

AGENDA
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
Upon Adjournment of the House
Room EW42
Friday, January 15, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|-------------------------|----------------------------|------------------|
| | Committee Organization | Chairman Chaney |
| RS28239 | Amendment of House Rule 64 | Chairman Chaney |

COMMITTEE MEMBERS

Chairman Chaney Rep Marshall
Vice Chairman Hartgen Rep Troy
Rep Kerby Rep Young
Rep Amador Rep Nate
Rep Ehardt Rep Cannon
Rep Scott Rep Erickson

Rep Skaug
Rep Gannon
Rep McCrostie
Rep Ruchti
Rep Nash

COMMITTEE SECRETARY

Andrea Blades
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Friday, January 15, 2021
TIME: Upon Adjournment of the House
PLACE: Room EW42
MEMBERS: Chairman Chaney, Vice Chairman Hartgen, Representatives Kerby, Amador, Ehardt, Scott, Marshall, Troy, Nate, Cannon, Erickson, Skaug, Gannon, McCrostie, Ruchti, Nash
ABSENT/ EXCUSED: Representative(s) Amador, Ehardt, Scott, Troy, Young, Nash
GUESTS: None

Chairman Chaney called the meeting to order at 9:30 a.m.

Chairman Chaney welcomed the committee and introduced **Vice Chairman Hartgen**; new committee secretary **Andrea Blades**; and page **Austin Swing**.

Chairman Chaney explained this will be an electronic committee and anyone needing help accessing documents posted in the committee shared folder should contact the committee secretary.

Rep. Cannon and **Rep. Nash** will serve as the Committee proofreaders.

Chairman Chaney reviewed committee processes and procedures. Important date: March 8 is the Transmittal Date for Joint Resolutions, the JRA Committee work should be completed a few days prior to that date. Remote testimony will be permitted during Committee meetings and there will be an online sign up sheet for those testifying. All online sign up will be closed at the minute the meeting is called to order. To start, one subcommittee: COVID Liability, to be chaired by Young, to include the following members: Troy, Marshall, Nate, Cannon, Skaug, Gannon, Ruchti. If a second subcommittee becomes necessary it will be comprised of the remaining JRA Committee members. The subcommittee(s) are to meet upon adjournment of regular JRA Committee meetings, alternating if necessary.

Vice Chairman Hartgen reported on her progress of Administrative Rule Committee review. The following Rule presentations have been scheduled: January 19: Idaho State Police, Sex Offender Management Board, and the Commission of Pardons and Parole. Then on January 21 the State Public Defense Commission.

Chairman Chaney turned the gavel over to **Vice Chairman Hartgen**.

RS 28239: **Chairman Chaney** presented **RS 28239** which amends and updates House Rule 64 by adding clear expectations of behavior for participants in the House chamber, lobby and gallery.

Questions about enforcement were raised by committee members and addressed by the presenter. Eventually concluding that while debating issues in a democracy can involve passionate disagreement, even heated emotion, it should never include violence and maintaining an environment that is free from fear is necessary for sober analysis of important issues.

MOTION: **Rep. McCrostie** made a motion to introduce **RS 28239**. **Motion carried by voice vote.**

ADJOURNMENT: There being no further business to come before the Committee, the meeting adjourned at 10:07 a.m.

Representative Chaney
Chair

Andrea Blades
Secretary

AMENDED AGENDA #1
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Tuesday, January 19, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|---|--|--|
| RS28270 | Amend Rules of the House of Representatives to allow debate from alternate location within the House chamber. | Rep. Blanksma |
| DOCKET NO. 11-0000-2000F | Rules Governing Alcohol Beverage Control, Rules Governing State Criminal History Records and Crime Information | Major Charlie Spencer, State Police |
| DOCKET NO. 11-1001-2000F | Rules Governing Idaho Public Safety and Security Information System | Major Charlie Spencer |
| DOCKET NO. 11-1101-2000F | Rules of the Idaho Peace Officer Standards and Training Council | Major Charlie Spencer |
| DOCKET NO. 57-0101-2000F | Rules of the Sexual Offender Management Board | Nancy Volle, Dept. of Correction |
| DOCKET NO. 50-0101-2001 | Rules of the Commission of Pardons and Parole - service of process | Ashley Dowell, Comm. of Pardons and Parole |
| DOCKET NO. 50-0101-2101 | Rules of the Commission of Pardons and Parole - Temporary Rules | Ashley Dowell |

Adjourn meeting by 3:00 PM

Online registration will end at commencement of meeting.

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

| | |
|-----------------------|--------------|
| Chairman Chaney | Rep Marshall |
| Vice Chairman Hartgen | Rep Troy |
| Rep Kerby | Rep Young |
| Rep Amador | Rep Nate |
| Rep Ehardt | Rep Cannon |
| Rep Scott | Rep Erickson |

COMMITTEE SECRETARY

Andrea Blades
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Tuesday, January 19, 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: Charlie Spencer, ISP; Brad Johnson, POST ISP; Jan Larsen, Gov; Kyler Sevens, Hillcrest High School; Demile Hatch, Hillcrest High School; Karen Magneli, DAG Parole Commission; Chris Flasler, not stated; Reese Richmond, House Minority Intern; Ashley Dowell, Parole Commission; Justin Low, Rep. Caucus; Mariel Wilson, Rep. Ruchti; Donte Harrington, LSO; Steve Waller, Dept. of Adm.; Jon Mareller, Dept. of Adm.; Brad Little, We the People.

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

RS 28270: **Rep. Blanksma** introduced **RS 28270** pertaining to the amending of the Rules of the House of Representatives to allow for debate from an alternate location within the House Chamber. Specifically, it allows the Speaker of the House to designate an alternative location (alternate point of debate) on the House floor for the purposes of debate only. This temporary rule would be in place until the end of this Legislative Session, it provides a way for members to fully participate in floor sessions and at the same time minimizing the time spent on the House floor and maximizing distance from other individuals.

MOTION: **Rep. Erickson** made a motion to introduce **RS 28270**.

Rep. Blanksma responded to questions, regarding if the designated space be video and audio? The designated point of debate will include the regular audio/video already streaming the floor session. The remote participating member would be in a separate room nearby watching the floor session via lap top, and then could enter into a designated space (distanced from other members) on the House floor to debate, then withdraw from the floor when debate is concluded. This allows for maximum distancing but does not change the need to vote from the members chair.

Chairman Chaney announced that Rep. Gannon has excused himself during the introduction of RS 28270, due to a conflict of interest, in compliance with the House rules which require this when there is a conflict that cannot be waived.

ON MOTION: **Motion carried by voice vote.**

Chairman Chaney turned the gavel over to **Vice Chairman Hartgen**.

DOCKET NO. 11-0000-2000F: **Major Charlie Spencer** with the Idaho State Police presented **Docket No. 11-0000-2000F** regarding the proposed rule changes to: 11.05.01 Rules Governing Alcohol Beverage Control, and 11.10.02 Rules Governing State Criminal History Records and Crime Information. These proposed changes are pursuant to the "Red Tape Reduction Act" intended to remove outdated, obsolete and unused Administrative Rules for the purpose of simplicity and clarity and the changes have been previously analyzed and reviewed by the Legislative Services Office.

MOTION: **Rep. Kerby** made a motion to approve Docket No. **11-0000-2000F**. **Motion carried by voice vote.**

DOCKET NO. 11-1001-2000F: **Major Charlie Spencer** presented **Docket No. 11-1001-2000F** regarding the Rules Governing Idaho Public Safety and Security Information System. These proposed changes are pursuant to the "Red Tape Reduction Act" intended to remove outdated, obsolete and unused Administrative Rules for the purpose of simplicity and clarity and the changes have been previously analyzed and reviewed by the Legislative Services Office.

MOTION: **Rep. McCrostie** made a motion to approve **Docket No. 11-1001-2000F**. **Motion carried by voice vote.**

DOCKET NO. 11-1101-2000F: **Major Charlie Spencer** presented **Docket No. 11-1101-2000F** regarding the Rules of the Idaho Peace Officer Standards and Training Council. These proposed changes are pursuant to the "Red Tape Reduction Act" intended to remove outdated, obsolete and unused Administrative Rules for the purpose of simplicity and clarity and the changes have been previously analyzed and reviewed by the Legislative Services Office.

MOTION: **Rep. Amador** made a motion to approved **Docket No. 11-1101-2000F**. **Motion carried by voice vote.**

Nancy Volle, Program Manager with the Idaho Department of Correction Sex Offender Management Board (SOMB) updated the Committee on SOMB's past year of activities. The SOMB has an eleven (11) member Board and was formed in 2011 to develop, advance, oversee statewide sex offender management practices and to set standards and guidelines of evaluators and examiners who provide services for adult and juvenile sex offenders. This past year a new interactive website was developed that allows providers to apply for certification on line, access information about the SOMB, access the current SOMB roster of providers and obtain necessary training through this online resource. Also much work has been done to simplify and clarify Rule 57.

DOCKET NO. 57-0101-2000F: **Nancy Volle**, Program Manager with the Idaho Department of Correction Sex Offender Management Board (SOMB) presented **Docket No. 57-0101-2000F** regarding the proposed Administrative Rules of the Sexual Offender Management Board. These proposed changes are pursuant to the "Red Tape Reduction Act" intended to remove outdated, obsolete and unused Administrative Rules for the purpose of simplicity and clarity, and the changes have been previously analyzed and reviewed by the Legislative Services Office.

MOTION: **Rep. Amador** made a motion to approved **Docket No. 57-0101-2000F**. **Motion carried by voice vote.**

DOCKET NO. 50-0101-2001 **Ashley Dowell**, Director of the Idaho Commission of Pardons and Parole presented **Docket No. 50-0101-2001** regarding the Rules of the Commission of Pardons and Parole, specifically the service of process. This Rule was originally adopted last year to prevent service of process to the residents of staff and commissioners, and redirect service to the Deputy Attorney General's Office.

MOTION: **Rep. Troy** made a motion to accept the proposed Rule changes. **Motion carried by voice vote.**

DOCKET NO. 50-0101-2101: **Ashley Dowell** presented **Docket No. 50-0101-2101** regarding the Rules of the Commission of Pardons and Parole. This is an emergency temporary Rule adopted by the Commission in November of 2020 as a result of an Idaho Supreme Court Ruling in October 2020. Modifications in the definitions of "pardon" and "commutations" have been made to be in line with that Court Order and time frames for vehicular manslaughter and driving under the influence have been changed to 15 years after someone pleads or is found guilty. The Commission is asking for support to extend the temporary emergency Rule thus allowing time to go through the traditional Rule making process.

MOTION: Rep. Troy made a motion to approved **Docket 50-0101-2101**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 2:02 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary

AGENDA
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Thursday, January 21, 2021

Online registration (for testimony) will end at the commencement of the meeting.

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|---|---|---|
| RS28083 | Juvenile Corrections Act | Rep. Erickson |
| RS28096 | Juvenile Corrections definitions | Rep. Erickson |
| RS28087 | Sex Offender Board, records | Rep. Hartgen |
| RS28110 | State Police, Forensic Lab | Rep. Hartgen |
| RS28109 | Liquor account, POST fund | Rep. Amador |
| RS28245 | Third Judicial District, Judges | Chairman Chaney |
| DOCKET NO's.: 61-0101-2001 , 61-0102-2001 , 61-0103-2001 , 61-0104-2001 , 61-0106-2001 , 61-0107-2001 , 61-0108-2001 | Chapters to be Repealed: Rules Governing Training Requirements for Defending Attorneys; Rules Governing Uniform Data Reporting Requirements; Rules Governing Contracts and Core Requirements for Contracts Between Counties; Rules Governing Procedures and Forms for the Application; Rules Governing Procedures for the Oversight, Implementation, Enforcement, and Modification of Indigent Defense Standards; Rules Governing Standards for Defending Attorneys That Utilize Idaho's Principles of an Indigent Defense Delivery System; Rules Governing the Administration of Idaho's Indigent Defense Delivery System – Rule Definitions. | Kathleen Elliott, Executive Director |
| DOCKET NO's.: 61-0101-2002 , 61-0102-2002 , 61-0103-2002 , 61-0104-2002 | New Chapters: General Provisions and Definitions; Requirements and Procedures for Representing Indigent Persons; Records, Reporting, and Review; Financial Assistance and Training Resources. | Kathleen Elliott |
| | Public Testimony register through the Following Link: Registry to Testify | |
| | Send written testimony to Committee Secretary. | |

COMMITTEE MEMBERS

| | | |
|-----------------------|--------------|---------------|
| Chairman Chaney | Rep Marshall | Rep Skaug |
| Vice Chairman Hartgen | Rep Troy | Rep Gannon |
| Rep Kerby | Rep Young | Rep McCrostie |
| Rep Amador | Rep Nate | Rep Ruchti |
| Rep Ehardt | Rep Cannon | Rep Nash |

COMMITTEE SECRETARY

Andrea Blades
Room: EW56
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email: hjud@house.idaho.gov

Rep Scott

Rep Erickson

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Thursday, January 21, 2021

TIME: 1:30 P.M.

PLACE: Room EW42

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

**ABSENT/
EXCUSED:** Chairman Chaney, Representative(s) Ruchti

GUESTS: Matthew Gammette, Idaho State Police; Seth Grigg, Idaho Association of Counties; Eric Fredricksen, SHPN; Tony Geddes, Ada County Public Defenders; Mariel Wilson, a guest of Rep. Ruchti; Nancy Volle, Sex Offender Management Board; Andrew Masser, Baldauf Masser LLP; Leslie Duncan, Kootenai County; Anne Taylor, Kootenai County Public Defender; Sean Walsh, Walsh Law Group; Darrell Bolz, Public Defense Commission; Justin McCarthy, Blaine County Public Defender; Lauren Bramwell, ACLU; Richard Eppink, ACLU; Jay Logsdon, Kootenai County Public Defender.

Vice Chair Hartgen called the meeting to order at 1:36 p.m.

RS 28083: **Rep. Erickson** introduced himself as the RS sponsor and then introduced **Director Monty Prow**, Idaho Dept. of Juvenile Corrections, who presented **RS 28083**. The Juvenile Corrections Act (JCA) has served Idahoans well, but occasionally it is necessary to make changes to its language and content which is being proposed today. The purpose of this proposed legislation is to update the definitions of status offenders being placed in secure facilities and to eliminate the use of habitual status offender definitions in subsequent statutes of the JCA, thereby keeping pace with current practices in Idaho and nationally. There will be no fiscal impact and the RS does not introduce any new obligations on the part of Idaho's Juvenile Justice System.

MOTION: **Rep. Kerby** made a motion to introduce **RS 28083**.

Vice Chair Hartgen called a short recess at 1:41 p.m. to correct sound issues in the room and to obtain some copies. The Meeting resumed at 1:45 p.m. and **Director Prow** was asked to repeat his presentation.

VOTE ON MOTION: **Motion carried by voice vote.**

RS 28096: **Director Prow** introduced **RS 28096** pertaining to a change to Juvenile Corrections Rules definitions. This RS is mainly for maintaining uniformity of current definitions within the Juvenile Corrections Act (JCA). And ensures that the JCA keeps pace with current practices within the Idaho Juvenile Justice System. There is no fiscal impact, and the RS does not introduce any new obligations on the part of the Juvenile Justice System.

MOTION: **Rep. McCrostie** made a motion to introduce **RS 28096**. **Motion carried by voice vote.**

Vice Chair Hartgen turned the gavel over to **Rep. Kerby**.

RS 28087: **Rep. Hartgen** presented **RS 28087** pertaining to Sex Offender Management Board (SOMB) records. In 2001 the Sex Offender Classification Board was dissolved due to a lawsuit and a court decision, they were no longer allowed to rate or classify violent sexual offenders. All the records from the Sex Offender Classification Board (SOCB) were then transferred to the Sex Offender Management Board (SOMB) and new rules were to be followed. In these changes a clerical error was made when the Bill was printed last year and the acronym SOCB was not replaced with SOMB, **RS 28087** corrects that error.

MOTION: **Rep. McCrostie** made a motion to introduce **RS 28087**. **Motion carried by voice vote.**

RS 28110: **Rep. Hartgen** presented **RS 28110** pertaining to the State Police Forensic Lab. It is the Forensic Lab's job to collect stats on why people die. This RS is not mandatory but instead it enables Counties who are not funded for non criminal case forensic testing to perform forensic testing in non-criminal cases, and passes the costs of forensic testing to the State Lab.

MOTION: **Rep. Nash** made a motion to introduce **RS 28110**. **Motion carried by voice vote.**
Rep. Kerby turned the gavel back over to **Vice Chair Hartgen**.

RS 28109: **Rep. Amador** presented **RS 28109** pertaining to the Liquor Account POST Fund. This RS requires the Committee to make a policy decision that effects the budget of the POST Academy which is managed by the Idaho State Police. Over the past 10 years the Legislature has been appropriating dollars to fund POST but the dollars are not materializing in the fees and fines that are used in the dedicated fund. These shortages are resulting in growing reverted appropriations, from \$600,000 to \$800,000 in reversions, essentially the fines and fees are not netting enough to run the POST Academy. This legislation would redirect some dollars that come from the Idaho Liquor Fund, it would divert \$400,000 from the General Fund and \$400,000 from Cities and Counties fund. The Liquor Fund has been growing considerably over the past few years, so the potential impact could be less the expected.

