

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

- DATE:** Thursday, March 23, 2017
- TIME:** 1:30 pm or Upon Adjournment
- 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:** Dan Welch, self; Pat McGourty, self
- Chairman Luker** called the meeting to order at 4:23 P.M.
- MOTION:** **Rep. Kerby** made a motion to approve the minutes of March 9, 2017, March 13, 2017, and March 15, 2017. **Motion carried by voice vote.**
- MOTION:** **Rep. Chaney** made a motion to approve the minutes of March 17, 2017, and March 21, 2017. **Motion carried by voice vote.**
- SCR 124:** **Sen. Davis** presented **SCR 124**, this legislation amends the Joint Rules of the Senate and the House of Representatives to provide for the inclusion of a new rule, Rule 22. Rule 22 will govern the procedures to be followed by the Senate and the House of Representatives in the event of an election contest of one of the offices of the executive branch in the State of Idaho. Rule 22 is to be read in conjunction with the state statute governing election contests, Chapter 21, Title 34, Idaho Code.
- MOTION:** **Rep. Kerby** made a motion to send **SCR 124** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gannon** will sponsor the bill on the floor.
- S 1190:** **Sen. Davis**, presented **S 1190**, which repeals existing statutes governing contests of elections for legislative seats and executive department officials. The repealed sections are replaced with a new chapter that governs contests of elections. This legislation builds on the framework of the current statutes, but clarifies and streamlines the approach in light of what was learned during the 2017 Senate contest of election. Provisions included in this legislation (and not found in the current statutory framework) include defining terms, clarifying jurisdiction over the contests, clarifying the grounds upon which an election contest may be filed, specifically providing for legislative rules to supplement the statutory approach, clarifying notice requirements and providing for an early (summary) dismissal of a contest in certain instances. Also, the awarding of costs and attorney's fees are specifically provided for in certain instances and at the legislature's discretion. Further, this legislation modernizes archaic language and provisions, some of which date from the late 19th Century. Finally, the legislation revises a provision of the criminal code governing certain election offenses.
- MOTION:** **Rep. Malek** made a motion to send **S 1190** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Luker** will sponsor the bill on the floor.
- HR 3:** **Rep. Crane**, presented **HR 3**, this legislation adds a new Rule 78 to the House Rules, to provide a procedure for contested elections.

MOTION: **Rep. McCrostie** made a motion to send **HR 3** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Crane** will sponsor the bill on the floor.

S 1202: **John Watts**, Veritas Advisors, on behalf of Idaho Collectors Alliance, presented **S 1202**, which proposes to amend existing law regarding wage garnishment and associated court, service, collection and enforcement procedures. It consolidates existing statutory titles and chapters governing civil suits regarding wage garnishments into a single title 7 new chapter 11. The bill empowers the Idaho Supreme Court to establish consistent forms for interrogatories and claims of exemption from wage garnishment. It requires financial institutions to review funds in accounts to avoid disturbing federal or state protected funds of an account holder. Clarifies the process for debtors to file claims of exemption protecting certain assets against wage garnishment. Requires county commissioners to adopt a fee for the delivery of a wage garnishment court order and writ by a county sheriff, and to post the sheriff fee's methodology on the county website and submit it to the Supreme Court for posting on the state website.

In response to questions, **Mr. Watts** said they are trying to do what is best for employees and helping the debtor. The employer gets nothing for garnishing wages from the employee. The many parties all have given up something to make this a compromise piece of legislation that improves the system.

Rep. Gannon and McDonald said **S 1202** was presented recently to them and they have had no opportunity to review it in depth to be able to make a proper decision.

MOTION: **Rep. Perry** made a motion to send **S 1202** to the floor with a **DO PASS** recommendation.

Chairman Luker felt the committee needed more information to properly vote on the motion. In response to a question from the committee, **Mr. Watts** explained the process and how they reached a consensus.

Dan Welch and **Pat McGourty**, representing themselves spoke on **S 1202** and gave their personal experiences. They expressed their desire to protect their assets and pay from immediate wage garnishment and fines for delinquencies on debts.

Mr. Watts turned the time over to **Senator Bart Davis** to further expand on the bill and his work experience and involvement in bankruptcy concerns. In response to committee questions, Mr. Watts walked through the protection of financial sources that should not be used to garnish wages. Some examples of these sources are alimony and disability. The goal is to have detailed protections for the debtor.

Rep. Zollinger declared Rule 38 stating a possible conflict of interest but he would be voting on the bill.

MOTION: **Rep. Gannon** called for the question. **Motion carried by voice vote.** **Rep. Trujillo** will sponsor the bill on the floor.

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

SCR 123: **Rep. Luker** presented **SCR 123**, this legislation limits the amount of the Idaho Session Laws that are printed each year.

MOTION: **Rep. McCrostie** made a motion to send **SCR 123** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Luker** will sponsor the bill on the floor.

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

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 7:14 P.M.

Representative Luker
Chair

Heidi McKay
Secretary