



CAPITOL REVIEW

A WEEKLY LEGISLATIVE REPORT

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A Weekly Legislative Report

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SPECIAL SESSION

Governor Brad Little called the Idaho Legislature to Boise for a Special Legislative Session on August 24, 2020. The session lasted three days and concluded on August 26. It was an **engaging session that consisted of constant protests and four arrests** with one individual going over and above by being arrested twice. The two main topics that were debated during the session were **voting procedures in November and civil liability reform** related to Covid-19 and the pandemic.

CIVIL LIABILITY REFORM

H6 passed out of the House of Representatives and Senate along party lines and was **immediately signed into law by the Governor on the last day of the 3-day special legislative session**. The bill provides limited immunity for businesses, churches, schools and universities who are reopening during the coronavirus pandemic. The legislation helps ensure that entities can continue to move forward during reopening phases in Idaho. The language specifically addressed immunity for a business, church, school or university from civil liability for damages or an injury that is a result of exposure to coronavirus. It also specified that immunity will not apply to acts or omissions that constitute an "intentional tort or willful or reckless misconduct" as defined by Idaho Code.

The law will provide a level of certainty that the steps taken to prevent the transmission of coronavirus are reasonable without the continual need to worry about lawsuits. Some of the hang-ups to the passage of the original legislation came from a large number of citizens that were at the capitol to voice their displeasure with **how the Governor and the local health districts have handled the pandemic**. In their opinion, the measures that have been taken have been too strict and have violated both federal and state constitutional rights. The final outcome removed any Idaho public health district, the federal government or any of its agencies and the state of Idaho or any of its agencies except colleges, universities and other institutions of higher education.

The law took effect immediately upon Governor Little's signature and will sunset on July 1, 2021. The new law will not affect worker's compensation and related laws of the Idaho Industrial Commission. The initial legislation and following iteration that was passed was initiated by the Idaho Liability Reform Coalition and **strongly supported by Food Producers of Idaho, Idaho Farm Bureau Federation, the Chambers of Commerce and the Idaho Association of Commerce & Industry**. The Idaho Trial Lawyers Association and AARP were the only major opponents of the legislation. At first glance many people thought the issue of liability reform dealt only with businesses, schools, medical facilities, etc. However, the legislation is important to every individual, business and association in Idaho. We anticipate there could be additional modifications to the law in January when the 66th Session of the Idaho Legislature convenes on Monday, January 11.

IDAHO'S "REBOUND"

We have been waiting for the August projections on income for the state that were released on Tues., Sept. 8. The Division of Financial Mgt. released the August tax revenue report showing Idahoans are getting back to work and engaged in the economy, with sales and income taxes coming in well above forecast. Idaho's economic rebound continues to strengthen; with Idaho leading all 50 states for best financial shape due to tax revenues **beating the forecast by \$37 million** for the month of August and Idaho's employment rate better than 47 other states. **"We're far better off in Idaho than elsewhere, thanks to our handling of the pandemic and fiscal conservatism in state government - our management of the state budget and watchful eye on regulations. We are well positioned to handle the ongoing impacts of COVID-19,"** Governor Brad Little said.

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