After presenting **Rep. Amador** stood for questions. Committee members had concerns about diverting funds from the Cities and Counties fund. A question was raised if the POST Academy attendees are not coming from Cities and Counties and if fees are involved for their training at POST. **Rep. Amador** yielded to **Brad Johnson**, Administrator of Peace Officer Standards and Training (POST). Mr. Brad Johnson confirmed that the largest percentage of those trained at POST do come from cities and counties and the cities and counties do not pay for POST training. It was asked what average training expenses amount to and Mr. Brad Johnson responded that the costs range from \$2,000 to \$10,000 per person depending on the discipline and the curriculum involved. It was asked why some counties and cities do not use POST for training. Currently there are four agencies who provide their own training program, the State Troopers, Boise Police Dept., Ada County and Nampa/Meridian combined operating their own training academy. This arrangement works out well for them and POST in that it allows those city/counties to customize their training and POST can better accommodate the volume of attendees it currently has. The question was asked if this funding short fall has been taken to JFAC and if there is a reason they are denying them the funding they need. Mr. Brad Johnson answered that POST does not receive any general funds, they solely operate on a dedicated fund and some federal grants. They have been working with JFAC, the Governor's Office and the Legislature to find a sustainable funding source and so far they have not been able to come up with one that is acceptable for everyone. The solution presented in this RS has the Governor's support.

MOTION: **Rep. Gannon** made a motion to introduce **RS 28109**.

**ROLL CALL
VOTE ON
MOTION:**

A roll call vote was requested. **Motion carried by a vote of 9 AYE, 6 NAY. Voting in favor of the motion: Reps. Hartgen, Kerby, Amador, Ehardt, Troy, Young, Gannon, McCrostie, Nash. Voting in opposition to the motion: Reps. Scott, Marshall, Nate, Cannon, Erickson, Skaug.**

RS 28245:

Rep. Skaug presented **RS 28245** pertaining to the Third Judicial District Judges, in **Rep. Chaney's** absence. The last new Judge was added in District 3 in 2013, and currently civil cases are backed up two years and criminal cases are also mounting up, making an additional judge imperative.

MOTION:

Rep. McCrostie made a motion to introduce **RS 28245. Motion carried by voice vote.**

**DOCKET NO'S.
61-0101-2001,
61-0102-2001,
61-0103-2001,
61-0104-2001,
61-0106-2001,
61-0107-2001,
61-0108-2001**

Kathleen Elliott, Executive Director of the Public Defense Commission (PDC) presented **Docket No's.: 61-0101-2001, 61-0102-2001, 61-0103-2001, 61-0104-2001, 61-0106-2001, 61-0107-2001, 61-0108-2001.** Director Elliot explained in 2007 the National Organization for Legal Aid and Defenders Association (NOLADA) did an audit of the State Appellate Public Defender's Office (SAPD) and found that over all the SAPD is providing constitutional representation, but any issues of unconstitutional representation could be remedied by improving the trial level defense system in the State of Idaho.

The Public Defense Commission (PDC) is authorized to implement standards, oversee those standards, and provide resources and training. Idaho Code 19-850 requires the PDC to promulgate rules among other things, and there are ten Standards the PDC oversees and ensure compliance with. Among these eight have already been negotiated and are already in the PDC Rules. The remaining two being presented today after negotiated rule making this year.

The first part of the pending rule changes being considered include the seven repealed chapters and four new chapters, which are not new Rules, but are current rules that have been consolidated and cleaned up. Two new standards have been added in four chapters instead of seven. The PDC has held negotiated rule making sessions in 2019 and 2020 plus a statewide virtual meeting. The PDC has collected written comments, has meet and collaborated independently with counties, Defending Attorneys and Judges.

The rewritten clarifications have made the Rules simpler, clearer, and resulted in the elimination of unnecessary words.

Following the brief overview **Director Kathleen Elliot** went through each Docket, beginning with the repeals (**Docket No's.: 61-0101-2001, 61-0102-2001, 61-0103-2001, 61-0104-2001, 61-0106-2001, 61-0107-2001, 61-0108-2001**), and described the specific chapter changes to the Committee.

**DOCKET
NO'S.:**

**61-0101-2002,
61-0102-2002,
61-0103-2002,
61-0104-2002**

Director Kathleen Elliot presented the proposed four New Chapters.

In answer to Committee questions, **Director Elliot** responded in summation that "efficient" legal representation is not the same thing as "effective" legal representation and does not meet accepted standards. She answered in regard to who participated in the negotiated rule making, the seven Judicial Districts, defending attorneys from around the State, County Commissioners, Judges, Idaho Association of Counties, and members of the Public Defense Council.

Director Elliot continued explaining the New Chapters and answered questions regarding the use of independent committees, which are similar to a model that's being used at the federal level. She said the use of independent committees is not meant to take authority from the County Commission, it is intended to be a useful tool when conflict arises, it being a regional committee comprised of lawyers, voluntary members, who have the training and expertise necessary to make informed mediation recommendations.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 3:35 p.m.

Representative Hartgen
Vice Chair

Andrea Blades
Secretary

AMENDED AGENDA #1
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Monday, January 25, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|-------------------------|-----------------------------------|------------------|
| RS28306 | Rent Control prohibition | Rep. Ferch |
| H 0026 | Juvenile Corrections Act | Rep. Erickson |
| H 0028 | Juvenile Corrections, Definitions | Rep. Erickson |
| H 0029 | Sex Offender Board, Records | Rep. Hartgen |

* Those wishing to testify remotely must go to <https://legislature.idaho.gov/sessioninfo/2021/standingcommittees/HJUD/> to register online or by clicking on the "Register to Testify" link below.

* Upon commencement of meeting online registration will end.

* The meeting will Adjourn at 3:30 p.m.

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

| | |
|-----------------------|--------------|
| Chairman Chaney | Rep Marshall |
| Vice Chairman Hartgen | Rep Troy |
| Rep Kerby | Rep Young |
| Rep Amador | Rep Nate |
| Rep Ehardt | Rep Cannon |
| Rep Scott | Rep Erickson |

COMMITTEE SECRETARY

Andrea Blades
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Monday, January 25, 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: Maria Yiapan, not stated.

Chairman Chaney called the meeting to order at 1:32 p.m.

RS 28306: **Rep. Ferch** presented **RS 28306** pertaining to Rent Control Prohibition, that local governments may not control or regulate rent. Also, the RS is intended to reduce the number of City/County laws that could exist on the matter.

MOTION: **Rep. Nate** made a motion to introduce **RS 28306**. **Motion carried by voice vote.**

H 26: **Rep. Erickson** presented **H 26**. The Bill updates the definition of status offender, provides a clearer definition of status offenses and is intended to prevent putting younger offenders in jail for status offenses.

MOTION: **Rep. Ehardt** made a motion to send **H 26** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Erickson** will sponsor the bill on the floor.

H 28: **Rep. Erickson** presented **H 28**. The Bill updates some definitions to match current practices.

MOTION: **Rep. Kerby** made a motion to send **H 28** to the floor with a **DO PASS** recommendation.

In answer to Committee questions regarding empirical research, **Rep. Erickson** introduced **Monty Prow**, Director of the Idaho Department of Juvenile Correction (IDJC) to answer the question. He explained the definition empirical research.

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

H 29: **Rep. Hartgen** presented **H 29**. The name of the Sex Offender Management Board (SOMB) used to be the Sex Offender Classification Board (SO CB). When that change occurred there was a clerical error made which did not carry the name change through properly to all the necessary areas. This Bill corrects that clerical error.

MOTION: **Rep. Nash** made a motion to send **H 29** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Hartgen** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 2:02 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary

AGENDA
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Wednesday, January 27, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|------------------------|--|------------------|
| H 0027 | Revise number of Judges in Third Judicial District | Chairman Chaney |

* Meeting to Adjourn at 2:00 p.m.

* Online registration will end at commencement of meeting.

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

| | |
|-----------------------|--------------|
| Chairman Chaney | Rep Marshall |
| Vice Chairman Hartgen | Rep Troy |
| Rep Kerby | Rep Young |
| Rep Amador | Rep Nate |
| Rep Ehardt | Rep Cannon |
| Rep Scott | Rep Erickson |

COMMITTEE SECRETARY

Andrea Blades
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Wednesday, January 27, 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:** Rep. Ehardt

GUESTS: Barbara Jorden, ITLA; Senior District Judge Barry Wood, Deputy Administrative Director, Administrative Office of the Courts.

Chairman Chaney called the meeting to order at 1:32 p.m.

Chairman Chaney turned the gavel over to **Vice Chair Hartgen**.

H 27 **Rep. Chaney** presented **H 27**. This Bill is intended to revise the number of Judges in the Third Judicial District, and it does this by expanding the number of District Judges by one. The Third Judicial District includes Adams, Canyon, Gem, Owyhee, Payette and Washington Counties, and these Counties have experienced considerable population increases. Rep. Chaney then yielded to **Administrative District Judge George Southworth**, Third Judicial District, who spoke about the costs associated with this request and the necessity of the position, comparing the disproportional case loads of District 3 District Judges with the case loads of other Idaho Judicial Districts. The addition of one District Judge will bring District 3 in line with the other Judicial Districts in Idaho.

ORIGINAL MOTION: **Rep. Skaug** made a motion to send **H 27** to the House floor with a **DO PASS** recommendation. .

Judge Southworth responded to a question seeking clarification on the process of district judge appointment and election cycles and explained how a district judge is appointed, and then must stand for election every 4 years. **Senior District Judge Barry Wood**, Deputy Administrative Director, Administrative Office of the Courts, responded to more specific questions about District Judges being placed in position by appointment in between election cycles.

SUBSTITUTE MOTION: **Rep. Scott** made a substitute motion to send **H 27** to General Orders. Speaking to the motion, **Rep. Scott** said this will expedite the bill and allow time for district judge selection by public election instead of appointment.

Vice Chair Hartgen turned the gavel over to **Chairman Chaney**.

VOTE ON SUBSTITUTE MOTION: **Chairman Chaney** called for a vote on the substitute motion to send **H 27** to General Orders. **Motion failed by voice vote.**

VOTE ON ORIGINAL MOTION: **Chairman Chaney** called for a vote on the original motion to send **H 27** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Chaney** to sponsor the bill on the floor.

ADJOURN: There being no further business to come before the Committee the meeting was adjourned at 2:03 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary

AGENDA
**HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
YOUNG SUBCOMMITTEE**

Coronavirus Liability

2:00 P.M.

Room EW42

Wednesday, January 27, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| DESCRIPTION | PRESENTER |
|---|--|
| Public Testimony on Coronavirus Liability | Matt Aber-Towns IEA Quinn Perry IDSBA Andy Grover IASA Debbie Critchfield ISBE Karen Echevarria ISBA |

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Young

Rep.Troy

Rep.Marshall

Rep.Nate

Rep.Cannon

Rep.Skaug

Rep.Gannon

Rep.Ruchti

COMMITTEE SECRETARY

Jensen Thomas

Room: EG44

Phone: 332-1050

email: heg29@house.idaho.gov

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
YOUNG SUBCOMMITTEE
Coronavirus Liability

DATE: Wednesday, January 27, 2021
TIME: 2:00 P.M.
PLACE: Room EW42
MEMBERS: Chairman Young, Representatives Troy, Marshall, Nate, Cannon, Skaug, Gannon, Ruchti
**ABSENT/
EXCUSED:** None
GUESTS: Leland Ley

Chairwoman Young called the meeting to order at 2:09 p.m.

Karen Echeverria, executive director of the Idaho School Boards Association (ISBA), stated that the state of Idaho is not out of the coronavirus pandemic, and that the sunset should be extended until at least July 1st of 2022. While it is believed that the school's are currently protected under statute, there would be no opposition to a broadening of the language used moving forward. Since the August special session, almost all Idaho school districts and charter schools are operating within some area of in-person learning. **H 6** has given charter schools and Idaho's school districts confidence that they can put measures in place that will allow them to operate in-person while having immunity of liability.

Debbie Critchfield, president of the Idaho State Board of Education (ISBE), stated that the priority of the board of education was to have as much in-person instruction as possible given the circumstances and abilities of the time. Concerns about liability have been a hindrance for education programs. As they spoke with their insurance providers on the issue, there have remained unanswered questions concerning liability. Parents have chosen a variety of ways to address potential health risks, and there are more families taking advantage of the different options they have for their children's educational opportunities. **H 6** should be extended on the basis that it is not known if these positive numbers will continue, and until that trend becomes a constant, it will be hard for school districts and other education institutes to feel more at ease about potential liability. The special session's passing of this legislation in August 2020 helped very much in getting students back into in-person learning and education.

Taylor Mossman-Fletcher, president of the Idaho Trial Lawyers Association (ITLA), opened up by mentioning that many businesses, churches, schools, and other organizations, were deeply concerned about potential liability for COVID-19 transmission. This has turned out not to be the case, with no lawsuits being brought forward within the state. Recently the ITLA reached out to over 400 lawyers across the state to ask if any of them were pursuing lawsuits for COVID-19 liability, and none of them mentioned doing so. **H 6** is no longer needed because there is already a process in place to address these kinds of issues. There needs to be proof that there was a duty, breach, or causation and the injured person sustained some kind of damages. There currently is a court system with jury trials in place to protect against meritless lawsuits. The people are meant to decide whether these lawsuits have merit or not.

Ken McClure, an attorney and representative of the Idaho Liability Reform Coalition (ILRC), mentioned that the ILRC had asked the legislature to adopt certain protections during the special session of August 2020. Without **H 6**, everyone is unable to get insurance that protects from claims of COVID-19 liability. Almost all commercial general liability policies exclude pandemics from their coverage. This piece of legislation allows for the state and the economy to function in as normal of a way as it can under the circumstances, and it should not be allowed to sunset just yet. **H 6** provides protection for claims of COVID-19 exposure or transmission. It does not provide any sort of protection at all for other claims that are the direct result of COVID-19 that are not based in transmission or exposure. There is still yet to be any sort of lawsuit brought forward on this issue, due in some part to scientific efforts to better understand the disease itself, but also in large part because this legislation has had the effect that it was hoped it would, which is to protect against the filing of such lawsuits. There are many lawsuits in other states, but none yet in Idaho.

Caroline Merritt, a representative of the Idaho Chamber Alliance (ICA), came forward to support the extension of **H 6** due to the need for liability protection against COVID-19 related lawsuits. The concern is focused less around losing a lawsuit, since currently it is difficult in most cases to prove transmission. Rather, the high cost to business owners both in time and money in defending themselves against this type of lawsuit. Business owners that the ICA has spoken to have expressed concern that general liability insurance before **H 6** was not enough to protect them from their lawsuits, and that there would be a spike in their insurance rates. There have already been more than 8,000 COVID-19 related lawsuits across the country, but none yet have occurred in Idaho. Many other states have taken similar measures to **H 6** to protect businesses from these litigations, and the federal government is currently considering taking these measures as well. Businesses are making a good-faith effort to comply with the laws and regulations that have been put in place. This piece of legislation has not authorized them in any way to engage in reckless behavior. **H 6** is not in use to enforce any sort of mask mandate or mandatory vaccination. Rather, it is focused on basic protections for business owners to provide for their communities and their families.

Jessica Marcu stated that **H 6** is meant to expire. This is an unconstitutional, communist act used to destroy small businesses. There is no way to prove in court where the virus came from. There is no pandemic. The hospitals are empty when we drive by; there is no one there. Why are this going on and destroying the economy? This is basically a crisis. People lose their jobs because they don't have way to pay. She asked the committee to please do the right thing and do not renew this unconstitutional immunity act.

Jeremiah Miller says that if liability protection is needed for persons, there must be a way to prove the existence of negligence. This ability does not exist. If this was a sexually transmitted disease, it could be proven more easily. **H 6** is being used to force private citizens to wear a mask. There are rumors that this bill or others like it can be used to mandate vaccination. This may not be against any of the written language of the State or the U.S. Constitution, but it is in violation of the spirit of both constitutions. It also violates our God-given rights. If this bill is not sunsetted or if the language is broadened further, it will compel citizens to give up those God-given rights. Where are the protections for private citizens who suffer physical, mental, and emotional damages due to Government policies that small businesses are expected to implement under this law?

Monica McKinley wants **H 6** to expire. The government must not be allowed to compel behavior through fear. This legislation does away with businesses that do not want to obey the government. This is not about protecting businesses. A company that doesn't want to be mentioned by name has been turned in when they have actually been in compliance the entire time. The code enforcement officers are just there taking the word of the person who is taddling. This is not okay. Liability protection for small businesses is completely unnecessary. Is this how every new virus will be treated moving forward? People have every right to sue companies if they think they've contracted the virus. This would be frivolous because there is absolutely no way to prove it. Every person should have that right. The government is using businesses as enforcement agencies or to basically taddle on the businesses.

Lee Joe said this is all unconstitutional. It says "no special immunities shall be granted to any person or entity in Idaho". This is treating a certain group different than another group. These special immunities for a special group are unconstitutional.

Casey Baker says according to the Pledge of Allegiance, which ends with "liberty and justice for all", no one should be denied justice or from the due process of law. This bill should have never been. Should have called a session to distribute the money to address damages to the Idaho economy rather than helping special interests. If it is also believed that we're one nation under God, we would keep Psalms 91 and this fear-mongering would not have any effect on our nation. End this House Bill today. This is a detriment to harmful behavior. Most people don't want the money, they just want to go back to work.

Margie Baker says we are all people of God and Children of God and so just want to have our voices heard. She expressed concern about the immunity which is unconstitutional. She said she lost her business, three businesses, and almost got evicted from her home. This has damaged many and she would not want to allow the government to have any control of who comes to her home. She said we are all going to die, God determines that.

