1 Absent/Excused. Voting in favor** of the motion: **Reps. Chaney, Monks, Amador, Goesling, Ricks, Gannon, McCrostie. Voting in opposition** to the motion: **Reps. Kerby, Zito, Zollinger, Ehardt, Scott, Hartgen, Marshall, Troy, Young, Davis. Rep. Wintrow** was Absent/Excused.

**RS 28061:** **Chairman Chaney** presented **RS 28061**. This proposed legislation is a backstop in the event other legislation does not pass. It includes schools and institutions of higher education.

**MOTION:** **Rep. Troy** made a motion to introduce **RS 28061**.

Committee discussion included opposition to the inclusion of K-12, parental alternative education options, the hard work done by school boards to open schools, and the school district liability needs.

**ROLL CALL VOTE ON MOTION:** A roll call vote was requested on the motion to introduce **RS 28061**. **Motion carried by a vote of 13 AYE, 4 NAY, 1 Absent/Excused. Voting in favor** of the motion: **Reps. Chaney, Monks, Kerby, Amador, Zollinger, Ehardt, Goesling, Hartgen, Marshall, Ricks, Troy, Young, McCrostie. Voting in opposition** to the motion: **Reps. Zito, Scott, Gannon, Davis. Rep. Wintrow** was Absent/Excused.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 12:53 p.m.

---

Representative Chaney  
Chair

---

Irene Moore  
Secretary