

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, August 26, 2020

TIME: 3:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, and Stennett

ABSENT/ EXCUSED: Senator Buckner-Webb

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the Senate State Affairs Committee (Committee) to order at 3:22 p.m.

MINUTES APPROVAL: **Senator Souza** moved to approve the Minutes of August 26, 2020 at 12:30 p.m. **Senator Stennett** seconded the motion. The motion carried by **voice** vote.

RS 28065 A Senate Resolution **RELATING TO THE STATE OF EMERGENCY IN IDAHO** due to the COVID-19 pandemic.

PRESENTATION: **Senator Hill** explained that a resolution was a form of a proposal, not a law, and it did not have the force of law, but was declaratory in nature. **Senator Hill** stated that **RS 28065** declared the Legislature's suggestions and expectations. He stated that the Governor called the special session for the Legislature to consider absentee voting, in-person polling locations, and civil liability related to COVID-19 as had been recommended by working groups. **Senator Hill** stated that the Idaho Constitution restricted discussions to subjects listed in a proclamation. He stated that a proclamation was not a limitation of concerns, but was to intended to provide protections to the public.

Senator Hill highlighted subjects that needed to be fixed during the regular session. He stated that terminating an emergency declaration would not eliminate mandates, such as face coverings, and that agencies would still have authority, regardless of being in an emergency. **Senator Hill** reported that two legal opinions were obtained and that legislators were not willing to break their oath of office. He stated that **RS 28065** proclaimed to the Governor that the emergency declaration end in a responsible way and that the Governor had agreed to work with the Legislature to change rules and statutes so the emergency declaration could end. **Senator Hill** noted concern with the authority to close schools and that all Idahoans have the right to participate in elections, attend voting in polling stations, and that the Senate reaffirms that the public has the right to make health decisions for themselves and their families.

- DISCUSSION:** **Senator Stennett** asked who would have the authority to make decisions if not by the health districts. **Senator Hill** responded that he did not have the answer, but it should be considered during the regular session. **Senator Anthon** appreciated that the resolution included decision making authority. **Senator Winder** thanked everyone who worked on the resolution and that the Legislature was trying to address issues in a right and legal way, along with the concerns of the people who are expressing their freedom to speech and freedom to assemble. **Senator Souza** acknowledged the amount of fear throughout the State and that legislators felt sidelined. She noted that constituents want immediate action, but it was the Legislature's job to consider the unintended and legal consequences of any action.
- MOTION:** **Senator Winder** moved to send **RS 28065** to print. **Senator Anthon** seconded the motion. The motion carried by **voice** vote.
- MOTION:** **Senator Winder** moved to refer **RS 28065** to the 10th Order of Business on the Senate floor. **Senator Harris** seconded the motion. The motion carried by **voice** vote.
- COMMENTS:** **Chairwoman Lodge** thanked the Senators' for their hard work in addressing the public's concerns and noted that the Legislature was listening. She also thanked **Senator Hill** for his presentation.
- ADJOURNED:** There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 3:46 p.m.

Senator Lodge
Chair

Gaye Bennett
Secretary