Del Chapel stated this law is not needed, but Doug at Southwest District Health (SWDH) claimed to have 28 proven cases of student-to-parent transmissions of COVID-19. Businesses will be liable for transmission and government corruption if **H 6** is allowed to sunset. This is a protection. This ensures mandates are not pushed on people once the vaccine is ordered. That's the direction the world is going. We are not there yet, but is close. This is a slippery slope. This bill protects both the people and the businesses.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:27 p.m.

Representative Young
Chair

Jensen Thomas
Secretary

AMENDED AGENDA #2
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Monday, February 01, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|-------------------------|--|--|
| Agency update | Legislative Services Office (LSO), Budget update | Jared Hoskins, LSO Principle Budget & Policy Analyst |
| Agency update | Idaho Dept. Of Correction (IDOC), Budget update | Josh Tewalt, IDOC Director |
| Agency update | Idaho State Police (ISP), Budget update | Colonel Kedrick Wills, ISP Director |
| RS28269 | Reasonable Child Independence Act | Rep. Nate |

* Adjourn meeting at 3:30 p.m.

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Chaney Rep Marshall
Vice Chairman Hartgen Rep Troy
Rep Kerby Rep Young
Rep Amador Rep Nate
Rep Ehardt Rep Cannon
Rep Scott Rep Erickson

COMMITTEE SECRETARY

Andrea Blades
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Monday, February 01, 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: Kyle Shockey, Helpful Solutions Inc.

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

Jared Hoskins, Principle Budget and Policy Analyst at the Legislative Services Office explained the dimensions of budgeting and budget and decision unit time lines. He demonstrated to the committee how to locate budget information on the legislative website and how to view items of interest for each agency.

Josh Tewalt, Director of the Idaho Department of Correction (IDOC) presented the Agency's budget. The total IDOC budget request for fiscal year 2022 is a little over \$309 million dollars. IDOC employs over 2,000 employees which accounts for nearly half the budget. The Agency is structured in seven different budget areas or programs which include: Management Services, State Prisons, County & out of state, Community Alternative Placement Program (CAPP), Community Corrections, Community based treatment, Medical Services, and funding is allocated within those programs. The budget increases requested are the smallest increases requested in a decade. The Director responded to Committee questions about medical expenses, out of state prisons, inmate family communication costs, any predictions of inmate admission backlogs connected to the Court COVID related back ups, County inmate backups, and the difference between storing inmates in state vs out of state. The Director also provided a COVID update, explaining everything from the electronic improvements made to allow for non-contact continued inmate programming to the over 22,000 COVID tests conducted on inmates in custody. He explained the concept of safely reducing inmate population through diversion, de-carceration and timely release and he covered the Building Idaho's Future proposed investments.

Colonel Kedrick Wills, Director of the Idaho State Police (ISP) presented the Agency's budget. The 2022 budget request is 85 million dollars and all funds are appropriated by the legislature. Additionally he explained the supplemental budgets requests and the corona virus spending.

RS 28269: **Rep. Nate** presented **RS 28269** pertaining to the Reasonable Child Independence Act. The bill allows parents to feel more comfortable about their kids having reasonable childhood independent activities that should not be considered neglect. It supports parents in allowing kids to have normal childhood activities and takes some of the investigation burden off Child Protective Services.

MOTION: Rep. Kerby made a motion to introduce **RS 28269. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee the meeting adjourned at 3:25 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary

AMENDED AGENDA #1
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Wednesday, February 03, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|-------------------------------|--|---|
| Magistrate Judge Presentation | Introduction | Senior District Judge Barry Wood, Deputy Adm. Director, Adm. Office of the Courts |
| Magistrate Judge Presentation | History of the Magistrate Division of the District Court | Magistrate Judge Megan Marshall, Latah County Second Judicial District |
| Magistrate Judge Presentation | The Work of Idaho's Magistrate Judges | Magistrate Judge Paul Laggis, Power County Sixth Judicial District |
| Magistrate Judge Presentation | Guardianship and Conservatorship | Magistrate Judge Christopher Bieter, Ada County Fourth Judicial District |
| Agency Update | State Appellate Public Defender (SAPD), Budget update | Eric Fredricksen, SAPD |
| RS28289 | Criminal Justice Data System | Rep. Troy |
| RS28349 | District Magistrates Commission | Rep. Troy |
| RS28368 | Family Law Temp Restricted License | Rep. Troy |

* Meeting to adjourn at 3:00 p.m.

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

| | |
|-----------------------|--------------|
| Chairman Chaney | Rep Marshall |
| Vice Chairman Hartgen | Rep Troy |
| Rep Kerby | Rep Young |
| Rep Amador | Rep Nate |
| Rep Ehardt | Rep Cannon |
| Rep Scott | Rep Erickson |

COMMITTEE SECRETARY

Andrea Blades
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Wednesday, February 03, 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:** Representative(s) Ehardt, Gannon

GUESTS: None.

Chairman Chaney called the meeting to order at 1:32 p.m.

Chairman Chaney presented Committee meeting minutes from January 15, 19, 25 for Committee approval.

MOTION: **Rep. Nash** made a motion to approve the minutes from January 15, January 19, January 25, 2021. **Motion carried by voice vote.**

Senior District Judge Barry Wood, Deputy Administrative Director, Administrative Office of the Courts, introduced the panel of Magistrate Judges who will be presenting to the Committee. He explained that judges can not respond to questions pertaining to pending cases, and they are prohibited from providing hypothetical rulings, or giving legal advise.

Magistrate Judge Megan Marshall with chambers in Latah County Second Judicial District spoke about the history of the Magistrate Judge Division within the Idaho Court System as this January marks fifty years since its creation. She expounded the historical development of the magistrate judge position all the way through to the current practices, including the minimum qualifications, the hiring process, performance expectations and the necessity to stand for public election every four years.

Magistrate Judge Paul Laggis with chambers in Power County Sixth Judicial District spoke about the work of a Magistrate Judge in Idaho. He described how the work of a magistrate judge is very special work overseeing a wide variety of complex cases and handling over 90% of the court cases that are filed in Idaho. Last year over 340,000 cases were filed in the Idaho Courts and the Magistrate Division heard more than 324,000 of those cases. A non exclusive list of types of cases a magistrate judge would hear include: divorce, child custody, adoption, child protection, name changes, guardianship/conservatorship, evictions, probates, civil protection orders, domestic violence protection orders, involuntary mental health commitments, small claims, weddings, family law cases, child custody and support, misdemeanors (DUI's, drug cases, involuntary manslaughter, battery/domestic violence, disturbing the peace), and mental health competency cases, search/blood draw warrants, preliminary hearings on felony cases, infractions, juvenile cases, civil cases. Additionally magistrate judges serve in specialized courts like drug and alcohol treatment court, veteran court, domestic violence court, and in smaller Counties they assist school boards with attendance issues. Following his presentation Judge Laggis responded to Committee questions about warrants and the Magistrate Judges Commissions.

Magistrate Judge Christopher Bieter with chambers in Ada County Fourth Judicial District spoke about the specialized cases of Guardianship and Conservatorship. He explained that generally a conservatorship is when someone is given the legal authority to manage the affairs of someone else who is unable to manage their personal affairs. For an adult this could be due to incapacitation or developmental disability, or in the case of guardianship a minor who cannot manage their own affairs. The numbers of cases filed in a given court district does not truly reflect a judges work load as the complexity involved in these types of cases are significant and the outcomes deeply effect people's lives. Twenty years ago, at the request of the State Legislature, a Standing Committee in the Idaho Supreme Court was formed to address legal issues connected to aging and to improve service to the citizens of Idaho in this area; this Committee has turned out to be very effective in helping Idaho honor the intent of the Guardianship/Conservatorship Statute.

Senior District Judge Barry Wood responded to questions regarding electronic warrant requests, the recruiting magistrate judges in rural communities, and the Magistrate Judges Commission.

Presenter **Eric Fredricksen** with the State Appellate Public Defender's Office (SAPD) explained that the SAPD Office was created for the purpose of reducing the County burden in the area of capital defense and direct appeal cases. He then gave an overview of the SAPD's responsibilities and reviewed the details of the budget. In response to a Committee question he explained that the purpose of the Capital Defense Fund is to help smaller counties afford the costs associated with any capital defense cases that may occur.

- RS 28289:** **Rep. Troy** presented **RS 28289** which amends Idaho Code to allow a designee from the State Board of Education or the State Department of Education to be selected to serve on the Data Oversight Council and provides for a vice chairman among the committee members, and corrects some technical errors. This Council is intended to improve statewide statistics by bringing data together from all areas of the system.
- MOTION:** **Rep. Amador** made a motion to introduce **RS 28289. Motion carried by voice vote.**
- RS 28349:** **Rep. Troy** presented **RS 28349** which amends Idaho Code concerning the District Magistrates Commissions to provide for vacancies and temporary members by better outlining the qualifications of committee members, and staggering term expirations among other things.
- MOTION:** **Rep. Kerby** made a motion to introduce **RS 28349. Motion carried by voice vote.**
- RS 28368:** **Rep. Troy** presented **RS 28368** which adds a new section of Idaho Code allowing temporary restricted driver's licenses to be court issued under certain circumstances.
- MOTION:** **Rep. Ruchti** made a motion to introduce **RS 28368. Motion carried by voice vote.**
- ADJOURN:** There being no further business to come before the Committee the meeting adjourned at 2:50 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary

AGENDA
**HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
YOUNG SUBCOMMITTEE**

Coronavirus Liability

2:00 P.M.

Room EW42

Wednesday, February 03, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| DOCKET NO. | DESCRIPTION | PRESENTER |
|------------|---|-----------|
| | Discussion regarding last week's objectives: a) Should the sunset date (July 1, 2021) be modified or should it be allowed to expire? b) If the date is to be modified, should it be eliminated altogether or extended? c) If it is decided to extend the sunset date, is the granted immunity appropriate or should it be modified? d) As a whole, would the resultant state of tort law represent an appropriate balance between the public's right to seek redress and the need to conduct their activities, businesses, and education in a reasonable manner without the burden of meritless litigation? | |

COMMITTEE MEMBERS

Chairman Young

Rep. Troy

Rep. Nate

Rep. Cannon

Rep. Skaug

Rep. Gannon

Rep. McCrostie

Rep. Ruchti

COMMITTEE SECRETARY

Jensen Thomas

Room: EG29

Phone: 332-1050

email: heg29@house.idaho.gov

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
YOUNG SUBCOMMITTEE
Coronavirus Liability

DATE: Wednesday, February 03, 2021
TIME: 3:00 P.M.
PLACE: Room EW42
MEMBERS: Chairman Young, Representatives Troy, Nate, Cannon, Skaug, Marshall, Ruchti
**ABSENT/
EXCUSED:** None
GUESTS: Alex LaDeu

Chairwoman Young called the meeting to order at 3:02 p.m.

Chairwoman Young explained the committee will be discussing the following agenda items: a) Should the sunset date be modified or allowed to expire? b) If the date is to be modified, should it be eliminated altogether or extended? c) If it is decided to extend the date, is the granted immunity appropriate or should it be modified? d) As a whole, would the resultant state of tort law represent an appropriate balance between the public's right to seek redress and the need to conduct their activities in a reasonable manner without the burden of meritless litigation?

ORIGINAL MOTION: **Rep. Troy** made a motion to recommend to the full committee the sunset date be extended to July 1, 2022.

Speaking to the motion, **Rep. Troy** explained there are different types of insurance providers. Idaho's economy is leading the nation, and there needs to be more time to make sure businesses continue to grow.

Rep. Marshall mentioned concern with extending the sunset. He said people were okay with **H 6** in part because of the sunset's current date. An extension might be seen as a deviation from the legislation's original intent.

SUBSTITUTE MOTION: **Rep. Nate** made a substitute motion to recommend to the full committee to allow the sunset date in **H 6** to remain unchanged.

Speaking to the substitute motion, **Rep. Nate** stated he is not at a level of comfort for businesses to be protected from liability for not enforcing a mask mandate. He said the statute offers limited liability, but not blanket liability.

Rep. Ruchti gave examples of how **H 6** improves business certainty. He said potential COVID-19 liability is unclear, protecting businesses was and remains the purpose of **H 6**. He explained this is a temporary solution to a temporary problem.

Chairwoman Young stated Idaho is not yet through the uncertainty that has come with COVID-19. At this point in time, there are a lot of schools and businesses that are still nervous about reopening and being able to conduct business without the risk of COVID-19 related lawsuits. She supports extending the sunset date to July 1, 2022, with the idea being this is under temporary, specific circumstances.

Rep. Nate elaborated on his substitute motion, stating the substitute motion is not meant to imply that Idaho is through with COVID-19, rather, the title and chapter aren't doing what was intended. **H 6** could lead to businesses being liable for "willful misconduct" if they are found not enforcing mask mandates. He said he is not opposed to future legislation being approved and voted on, but **H 6** should be allowed to sunset.

Rep. Cannon spoke in **opposition** to the substitute motion and that the sunset date for **H 6** should be extended to July 1, 2022.

Rep. Skaug supports the one-year extension being proposed.

**ROLL CALL
VOTE ON
SUBSTITUTE
MOTION:**

Roll call vote was requested. **The substitute motion failed by a vote of 3 AYE and 4 NAY. Voting in favor** of the substitute motion; **Reps. Skaug, Ruchti, Young, and Troy. Voting in opposition** to the substitute motion: **Reps. Cannon, Nate, and Marshall.**

**VOTE ON
ORIGINAL
MOTION:**

Original motion carried by voice vote.

The subcommittee discussed the addition of a section to code to indicate this chapter shall not be construed as creating liability for intentional tort, or for willful or reckless misconduct and new legislation would need to come forward to make any additions to the statute. Subcommittee members discussed if businesses would become enforcers of state law and possible clarifying language could be added. Subcommittee members explained how **H 6** does not create a new standard of care for businesses and schools but allows a jury to make decisions on recklessness and willful misconduct. Other subcommittee members stated this should protect businesses from frivolous lawsuits while avoiding becoming enforcers of state law.

MOTION:

Rep. Troy made a motion to recommend to the full committee, it proceed with the original language provided in the August 2020 Extraordinary Session, with the previously mentioned extension of the sunset date. **Motion carried by voice vote.**

ADJOURN:

There being no further business to come before the subcommittee, the meeting adjourned at 3:43 p.m.

Representative Young
Chair

Jensen Thomas
Secretary

AGENDA
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Tuesday, February 09, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|-----------------------------|---|---|
| District Judge Presentation | Introduction | Senior District Judge Barry Wood, Deputy Administrative Director, Administrative Office of the Courts |
| District Judge Presentation | Idaho's Behavioral Health Initiative | District Judge Gene Petty, Third Judicial District |
| District Judge Presentation | The History and Proceedings of Water Adjudications in Idaho | Administrative District Judge Eric Wildman, Fifth Judicial District |
| Budget Update | An Overview of the Judicial Branch Budget | Sara Omundson, Administrative Director of the Courts |
| Budget Update | Public Defense Commission (PDC) Budget Update | Kathleen Ellliott, Ex. Director, Public Defense Commission |
| H 95 | District magistrates commission | Rep. Troy |

* Meeting will adjourn at 3:30 p.m.

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

| | |
|-----------------------|--------------|
| Chairman Chaney | Rep Marshall |
| Vice Chairman Hartgen | Rep Troy |
| Rep Kerby | Rep Young |
| Rep Amador | Rep Nate |
| Rep Ehardt | Rep Cannon |
| Rep Scott | Rep Erickson |

COMMITTEE SECRETARY

Andrea Blades
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

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

AMENDED AGENDA #1
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Thursday, February 11, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|-------------------------|---|--|
| Agency update | Idaho Dept. of Juvenile Correction (IDJC) Budget update | Monty Prow, Director, IDJC |
| Agency update | Commission of Pardons and Parole Budget update | Ashley Dowell, Ex. Director, Comm. of Pardons and Parole |
| Subcommittee update | Coronavirus Liability Subcommittee update | Rep. Young |
| RS28481 | Coronavirus immunity sunset date | Rep. Young |
| RS28535 | Election felony, mandatory minimums | Rep. von Ehlinger |
| RS28453 | License suspension | Rep. Kerby |
| RS28509 | Charitable bail organization | Rep. Chaney |
| H 41 | Foundations and Trusts | Rep. Andrus |
| H 94 | Criminal Justice Data System | Rep. Troy |
| H 96 | Family Law temp restricted license | Rep. Troy |
| RS28484 | Commission of pardons and parole | Rep. Troy |
| RS28541 | Security deposits | Rep. Troy |

* Meeting to adjourn at 4:00 p.m.

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

| | |
|-----------------------|--------------|
| Chairman Chaney | Rep Marshall |
| Vice Chairman Hartgen | Rep Troy |
| Rep Kerby | Rep Young |
| Rep Amador | Rep Nate |
| Rep Ehardt | Rep Cannon |
| Rep Scott | Rep Erickson |

COMMITTEE SECRETARY

Andrea Blades
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Thursday, February 11, 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:** Representative(s) Ehardt

GUESTS: Ashley Dowell, COPP; Kate Haas, Kestrel West/Philanthropy Roundtable

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

MOTION: **Rep. Nash** made a motion to approve the February 1 and February 3, 2021, meeting minutes. **Motion carried by voice vote.**

Director Monty Prow, Idaho Department of Juvenile Correction (IDJC), presented the agency's 2022 budget request, including an overview of the juvenile justice system and the Children At Risk Evaluation Services (CARES) funding.

Ashley Dowell, Executive Director, Idaho Commission of Pardons and Parole (COPP), presented the Commission's 2022 budget request. She explained the specifics of the CARES funding and the use of virtual hearings.

Rep. Julianne Young, Chairman, Coronavirus Liability Immunity Sub-Committee, presented the subcommittee's recommendations to maintain the existing liability immunity language scope and extend the sunset date to July 1, 2022.

MOTION: **Rep. Skaug** made a motion to accept the report of the Coronavirus Liability Immunity Sub-Committee. **Motion carried by voice vote.**

RS 28481: **Rep. Julianne Young**, District 31, presented **RS 28481** to extend the Coronavirus Limited Immunity Act's sunset date to July 1, 2022.

MOTION: **Rep. Troy** made a motion to introduce **RS 28481**. **Motion carried by voice vote.**

RS 28535: **Rep. Aaron von Ehlinger**, District 6, presented **RS 28535**, proposed legislation to provide a mandatory minimum five-year sentence for election or voter fraud. In response to a Committee question, Rep. von Ehlinger said he had not been in contact with County Prosecutors.

MOTION: **Rep. Marshall** made a motion to return **RS 28535** to the sponsor. **Motion carried by voice vote.** **Reps. Nate, Amador, and Chaney** requested they be recorded as voting **NAY**.

RS 28453: **Rep. Ryan Kerby**, District 9, presented **RS 28453**. This proposed legislation corrects an unintended consequence of continued license suspension and interlock devices when Driving Under the Influence charges are dropped and the case is vacated or dismissed. Exception is made for individuals who refuse to cooperate with evidence collection.

MOTION: **Rep. McCrostie** made a motion to introduce **RS 28453**. **Motion carried by voice vote.**

Chairman Chaney turned the gavel over to **Vice Chairman Hartgen**.

- RS 28509:** **Rep. Greg Chaney**, District 10, presented **RS 28509** to require charitable bail organizations follow the same protocols as private bondsman and register with the Department of Insurance. It would also provide transparency for their funding sources.
- MOTION:** **Rep. Skaug** made a motion to introduce **RS 28509**. **Motion carried by voice vote.**
Vice Chairman Hartgen turned the gavel over to **Chairman Chaney**.
- H 41:** **Rep. Kevin Andrus**, District 28, presented **H 41**, proposed legislation to prohibit extraneous reporting requirements beyond Idaho Code for private foundations and charitable trusts.
- MOTION:** **Rep. Troy** made a motion to send **H 41** to the floor with a **DO PASS** recommendation.
The committee invited **Kate Haas**, Kestral West, Philanthropy Roundtable, to answer a question. She stated the rules are derived and in line with Idaho Code.
- VOTE ON MOTION:** **Chairman Chaney** called for a vote on the motion to send **H 41** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Andrus** will sponsor the bill on the floor.
- H 94:** **Rep. Caroline Nilsson Troy**, District 5, presented **H 94** to allow a Board of Education or Department of Education designee to serve on the Data Oversight Council (DOC). The legislation also provides for a vice chairman from among the DOC members and makes technical corrections.
Chairman Chaney turned the gavel over to **Vice Chairman Hartgen**.
Ashley Dowell, Executive Director, Idaho COPP, Chairman, Oversight Council for the Criminal Justice Integrated Data System, was invited to answer a committee question. She said the designee has not yet been determined because the council has only met one time.
- MOTION:** **Rep. Kerby** made a motion to send **H 94** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Troy** will sponsor the bill on the floor.
- H 96:** **Rep. Caroline Nilsson Troy**, District 5, and **Seth Johnson** Intern, Boise State University (BSU), presented **H 96** to add a new section of Idaho Code to allow Idahoans without drivers' licenses due to child support non-payment the opportunity to petition the court for a temporary restricted driver's license.
Vice Chairman Hartgen turned the gavel over to **Chairman Chaney**.
- MOTION:** **Rep. Nash** made a motion to send **H 96** to the floor with a **DO PASS** recommendation.
In response to committee questions, **Rep. Troy** said the courts have the discretion to determine hours and other restrictions for the temporary license.
- VOTE ON MOTION:** **Chairman Chaney** called for a vote on the motion to send **H 96** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Troy** will sponsor the bill on the floor.
- RS 28484:** **Rep. Caroline Nilsson Troy**, District 5, presented **RS 28484**, proposed legislation to create a new Idaho Code chapter for the COPP, which separated from the Board of Corrections over ten years ago.
- MOTION:** **Rep. Cannon** made a motion to introduce **RS 28484**. **Motion carried by voice vote.**

RS 28541: **Rep. Caroline Nilsson Troy**, District 5, presented **RS 28541**. This proposed legislation requires rental security deposits managed by a third party be held in a separate account at a federally insured financial institute.

MOTION: **Rep. Kerby** made a motion to introduce **RS 28541**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 3:08 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary

AMENDED AGENDA #2
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Monday, February 15, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|-------------------------|-------------------------------------|------------------|
| H 30 | Liquor Account, Post fund | Rep. Amador |
| S 1036 | Temporary guardians, hearings | Rep. Nash |
| S 1037 | Mentally ill, hosp, hearings | Rep. Cannon |
| RS28544 | Public Defense System | Rep. Chaney |
| RS28578 | Targeted picketing | Rep. Chaney |
| RS28582 | Ordinances, infractions | Rep. Ehardt |
| RS28476 | Public Assistance, fraud | Rep. Christensen |
| RS28512 | Temporary caregivers | Rep. Dixon |
| RS28580 | Fair Chance Employment | Rep. Necochea |
| RS28550 | Child support, self employed | Rep. Andrus |
| RS28551 | Child support orders | Rep. Andrus |
| RS28474 | Criminal history records disclosure | Rep. Rubel |

*online registration to close when meeting commences.

*Meeting to adjourn at 4:00 p.m.

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy of it to the committee secretary.

COMMITTEE MEMBERS

Chairman Chaney Rep Marshall
Vice Chairman Hartgen Rep Troy
Rep Kerby Rep Young
Rep Amador Rep Nate
Rep Ehardt Rep Cannon
Rep Scott Rep Erickson

COMMITTEE SECRETARY

Andrea Blades
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Monday, February 15, 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: Kelly Packer, Assoc. of Id. Cities; John Evans, Garden City/AIC; Aleshea Boals, not stated; Jeff Lavey, Idaho Sheriffs; Seth Grigg, ISA, Sheriff Kieran Donahue, ISA; Kelli Brassfield, Id. Association of Counties.

Chairman Chaney called the meeting to order at 1:47 p.m.

**UNANIMOUS
CONSENT
REQUEST:** **Chairman Chaney** made a unanimous consent request to introduce **RS 28544, RS 28578, RS 28582, RS 28476, RS 28512, RS 28580, RS 28550, RS 28551, and RS 28474**. There being no objection, the request was granted.

H 30: **Rep. Paul Amador**, District 4, presented **H 30** to transfer \$800k each fiscal year to the Peace Officers Standards and Training dedicated fund from the Liquor Account.

Brad Johnson, Administrator, Peace Officer Standards Training (POST) Academy, further presented **H 30**, explaining the necessity for this legislation. Responding to committee questions, Mr. Johnson said POST assists some Idaho cities and counties, with their own officer training programs, establish training criteria and measuring training quality.

John Evans, Mayor, Garden City, testified **in opposition** to **H 30**, stating the cities, already do make POST contributions through collected fines and fees, should not lose any portion of the Liquor Account. Some of the Liquor Account funds cover miscellaneous expenses when sending officers to POST. Answering a question, he said no city will be bankrupted by this legislation, although there will be a funds depletion. Use of fines and court fees would be a better payment approach.

Jeff Lavey, Idaho Sheriff's Association, testified **in support** of **H 30**. Idahoans deserve well-trained law enforcement. He described training problems which have occurred as a result of POST budget shortfalls. This dependable funding source was selected with the help and support of the Governor's Office.

Seth Griggs, Director, Idaho Association of Counties (IAC), testified **in support** of **H 30**. He described the minimal impact of this legislation on the overall county budgets.

Kieran Donahue, Canyon County Sheriff, testified **in support** of **H 30**.

MOTION: **Rep. Troy** made a motion to send **H 30** to the floor with a **DO PASS** recommendation.

Discussion followed pertaining to the importance of funding POST and concerns regarding using cities and counties as this funding source.

**ROLL CALL
VOTE:** Roll call vote was requested. **Motion failed by a vote of 8 AYE and 9 NAY. Voting in favor** of the motion: **Reps. Chaney, Hartgen, Kerby, Amador, Ehardt, Troy, Young, Cannon. Voting in opposition** to the motion: **Reps. Scott, Marshall, Nate, Erickson, Skaug, Gannon, McCrostie, Ruchti, Nash.**

- S 1036:** **Rep. Colin Nash** , District 16, presented **S 1036**, which improves the flexibility of the Court to hold temporary guardian appointment hearings for persons with developmental disabilities. Increasing the number of days from ten to fourteen allows for continuances, better case preparation, and expert witness testimony. Provision is made for a seven-day hearing request.
- MOTION:** **Rep. McCrostie** made a motion to send **S 1036** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Ehardt** requested she be recorded as voting **NAY.** **Rep. Nash** will sponsor the bill on the floor.
- S 1037:** **Rep. David Cannon**, District 31, presented **S 1037**. This legislation, recommended by the Idaho Supreme Court, improves the procedure for the commitment of mentally ill persons by changing the initial hearing time frame to seven days from five days. The change addresses deadlines falling on weekends or holidays and improves the efficiency of the process.
- MOTION:** **Rep. Scott** made a motion to send **S 1037** to the floor with a **DO PASS** recommendation.
- Kieran Donahue**, Canyon County Sheriff, on behalf of the Idaho Sheriff Association (ISA) testified **in opposition to S 1037**. Individuals with an involuntary commitment due to mental illness should not be held in the county jails any longer than necessary because exposure to this environment is traumatic.
- Kelli Brassfield**, Idaho Association of Counties (IAC), testified **in opposition to S 1037**. In criminal cases the time frames are important. Individuals with mental illnesses require shorter time frames than criminal cases. Additionally the effect upon families and the associated costs are significant.
- In response to Committee questions, **Rep. Cannon** explained the cases require additional time for defense preparation and professional input. He said, in closing remarks, these continuances are rare since everyone is working to move the cases along as quickly as possible. This change does not prevent a person from being released before seven days.
- VOTE ON MOTION:** **Chairman Chaney** called for a vote on the motion to send **S 1037** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Skaug** and **Erickson** requested they be recorded as voting **NAY**.
- ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 3:51 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary

AGENDA
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Wednesday, February 17, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|------------------------|---|--------------------------------------|
| Budget update | Idaho Attorney General, 2022 budget request | Lawrence Wasden, Attorney General |
| S 1027 | Idaho Wrongful Conviction Act | Rep. Ehardt |
| H 195 | Targeted Picketing | Rep. Chaney |
| H 150 | Commission of Pardons and Parole | Rep. Troy |

* Online registration will end at commencement of meeting.

* Meeting to adjourn at 4:00 p.m.

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Chaney Rep Marshall
Vice Chairman Hartgen Rep Troy
Rep Kerby Rep Young
Rep Amador Rep Nate
Rep Ehardt Rep Cannon
Rep Scott Rep Erickson

COMMITTEE SECRETARY

Andrea Blades
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Wednesday, February 17, 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 (Andrew), Gannon, McCrostie, Ruchti, Nash

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheet 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 sheet will be filed with the minutes in the Legislative Services Library.

Chairman Chaney called the meeting to order at 1:32 p.m.

MOTION: **Rep. Cannon** made a motion to approve the minutes of the February 9, 2021, meeting. **Motion carried by voice vote.**

Chairman Chaney announced the formation of a Landlord/Tenant Sub-Committee comprised of **Reps. Hartgen, Chairman, Kerby, Amador, Ehardt, Scott, Erickson, McCrostie, and Nash.** The subcommittee will review and report to the full committee their recommendation for **H 45** and **H 152.**

Lawrence Wasden, Attorney General (AG), presented the AG's 2022 budget request. He described their clients and how the allotted resources are used. The budget request and 2021 accomplishments were detailed.

Chris McCormick, AG's Office, Missing and Exploited Children Unit, presented an update on the unit's 2021 accomplishments.

S 1027: **Rep. Barbara Ehardt**, District 33, presented **S 1027.** Idaho is one of only 15 states where an exonerated person is left completely on his own after he is released from prison. This legislation creates an exoneree compensation law and is similar to one passed in 2020. Compensation would be \$62k per year of wrongful incarceration or \$75k per year served on death row. A process would be established for compensation claims. Anyone forced to wrongfully serve parole on the sex offender registry would receive an additional \$25k per year. Exonerees would be given a claim filing window of two-years from the time they were formally exonerated by a court.

Sen. Doug Ricks, District 34, continued the presentation of **S 1027** by describing a wrongful conviction and the remedies offered by this legislation.

MOTION: **Rep. Gannon** made a motion to send **S 1027** to the floor with a **DO PASS** recommendation.

Chris Tapp testified in support of **S 1027** and shared his story of being incarcerated for over 20 years before the conviction was overturned through the efforts of the victim's mother and the Innocence Project.

**ROLL CALL
VOTE:** Roll call vote was requested. **Motion carried by a vote of 17 AYE and 0 NAY.** **Voting in favor** of the motion: **Reps. Chaney, Hartgen, Kerby, Amador, Ehardt, Scott, Marshall, Troy, Young, Nate, Cannon, Erickson, Skaug, Gannon, McCrostie, Ruchti, Nash.** **Rep. Ehardt** will sponsor the bill on the floor.

Chairman Chaney thanked **Austin Swing** for his service as the Committee's page during the first half of the session

Chairman Chaney put the Committee at ease.

Chairman Chaney called the meeting to order.

Chairman Chaney turned the gavel over to **Vice Chairman Hartgen**.

H 195:

Rep. Greg Chaney, District 10, presented **H 195** to define appropriate protest conditions.

Vice Chairman Hartgen put the Committee at ease at 2:35 p.m.

Vice Chairman Hartgen called the meeting to order at 2:56 p.m.

Rep. Brooke Green, District 18, continued the presentation of **H 195**. She provided examples of inappropriate protesting, explaining the existence of similar legislation in other states.

Rep. Chaney further described examples of inappropriate protesting and stated this protection protects members of the public as well as public officials.

Diana Liciondo, an Ada County Health District employee, testified **in support of H 195**. She described a recent public protest at her home and its impact on her children.

Kieran Donahue, Sheriff, on behalf of the Idaho Sheriff's Association, testified **in support of H 195**. He said protection of law enforcement at their homes would include investigators of crimes against children, and others who do sensitive work. Protests are appropriate at the Statehouse, not at homes.

Steve Smiley, testified **in support of H 195**. He described the impact on families when protests of public officials occur at their homes.

Ryan Rhoades, representing the Idaho Fraternal Order of Police (FOP), testified **in support of H 195**, explaining why public protest requires some boundaries surrounding appropriate times and places.

MOTION:

Rep. Nate made a motion to adjourn the meeting.

Vice Chairman Hartgen turned the gavel over to **Chairman Chaney**.

**ROLL CALL
VOTE ON
MOTION:**

A roll call vote was requested. **Motion failed by a vote of 3 AYE, 13 NAY and 1 Absent/Excused. Voting in favor of the motion: Reps. Scott, Marshall, Nate. Voting in opposition to the motion: Reps. Chaney, Hartgen, Kerby, Amador, Troy, Young, Cannon, Erickson, Skaug, Gannon, McCrostie, Ruchti, Nash. Rep. Ehardt was absent/excused.**

**UNANIMOUS
CONSENT
REQUEST:**

Chairman Chaney made a unanimous consent request to put the Committee at ease until 10 minutes after the afternoon floor session. There being no objection, the request was granted.

Chairman Chaney called the meeting back to order at 4:42 p.m.

Chairman Chaney turned the gavel over to **Vice Chairman Hartgen**.

Ryan Luke testified **in opposition to H 195**. He stated accosting people rarely occurs. This legislation attempts to blanket rule, predicting trouble instead of responding to a problem.

Rosa Martinez, although no longer present to testify, requested she be allowed to testify via FaceTime on her friend's phone. **Vice Chairman Hartgen** denied the request.

MOTION: **Rep. Gannon** made a motion to allow phone testimony in this case due to extenuating circumstances.

Vice Chairman Hartgen turned the gavel over to **Chairman Chaney**.

Chairman Chaney put the committee at ease.

Chairman Chaney called the meeting to order.

Chairman Chaney explained only persons present will be allowed to testify, with no testimony via FaceTime. Individuals who registered to testify and are unable to do so due to the unscheduled committee recess will be allowed to testify at the committee's Friday, February 19, 2021, meeting.

Chairman Chaney turned the gavel over to **Vice Chairman Hartgen**.

Sara Walton Brady, Del Chapel, Eva Selleck, Monica McKinley, Jessica Marcu, Robert Jones, Melanie Jones, Dana Clemeaux, Jennifer Acheson, David Michael Pettinger, Maggie Baker, Alisha Surdam, Cassie Baker, Mario Perea, testified in opposition to **H 195**.

They shared their concerns regarding repressing the voices of the people, the legislation's unconstitutionality, their frustrations when officials make rules which diminish liberty, communistic actions on the part of officials, use of this legislation to fix an acute problem with long term laws, and government overreach.

Claire Seigliano testified in support of **H 195**. She indicated her anger when her friend's house was picketed. It is a terrible experience and unnecessary.

Due to time constraints and to allow for testimony by individuals who signed up to testify but were unable to be in attendance for the continued afternoon meeting, **H 195** will be carried over to the meeting of February 19, 2021, at 1:30 p.m.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 5:36 p.m.

Representative Hartgen
Chair

Andrea Blades
Secretary

AGENDA
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Friday, February 19, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|-----------------------|--------------------|------------------|
| H 195 | Targeted picketing | Rep. Chaney |

Note: No new sign-ups to testify, either in person or virtual, will be accepted.

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

| | |
|-----------------------|--------------|
| Chairman Chaney | Rep Marshall |
| Vice Chairman Hartgen | Rep Troy |
| Rep Kerby | Rep Young |
| Rep Amador | Rep Nate |
| Rep Ehardt | Rep Cannon |
| Rep Scott | Rep Erickson |

COMMITTEE SECRETARY

Andrea Blades
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Friday, February 19, 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:** Representative(s) Ehardt, Marshall

GUESTS: Greg Hampikian, Kieran Donahue, Casey Baker, Bryan Bowermaster, Steve Smylie, David Lund, Alisha Surdam, Aaron Schmidt.

Chairman Chaney called the meeting to order at 1:33 p.m.

Chairman Chaney turned the gavel over to **Rep. Young**.

MOTION: **Rep. Cannon** made a motion for the Coronavirus Liability Sub Committee to approve the January 27 and February 3, 2021, meeting minutes. **Motion passed by voice vote.**

Rep. Young turned the gavel over to **Chairman Chaney**.

H 195: Continuation of the meeting of February 17, 2021. **Chairman Chaney** stated those individuals who were previously registered to testify and have not already testified will now be permitted to testify.

Tonnie Bruner testified in **opposition** to **H 195**, stating it is unconstitutional.

Aaron Schmidt testified in **opposition** to **H 195**. He objected to the words harass, annoy, and irritate because they are not specific enough.

Adrian Marin testified in **opposition** to **H 195**, saying the protesters are not bad people and it is not fair to take away their right to protest. He asked about other options to be heard.

Steven Keyser testified in **opposition** to **H 195**. This bill is unnecessary since any incidences have been handled by independent investigation with proper charges assessed and issued.

Rick Schultz, Carmen Glancy, Dominic Brandon did not respond when their names were called to testify.

Rosa Martinez, testified in **opposition** to **H 195**. She shared her story of leaving a communist country and her concern regarding seeing the same issues here.

Chairman Chaney turned the gavel over to **Vice Chairman Hartgen**.

MOTION: **Rep. Kerby** made a motion to send **H 195** to the floor with a **DO PASS** recommendation.

In closing remarks, **Rep. Green** said the intent of the bill is to protect the homes of individuals. It will be extremely difficult to keep good people in elected leadership roles and the law enforcement professions if protesters are allowed at their personal homes. This is similar to legislation passed in other states to prevent picketing at funerals and other types of private ceremonies.

Rep. Chaney, in closing remarks cited a 30-year old Arizona statute which has stood through constitutional scrutiny. Not preventing protesting, **H 195** describes inappropriate picketing locations. It does not deny people from being present today.

Answering questions, **Rep. Chaney** explained that businesses are public and registered with the State of Idaho. This legislation sets limits on the appropriate ways to let grievances be made known. He also explained why the disturbing-the-peace statute is unenforceable for picketing.

Discussion followed regarding enforcement, potential misuses, Idaho's unique right to defend private property laws, and the difficulty of reconciling an agreement with those laws when not supporting **H 195**.

**ROLE CALL
VOTE ON
MOTION:**

Rep. Scott requested a roll call vote on **H 195**. **Motion carried by a vote of 11 AYE, 4 NAY. Voting in favor** of the motion: **Reps. Chaney, Hartgen, Kerby, Amador, Troy, Cannon, Erickson, Gannon, McCrostie, Ruchti, Nash. Voting in opposition** to the motion: **Reps. Scott, Young, Nate, Skaug. Reps. Chaney and Green** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the Committee, the meeting was adjourned at 3:06 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary

AMENDED AGENDA #2
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Tuesday, February 23, 2021

Limited public seating will be available in the committee room. For members of the public to remotely observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|---------------------------|--|-----------------|
| H 149 | Coronavirus immunity, sunset date **NOTE: All public testimony on this bill has been previously taken in the Coronavirus Liability Subcommittee | Rep. Young |
| RS28618 | Community reentry centers, permit | Rep. Okuniewicz |
| RS28380C1 | Ignition interlock devices | Rep. Cannon |
| RS28626 | Child witnesses, alternatives | Rep. Dixon |
| RS28661 | Disasters, parental rights | Rep. Dixon |
| H 193 | Child Support, self employed | Rep. Andrus |
| H 150 | Commission of Pardons and Parole | Rep. Troy |
| H 148 | License Suspension | Rep. Kerby |
| H 191 | Temporary care givers | Rep. Dixon |

*Online registration will end at commencement of the meeting.

*Meeting to adjourn by 3:00 p.m.

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

COMMITTEE MEMBERS

Chairman Chaney Rep Marshall
Vice Chairman Hartgen Rep Troy
Rep Kerby Rep Young
Rep Amador Rep Nate
Rep Ehardt Rep Cannon
Rep Scott Rep Erickson

COMMITTEE SECRETARY

Andrea Blades
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Tuesday, February 23, 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:** Representative(s) Ehardt

GUESTS: Ashley Dowell, COPP; Monica McKinley, F; Margie Baker, EFI; Bruce Wong, ACHD; Andrew Masser, IACDL; Elisa Massoth; Holly Koole-Rebholtz

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

**UNANIMOUS
CONSENT
REQUEST:** **Chairman Chaney** made a unanimous consent request to introduce **RS 28618, RS 28380C1, RS 28626, and RS 28661. Rep. Scott** objected.

H 149: **Rep. Julianne Young**, District 31, presented **H 149**, from the Coronavirus Liability Subcommittee. The term "coronavirus" is used within the statute to allow for virus mutations. This legislation extends the statute sunset date to July 1, 2022.

MOTION: **Rep. Hartgen** made a motion to send **H 149** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Young and Rep. Skaug** will sponsor the bill on the floor.

RS 28618: **Rep. Doug Okuniewicz**, District 2, presented **RS 28618**, proposed legislation to require the Department of Correction (DOC) obtain a permit prior to the placement of new re-entry centers. This ensures residents have a chance to provide input before a re-entry center is established in their neighborhood.

MOTION: **Rep. Skaug** made a motion to introduce **RS 28618. Motion carried by voice vote.**

RS 28380C1: **Rep. David Cannon**, District 31, presented **RS 28380C1**. This proposed legislation allows the waiving of the installation of an interlock device under certain circumstances. It also makes a clear distinction between the Idaho Transportation Department and the Courts.

MOTION: **Rep. Nash** made a motion to introduce **RS 28380C1 Motion carried by voice vote.**

RS 28626: **Rep. Sage Dixon**, District 1, presented **RS 28626** to allow remote court testimony by a child witness.

MOTION: **Rep. McCrostie** made a motion to introduce **RS 28626.**

Answering questions, **Rep. Dixon** said remote testimony is already used when judges deem it appropriate.

**VOTE ON
MOTION:** **Chairman Chaney** called for a vote on the motion to introduce the **RS 28626. Motion carried by voice vote.**

RS 28661: **Rep. Sage Dixon**, District 1, presented **RS 28661**, proposed legislation to further define parental rights. Emergency declarations would not be a compelling reason to interfere with parental rights.

- MOTION:** **Rep. Kerby** made a motion to introduce **RS 28661** with a correction on page 1, lines 12 to 13, to add "the courts" following "political subdivision." **Motion carried by voice vote.**
- H 193:** **Rep. Kevin Andrus**, District 28, presented **H 193**. This legislation for child support allows liens to be placed on personal property when there is a delinquency. It also provides determination audits for child support and custody.
- MOTION:** **Rep. Cannon** made a motion to send **H 193** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Andrus** will sponsor the bill on the floor.
- Chairman Chaney** turned the gavel over to **Vice Chairman Hartgen**.
- H 150:** **Rep. Caroline Troy**, District 5, presented **H 150** to make technical corrections in Title 20. A new chapter separates the Commission of Pardons and Parole from the DOC.
- MOTION:** **Rep. McCrostie** made a motion to send **H 150** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Troy** will sponsor the bill on the floor.
- H 148:** **Rep. Ryan Kerby**, District 9, presented **H 148**. This legislation waives a driver's license suspension and removes any interlock device when their case is dismissed, vacated, and the person is cleared of the driving under the influence (DUI) charge.
- Carlie Foster**, Lobby Idaho, on behalf of the Ada County Highway District, further presented **H 148**. This rectifies current situations when persons found not guilty continue to be punished. The Idaho Transportation Department has just reported a change to the fiscal note. They estimate a loss of \$425k to the state highway account from the loss of fees. The fiscal note will be changed to reflect the new amount.
- Holly Koole-Rebholtz** and **Monica McKinley** testified in opposition to **H 148** saying there are many reasons a case can be dismissed or vacated, even if a person has a high blood alcohol content in their test.
- Elisa Massoth**, Attorney, testified in support of **H 148** saying it narrowly corrects the over reach of license suspension before the finding of fact hearing. In many cases defendants will have had their license suspended for several months before reaching the point of vacating or dismissing the case.
- Vice Chairman Hartgen** turned the gavel over to **Chairman Chaney**.
- Bruce Wong**, Director, Ada County Highway District (ACHD), testified in support of **H 148**. When not guilty, a person should not be held accountable and punished. He shared situations when jobs were lost due to license suspension.
- Margie Baker** testified in support of **H 148**, although she stated concern regarding verbiage on page 8, lines 14 to 27.
- Andrew Masser**, Attorney, on behalf of the Idaho Criminal Defense Lawyers, testified in support of **H 148**. He described court case time lines. Idaho's system has always supported the concept of not doing the time if you didn't do the crime. Prosecutors are not dismissing DUI's at random.
- MOTION:** **Rep. Gannon** made a motion to send **H 148** to the floor with a **DO PASS** recommendation.

VOTE ON MOTION:

A roll call vote was requested. **Motion carried by a vote of 15 Ayes, 1 Nay. Voting in favor** of the motion: **Reps. Chaney, Hartgen, Kerby, Amador, Scott, Marshall, Troy, Young, Nate, Cannon, Erickson, Skaug, Gannon, Ruchti, Nash. Voting in opposition** to the motion: **Rep. McCrostie. Rep. Kerby** will sponsor the bill on the floor.

UNANIMOUS CONSENT REQUEST:

Chairman Chaney made a unanimous consent request to carry over **H 191** to the meeting of February 25, 2021. There being no objection, the request was granted.

ADJOURN:

There being no further business to come before the Committee, the meeting adjourned at 2:50 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
HARTGEN SUBCOMMITTEE
Landlord/Tenant Subcommittee

DATE: Tuesday, February 23, 2021
TIME: 2:30 P.M.
PLACE: Room EW42
MEMBERS: Chairman Hartgen, Representatives Kerby, Amador, Ehardt, Scott, Erickson, McCrostie, Nash
**ABSENT/
EXCUSED:** None
GUESTS: None

Chairman Hartgen called the meeting to order at 2:39 p.m.

H 152: **Rep. Troy** presented **H 152** to the committee, expressing that the goal of this bill is to protect money given to property managers from being lost or misused by the manager, with a federally ensured bank account being used to monitor funds put into the account. In answer to committee questions regarding any interest earned on funds that the landlord holds in a deposit on behalf of the tenant, she said they can keep that interest on their account. This is simply meant to ensure that funds are not going out from their account without their permission.

Rep. Gannon further explained the legislation, saying once the renter leaves and a decision is made as to whether or not any damage is done, the security deposit either goes to the owner or the renter; never the manager. **H 152** is meant to prevent property managers from utilizing security deposits when they run low on cash or to use them as personal cash.

Lisa Sanchez spoke in support of **H 152**. The bill doesn't put any new legislative pressures on property managers. All it does is provide an additional account for money to protect tenants and owners from managers taking funds for personal use. Ms. Sanchez said there was an issue with additional fees being tagged onto up-front application fees and rent. The ordinance was put in effect to stop this from happening to renters.

Dan Schoenberg spoke in support of **H 152** and **H 45**. If deposits were regulated, this would prevent a manager from adding an extra deposit on behalf of the owner in case a tenant is marginal in their credit score.

Eric Uhlenhoff spoke in support of **H 152** and **H 45**. The simplistic nature and purpose of **H 152** is simply to set aside funds into a separate account to protect renters and owners. In answering committee questions, Mr. Uhlenhoff said this money falls on their proof of claim, as we instruct them to do, and then they wait for the trustees to bring what money, if any, is due to them.

Rep. Gannon In answer to committee questions regarding an enforcement mechanism that would prevent property managers from dipping into accounts and funding personal expenses, Rep. Gannon said having this extra account in place and required by law will help police departments to more quickly track and address misuse of funds. It's one extra step that gets in the way of funds being used improperly.

MOTION: **Rep. Amador** made a motion to recommend **H 152** to the full committee with a do pass recommendation. **Motion carried by voice vote.**

H 45:

Rep. Ferch presented, saying the aim of this legislation is to try and create a win-win situation for managers and renters by addressing stringent regulations over rental and application fees.

Doug Taylor stated this is not about rent control, which is already established in the state. **H 45** focused on adding fees and deposits to the language. Answering committee questions regarding which municipalities in Idaho have a specified ordinance with regards to fees and deposits, Mr. Taylor said currently Boise has one, and with the growth in Idaho there could potentially be a patchwork effect across the rest of the state.

Mary Kemp spoke in opposition. She gave a personal story about rental practices that affected her family, saying that this bill would result in "predatory rental practices".

Paul Smith spoke in support of **H 45**. He proposed that fees, deposits, and rent are used to regulate people, and that this regulation belongs at the state level.

Kendra Knighten spoke in opposition of **H 45**, saying this bill allows for exploitative fees to be carried out, and puts the needs of property managers over that of the renter.

Brandon Morgan spoke in support of **H 45**. This piece of legislation encourages affordable housing, and allows for us as property managers to have more predictability and make communities better.

Ben Widmyer spoke in support of **H 45**. Having this discussion at the state level will make things better for all of Idaho, instead of each municipality working this out on their own terms.

Daniel Balluff spoke in opposition of **H 45**, saying it is hard already for college students and young people to afford rental costs, and this legislation would allow for additional fees to be added on to what they currently owe property managers.

MOTION:

Rep. Amador lay **H 45** on the table.

**ROLL CALL
VOTE ON
MOTION:**

Roll call vote was requested. **The motion carried by a vote of 4 AYE and 2 NAY.**
Voting in favor of the motion: **Reps. McCrostie, Nash, Hartgen, and Amador.**
Voting in opposition to the motion: **Reps. Erickson and Scott.**

ADJOURN:

There being no further business to come before the subcommittee, the meeting adjourned at 4:07 p.m.

Representative Hartgen
Chair

Jensen Thomas
Secretary

AMENDED AGENDA #1
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Thursday, February 25, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|-----------------------|---|------------------|
| H 152 | Subcommittee report, Security deposits *NOTE: All public testimony on this bill has been previously taken in the Landlord/Tenant Subcommittee. | Rep. Hartgen |
| H 151 | Charitable bail organizations | Rep. Chaney |
| H 246 | Domestic relations | Rep. Dixon |
| H 191 | Temporary care givers | Rep. Dixon |
| H 241 | Ignition interlock devices | Rep. Cannon |
| H 59 | Birth certificates, adoptees | Rep. Young |

* Meeting to adjourn at 4:30 p.m.

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

| | |
|-----------------------|--------------|
| Chairman Chaney | Rep Marshall |
| Vice Chairman Hartgen | Rep Troy |
| Rep Kerby | Rep Young |
| Rep Amador | Rep Nate |
| Rep Ehardt | Rep Cannon |
| Rep Scott | Rep Erickson |

COMMITTEE SECRETARY

Andrea Blades
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Thursday, February 25, 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:** Representative(s) Amador, Ehardt

GUESTS: Kirk Adam and Elisa Massoth, self; Roy Eiguren, Triton; Julia Piaskowski, Idaho Prison Project; Marc Ebel, Aladdin Bail Bonds; Lauren Bramwell, ACLU of Idaho; Tom Arkoosh, IACDL and self; Tim Monti-Wohlpert, American Adoption Congress

Chairman Chaney called the meeting to order at 1:32 p.m.

H 152: **Rep. Linda Hartgen**, District 24, Chairman, Landlord/Tenant Subcommittee, presented the subcommittee's recommendation for **H 152**, for a separate security deposit account at a federally-insured financial institution for rentals managed by a third-party. The subcommittee recommends **H 152** be sent to the floor with a **DO PASS** recommendation.

MOTION: **Rep. Hartgen** made a motion to send **H 152** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Scott** requested she be recorded as voting **Nay.** **Rep. Troy** will sponsor the bill on the floor.

Chairman Chaney turned the gavel over to **Vice Chairman Hartgen.**

H 151: **Rep. Greg Chaney**, District 10, presented **H 151**. This legislation requires charitable bail organizations registration in alignment with the Idaho Bail Act. They must also disclose their bonding payment source. Both changes ensure public safety and transparency.

Roy Eiguren, representing Triton Management Services aka Aladdin Bail Bonds, and the Idaho Bail Coalition, testified **in support** of **H 151**. Charitable bail should be subject to the same regulations as other bail agents and underwriting insurance companies.

Marc Ebel, Attorney, Director, Legislative Services, Aladdin Bail Bonds, testified **in support** of **H 151**. He described the standard details of bail releases for both regular surety bail and bail via charitable organizations.

