

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Tuesday, February 09, 2021

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Chaney, Vice Chairman Hartgen, Representatives Kerby, Amador, Ehardt, Scott, Marshall, Troy, Young, Nate, Cannon, Erickson, Skaug, Gannon, McCrostie, Ruchti, Nash

**ABSENT/
EXCUSED:** None

GUESTS: None.

Chairman Chaney called the meeting to order at 1:30 p.m.

Chairman Chaney presented Committee meeting minutes from January 21 and January 27 for Committee approval.

MOTION: **Rep. Cannon** made a motion to approve the minutes from the January 21 and January 27, 2021 meeting. **Motion carried by voice vote.**

Senior District Judge Barry Wood, Deputy Administrative Director, Administrative Office of the Courts, introduced the panel of District Judges who will be presenting today.

District Judge Gene Petty, Third Judicial District, serving Canyon and Gem Counties, and representing the Idaho Behavioral Health Council (IBHC) updated the Committee on the IBHC's activities. He explained that the IBHC is a unique Council because it was established as a collaboration between all three branches of State Government, the Legislature, the Governor's Office, and the Supreme Court, with the intention to improve Idaho's behavioral health system. He spoke about how the IBHC came into existence, who comprises it's membership, the work completed by the Council to date, and provided a preview of the Council's developing strategic plan.

In response to Committee questions, **District Judge Gene Petty** introduced **Sara Omundson**, Administrative Director of the Courts, who responded to questions about the continuity of mental health care, especially as it pertains to individuals in transition from incarceration, and the providing of care to the community without criminalizing or stigmatizing individuals needing care.

Administrative District Judge Eric Wildman with resident chambers in Jerome County Fifth Judicial District provided the Committee with an overview of Idaho's water adjudications. He provided a historical background and explained the purpose of the general water adjudication. A water right is the right to divert the public waters of the State of Idaho and put that water to a beneficial use. The State Constitution and statutes of the State of Idaho guarantees the right to appropriate the unappropriated waters of the State. In Idaho water is like property and once the holder of the water right is established water is distributed according to priority. The general adjudication is the determination of all the claims to the use of water from the source in a single comprehensive law suite. All water users within the general geographic boundaries of the adjudication are joined in this law suite. Establishing water rights and priority is essential for establishing water markets among other things, and exclusive adjudication resides in the Snake River Basin Adjudication Court with **Adm. District Judge Eric Wildman** presiding over all water right claims in Idaho. For the purpose of water adjudications Idaho has been divided into six

regions, the Snake River Basin adjudication (SRBA) is the largest region of the six covering 87% of the State. The SRBA Court has established over 159,000 water rights claims, and the SRBA was the largest general adjudication ever commenced and completed in U.S. history. However, approximately 193,000 water right claim cases are still pending before the SRBA Court, and in addition, appeals. Details involving the other five water adjudication regions were included in the Judge's presentation.

Administrative District Judge Eric Wildman responded to Committee questions regarding COVID delays, and the length of time he has served and presided over water rights at the Snake River Basin Adjudication Court.

Administrative Director of the Courts Sara Omundson presented an overview of the Judicial Branch budget request for fiscal year 2022. She explained her reasons for increase and what the additional resources would be used for. Then she provided a brief description of the Judicial District Courts, the services they provide, and the challenges experienced over the past year including the impact of Coronavirus.

Sara Omundson responded to Committee questions regarding the Court's mask requirements, safety protocols and use of CARES funding.

Kathleen Elliot, Executive Director of the Public Defense Commission (PDC) gave an overview of the PDC budget request of \$11.2 million dollars for 2022. She also provided a brief overview of PDC, its purpose, where the PDC gets its authority and the growth of the PDC over the years of its existence to its current condition.

H 95 **Rep. Troy** presented **H 95** explaining that this bill amends Idaho Code pertaining to the District Magistrates Commissions allowing provision for vacancies, temporary members, clarifies special qualifications of committee members, and staggers term expirations among other things.

MOTION: **Rep. Amador** made a motion to send **H 95** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Troy** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 2:46 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary