

MINUTES  
**SENATE JUDICIARY & RULES COMMITTEE**

**DATE:** Friday, February 21, 2020

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Lakey, Vice Chairman Lee, Senators Lodge, Grow, Cheatham, Burgoyne, and Nye

**ABSENT/ EXCUSED:** Senators Anthon and Thayn

**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:** **Chairman Lakey** called the meeting of the Senate Judiciary and Rules Committee (Committee) to order at 1:30 p.m.

**GUBERNATORIAL REAPPOINTMENT HEARING:** **Gubernatorial Reappointment** of Brian Marx to the Sexual Offenders Management Board (SOMB). **Mr. Marx** briefly explained his background and cited his past experience focusing on those areas that support this appointment. He has served for the past year as the defense attorney member of the SOMB.

**DISCUSSION:** **Senator Burgoyne** questioned what kind of research or progress the SOMB has regarding this population. **Mr. Marx** stated that in the last year they have worked on the rules for evaluators and are currently working on a quality assurance process to evaluate how the individuals in the program are doing after they are recertified. **Chairman Lakey** asked Mr. Marx to share the most challenging and rewarding aspect of his service. **Mr. Marx** responded that his role in enforcing rules and the impact of that on his clients could be a challenge. The most rewarding aspect is being able to come to a consensus on how best to serve the population and everyone involved in the process.

**RS 27742** **Relating to Revision of Salaries of Supreme Court Justices.** **Jason Spillman**, Legal Counsel, Administrative Office of the Courts, stated that **RS 27742** is a change in employee compensation (CEC) for judicial officers. Judge and justice salaries are dictated by statute. **RS 27742** would apply the Joint Finance and Appropriation Committee CEC salary recommendation to judges' salaries. It indexes the four different levels of salaries to avoid compression between the judicial positions.

**DISCUSSION:** **Senator Grow** and **Senator Nye** questioned how the statute would work. **Mr. Spillman** stated that any time there would be a change in compensation for the judges it would require a change in statute. He indicated that the reason the current 2 percent increase was not taken was a function of how they must calculate to maintain the division of salaries between the four different levels of justices or judges. The requested amendment would set salaries going forward to not entitle judges to any future CEC state employee increase.

**MOTION:** **Senator Burgoyne** moved to send **RS 27742** to print. **Senator Grow** seconded the motion.

**Vice Chairman Lee** and **Senator Lodge** declared a possible conflict of interest pursuant to Senate Rule 39 (H). **Senator Nye** asked that it be noted that the change in magistrate judge salary would put it just under \$130,000. In federal court, the salary for a magistrate judge is closer to \$200,000. This judicial compensation should be made available when magistrate salaries are discussed.

**VOICE VOTE:**

The motion to send **RS 27742** to print carried by **voice vote**.

**RS 27743**

**Relating to Provision for an Additional Judge in the First Judicial District.** **Jason Spillman**, Administrative Office of the Courts, presented **RS 27743**. **Mr. Spillman** explained this legislation seeks to add another judge for the First Judicial District with resident chambers to be established in Bonner County. It is problematic to send district judges from Kootenai County up to Bonner County on a regular basis. The need for another judge arises from population growth and rising case loads.

**MOTION:**

**Senator Grow** moved to send **RS 27743** to print. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**S 1338**

**Senator Dan Johnson**, District 6, presented **S 1338** which relates to personal public records. He requested the Committee send this bill to the 14th Order for possible amendment. This legislation was a result of a lawsuit filed in Ada County by the Idaho Press Club against Ada County, alleging restriction of access to public records. In Idaho all public records are open for inspection except as otherwise provided. The issue was the release of individuals' addresses, phone numbers, and e-mail addresses. That resulted in the question of why should a person sacrifice their privacy when they are forced to interact with government. Other personal information examples are utility bills and information disclosed when a minor child applies for youth sports. The legislation suggests changes to provide additional privacy to individuals.

**DISCUSSION:**

**Senator Burgoyne** commented that the kind of information originally proposed for inclusion in the bill was exempted. The question was raised whether there was a privacy issue connected to identity theft and basic security issues. **Senator Burgoyne** expressed his opinion that there should be a blanket exemption and without inconsistencies in what is covered in different situations. **Senator Johnson** said language from the original bill was inserted into Section 4 to give public officials, current or former, the same protection. It is up to the Legislature to choose what to exempt from disclosure. He reiterated that individuals should be able to interact with government entities but keep their personal information private.

**TESTIMONY:**

**Jeremy Pisca**, representing the Newspaper Association of Idaho, stated that any objections that were expressed prior to today had been resolved. **Senator Burgoyne** stated that the primary concern related in the amendment appeared to be security and identity theft. **Mr. Pisca** commented that his opinion was Senator Johnson was trying to protect the average citizen who may be compelled to give personal information to a government agency.

**Ken Burgess**, representing the Idaho Press Club, indicated that Senator Johnson met with his client and they were able to draw up acceptable language. **Mr. Burgess** referenced the original letter sent from the Press Club as it related to the first version of the bill (see Attachment 1). He indicated that the Idaho Press Club was supportive of the amendment.

**Senator Johnson** stated that he committed to the draft language since the final version had not been finished.

**MOTION:** **Vice Chairman Lee** moved to send **S 1338** to the 14th Order of Business for possible amendment. **Senator Lodge** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** There being no further business to come before the Committee, **Chairman Lakey** adjourned the meeting at 2:15 p.m.

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Senator Lakey  
Chair

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Sharon Pennington  
Secretary