Lauren Bramwell, ACLU, testified **in opposition** to **H 151**, indicating contradictions with existing criminal codes.

Julia Piaskowski, Idaho Prison Project, testified **in opposition** to **H 151**. This legislation targets poor people who cannot afford bail. It could negatively impact both individuals and churches.

The committee invited **Tom Arkoosh**, Idaho Association of Criminal Defense Lawyers (IACDL), to testify. Not commenting on **H 151**, he did not know of any charitable bail organization problems. The IACDL members have not been polled regarding the issue.

In closing, **Rep. Chaney** described an incident when an individual released on a charitable bail immediately perpetrated the same crime.

MOTION: Rep. Marshall made a motion to **HOLD H 151** in committee. **Motion carried by voice vote.** Rep. Chaney asked he be recorded as voting **Nay**.

Vice Chairman Hartgen turned the gavel over to **Chairman Chaney**.

UNANIMOUS CONSENT REQUEST: **Chairman Chaney** made a unanimous consent request to consider **H 241** next on the agenda. There being no objection, the request was granted.

H 241: Rep. David Cannon, District 31, presented **H 241**. This legislation allows the courts, in certain cases, to waive the legal mandate for installation of vehicle ignition interlock systems.

MOTION: Rep. Kerby made a motion to send **H 241** to the floor with a **DO PASS** recommendation.

Sen. Grant Burgoyne, District 16, spoke **in support** of **H 241**, stating the changes postpone installation while an individual is seeking a waiver.

Elisa Massoth, Attorney, testified **in support** of **H 241**. She described the process for clients charged with driving under the influence (DUI).

Tom Arkoosh, on behalf of the Idaho Association of Criminal Defense Lawyers (IACDL), testified **in support** of **H 241**, stating he was a part of the negotiated language development.

Invited to answer a question, Bryan Doxie, Policy Manager, Idaho Department of Transportation, explained **H 241** addresses interlock devices, not license suspension fees.

VOTE ON MOTION: Chairman Chaney called for a vote on the motion to send **H 241** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** Rep. Cannon will sponsor the bill on the floor.

H 246: Rep. Sage Dixon, District 1, presented **H 246**, to further define parental rights by stipulating compelling government interest does not include emergency orders or permit parental rights abridgement. Answering a question, he said the Attorney General's office review condoned the term "emergency orders."

MOTION: Rep. Erickson made a motion to send **H 246** to the floor with a **DO PASS** recommendation.

Tom Arkoosh, on behalf of the Idaho Association of Criminal Defense Lawyers (IACDL), testified **in opposition** to **H 246**. He shared concerns with the legislation not including exceptions such as the divorce court, the minor court, and the Child Protection Act.

VOTE ON MOTION: Chairman Chaney called for a vote on the motion to send **H 246** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** Rep. Dixon will sponsor the bill on the floor.

Due to time constraints, **H 191** and **H 59** will be carried over to the meeting of March 1, 2021.

MOTION: Rep. Scott made a motion to adjourn. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 2:49 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary

AGENDA
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Monday, March 01, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|-----------------------|------------------------------------|------------------|
| H 191 | Temporary caregivers | Rep. Dixon |
| H 59 | Birth certificates, adoptees | Rep. Young |
| H 240 | Community Re-entry centers, permit | Rep. Okuniewicz |

* Adjourn by 4:00 p.m.

* Online registration will end a commencement of the meeting.

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

| | |
|-----------------------|--------------|
| Chairman Chaney | Rep Marshall |
| Vice Chairman Hartgen | Rep Troy |
| Rep Kerby | Rep Young |
| Rep Amador | Rep Nate |
| Rep Ehardt | Rep Cannon |
| Rep Scott | Rep Erickson |

COMMITTEE SECRETARY

Andrea Blades
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

- DATE:** Monday, March 01, 2021
- TIME:** 1:30 P.M.
- PLACE:** Room EW42
- MEMBERS:** Chairman Chaney, Vice Chairman Hartgen, Representatives Kerby, Scott, Marshall, Troy, Young, Nate, Cannon, Erickson, Skaug, Gannon, McCrostie, Nash
- ABSENT/
EXCUSED:** Representatives Amador, Ruchti, Ehardt
- GUESTS:** Jayme Sullivan, City of Boise; Jason Boal, APA Idaho; Kirk Adams.
- Chairman Chaney** called the meeting to order at 1:35 p.m.
- MOTION:** **Chairman Chaney** made a motion to strike **H 197** from the agenda. **Motion carried by voice vote.**
- H 191:** **Rep. Dixon** presented **H 191** which permits a parent or guardian to use a temporary care assistance program operated by a qualified nonprofit organization to identify an appropriate and safe approved temporary caregiver to whom the parent or guardian can choose to delegate temporary care responsibility of a minor through a power of attorney.
- Christine Denova** of North Idaho's Safe Families for Children, testified **in support** of **H 191**. She gave an overview of the program, created to support families in crisis by caring for their children when they have no trusted family or friends nearby. She told stories of volunteers and the children who were impacted by the program. The vetting process was reviewed as well as the host families' training and agreements according to standards.
- In response to Committee questions, **Ms. Denova** stated she supports **H 191** because her program is operating under an exception from the Department of Health and Welfare; their program is currently dependent on the DHW's consent. She said the program has served three families in North Idaho. Ms. Denova stated that the program administrators do not go to court but do work closely with CASA and Health and Welfare agents.
- Jessica Ruehrwein** of the South West Agency of Safe Families for Children, testified **in support** of **H 191**. She restated the program's purpose and mentioned that it is endorsed by The Idaho Children's Trust Fund. Ms. Ruehrwein stated they have trained 29 volunteers and is getting calls every month from families in need. She presented research on the program which demonstrated effectiveness. The ultimate goal of the program is to keep families intact.
- In response to Committee questions, **Ms. Ruehrwein** addressed concerns on the definition of "temporary caregiver" as stated in **H 191**. She said the intent of the language was for parents to be able to give power of attorney to someone without it threatening their rights. Ms. Ruehrwein stated the program uses a power of attorney form as a formality but she didn't think this legislation would get in the way of how families currently operate in less formal capacity of assigning power of attorney to family and friends.
- Chairman Chaney** passed the gavel over to **Vice Chairman Hartgen** at 1:49 p.m.

In closing, **Rep. Dixon** said the intent of **H 191** is to protect parents' rights. Rep. Dixon has been working closely with The Department of Health and Welfare and has support from Idaho Voices for Children, and other agencies which are most concerned with child welfare.

MOTION: **Rep. Young** made a motion to send **H 191** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Dixon** will sponsor the bill on the floor.

H 59: **Rep. Young** presented **H 59** which would allow persons adopted on or after July 1, 2021 to access birth records, once they are 18 years of age. It will also allow the Department of Vital Statistics to create an indicator on the face of the certificate accurately identifying the relationship of the legal parents named on the certificate to the child. Rep. Young stated there had been some concern on the start date as it infers that those adopted prior to this date have less rights. She stated that this approach was taken because agreements for current adoptions have already been made and she does not want to disrupt that. Rep. Young said Vital Statistics would provide a birth certificate and report of adoption. In addition, adoptees would know which court to go to in order to access other information. She recognizes there is more work that can be done on this issue, and that there are places other than Vital Statistics where useful information is stored.

Rep. McCrostie, cosponsor of **H 59**, stated that as an adoptee he would not be declaring a Rule 80 because he was not born in Idaho and would not be seeking an Idaho birth certificate. He told his story of discovering he was adopted, his inquisition into his birth family and what it meant to connect with his birth siblings. On a practical level this legislation allows adoptees to find important medical history. He discussed the potential problematic nature of DNA information as a sole avenue for reconnecting.

Tim Monti-Wohlport, National Legislative Chair for American Adoption Congress, testified **in opposition** to **H 59**. His concern was the prospective nature of the bill and the provision in the bill that would put a marking on the certificate. He stated there were 59,000 sealed birth certificates in Idaho that would not benefit from this legislation. He cited Idaho provisions and codes to justify why these records should not be sealed to begin with and advocated for a retroactive and prospective proposal as a basic civil and human rights matter.

Kirk Adams testified **in opposition** to **H 59** because he believes in the adoptee's mother's right to privacy. Mr. Adams said there are open door policies in Oregon which he has seen as traumatic. He expressed concern that this legislation would lead to more abortions because it would make a mother more afraid to give her child up.

In response to Committee questions, **Rep. Young** addressed the timeline concerns and the potential for an emergency clause. She stated that she got push back from the professional adoption community with a retrospective timeline and the language of this legislation has been carefully crafted with help from the Department of Health and Welfare. If there is a chance in the future to expand the timeline, Rep. Young said she would bring it forth. In closing, Rep. Young clarified language for "Idaho born" and "foreign born" and the qualifying term "if available." She stated this legislation does not preclude adoption agencies; it is a baby step that can set a precedent. She addressed the concern that this would discourage adoption by stating that it would actually encourage adoption by making it a more open and transparent process.

MOTION: **Rep. Nate** made a motion to send **H 59** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Young** with sponsor the bill on the floor.

H 240: **Rep. Okuniewicz** presented **H 240**, an act that requires the Idaho Department of Correction to obtain a special use permit from a city or county prior to the placement and operation of any new reentry center. This will ensure a special use permitting process is followed, including public hearings, and subject re-entry centers to zoning requirements. He stated this legislation codifies something most communities would want to do. He said it was important to have an agreement in writing between the Department of Correction and a municipality. Rep. Okuniewicz supplied an amended draft version of the bill to the Committee.

In response to Committee questions, **Rep. Okuniewicz** confirmed that this is not a practice already included in all city ordinances. He stated there might be some codes which refer to re-entry centers but they are not special use codes. Line 18 was clarified as Department of Correction. When asked if any federal or state laws might impact a County Commission if they deny use of space for the Department of Correction, Rep. Okuniewicz said he does not think so. It was recognized that changes need to be made to the bill.

MOTION: **Rep. Scott** made a motion to send **H 240** to General Orders. **Motion carried by voice vote. Rep. Okuniewicz** will sponsor the bill of the floor.

ADJOURN: There being no further business to come before the committee the meeting was adjourned at 2:44 p.m.

Representative Chaney
Chair

Beth Norton
Secretary

AGENDA
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Wednesday, March 03, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|-------------------------|-----------------------------------|------------------|
| RS28734 | Disclosure of Certain Information | Rep. Green |
| H 196 | Fair Chance Employment Act | Rep. Necochea |

* Adjourn by 2:30 p.m.

* Online registration will end at commencement of the meeting.

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Chaney Rep Marshall
Vice Chairman Hartgen Rep Troy
Rep Kerby Rep Young
Rep Amador Rep Nate
Rep Ehardt Rep Cannon
Rep Scott Rep Erickson

Rep Skaug
Rep Gannon
Rep McCrostie
Rep Ruchti
Rep Nash

COMMITTEE SECRETARY

Beth Norton
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Wednesday, March 03, 2021

TIME: 1:30 P.M.

PLACE: Room EW42

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

**ABSENT/
EXCUSED:** Chairman Chaney

GUESTS: Fred Birnbaum, Idaho Freedom Foundation; Allan Reynolds, ACLU; Jason Zimmerman; Kate Haas, Idaho Boys and Girls Club Alliance; Paul Riggins, IACDL, Andrew Masser, IACDL.

Madame Chair Hartgen called the meeting to order at 1:35 p.m.

MOTION: **Rep. Nash** made a motion to approve minutes from January 23, 2021. **Motion carried by voice vote.**

H 196: **Rep. Necochea** presented **H 196**, known as Fair Chance Employment. It is aimed at reducing barriers to employment for formerly incarcerated people. Fair Chance Employment will benefit the state by working to reduce Idaho's recidivism rates, improve public safety, and increase workforce participation by motivated individuals. It would remove the initial barrier to work in the application process for those with a criminal history. Rep. Necochea listed large local businesses which have already eliminated questions regarding criminal history and said that if **H 196** passed, Idaho would join 36 other states in similar legislation. She noted organizations listed as exempt; 501(c)3s were made exempt at the request of Boys and Girls Club. Rep. Necochea shared a story about a young man who was not given an opportunity for employment due to his record and re-offended.

Moné Miller of Idaho Coalition of Domestic Violence Prevention, testified **in support of H 196**. She cited statistics on the economic impacts of those who have experienced domestic violence; family income declines when a father is imprisoned. She also cited statistics of those with criminal records seeking employment and connected the lack of employment with the perpetuation of domestic violence.

Ruby Mendez-Mota of the ACLU, testified **in support of H 196**. She cited statistics of employment records and applicant call-backs for those with records. She reiterated the potential financial benefits of the bill. In response to committee questions, Ms. Mendez-Mota repeated that there is no penalty for business owners who don't follow the legislation. The 21% of our population statistic she gave was clarified as those with criminal records living in Idaho.

Fred Birnbaum of Idaho Freedom Foundation, testified **in opposition to H 196**. He told a story of being a factory manager who hired many people and said he would not have been able to screen them under this bill. Mentioning exemptions on page two he said that provisions for different entities are wrong. In response to Committee questions, Mr. Birnbaum said the exemptions are problematic and implied they were used to get those agencies to support the bill. He said that the better way is for businesses to do this would be voluntarily. He suggested holding state agencies to these requirements first.

Allan Reynolds testified in support of H 196. He said he has been denied employment because of his record and told stories of his struggle with his work history. He asked Representatives to imagine a loved one having these issues and stated Idaho has problems not backing off being hard headed.

David Lund of BarNone, testified in support of H 196. He spoke to the prevention of recidivism for the health of Idaho. He restated that 21% of Idahoans have criminal history. He said every entity had a say in the creation of this bill and the Judicial and Rules Committee submitted feedback on it last year.

Evan Stewart, of Jesse Tree, testified in support of H 196. He gave an overview of his organization and their data for FY 2020. Thirty percent of applicants were previously incarcerated; he sees this as a significant connection between housing insecurity and incarceration. He said the biggest barriers for program participants are access to resources, employment and housing.

Jason Zimmerman testified in support of H 196. He told his story of being incarcerated and though he secured a job upon his release, he believes he was discriminated against in salary and opportunities for advancement. He also cited difficulties in getting an interview to numerous jobs he applied to with the Ada County Highway District. He said he could get low paying jobs but couldn't get a quality job that had benefits or would enable him to support his children.

Kate Hass, of Idaho Boys and Girls Club Alliance, testified on behalf of Boys and Girls Clubs, in support of H 196. She said she's worked with other organizations to reduce barriers to work and cited research on recidivism reductions tied to employment. In response to Committee questions, Ms. Haas clarified the changes made this year included 501(c)(3)s, specifically youth serving organizations.

Jennifer James testified in support of H 196. She cited statistics and reiterated aspects of the bill which would be beneficial to the community.

Victoria Koch of Boise State University, testified in support of H 196. As the daughter of a convicted felon, serving a perfect parole, he has not been given a fair chance. She said a felon's debt should be considered served by their time in prison but they continue to pay the price after they are released. She implored the Committee to restore the rights of individuals to fair employment once released from prison.

Andrew Masser, of Idaho Association of Criminal Defense Lawyers, testified in support of H 196. A sense of purpose and a way to meet the costs of criminal proceedings is only possible through employment. He supports this legislation because it allows people to contribute to the local labor market.

Mattie Stewart of Boise State University, testified in support of H 196. They believe it will help break cycles and reduce recidivism. Ms. Stewart has a family member who has a criminal history and is not getting interviews though they are qualified and wonders if it is because she has to declare her criminal history.

Suzanne Budge of Nation Federation of Independent Businesses, testified in opposition of H 196. She said small businesses are 50% of Idaho employers and business owners are often the ones to hire; they are worried about the safety of employees and legal battles that could ensue with the passing of this legislation. The organization polled their members last year and found 91% of them were concerned about legislation like this.

In response to Committee questions about whether her organization would sign on with amendments, **Ms. Budge** said they could help but she couldn't confirm NFIB would sign on. She thinks a more positive approach, like incentives, is needed, rather than putting the responsibility on employers. She agreed that starting with state agencies would be a better approach.

In closing, **Rep. Nocochea** stated that employers can ask for criminal records after gathering their pool of applicants. The purpose is to keep the process open. She said an employer doesn't have to give interviews before asking about criminal history; the point is for people to be able to submit their application without it going directly into a discard pile.

In response to Committee questions, **Rep. Necochea** said she chose to include the exemptions because having a criminal record could interfere with these specific types of jobs. She addressed perceived conflicts around the imposition of fines or litigation and said law suits could be a possibility under this bill if an employer doesn't follow the law.

Rep. Skaug declared a rule 80, stating a possible conflict as an employer.

MOTION:

Rep. Skaug made a motion to **HOLD H 196** in committee indefinitely.

SUBSTITUTE MOTION:

Rep. Ruchti made a substitute motion to send **H 196** to the floor with a **DO PASS** recommendation.

Rep. Ruchti spoke to the substitute motion. He said **H 196** forces the Committee to decide whether they think an offender's debt is paid to society when their time is served. He listed redemption stories and noted the human affinity for the belief that people can better themselves.

Committee members expressed fear of the unintended consequence that this legislation could be seen as mean spirited, and about wanting to see more pardons so more people could walk away from their criminal record. Concerns were expressed about ambiguity of enforcement and the exemptions, and agrees this issue needs to be addressed using the brain science around young people making mistakes.

ROLL CALL VOTE:

Rep. Scott requested a roll call vote on the substitute motion for **H 196**. **Substitute Motion failed by a vote of 5 AYE, 10 NAY, and 1 Absent/Excused. Voting in favor of the motion: Reps. Hartgen, Gannon, McCrostie, Ruchti, Nash. Voting in opposition to the motion: Reps. Kerby, Amador, Scott, Marshall, Troy, Young, Nate, Cannon, Erickson, Skaug. Chairman Chaney was absent/excused.**

VOTE ON ORIGINAL MOTION:

Motion carried by voice vote.

RS 28734:

Rep. Green presented **RS 28734**. This proposed legislation would amend Chapter 64, Title 18, Idaho Code, by addition of a new section 18-6411, Idaho Code, to prohibit the disclosure of personal identifying information with the intent to harass, intimidate or cause targeted residential picketing. Rep. Green clarified that it does not make target picketing a misdemeanor or prevent anyone from standing on the sidewalks. She stated domestic tranquility is a right and there are currently no statutes in Idaho that address this though Utah's legislature recently passed something similar. She said this achieves one additional level of security and is supported by all law enforcement associations in Idaho.

There was extended Committee discussion around the definitions of residential targeted picketing and intent to harass. Legal considerations for the concept of intent were reviewed. It was stated that law enforcement needs sufficient evidence to be able to enforce or charge someone with a crime. It was clarified that under this legislation it would be legal to protest or picket in front of someone's house but it would not be legal to circulate that person's address publicly with the intent to harass, intimidate or cause targeted residential picketing. Concerns about bill language being too broad were expressed.

MOTION:

Rep. McCrostie made a motion to introduce **RS 28734**.

**SUBSTITUTE
MOTION:**

Rep. Kerby made a substitute motion to introduce **RS 28734** and recommend it be sent directly to the Second Reading Calender. Roll call vote was requested. **Motion carried by a vote of 10 AYE, 3 NAY and 1 Absent/Excused. Voting in favor** of the motion: **Reps. Hartgen, Kerby, Marshall, Troy, Cannon, Erickson, Gannon, McCrostie, Ruchti, Nash. Voting in opposition** to the motion: **Reps. Scott, Young, Nate. Absent/Excused: Chairman Chaney. Rep. Green** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the Committee, the meeting adjourned at 3:52 p.m.

Representative Hartgen
Chair

Beth Norton
Secretary

AMENDED AGENDA # 3
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
12:00 P.M.
Room EW42
Friday, March 05, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|-----------------------|--|--------------------------|
| H 195 | Targeted Picketing- Committee Disposition *Testimony Previously Taken | |
| H 288 | Picketing, Information Disclosure | Rep. Chaney & Rep. Green |
| H 45 | Subcommittee Update *Testimony Previously Taken | |

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Chaney Rep Marshall
Vice Chairman Hartgen Rep Troy
Rep Kerby Rep Young
Rep Amador Rep Nate
Rep Ehardt Rep Cannon
Rep Scott Rep Erickson

COMMITTEE SECRETARY

Beth Norton
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Friday, March 05, 2021

TIME: 12:00 P.M.

PLACE: Room EW42

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

**ABSENT/
EXCUSED:** None

GUESTS: Steven Keyser; Garth Gaylord, District 12, Precinct 60; Rosa Martinez; Jessica Marcu, Adrien Marcu, Helene Peterson, District 11; Deanna France; Eva Selleck; Austin Swing.

Chairman Chaney called the meeting to order at 12:22 p.m.

H 195: Presentation and testimony on **H 195** was made previously.

MOTION: **Vice Chairman Hartgen** made motion to **HOLD H 195** in committee.

SUBSTITUTE MOTION: **Rep Ruchti** made a substitute motion to send **H 195** to the floor with a **DO PASS** recommendation.

UNANIMOUS CONSENT REQUEST: **Rep. Ruchti** made a unanimous consent request to modify the substitute motion and send **H 195** to the floor with **no recommendation**. There being no objection, the request was granted.

ROLL CALL VOTE ON SUBSTITUTE MOTION: Roll call vote was requested. **Substitute motion carried by a vote of 10 AYE and 6 NAY. Voting in favor** of the motion: **Reps. Chaney, Scott, Marshall, Troy, Young, Nate, Gannon, McCrostie, Ruchti, Nash. Voting in opposition** to the motion: **Reps. Hartgen, Kerby, Amador, Cannon, Erickson, Skaug. Reps. Green and Chaney** will sponsor the bill on the floor.

H 288: Presentation on **H 288** was made previously.

Steven Keyser testified **in opposition** to **H 288**. He believes this legislation is weakening first amendment rights and puts restrictions on public sidewalks, a sacred place for demonstration. He expressed concerns about the word annoy and cited a supreme court decision which applied to this legislation.

Garth Gaylord of District 12, Precinct 60, testified **in opposition** to **H 288**. His issues with the bill were about the implications of interpreting intent and the potential misdemeanor consequences for picketing. People can choose to be afraid or be offended about anything, like beards, he said.

Matthew Jensen testified **in opposition** to **H 288**. He has had people show up at his house protesting but doesn't believe that picketing at houses should be illegal.

Eva Selleck testified **in opposition** to **H 288**. She believes there is no reason to take the public square away from the people. She wants her rights and liberty to be protected.

Man who gave a fake name to testify was asked to sit down.

Lindsey Zea testified **in opposition** to **H 288**. She believes that this legislation would conflict with landmark supreme court free speech rulings. She said precedent has already been set and there are local zoning ordinances which cover this.

Adrien Mercu testified **in opposition** to **H 288**. He believes elected Representatives should be accountable to the public and that every attempt to oppress people has been bad for the oppressor. He told a story about Hitler and believes elites are trying to rob people of their liberty.

Deanna France, retired teacher, testified **in opposition** to **H 288**. She said there is a spiritual battle between good and evil in America right now because our constitution has been shredded. She carries a copy of the constitution in her purse.

Jessica Mercu testified **in opposition** to **H 288**. She told the story of a woman named Susan who was arrested for protesting. Susan believes that opinions shouldn't be enforced by the state and that since her arrest she has been targeted.

Rosa Martinez testified **in opposition** to **H 288**. She believes that when Representatives do not uphold their oath it makes them a target because civil servants agree to serve their people. She thinks this legislation is a part of a communist agenda and told stories of protestors in other countries.

Helene Peterson testified **in opposition** to **H 288**. She believes it is too broadly written and anyone could accuse anyone of being annoying as some people are more sensitive than others. She believes this legislation is not protecting the common person, but rather elected officials, whose information should be made public.

Margie Baker testified **in opposition** to **H 288**. She doesn't know whether to laugh or cry about the legislation but feels the Representatives who vote yes trespass on peoples' right. She believes public servants are the puppets and the people are the masters and that officials in the past had more courage because they were willing to die.

Del Chapel testified **in opposition** to **H 288**. He said the wording of this bill is crafty and similar to previous legislation.

Lynn Laird testified **in opposition** to **H 288**. She is concerned that the bill is in violation of the freedom of speech and press and is curious how enforcement would look. She told a story about a pregnant woman in Australia who was arrested for posting online about a protest. She has family and friends in law enforcement and believes this bill would be a PR nightmare.

Monica McKinley testified **in opposition** to **H 288**. She believes there are consequences for making public information dissemination a crime. She wants more clarity on bill language, says it is vague and that it is unclear who would be arrested. She wonders if the bill is intended to protect a certain class of people.

Casey Baker testified **in opposition** to **H 288**. He is concerned that this is taxation without representation, treason and punishable by death. He quoted the Bible and believes people in Idaho have been slothful. He also quoted the Constitution.

MOTION:

Rep. Gannon made a motion to **HOLD H 288** in committee. In debate he said this legislation makes the organizer responsible for what the participants do and believes it stifles public organizing and free speech. He also thinks it will be hard to determine the intent of the organizer.

SUBSTITUTE MOTION:

Rep. Cannon made a substitute motion to send **H 288** to the floor with a **DO PASS** recommendation.

In discussion on the motion, other laws on doxing were mentioned and concerns around the word annoy were expressed. Some would prefer a bill with stronger language which addresses physical harm. Moral concerns about the wrongness of residential picketing and the effects on neighbors was expressed. Some don't believe that discouraging residential picketing limits free speech. People are responsible for their rights and picketing in a residential area is an abuse of free speech rights. Some do not believe that doxing should be illegal. It was stated that this bill is not making targeted picketing illegal but makes organizing for picketing illegal. Guilt or innocence should rely on the actions of the people not the organizers. Some agree that it should not be legal to harass people but the definitions in this bill are not clear enough.

In response, the bill sponsor stated that the language had been thoroughly reviewed and the words annoy and intimidate are a part of similar legislation in Arizona. Under this legislation it would not be legal to go to someone one's house with the intent to annoy them and in order for this to be enforceable it would need to be obvious that was the intent. The bill targets the practice without forbidding the process. Intent elements do make it more difficult to charge, making this a softer approach than previous bills. It was clarified that a county clerk would not be liable for producing public information at request. It was stated that this would have less of a direct provable impact on officials and more on law enforcement. Currently there are no laws that address this outside of trespassing. A case of online bullying was presented as an example of why something in individual practice isn't illegal but organizing a group to do the same thing should be.

**ROLL CALL
VOTE ON
SUBSTITUTE
MOTION:**

Roll call vote was requested. **Substitute motion carried by a vote of 9 AYE, 6 NAY and 1 Absent/Excused. Voting in favor of the motion: Reps. Chaney, Hartgen, Kerby, Marshall, Cannon, Erickson, McCrostie, Ruchti, Nash. Voting in opposition to the motion: Reps. Amador, Scott, Young, Nate, Skaug, Gannon. Rep. Troy was absent/excused. Reps. Chaney and Green will sponsor the bill on the floor.**

MOTION:

Rep. Amador made a motion to **reconsider H 30**, legislation regarding POST funding. Roll call vote was requested. **Motion failed by a vote of 7 AYE, 8 NAY and 1 Absent/Excused. Voting in favor of the motion: Reps. Chaney, Hartgen, Kerby, Amador, Cannon, Ruchti, Nash. Voting in opposition to the motion: Reps. Scott, Marshall, Young, Nate, Erickson, Skaug, Gannon, McCrostie. Rep. Troy was absent/excused.**

MOTION:

Rep. Nash made a motion to **adjourn**. Roll call vote was requested. **Motion failed by a vote of 5 AYE, 10 NAY and 1 Absent/Excused. Voting in favor of the motion: Reps. Marshall, Erickson, Gannon, McCrostie, Nash. Voting in opposition to the motion: Reps. Chaney, Hartgen, Kerby, Amador, Scott, Young, Nate, Cannon, Skaug, Ruchti. Rep. Troy was absent/excused**

H 45:

Presentation and testimony heard previously.

MOTION:

Rep. Scott made a motion to pull **H 45** out of the subcommittee for consideration by the full committee. Roll call vote was requested. **Motion carried by a vote of 14 AYE, 1 NAY and 1 Absent/Excused. Voting in favor of the motion: Reps. Chaney, Hartgen, Kerby, Amador, Scott, Marshall, Young, Nate, Cannon, Erickson, Skaug, McCrostie, Ruchti, Nash. Voting in opposition to the motion: Rep. Gannon. Rep. Troy was absent/excused.**

MOTION:

Rep. Scott made a motion to send **H 45** to the floor with **no recommendation**.

**SUBSTITUTE
MOTION:**

Rep. McCrostie made a substitute motion to **HOLD H 45** in committee.

The subcommittee recommended the bill be laid on the table but was split on that decision. Members were concerned that this legislation was part of a bigger, unaddressed problem and were worried that if it got through committee it wouldn't motivate the supporters to come to the table at a later date. Rent control was cited as distorting the market and some felt this bill should be debated on the floor. The housing situation in Boise and Meridian was discussed as a local issue needing local control. The City of Boise ordinance capping rental application fees discourages bad faith business and is the only city ordinance currently in place. The differences between urban and rural communities and the incentives for property managers were discussed as being reasons why this bill is not appropriate.

MOTION: **Chairman Chaney** made a motion for the previous question. Roll call vote was requested. **Motion carried by a vote of 14 AYE, 1 NAY and 1 Absent/ Excused.** **Voting in favor** of the motion: **Reps. Chaney, Hartgen, Kerby, Scott, Marshall, Young, Nate, Cannon, Erickson, Skaug, Gannon, McCrostie, Ruchti, Nash.** **Voting in opposition** to the motion: **Rep. Nash. Rep. Troy was absent/excused.**

ROLL CALL VOTE ON SUBSTITUTE MOTION: Roll call vote was requested. **Motion carried by a vote of 8 AYE, 7 Nay and 1 Absent/Excused.** **Voting in favor** of the motion: **Reps. Chaney, Hartgen, Kerby, Amador, Marshall, Gannon, McCrostie, Nash.** **Voting in opposition** to the motion: **Reps. Scott, Young, Nate, Cannon, Erickson, Skaug, Ruchti. Rep. Troy was absent/excused.**

ADJOURN: There being no further business to come before the Committee, the meeting was adjourned at 2:22 p.m.

Representative Chaney
Chair

Beth Norton
Secretary

AGENDA
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Tuesday, March 09, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|------------------------|------------------------------|--------------------|
| | Joint Print Committee Report | Chief Clerk Maulin |
| S 1076 | Joint Print Committee | Chief Clerk Maulin |
| S 1137 | Judicial Salaries | Chairman Chaney |
| S 1119 | Unclaimed Property | Rep. Hartgen |

*Adjourn no later than 3:00 p.m.

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Chaney Rep Marshall
Vice Chairman Hartgen Rep Troy
Rep Kerby Rep Young
Rep Amador Rep Nate
Rep Ehardt Rep Cannon
Rep Scott Rep Erickson

COMMITTEE SECRETARY

Beth Norton
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Tuesday, March 09, 2021

TIME: 1:30 P.M.

PLACE: Room EW42

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

**ABSENT/
EXCUSED:** Reps. Troy, Nate

GUESTS: None.

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

MOTION: **Rep. Cannon** made a motion to approve minutes from February 15th, February 19th and March 1st, 2021. **Motion carried by voice vote.**

Carrie Maulin, Chief Clerk of the House, presented the Joint Print Committee Report. It recommends continued endorsement of the limited printing of Idaho Session Laws to one hundred copies. She discussed where the statute for the Joint Print Committee lies, who is on the Committee, and where it meets. Currently print copies of session laws go to agencies which request them but generally they are accessed online. This has enabled the reduction of printing costs. The House of Representatives is responsible for forty percent of the cost while the Senate pays sixty percent, as is the customary split for all shared expenses between the two bodies.

In response to committee questions, **Chief Clerk Maulin** confirmed the Executive Branch does not share in the cost because the item is purely legislative.

MOTION: **Rep. Hartgen** made a motion to approve the report. **Motion carried by voice vote.**

S 1076: **Chief Clerk Maulin** presented **S 1076** legislation which would make adjustments to the code in response to the recommendations made by the Joint Printing Committee in their report. She stated there is no longer a need to use the strike out feature when making corrections to the code because the process has been completely standardized. The Joint Printing Committee has been required to meet twice in past sessions but it can be difficult to get all members together and currently there are few decisions to be made. The change would reduce the number of required meetings from two to one per session, with the option to meet a second time as needed.

In response to committee questions, **Chief Clerk Maulin** reported who the members of the Joint Printed Committee are and who receives printed copies each year. Standing requests for the law journals are with Idaho's National Representatives, the Executive Branch, the Legislative Library and the Chief Clerk's office. The list has been pared down over the years to only those who request a physical copy. She clarified that these journals are easy to access online.

MOTION: **Rep. Amador** made a motion to send **S 1076** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gannon** will sponsor the bill on the floor.

- S 1137:** **Chairman Chaney** presented **S 1137**, legislation determining Judicial Salaries. A two percent increase for District Court Judges and six percent increase for Magistrate Judges has been requested. Salaries are set in statute and the courts have come to the legislature requesting this modest adjustment.
- MOTION:** **Rep. Cannon** made a motion to send **S 1137** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Chairman Chaney** will sponsor the bill on the floor.
- S 1119:** **Rep. Hartgen** presented **S 1119**, legislation on unclaimed property. County Sheriffs and City Police Departments are required to keep lost or stolen items by law for 90 days. This legislation would shorten the time required to hold certain items to 60 days. It was stated, some of the less expensive things can languish in storage, at expense to the department. This bill changes the amount of time they must keep bicycles from six months to ninety days and all other items from ninety days to sixty days.
- Murphy Olmstead** a Lobbyist with Idaho Sheriff's Association, confirmed the statute limits, put in place in 1957, and that there is a separate statute for abandoned vehicles. He reports this is a cost savings measure for the departments he represents. He confirmed that the most valuable items effected by this legislation would be jewelry. Firearms are not included in this change. Mr. Olmstead was not able to answer questions about what kinds of situations would give rise to Sheriff and Police possession of such things.
- MOTION:** **Rep. McCrostie** made a motion to send **S 1119** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Hartgen** will sponsor the bill on the floor.
- ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 1:57 p.m.

Representative Chaney
Chair

Beth Norton
Secretary

AGENDA
**HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
HARTGEN SUBCOMMITTEE**

Landlord/Tenant

2:30 P.M.

