

AGENDA
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
11:00 A.M.
Room EW42
Monday, August 24, 2020

Limited public seating will be available in the committee room. Committee meetings will be live streamed in designated overflow rooms throughout the Capitol.

Please wear a mask and maintain physical distancing while in the Capitol.

SUBJECT	DESCRIPTION	PRESENTER
<u>RS28049C2</u>	Civil Liability, Coronavirus	Rep. Greg Chaney
<u>RS28049C1</u>	Civil Liability, Coronavirus	Rep. Greg Chaney
<u>RS28060</u>	Covid-19 Limited Immunity Act	Rep. Julianne Young
<u>RS28062</u>	Civil Liability, Coronavirus	Rep. John Gannon
<u>RS28061</u>	Covid-19 Liability, Educational Institutions	Rep. Greg Chaney

COMMITTEE MEMBERS

Chairman Chaney
Rep Monks, Acting Vice
Chairman
Rep Kerby
Rep Amador
Rep Zito
Rep Zollinger

Rep Ehardt

Rep Scott

Rep Goesling

Rep Hartgen

Rep Marshall

Rep Ricks

Rep Troy

Rep Young

Rep Gannon

Rep McCrostie

Rep Wintrow

Rep Davis

COMMITTEE SECRETARY

Irene Moore

Room: EW14

Phone: 332-1127

email: hjud@house.idaho.gov

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

AMENDED AGENDA #1
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
3:00 P.M.
Lincoln Auditorium
Monday, August 24, 2020

Limited public seating will be available in the committee room. Committee meetings will be live streamed in designated overflow rooms throughout the Capitol.

Please wear a mask and maintain physical distancing while in the Capitol.

SUBJECT	DESCRIPTION	PRESENTER
<u>H 002</u>	Covid 19 Limited Liability Act	Rep. Julianne Young
<u>H 004</u>	Civil Liability, Coronavirus	Rep. Greg Chaney
<u>H 005</u>	Civil Liability, Coronavirus	Rep. Greg Chaney
<u>H 003</u>	Covid-19, Liability, Educational Institutions	Rep. Greg Chaney

Testimony will be limited to 3 minutes.

Adjournment Promptly at 5:15 p.m.

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Chaney
Rep Monks, Acting Vice
Chairman
Rep Kerby
Rep Amador
Rep Zito
Rep Zollinger

Rep Ehardt

Rep Scott

Rep Goesling

Rep Hartgen

Rep Marshall

Rep Ricks

Rep Troy

Rep Young

Rep Gannon

Rep McCrostie

Rep Wintrow

Rep Davis

COMMITTEE SECRETARY

Irene Moore

Room: EW14

Phone: 332-1127

email: hjud@house.idaho.gov

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Monday, August 24, 2020

TIME: 3:00 P.M.

PLACE: Lincoln Auditorium

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: The sign-in sheets will be retained and filed with the minutes in the Legislative Services Library.

Chairman Chaney called the meeting to order at 3:58 p.m.

Chairman Chaney explained the testimony parameters and decorum.

MOTION: **Rep. Heather Scott** made a motion to hear a brief summary of all of the bills on the agenda prior to hearing testimony. **Chairman Chaney** ruled the motion to be out of order because the agenda is set and this format was used previously by the committee with no objection.

Using the gavel, **Chairman Chaney** asked the guests to quiet down and continue the meeting decorum.

Pam Hemphill, Tammy Kennedy, Nioulina Bistriceann, Ammon Bundy, Susan Proster, Rob Lougue, Rhonda Tomlin, and Matt Raslan, testified **in opposition** to all legislation regarding civil liabilities.

They shared concern regarding destruction of the government system, constitutional rights, the need for any legislative intervention, the fear already being generated unnecessarily, passing any legislation quickly, the false information being circulated regarding the severity of the coronavirus, the inappropriate delay in scheduling the special session, and ending the state of emergency.

Fred Birnbaum, Idaho Freedom Foundation, testified **in support** of **H 2**, which is a better solution, if such legislation is necessary.

Using the gavel, **Chairman Chaney** requested the guests not applause and adhere to the meeting decorum.

Alicia Peterson, testified **in opposition** to all of the legislation, stating the protection of businesses from torts already exists.

