

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, January 29, 2020

TIME: 2:30 P.M.

PLACE: Room WW54

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

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 Lakey** called the meeting of the Senate Judiciary and Rules Committee to order at 2:50 p.m.

PASSED THE GAVEL: **Chairman Lakey** explained the agenda before passing the gavel to Vice Chairman Lee.

DOCKET NO. 06-0000-1900 **Vice Chairman Lee** asked for a motion or discussion on **Docket No. 06-0000-1900**.

DISCUSSION: **Senator Burgoyne** stated that he believed there is an issue of legislative intent. A decision must be made if the section in question is an express statement contrary to the presumption of public records set out in Idaho Code § 74-102 stating there is an assumption that all public records in Idaho are open for inspection except as otherwise expressly provided by the statute. **Senator Burgoyne** added that he had concerns about confidentiality that it must "clearly outweigh the public interest in disclosure."

MOTION: **Senator Anthon** moved to approve **Docket No. 06-0000-1900**. **Chairman Lakey** seconded the motion.

DISCUSSION: **Chairman Lakey** pointed out that specific language recognizes the authority of the Idaho Department of Correction (IDOC) and their process. He stated that the IDOC had done a good job in providing assurances. The privacy issue compares to the same circumstances as a physician.

VOICE VOTE: The motion to approve **Docket No. 06-0000-1900** passed by **voice vote**, with **Senator Burgoyne** requesting that he be recorded as voting nay.

DOCKET NO. 06-0202-1901 **Vice Chairman Lee** asked for a motion or discussion on **Docket No. 06-0202-1901**.

MOTION: **Chairman Lakey** moved to approve **Docket No. 06-0202-1901**. **Senator Lodge** seconded the motion. The motion passed by **voice vote**.

PASSED THE GAVEL: Vice Chairman Lee passed the gavel back to Chairman Lakey.

RS 27439 **Senator Burgoyne** stated that many years of work had gone into **RS 27439**. This legislation establishes an independent Office of Administrative Hearings, and otherwise provides for the independence and impartiality of hearing officers in Administrative Procedure Act contested case proceedings.

MOTION: **Senator Anthon** moved to send **RS 27439** to print. **Senator Grow** 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 3:05 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary