

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, February 24, 2016

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Nonini, Senators Davis, Johnson, Souza, Lee, Anthon, Burgoyne and Jordan

ABSENT/ EXCUSED: None

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

MINUTES APPROVAL: **Senator Burgoyne** moved to approve the minutes of February 15, 2016. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE: **Senator Nonini** moved to send the Gubernatorial appointment of J. Philip Reberger to the Judicial Council to the floor with recommendation that he be confirmed by the Senate. **Senator Jordan** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE: **Senator Lee** moved to send the Gubernatorial appointment of Cortney C. Dennis to the Commission of Pardons and Parole to the floor with recommendation that she be confirmed by the Senate. **Senator Nonini** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE: **Senator Nonini** moved to send the Gubernatorial appointment of Anna Jane "Janie" Dressen to the Commission of Pardons and Parole to the floor with recommendation that she be confirmed by the Senate. **Senate Jordan** seconded the motion. The motion carried by **voice vote**.

DISCUSSION: **Senator Jordan** requested clarification on action on a Unanimous Consent Request from another Committee. **Chairman Lodge** explained the purpose and the procedure.

RS 24151 **Senator Davis** moved to print **RS 24151**, a Unanimous Consent Request from the Commerce and Human Resources Committee. **Senator Nonini** seconded the motion. The motion carried by **voice vote** with **Senator Burgoyne** and **Senator Jordan** asking to be recorded as voting nay. **Senator Burgoyne** expressed his reasons for opposing the legislation.

RS 24371 **Senator Davis** moved to print **RS 24371**, a Unanimous Consent Request from the Commerce and Human Resources Committee. **Senator Nonini** seconded the motion. The motion carried by **voice vote**.

Because the presenters for **RS 24570** and **RS 24540** had not yet arrived, **Chairman Lodge** advised that the Committee would move on in the agenda to **RS 24496**.

- RS 24496** **Senator Davis** explained that this bill increases from five to ten years the period of time a renewed judgment on a lien may be continued.
- MOTION:** **Senator Johnson** moved to print **RS 24496**. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.
- SCR 142** **Senator Davis** related to the Committee that this bill is brought jointly by the majority and minority leadership. He pointed out that in this amendment to Joint Rule 18, the Statement of Purpose and the fiscal note are addressed separately. He indicated that the major change deals with the fiscal note and the frequent claim that there would be no fiscal impact. **Senator Johnson** and **Senator Davis** discussed the basis of the fiscal note. **Senator Johnson** mentioned that there could be an increase or decrease in fiscal impact. **Senator Davis** replied that the note was for the coming fiscal year. He stated that Idahoans deserved to know some consideration has gone into the fiscal impact, whether it is positive or negative.
- MOTION:** **Senator Nonini** moved to send **SCR 142** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion passed by **voice vote**.
- RS 24570** **Senator Jim Rice** expressed concern regarding the inaccurate or incomplete information given when rules are changed. This legislation would require a statement of substantive changes when applying for the change.
- MOTION:** **Senator Souza** moved that **RS 24570** be sent to print. **Senator Anthon** seconded the motion. The motion passed by **voice vote**.
- RS 24540** **Senator Lakey** told the Committee that this legislation provides for counties to cover the cost of public defense services for indigent individuals out of the justice fund, the current expense fund or the indigent fund. In addition, the State will provide grants to assist the counties in this effort.
- MOTION:** **Senator Burgoyne** moved that **RS 24540** be sent to print. **Senator Jordan** seconded the motion. The motion passed by **voice vote**.
- SCR 143** **Senator Davis** related that this bill amends **Joint Rule 20** and clarifies the process of transmitting bills when the fifty-fifth day of the legislature falls on a weekend. Under this revision, the transmittal must be made on or prior to the fifty-seventh day of the session.
- MOTION:** **Senator Burgoyne** moved that **SCR 143** be sent to the floor with a **do pass** recommendation. **Senator Nonini** seconded the motion. The motion carried by **voice vote**.
- SCR 144** **Senator Davis** explained that this bill deals with maintaining records of the Legislature. Currently the audio and video recordings are maintained in the Legislature for two years on the website and then transferred to another entity. This bill will provide for the recordings to be transferred to the archives after the two-year period, where they will be maintained for posterity.
- MOTION:** **Senator Nonini** moved to send **SCR 144** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion passed by **voice vote**.

SR 101

Senator Davis pointed out that historically the decision of the committee chairman was final and could not be appealed, but there is nothing in the Senate rules that substantiates this practice. The purpose of the legislation is to add words making the rules consistent with current practice. This change will include witness testimony and decorum.

Senator Burgoyne indicated that he would not support this bill as a matter of principle. He emphasized that in a democratic society there should be a form of appeal.

Senator Johnson asked if this language was consistent with Mason's Manual of Legislative Procedure. A discussion ensued comparing legislative practice, Mason's Manual and Robert's Rules of Order. **Senator Davis** observed that in the Idaho Legislature most work together to rectify problems, and there is seldom a case where an appeal is considered.

MOTION:

Senator Nonini moved to send **SR 101** to the floor with a **do pass** recommendation. **Senator Souza** seconded the motion. The motion passed by **voice vote** with **Senator Burgoyne** and **Senator Jordan** requesting to be recorded as voting Nay.

Senator Jordan commented that legislators want to do work that would not need an appeal, but that doesn't always happen and there should be some recourse.

ADJOURNED:

There being no further business at this time, **Chairman Lodge** adjourned the meeting at 2:20 p.m.

Chairman Lodge
Chair

Carol Cornwall
Secretary