Chairman Chaney put the committee at ease at 4:31 p.m. to allow the guests to calm down. The meeting was called back to order at 4:41 p.m. Chairman Chaney reminded the guests to stay within the testimony limits and follow decorum to allow more guests to testify.

Jessica Allison, Nancy Georgeson, Danielle Smith, and David Pittinger, testified **in opposition** to all of the legislation.

They requested the state of emergency be ended and businesses be allowed to reopen. Concern was expressed regarding the emotional impact of social distancing and alienation for persons choosing not to wear masks. The legislation does not protect individual interests. They questioned the origination and necessity of such legislation.

Ken McClure, on behalf of the Idaho Liability Reform Coalition, testified **in support of H 5**. He stated it is hard to know how to comply to uncertain rules during uncertain times.

Chairman Chaney put the committee at ease at 4:53 p.m. to allow the guests to return to decorum. The meeting was brought back to order at 4:54 p.m.

After going at ease, **Mr. Pittinger** continued his testimony. Also testifying were **Scott Maurice, Susan Lang, Robert Jones, Cate Tedeski, Daniel Bobinski,** and **Lareina Chavoya**.

They expressed concern the legislation would result in enforced compliance through new regulations or inspections, other illnesses have not led to any immunity, the legislature is over reaching their authority, the use of faulty models, and the quality of rushed legislation.

Chairman Chaney announced the remaining testimony and the legislation will be further heard at the committee's meeting on August 25, 2020.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 5:14 p.m.

Representative Chaney
Chair

Irene Moore
Secretary

AMENDED AGENDA #1
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
30 Minutes After the Conclusion of the State Affairs Meeting
Lincoln Auditorium
Tuesday, August 25, 2020

Limited public seating will be available in the committee room. Committee meetings will be live streamed in designated overflow rooms throughout the Capitol.

Please wear a mask and maintain physical distancing while in the Capitol.

SUBJECT	DESCRIPTION	PRESENTER
<u>RS28064</u>	Covid-19 Limited Liability Act Testimony Continuation - One Hour	Rep. Julianne Young

Testimony is continued from 08/24/20.
There is no new testimony sign-in.
The meeting will adjourn promptly
within 2 hours.

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Chaney
Rep Monks, Acting Vice
Chairman
Rep Kerby
Rep Amador
Rep Zito
Rep Zollinger

Rep Ehardt
Rep Scott
Rep Goesling
Rep Hartgen
Rep Marshall
Rep Ricks

Rep Troy
Rep Young
Rep Gannon
Rep McCrostie
Rep Wintrow
Rep Davis

COMMITTEE SECRETARY

Irene Moore
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email: hjud@house.idaho.gov

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Tuesday, August 25, 2020
TIME: 30 Minutes After the Conclusion of the State Affairs Meeting
PLACE: Lincoln Auditorium
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

Chairman Chaney called the meeting to order at 2:28 p.m.

Chairman Chaney introduced the amended agenda and stipulated one hour will be used for public testimony relating to the legislation on the agenda. He further clarified there are no bills on the agenda which increase the immunity liability for any level of state government, except colleges and universities. All of the bills have emergency clauses for immediate effectiveness. These do not institute an emergency.

Chairman Chaney requested the non-press persons vacate the press table. The guests began shouting and Chairman Chaney put the committee at ease at 2:30 p.m. The Idaho State Police (ISP) moved to the front to protect the committee from the advancing guests and the meeting was moved to EW42.

Chairman Chaney called the meeting to order at 4:06 p.m., indicating the ISP had secured the building.

**UNANIMOUS
CONSENT
REQUEST:** **Chairman Chaney** made a unanimous consent request to amend the agenda to change **RS 28064** to **RS 28064C1**. There being no objection, the request was granted.

RS 28064C1: **Rep. Julianne Young**, District 31, presented **RS 28064C1**, proposed legislation to address liability in relation to coronavirus. This proposed legislation stands independent of any declaration of emergency. It does not require businesses to become an enforcement mechanism for government, health districts, or anyone else. When dealing with something unseen, of which we have little control and are learning about, it is difficult to determine responsibility. This provides confidence so businesses, schools, and communities can return to regular activities without risk of exposure.

The term "coronavirus" covers COVID-19 mutations and the family of viruses. The included and excluded entities are specified. Willful or reckless misconduct references protects persons not intending to cause harm.

