

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Tuesday, February 07, 2017

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Luker, Vice Chairman Malek, Representatives Perry, Dayley, Trujillo, McDonald, Cheatham, Kerby, Nate, Chaney, Amador, Hanks, Zito, Zollinger, Gannon, McCrostie, Wintrow

**ABSENT/
EXCUSED:** None

GUESTS: The sign in sheet will be retained in the committee secretary's office until the end of the session. Following the end of the session, the sign in sheet will be filed with the minutes in the Legislative Library.

Chairman Luker called the meeting to order at 1:30 P.M.

Joint Rule 18 discussion confirming the changes and necessary explanation on writing Statement of Purpose.

RS 25098C1 **Rep. Anderst** presented **RS 25050C1**. The proposed legislation establishes a needed legal standard simply stating that arbitrarily profiling motorcycle riders is not legal and defines what motorcycle profiling is. When an individual rides a motorcycle or wears motorcycle paraphernalia does not mean that individual should be more likely to be detained or stopped by law enforcement.

MOTION: **Rep. Perry** made a motion to introduce **RS 25089C1**. **Motion carried by voice vote.**

Chairman Luker turned the gavel over to the **Vice Chairman Malek**.

H 97: **Rep. Luker** presented **H 97**. This bill amends section 12-121 of Idaho Code regarding the award of attorney fees in civil cases. The proposed amendment addresses a change made in the Hoffer Case by the Supreme rescinding of awarding attorney fees when cases are brought, pursued or defended frivolously, unreasonably, or without foundation. The amendment restores that standard for awarding attorney fees.

In response to questions, **Rep. Luker** advised this is a catch all when no specific rules are in place.

Vice Chairman Malek returned the gavel to **Chairman Luker**.

MOTION: **Rep. McCrostie** made a motion to send **H 97 to the floor with a DO PASS recommendation**. **Motion carried by voice vote**. **Rep. Luker** will sponsor the bill on the floor.

H 21: **Teresa Baker** presented **H 21**. This bill would change the PERSI retirement Rule of 90 to the Rule of 80 to officers of the Idaho Department of Juvenile Corrections and those employed by Idaho's counties working in the areas of juvenile detention, juvenile probation, and misdemeanor probation. These professionals are required to have POST certification. Emergency communications officers primarily employed by Idaho counties are eligible for POST certification but not currently statutorily required be certified and would be included in the Rule of 80. The change in classification from the Rule of 90 to the Rule of 80 will better assist agencies in recruiting and retaining these employees that require extensive and extended training in their field.

In response to questions, **Ms. Baker** advised PERSI has reviewed the changes and there are no negative long term effects. The change of Rule 80 was based on personnel type position and attending POST certification. Current employees will have the option of Rule 80 or 90, new employees will be at Rule 80.

Lieutenant Kevin Haight, Idaho State Police spoke **in support** of Rule 80, Dispatch workers are the first response and always there to connect and support responders with callers.

In response to questions, **Lt. Haight** advised the change to Rule 80 will increase the pool and quality of applicants. The transition to Rule 80 will be applied to all Emergency Response communications in Idaho.

Don Drum PERSI, responded to questions regarding Rule 80 advising the extra cost will fall primarily on the employee paying a higher contribution rate, but there will be some increases for agencies.

Tracey McCombs and **Cassie Owens**, Ada County Dispatchers, spoke **in support** of Rule 80 for their fellow dispatchers that have not reached retirement.

Chris Palmer, Ada County Probation Parole Supervisor, spoke **in support** of Rule 80 explaining the environment of corrections has changed over the past 20 years.

Mike Kane, Idaho Sheriff Association, spoke in strong support of Rule 80 for the little guys working stressful positions in law enforcement.

Mario Imania, Jerome County Probation, spoke **in support** of Rule 80 risk factors have changed over his years of service.

Skip Clop, Director Valley Court Services, spoke **in support** of Rule 80 for his dedicated employees.

Diane Legister, Nampa Dispatch spoke **in support** of Rule 80 educating PTSD and high stress can lead to heart issues and multiple other health risks.

Due to time constraints, H 21 will be carried over to the meeting of February 9, 2017 at 1:30 p.m. The meeting was adjourned at 4:16 P.M.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 4:16 P.M.

Representative Luker
Chair

Heidi McKay
Secretary