

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

**DATE:** Friday, March 13, 2020

**TIME:** Upon Recess of House Floor Session

**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:** David Deveraux, Rory Smith, Thair Pond, Kristi Tenny, Mark Jones, Bill Brom, Jennie Bouth, Paul Basty, Wyatt Zarr, David Fugge, Astrid Wilde, Ben Obray, ABATE; Allan Reynold, ACLU; Murphy Olmstead, Idaho Sheriff's Association; Sarah Tompkins, Ada County Public Defender.

**Chairman Chaney** called the meeting to order at 10:24 a.m.

**MOTION:** **Rep. Marshall** made a motion to approve the minutes of the February 13, 2020, February 17, 2020, February 21, 2020 and February 27, 2020 meetings. **Motion carried by voice vote.**

**H 405aaS:** **Rep. Kerby** explained this bill was regarding DUI diversion program and was amended in the Senate to change one word from "and" to "or" in line 13.

**MOTION:** **Rep. Scott** made a motion to send the **H 405aaS** to the floor with a recommendation to **CONCUR** with the amendments proposed by the Senate. **Motion carried by voice vote. Rep. Kerby** will sponsor the bill on the floor.

**HR 10:** **Rep. Monks** presented this bill which amends House Rules 20, 49 and 69. He stated it was meant to clarify the rules and the changes were brought by the parliamentarian. He explained the proposed changes in detail.

**MOTION:** **Rep. McCrostie** made a motion to send **HR 10** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Monks** will sponsor the resolution on the floor.

**S 1343:** **Chairman Chaney** returned the bill to committee for consideration. This legislation regards the liability of mountain owners and mountain bikers when ski mountains are open to mountain bikers in the summer.

**MOTION:** **Rep. Kerby** made a motion to send **S 1343** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:** **Rep. Monks** made a substitute motion to send **S 1343** to General Orders.

The committee questioned the sponsor's willingness to have the bill amended and voiced concerns about the possibility it may not make it out of General Orders before the end of the session. Concerns were also voiced about the possibility of hostile amendments as well as language regarding constructed features and the lack of liability on the part of the mountain owners for making those changes.

**VOTE ON SUBSTITUTE MOTION:** **Chairman Chaney** called for a vote on the substitute motion to send **S 1343** to General Orders. **Motion carried by voice vote. Rep. Zollinger** will sponsor the bill on the floor.

**Rep. McCrostie** called for a division. **Chairman Chaney** ruled the call for division out of order since the result of the vote had been called by the Chairman.

**S 1338aa:** **Rep. Young** stated this bill removes private citizens' personal identifying information from being provided to the press as part of a Public Records Request.

**MOTION:** **Rep. Zito** made a motion to send **S 1338aa** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Young** will sponsor the bill on the floor.

**S 1319:** **Chairman Chaney** returned this bill to the committee for consideration.

**MOTION:** **Rep. Monks** made a motion to send **S 1319** to the floor with a **DO PASS** recommendation.

The committee voiced concern regarding the lack of clarity in parts of the bill, and worried it may put all dog owners at risk. They also stated conflict between statutes which would need to be resolved before proceeding.

**SUBSTITUTE MOTION:** **Rep. McCrostie** made a motion to **HOLD S 1319** in committee for a time certain of March 17, 2020. **Motion carried by voice vote.**

**Chairman Chaney** called for a recess at 10:45 a.m.

**Chairman Chaney** reconvened the committee at 2:20 p.m.

**MOTION:** **Rep. Zollinger** made a motion to reconsider **S 1343**. He stated there was some confusion over the result of the previous vote, and he believed it to be proper procedure to ask for reconsideration.

**Reps. Kerby** and **Goesling** spoke **in support** of the motion due to the confusion surrounding the prior vote.

**ROLL CALL VOTE ON MOTION:** **Chairman Chaney** called for a roll call vote on the motion to reconsider **S 1343**. **Motion carried by a vote of 12 AYE, and 6 NAY. Voting in favor** of the motion: **Reps. Kerby, Zito, Zollinger, Ehardt, Scott, Goesling, Marshall, Ricks, Troy, Young, McCrostie, and Davis. Voting in opposition** to the motion: **Reps. Monks, Amador, Hartgen, Gannon, Wintrow, and Chaney.**

**UNANIMOUS CONSENT REQUEST:** **Chairman Chaney** requested Unanimous Consent the committee consider **S 1318** before the reconsideration of **S 1343**. There being no objection, the request was granted.

**S 1318:** **Chairman Chaney** returned the bill to the committee for reconsideration. This legislation regards the hiring of people with past felony convictions.

**MOTION:** **Rep. McCrostie** made a motion to send **S 1318** to General Orders.

**Rep. Wintrow** spoke **in support** of the motion, stating this legislation is simply about giving people a chance.

The committee further discussed the legislation, wrestling with admiration for the intent of the legislation and the need for clearer language regarding exemptions.

**SUBSTITUTE MOTION:** **Rep. Zollinger** made a substitute motion to **HOLD S 1318** in committee.

The committee continued to debate the legislation, voicing concern for the burden this legislation may put on small businesses and stating the desire for an amendment which would expand the exemption list. The committee also cited the time constraints, debating if the legislation would even be heard by the senate after amendments had been made. Concerns were also raised regarding organizations which have rules barring people with felony convictions from being hired. Throughout the debate the committee attempted to reconcile the desire to give people a chance at employment with the desire to protect the rights of business owners. **Rep. McCrostie** shared the content of the proposed amendments with the committee.

**ROLL CALL  
VOTE ON  
SUBSTITUTE  
MOTION:**

**Chairman Chaney** called for a roll call vote on the substitute motion to **HOLD S 1318** in committee. **Motion failed by a vote of 9 AYE and 9 NAY. Voting in favor** of the substitute motion: **Reps. Monks, Kerby, Amador, Zito, Zollinger, Scott, Ricks, Young and Chaney. Voting in opposition** to the substitute motion: **Reps. Ehardt, Goesling, Hartgen, Marshall, Troy, Gannon, McCrostie, Wintrow, and Davis.**

**ROLL CALL  
VOTE ON  
ORIGINAL  
MOTION:**

**Chairman Chaney** called for a roll call vote on the original motion to send **S 1318** to General Orders. **Motion carried by a vote of 12 AYE and 6 NAY. Voting in favor** of the motion: **Reps. Kerby, Amador, Zito, Ehardt, Goesling, Hartgen, Marshall, Troy, Gannon, McCrostie, Wintrow, and Davis. Voting in opposition** to the motion: **Reps. Monks, Zollinger, Scott, Ricks, Young, and Chaney.**

**ADJOURN:**

**Chairman Chaney** stated due to time constraints, the meeting must adjourn. The meeting adjourned at 2:48 p.m

---

Representative Chaney  
Chair

---

Wendy Carver-Herbert  
Secretary