MOTION: **Rep. Ehardt** made a motion to introduce **RS 28064C1**.

Answering questions, **Rep. Young** said this is not an enforcement mechanism. It addresses liability concerns for something that is unseen and uncontrollable. When entering a court situation, this shifts the burden of proof to the accuser.

**VOTE ON
MOTION:** **Chairman Chaney** called for a vote on the motion to introduce **RS 28064C1**. **Motion carried by voice vote. Reps Wintrow and Davis** requested they be recorded as voting **NAY**.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 4:31 p.m.

Representative Chaney
Chair

Irene Moore
Secretary

AMENDED AGENDA #1
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
10 Minutes After The House Floor Recesses
Room EW42
Wednesday, August 26, 2020

Limited public seating will be available in the committee room. Committee meetings will be live streamed in designated overflow rooms throughout the Capitol.

Please wear a mask and maintain physical distancing while in the Capitol.

SUBJECT	DESCRIPTION	PRESENTER
<u>H 006</u>	Coronavirus, Limited Immunity	Rep. Julianne Young

COMMITTEE MEMBERS

Chairman Chaney
Rep Monks, Acting Vice
Chairman
Rep Kerby
Rep Amador
Rep Zito
Rep Zollinger

Rep Ehardt
Rep Scott
Rep Goesling
Rep Hartgen
Rep Marshall
Rep Ricks

Rep Troy
Rep Young
Rep Gannon
Rep McCrostie
Rep Wintrow
Rep Davis

COMMITTEE SECRETARY

Irene Moore
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MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Wednesday, August 26, 2020

TIME: 8:45 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: The sign-in sheets will be retained and filed with the minutes in the Legislative Services Library.

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

Chairman Chaney requested the testimony be germane to **H 6**, the agenda item.

MOTION: **Rep. Scott** made a motion to **HOLD H 5** in committee.

MOTION: **Rep. Wintrow** made a motion for the previous question.

ROLL CALL VOTE: A roll call vote was requested for the motion for the previous question. **Motion carried by a vote of 15 AYE, 3 NAY. Voting in favor of the motion: Reps. Monks, Kerby, Zito, Zollinger, Ehardt, Scott, Goesling, Hartgen, Marshall, Ricks, Young, McCrostie, Wintrow, Davis, Chaney. Voting in opposition to the motion: Reps. Amador, Troy, Gannon.**

ROLL CALL VOTE ON ORIGINAL MOTION: A roll call vote was requested for the motion to **HOLD H 5** in committee. **Motion failed by a vote of 6 AYE, 12 NAY. Voting in favor of the motion: Reps. Zito, Zollinger, Scott, Young, Wintrow, Davis. Voting in opposition to the motion: Reps. Monks, Kerby, Amador, Ehardt, Goesling, Hartgen, Marshall, Ricks, Troy, Gannon, McCrostie, Chaney.**

Chairman Chaney put the committee at ease at 9:22 a.m. The meeting was called to order at 9:37 a.m.

H 6: **Rep. Julianne Young**, District 31, presented **H 6**, which is specific to coronavirus. The definition of person includes any individual, corporation, limited liability partnership, trust, association, church or religious organization, city, county, school district, college, university or institution of higher education, or other unit of local government. It does not include any Idaho public health district, the federal government or any of its agencies, the state of Idaho or any of its agencies, except colleges, universities, and other institutions of higher education, nor any foreign government or foreign jurisdiction.

The immunity is from injury or damages resulting from exposure to coronavirus. Qualifiers are listed and clearly defined in Idaho Code. Willful or reckless misconduct is conduct in which a person makes a conscious choice to do something which has a high probability of harm as an actual result. Stipulation is made to exclude workers compensation and any existing immunity or protection.

Rep. Young emphasized the legislation is not tied to an emergency declaration and has a sunset date of July 2021. It does not shield government agencies, federal government, or any other agencies from decisions made during COVID-19. This does not require businesses to become an enforcement state agency or arm of the health district. It addresses the confidence crisis within the business community and schools regarding filing of such lawsuits and associated financial impact as they attempt to return to normal practices.

Responding to committee questions, **Rep. Young** said an example of willful or reckless misconduct would be an individual, aware they have the coronavirus, going into a setting where they are exposing others to possible contraction. A conscious choice has been made to cause harm to others. Agencies and health districts already have enforcement mechanisms in place. This switches the burden of proof to the accuser in a court case. There is the inherent assumption schools will continue to take precautions to assure students are safe and have a good education.

