

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Wednesday, March 11, 2020

TIME: 1:30 pm OR Upon Adjournment 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: The sign-in sheets will be retained with the minutes in the Committee secretary's office until the end of the session. Following the end of the session, the sign-in sheets will be filed with the minutes in the Legislative Services Library.

Chairman Chaney called the meeting to order at 1:31 p.m.

S 1340: **Chairman Chaney** returned **S 1340** to the committee for consideration, the bill regards sentencing criteria.

MOTION: **Rep. Wintrow** made a motion to send **S 1340** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Zollinger** will sponsor the bill on the floor.

S 1342: **Chairman Chaney** returned **S 1342** to the committee for consideration, this bill would amend the definition of burglary to redefine shoplifting of items of minor value as a misdemeanor rather than a felony.

MOTION: **Rep. Wintrow** made a motion to send **S 1342** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Zollinger** will sponsor the bill on the floor.

S 1336: **Chairman Chaney** returned **S 1336** to the Committee for consideration, the bill would add employees and members of the Idaho Commission of Pardons and Paroles to the list of personnel covered under Idaho Code Chapter 9 § 18-915.

MOTION: **Rep. Wintrow** made a motion to send **S 1336** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Monks, Scott, and Ehardt** requested to be recorded as voting **NAY. Rep. Troy** will sponsor the bill on the floor.

S 1283: **Chairman Chaney** returned **S 1283** to the Committee for consideration. This legislation would provide a consistent method across all state agencies for any person to request a waiver, variance, or amendment of an existing Idaho rule.

MOTION: **Rep. McCrostie** made a motion to send **S 1283** to the floor with a **DO PASS** recommendation.

The Committee debated the fairness of the ability to grant exemptions to some people but not others, and worried this could lead to an uneven application and enforcement of the rules. The Committee also expressed hope that this legislation would allow state agencies to better identify common issues and address them in the negotiated rule making process.

**VOTE ON
MOTION:** **Motion carried by voice vote. Reps. Crane and Kauffman** will co-sponsor the bill on the floor.

S 1370: **Chairman Chaney** returned **S 1370** to the Committee for consideration. This legislation would clarify that while the Board of Correction may provide employment to prisoners, Idaho code does not create a right to employment.

MOTION: **Rep. Kerby** made a motion to send **S 1370** to the floor with a **DO PASS** recommendation. He spoke to his motion, stating this legislation will help the overburdened prison system to simplify some procedures.

VOTE ON MOTION: **Motion carried by voice vote. Rep. Ricks** will sponsor the bill on the floor.

S 1371: **Chairman Chaney** returned **S 1371** to the Committee for consideration. This legislation amends existing code to provide that an extended parental absence due to military service shall not be considered abandonment or neglect.

MOTION: **Rep. Kerby** made a motion to send **S 1371** to the floor with a **DO PASS** recommendation.

The Committee expressed appreciation to the sponsor for bringing this legislation forward and disbelief that such poor treatment of military service members exists.

VOTE ON MOTION: **Motion carried by voice vote. Rep. Goesling** will sponsor the bill on the floor.

S 1338aa: **Rep. Young** presented **S 1338aa** stating this legislation is meant to protect private citizens in the event of public records requests. This legislation would allow redacted versions of sensitive information to be presented in the event of a public records request. She stated this would ensure they do not lose their rights to privacy in their personal lives when they choose to work with the government.

S 1319: **Rep. Gibbs** presented **S 1319**, stating legislation enacted in 2016 removed the ability for police to cite dog owners in the event of a dog bite until after a judge issued a court order. He stated this legislation would uphold the intent of the 2016 legislation, but would remove the requirement for a court order, allowing police to act more efficiently.

The Committee expressed unease with the unclear language surrounding guilt, until it was explained that a citation is not an automatic presumption of guilt until after the fine issued has been paid.

S 1343: **Rep. Zollinger** presented **S 1343**, stating the legislation had been brought by the ski association and mirrors the skier liability act. He stated many mountain bikers are using ski hills in the summer and currently there are very few protections in place for either the bicyclists or the mountain operators. This legislation would require mountain owners to perform duties such as maintenance of trail markers and other basic safety precautions. Bicyclists would assume liability for injury except in cases where mountain owners would be found negligent in the performance of the duties laid out by this legislation.