MOTION: **Rep. Troy** made a motion to send **H 6** to the floor with a **DO PASS** recommendation.

Dr. Lynn Laird, Cheryl Sauer, Eva Selleck, Casey Baker, Margie Baker, Monica McKinley, Susan Berger, Mario Peria, Samatha Buffington, Dana Clemeaux, and David Pettinger testified in opposition to **H 6**. They shared concerns regarding the impact to persons with varying coronavirus beliefs, good faith differing between persons, legitimizing a nonexistent problem, inaccurate data, the lack of any legislative precedent, shielding a select group, using waivers instead, and personal responsibility.

Steven Keyser, Delbert Chapel, Jason Colwell, Nancy Georgeson, and Lonnie Caldwell testified in support of **H 6**. They stated this is the best legislation to pass, if something needs to be done. They did not want any inclusion of good faith, which would require enforcement, shared concern regarding the interpretation of willful misconduct, and questioned the need for any legislation of this nature.

Chairman Chaney put the committee at ease at 10:59 a.m. The meeting was called to order at 11:15 a.m.

Ken McClure, on behalf of the Idaho Liability Reform Coalition, testified in support of **H 6**. He clarified the enforcement of waivers does not occur in most courts and most insurance policies do not cover viral transmission or exposure. This legislation fills the hole in the law so the economy can get moving again.

Responding to committee questions, **Mr. McClure** said **H 6** assures a business can proceed without the fear of uninsured lawsuits. He clarified the tort liability is defined as acts or omissions for suits or liability. Negligence is one kind of tort. Escalating from negligence is recklessness and then intentional liability. If negligence was included, it would allow for gross negligence. Such inclusion is not reason enough to send **H 6** to General Orders.

MOTION: **Rep. Marshall** made a motion for the previous question.

ROLL CALL VOTE : A roll call vote was requested for the motion for the previous question. **Motion failed by a vote of 6 AYE, 11 NAY, 1 Absent/Excused. Voting in favor** of the motion: **Reps. Kerby, Goesling, Hartgen, Marshall, Ricks, Troy. Voting in opposition** to the motion: **Reps. Monks, Amador, Zito, Ehardt, Scott, Young, Gannon, McCrostie, Wintrow, Davis, Chaney. Rep. Zollinger** was Absent/Excused.

SUBSTITUTE MOTION: **Rep. Gannon** made a substitute motion to send **H 6** to General Orders.

Chairman Chaney put the committee at ease. The meeting was called to order at 12:45 p.m.

Committee discussion regarding the substitute motion included amending **H 6** to address contracts, the Consumer Protection Act, gross negligence, harmful consequences, and the efficiency of sending it to General Orders.

**ROLL CALL
VOTE ON
SUBSTITUTE
MOTION:**

A roll call vote was requested on the substitute motion to send **H 6** to General Orders. **Substitute motion failed by a vote of 5 AYE, 12 NAY, 1 Absent/Excused.** **Voting in favor** of the motion: **Reps. Scott, Gannon, McCrostie, Wintrow, Davis.** **Voting in opposition** to the motion: **Reps. Monks, Kerby, Amador, Zito, Ehardt, Goesling, Hartgen, Marshall, Ricks, Troy, Young, Chaney.** **Rep. Zollinger** was Absent/Excused.

**ROLL CALL
VOTE ON
ORIGINAL
MOTION:**

A roll call vote was requested on the motion to send **H 6** to the floor with a **DO PASS** recommendation. **Motion carried by a vote of 13 AYE, 4 NAY, 1 Absent/Excused.** **Voting in favor** of the motion: **Reps. Monks, Kerby, Amador, Zito, Ehardt, Scott, Goesling, Hartgen, Marshall, Ricks, Troy, Young, Chaney.** **Voting in opposition** to the motion: **Reps. Gannon, McCrostie, Wintrow, Davis.** **Rep. Zollinger** was Absent/Excused. **Rep. Young** will sponsor the bill on the floor.

Chairman Chaney and the committee thanked the Idaho State Police for their efforts during the Special Session to assist the committee and allow public participation in the legislative process.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 1:01 p.m.

Representative Chaney
Chair

Irene Moore
Secretary