Speaking **in support** of the legislation were **Carlie Foster**, Lobby Idaho; **Brad Wilson**, Bogus Basin and ISAA; **Carlos Matutes**, SWIMBA; and **Mat Erpelding**, BMCC. They stated this legislation would fairly distribute the liabilities for any injury, allowing mountain operators the ability to open their land to mountain bikers in the summer. They stated this would create more stable year round jobs for the surrounding communities, more recreational opportunities for Idaho Citizens, and a more stable revenue stream for the ski resorts. They further stated the majority of mountain bikers are aware of the risks inherent to the sport and choose to participate regardless, making stricter definitions of the duties of the mountain owners unnecessary.

Speaking **in opposition** was **Barbara Jordan**, ITLA, stated which this legislation does not adequately cover the duties of the mountain operators in regards to public safety and puts most of the liability on the bicyclists.

Rep. Zollinger summarized, stating a bill where every stakeholder is in agreement is a rare thing and it is a good bill. Addressing previous concerns he also emphasized that negligence is covered in this bill and would absolutely still be considered criminal on the part of the mountain owners.

Chairman Chaney called a recess at 3:16 p.m.

Chairman Chaney reconvened the meeting at 3:30 p.m.

S 1318:

Rep. Necochea introduced **S 1318** and **Sen. Buckner-Webb**. She stated this legislation is meant to increase employment opportunities for people who have been incarcerated and reduce recidivism. The legislation would simply require employers to look at the qualifications of applicants before asking if they have any prior convictions. Rep. Necochea returned to walk the Committee through this legislation in more detail.

Speaking **in support** of the legislation were **Mat Erplding**, BMCC; **Mone Miller**, Idaho Coalition Against Sexual and Domestic Violence; **Efrain Scott**, self; **John Lee**, self; **Jasmin Meenach**, self; **Ali Rabe**, Jesse Tree; **Ruby Mendez-Mota**, ACLU; **Shelly Nelson**, SHRM; **Jason Zimmerman**, self; **Michael Armand**, Idaho Empathy Network; **Laura Tirrell**, self; **Hellen Lusk**, self; **David Lund**, Bar None; **Michael Spencer**, self; **Allen Reynolds**, self; **Kyle Shockey**, self; **Tom Arkoosh**, IACDL; **Loraine Batt**, self; and **Bill Litster**, Litster-Frost. They shared personal experiences, and cited studies which have proven which rates recidivism are reduced when people with convictions are gainfully employed. They also emphasized this legislation does not prevent businesses from enacting policy to refuse to employ people with past convictions, it simply removes the question from job applications. This would delay the conversation about prior convictions until the candidate's qualifications have been reviewed. It was also stated this legislation would assist with the current housing crisis as well as potentially decreasing instances of domestic abuse, by helping more families maintain a stable income and housing situation.

Speaking **in opposition** to the legislation were **Fred Birnbaum**, Idaho Freedom Foundation; **Kate Haas**, Kestrel West; **Melinda Meril**, Greater North West Grocery Association; and **Alli Megal**, self. They stated this legislation is restrictive and may be onerous for private employers. They further stated this legislation may even encourage people with prior convictions to lie in order to get a job. Ms. Haas and Ms. Meril stated their specific objections to the list of exemptions contained in the legislation and voiced their willingness to work with the sponsor in order to amend this legislation because they feel it's a good idea which simply needs some changes.

Brent Smoyer, Professional Background Screening Association, requested his letter to Committee members be entered into the record. (Attachment)

Chairman Chaney called a recess at 4:52 p.m.

Chairman Chaney reconvened the meeting at 5:01 p.m.

Rep. Necochea concluded by stating this bill is not a hiring requirement, it simply removes the question about prior convictions from job applications. Any language concerning conditional offers was included to cover situations where employers might proceed to a job offer without first giving an interview. She also stated the sponsor was open to making amendments to the bill, however time prevented any amendments. She stated the bill as written is workable and it would give more people a fair chance to find employment.

Chairman Chaney stated without objection, **S 1343, S 1338aa, S 1319, and S 1318** will be held for future consideration. There was no objection.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 5:34 p.m.

Representative Chaney
Chair

Emma Wall
Secretary