Room EW42

Tuesday, March 09, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| DOCKET NO. | DESCRIPTION | PRESENTER |
|--------------------------|---|------------------|
| S 1088aa | Fees for Residential Tenants Approval of Meeting Minutes | Rep. Nash |

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Chaney

Rep.Hartgen

Rep.Kerby

Rep.Amador

Rep.Scott

Rep.Erickson

Rep.Gannon

Rep.McCrostie

Rep.Nash

COMMITTEE SECRETARY

Jensen Thomas

Room: EW56

Phone: 332-1127

Email: hjud@house.idaho.gov

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
HARTGEN SUBCOMMITTEE
Landlord/Tenant

DATE: Tuesday, March 09, 2021
TIME: 2:30 P.M.
PLACE: Room EW42
MEMBERS: Chairman Hartgen, Representatives Erickson, Kerby, McCrostie, Amador, Nash, Scott
**ABSENT/
EXCUSED:** None
GUESTS: None

Chairman Hartgen called the meeting to order at 2:31 p.m.

MOTION: **Rep. Nash** made a motion to approve the minutes of February 23, 2021.

S 1088aa: **Rep. Nash** introduced **S 1088aa** to the committee, explaining that this bill affects a landlord's authority to impose fees on residential tenants by requiring it to be written in the lease or another form of written notice. Any changes made to the lease must include a 30-day notice in writing to the tenant.

Senator Rabe reiterated the previous points, adding that the need for this bill has grown in recent years due to increased numbers of evictions and late fees that cannot be met due to lack of notice.

Doug Taylor stated that this bill helps tenants better understand the fees they are responsible for paying when agreeing to a contract with their landlord. It tightens up the language that is used and improves communication and balance in landlord / tenant law.

MOTION: **Rep. Amador** made a motion to send **S 1088aa** to the full committee with a **do-pass** recommendation. Motion carried by a voice vote.

ADJOURN: There being no further business to come before the subcommittee, the meeting adjourned at 2:49 p.m.

Representative Hartgen
Chair

Jensen Thomas
Secretary

AGENDA
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Thursday, March 11, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|------------------------------|---|--|
| DOCKET NO.: | Chapter Repeals | |
| 61-0101-2001 | Rules Governing Training Requirements for Defending Attorneys and the Administration of Training Funds p. 10 | Kathleen Elliott, Executive Director, Idaho Public Defense Commission |
| 61-0102-2001 | Rules Governing Uniform Data Reporting Requirements and Forms for Defending Attorney Annual Reports p. 18 | |
| 61-0103-2001 | Rules Governing Contracts and Core Requirements for Contracts Between Counties and Private Attorneys for the Provision of Indigent Defense Services p. 35 | |
| 61-0104-2001 | Rules Governing Procedures and Forms for the Application and Disbursement of Indigent Defense Financial Assistance p. 44 | |
| 61-0106-2001 | Rules Governing Procedures for the Oversight, Implementation, Enforcement, and Modification of Indigent Defense Standards p. 52 | |
| 61-0107-2001 | Rules Governing Standards for Defending Attorneys that Utilize Idaho's Principles of an Indigent Defense Delivery System p. 55 | |
| 61-0108-2001 | Rules Governing the Administration of Idaho's Indigent Defense Delivery System - Rule Definitions p. 58 | |
| | New Chapters | |
| 61-0101-2002 | General Provisions and Definitions p. 13 | |
| 61-0102-2002 | Requirements and Procedures for Representing Indigent Persons p. 21 | |
| 61-0103-2002 | Records, Reporting, and Review p. 38 | |
| 61-0104-2002 | Financial Assistance and Training Resources p. 47 | |
| S 1088aa | Subcommittee report, Residential tenants, fees *NOTE: All public testimony on this bill has been previously taken in the Landlord/Tenant Subcommittee. | Rep. Hartgen |
| S 1089aa | Rape, age, spouse | Rep. Nash |
| SJM 102 | Supreme Court, nine justices | Rep. Chaney |

* Online registration will end at commencement of meeting.

* Meeting to adjourn at 4:00 p.m.

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

| | |
|-----------------------|--------------|
| Chairman Chaney | Rep Marshall |
| Vice Chairman Hartgen | Rep Troy |
| Rep Kerby | Rep Young |
| Rep Amador | Rep Nate |
| Rep Ehardt | Rep Cannon |
| Rep Scott | Rep Erickson |

| |
|---------------|
| Rep Skaug |
| Rep Gannon |
| Rep McCrostie |
| Rep Ruchti |
| Rep Nash |

COMMITTEE SECRETARY

Andrea Blades
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Thursday, March 11, 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 (Andrew), Gannon, McCrostie, Ruchti, Nash

**ABSENT/
EXCUSED:** Representative(s) Ehardt, Erickson, Ruchti

GUESTS: Kelli Brassfield, IAC; Darrell Bolz, PDC; Brad Hunt, PDC

Chairman Chaney called the meeting to order at 1:32 p.m.

Chairman Chaney turned the gavel over to **Vice Chairman Hartgen**.

DOCKET NO. **Kathleen Elliott** Executive Director, Public Defense Council (PDC), presented
61-0101-2001 Docket Nos. **61-0101-2001, 61-0102-2001, 61-0103-2001, 61-0104-2001,**
61-0102-2001 **61-0106-2001, 61-0107-2001, 61-0108-2001, 61-0101-2002, 61-0102-2002,**
61-0103-2001 **61-0103-2002, and 61-0104-2002.** After reading through the negotiated changes,
61-0104-2001 she requested the repeal of the current rules and the adoption of the pending rules,
61-0106-2001 with the exception of the negotiated rejections.
61-0107-2001
61-0108-2001
61-0101-2002
61-0102-2002
61-0103-2002
61-0104-2002:

MOTION: **Rep. McCrostie** made a motion to approve Docket No. **61-0101-2002**, with the exception of Subsection 010.22.

Rep. Cannon declared Rule 80 stating a possible conflict of interest.

**VOTE ON
MOTION:** **Chairman Hartgen** called for a vote on the motion to approve Docket No. **61-0101-2002**, with the exception of Subsection 010.22. **Motion carried by voice vote.**

MOTION: **Rep. McCrostie** made a motion to approve Docket No. **61-0102-2002**, with the exception of Subsections 020.01.a, 030.02.a, 030.02.b, 030.05, 040.02, 050.02.a.ii, 060.03, 060.04.a, 070.01, 070.02.a.iii, 070.03, 080.03.a, 080.03.c, and 090.01. **Motion carried by voice vote.**

MOTION: **Rep. Chaney** made a motion to approve Docket Nos. **61-0103-2002, 61-0104-2002, 61-0101-2001, 61-0102-2001, 61-0103-2001, 61-0104-2001, 61-0106-2001, 61-0107-2001, 61-0108-2001.** **Motion carried by voice vote.**

Vice Chairman Hartgen turned the gavel over to **Chairman Chaney**.

S 1088aa: **Rep. Linda Hartgen**, District 24, Chairman, Landlord/Tenant Subcommittee, presented the subcommittee's report and recommendation to send **S 1088aa** to the floor with a **DO PASS** recommendation.

MOTION: **Rep. Hartgen** made a motion to accept the Landlord/Tenant Subcommittee's report and recommendation to send **S 1088aa** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.**

- S 1089aa:** **Rep. Colin Nash**, District 16, presented **S 1089aa** which updates the definition of rape by eliminating exceptions to the criminal definition of rape based on the relationship of the parties. The definition of rape is clarified to ensure individuals legally married to persons aged sixteen and seventeen cannot be charged with statutory rape. These changes address outdated and unused areas of statute.
- Sen. Melissa Wintrow**, District 19, continued the presentation of **S 1089aa** and described the legislation's origin.
- MOTION:** **Rep. Troy** made a motion to send **S 1089aa** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.**
- Chairman Chaney** turned the gavel over to **Vice Chairman Hartgen**.
- SJM 102:** **Rep. Greg Chaney**, District 10, presented **SJM 102** to address the issue of "court packing" and memorialize the importance of the nine U.S. Supreme Court judges.
- Sen. Steve Vick**, District 2, further presented **SJM 102**. He said the legislation urges the U.S. Congress to remember the 152 year history of nine justices seated on the U.S. Supreme Court. This number has been tested over time, is set to promote the rule of law, and prevents political manipulations.
- MOTION:** **Rep. Amador** made a motion to send **SJM 102** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. McCrostie** requested he be recorded as voting **Nay**.
- ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 2:43 p.m.

Representative Hartgen
Chair

Andrea Blades
Secretary

AGENDA
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Monday, March 15, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|--------------------------|-------------------------------------|------------------|
| S 1133aa | Temporary guardianship | Rep. Kerby |
| S 1035 | State appellate public defender act | Rep. Cannon |
| S 1131 | Garnishments | Rep. Cannon |
| S 1130 | Burglary, commercial burglary | Rep. Ruchti |
| S 1078 | County recorders, death certificate | Rep. Wood |

* Online registration will end at commencement of meeting.

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

| | |
|-----------------------|--------------|
| Chairman Chaney | Rep Marshall |
| Vice Chairman Hartgen | Rep Troy |
| Rep Kerby | Rep Young |
| Rep Amador | Rep Nate |
| Rep Ehardt | Rep Cannon |
| Rep Scott | Rep Erickson |

| |
|-------------------|
| Rep Skaug(Andrew) |
| Rep Gannon |
| Rep McCrostie |
| Rep Ruchti |
| Rep Nash |

COMMITTEE SECRETARY

Andrea Blades
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Monday, March 15, 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 (Andrew), Gannon, McCrostie, Ruchti, Nash

**ABSENT/
EXCUSED:** Representative(s) Ehardt, Troy, Young

GUESTS: None

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

S 1133aa: **Rep. Ryan Kerby**, District 9, presented **S 1133aa**. This legislation ensures temporary guardianships remain temporary without extension or continuation beyond six months. Twelve months is allowed with good cause.

Sen. Abby Lee, District 9, further presented **S 1133aa**. She explained the need for this adjustment, citing a four-year temporary guardianship. This legislation addresses use of temporary guardianships to avoid permanent guardianship hearings and their higher review standard.

MOTION: **Rep. Erickson** made a motion to send **S 1133aa** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Kerby** will sponsor the bill on the house floor.

S 1035: **Rep. David Cannon**, District 31, presented **S 1035** for the State Appellate Public Defender (SAPD) Act. Idaho Code (IC)19-867 through 19-872 are moved into IC Chapter 59, Title 19. There are no substantive changes to the SAPD structure or statutory authority.

Eric Fredrickson, Director, SAPD, was invited to answer a committee question. He said the change simplifies locating the SAPD Act.

MOTION: **Rep. McCrostie** made a motion to send **S 1035** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Cannon** will sponsor the bill on the house floor.

S 1131: **Rep. David Cannon**, District 31, presented **S 1131**. Through this legislation financial institution garnishment search fees increase from \$5 to \$7 and garnishment execution fees increase from \$10 to \$12. There has been no fee adjustment for fifty years. The garnishment review time is changed to two months in alignment with federal standards.

MOTION: **Rep. Gannon** made a motion to send **S 1131** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Cannon** will sponsor the bill on the house floor.

S 1130: **Rep. James Ruchti**, District 29, presented **S 1130** to clarify language regarding the misdemeanor charge for commercial burglaries involving the theft of property worth less than \$300. This unifies judicial interpretation and leaves the intent of this charge unchanged.

MOTION: **Rep. Cannon** made a motion to send **S 1130** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Ruchti** will sponsor the bill on the house floor.

S 1078: **Rep. Fred Wood**, District 27, presented **S 1078** regarding death certificate recording with the County Recorders Offices.

Sen. Kelly Anthon, District 27, continued the presentation of **S 1078**. This legislation allows a death certificate to be recorded by the County Recorder's Office for county property records.

MOTION: **Rep. Nash** made a motion to send **S 1078** to the floor with a **DO PASS recommendation. Motion carried by voice vote. Rep. Wood** will sponsor the bill on the house floor.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 1:55 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary

AGENDA
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Wednesday, March 17, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|----------------|---|----------------------|
| Minutes Review | Minutes from February 11, 17, 23, 25 & March 3, 5, 9, 11, 15 Meetings | |
| Presentation | Idaho Dept. of Correction (IDOC) Connection and Intervention Stations | Rich Hahn, GEO Group |

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Chaney Rep Marshall
Vice Chairman Hartgen Rep Troy
Rep Kerby Rep Young
Rep Amador Rep Nate
Rep Ehardt Rep Cannon
Rep Scott Rep Erickson

COMMITTEE SECRETARY

Andrea Blades
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Wednesday, March 17, 2021

TIME: 1:30 P.M.

PLACE: Room EW42

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

**ABSENT/
EXCUSED:** Representative(s) Ehardt, Cannon, Erickson

GUESTS: None

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

Chairman Chaney thanked **Sophie Hall** for her service as the Committee's page during the second half of the session.

MOTION: **Rep. Nash** made a motion to approve the minutes of February 11, 17, 23, 25, and March 3, 5, 9, 11, 15, 2021. **Motion carried by voice vote.**

Rich Hahn with GEO Group gave a short presentation about the Idaho Dept. of Correction (IDOC) contracted Connection and Intervention Stations (CIS's) that GEO will be operating. He explained that there are plans for seven total CIS's in Idaho with the location on Broadway in Boise being one of those seven. He invited the Committee to tour the Boise Connection and Intervention Station facility on March 24, 2021 and he explained the transportation options available for shuttling to and from.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 1:44 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary

AMENDED AGENDA #1
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Wednesday, April 07, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|--------------------------|---------------------------------------|------------------|
| H 191aaS | Temporary caregivers | Rep. Dixon |
| SJM 104 | Criminal justice, federal partnership | Rep. Blanksma |

* Online registration will end at commencement of the meeting.

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Chaney Rep Marshall
Vice Chairman Hartgen Rep Troy
Rep Kerby(Greig) Rep Young
Rep Amador Rep Nate
Rep Ehardt Rep Cannon
Rep Scott Rep Erickson

COMMITTEE SECRETARY

Andrea Blades
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Wednesday, April 07, 2021

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Chaney, Vice Chairman Hartgen, Representatives Kerby, Amador, 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 1:31 p.m.

H 191aaS: **Rep. Dixon** presented **H 191aaS**, legislation that permits a parent or guardian to use the assistance of a temporary care assistance program operated by a qualified nonprofit organization to identify an appropriate and safe, approved temporary caregiver to whom the parent or guardian can choose to delegate temporary care responsibility of a minor through a power of attorney. Changes to a previous version of the bill include a six month term limit protecting against abandonment and more stringent background checks. It was also made explicit that the children would be in the care of a guardian not the program, so as to prevent the child from being moved.

MOTION: **Rep. Kerby** made a motion to recommend concurrence with the Senate amendments to **H 191aaS**. **Motion carried by voice vote.** **Rep. Dixon** will sponsor the bill on the floor.

SJM 104: **Rep. Blanksma** presented **SJM 104** requesting the President of the United States and the U.S. Congress to respect the Tenth Amendment of the U.S. Constitution and avoid federalizing crime policy by withholding state criminal justice grants or other funding as a penalty for state policy choices made to ensure public safety and the administration of justice. The Idaho Legislature affirms its support for constitutional federalism that reserves broad powers to the states and respects the predominant responsibility of the states to ensure public safety and the administration of justice. Federal criminal justice grants to states should be used in partnership with the state but should not be used to coerce states to substitute federal policies for state and local policies affecting criminal and juvenile justice.

In response to a committee questions, **Rep. Blanksma** said that she is not aware of this happening now and that this is a preemptive measure. It was asked if this legislation would endorse private prisons. Rep. Blanksma said there is no language in this joint memorial that addresses private prisons though they might take advantage of the language. It is about reinforcing federalism.

MOTION: **Rep. Cannon** made a motion to send **SJM 104** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Blanksma** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:39 p.m.

Representative Chaney
Chair

Beth Norton
Secretary

AGENDA
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
1:30 P.M.
Room EW42
Thursday, April 15, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|--------------------------|--|------------------|
| S 1200 | Idaho wrongful conviction act | Rep. Weber |
| H 246aaS | Disasters, parental rights (Committee concurrence on Senate Amendments – No further testimony will be taken) | Rep. Dixon |

*Online registration will end at the commencement of the meeting.

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

| | |
|-----------------------|--------------|
| Chairman Chaney | Rep Marshall |
| Vice Chairman Hartgen | Rep Troy |
| Rep Kerby | Rep Young |
| Rep Amador | Rep Nate |
| Rep Ehardt | Rep Cannon |
| Rep Scott | Rep Erickson |

COMMITTEE SECRETARY

Andrea Blades
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Thursday, April 15, 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: Representative(s) Amador, Ehardt, Troy, Young, Nate, Gannon, Nash
GUESTS: None.
Chairman Chaney called the meeting to order at 1:58 p.m.
MOTION: **Rep. Cannon** made a motion to approve minutes from March 13, and April 7, 2021. **Motion carried by voice vote.**
S 1200: **Rep. Weber**, District 34, presented **S 1200** which is a trailer bill that amends **S 1027** to allow for compensation in connection to time spent awaiting trial on death row.
MOTION: **Rep. Scott** made a motion to send **S 1200** to general orders. **Motion carried by voice vote. Rep. Weber** will sponsor the bill on the floor.
Chairman Chaney passed the gavel to **Vice Chairman Hartgen**.
H 246aaS: **Rep. Chaney**, representing District 10, presented the Senate amendments to **H 246aaS** which include minor wording changes.
Vice Chairman Hartgen passed the gavel to **Chairman Chaney**.
MOTION: **Rep. Scott** made a motion to recommend concurrence with the Senate amendments to **H 246aaS**. **Motion carried by voice vote. Rep. Dixon** will sponsor the bill on the floor.
ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:04 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary

AMENDED AGENDA #1
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
Upon Adjournment
Room EW41
Monday, May 03, 2021

Notice Room Change

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|----------------|---------------------|------------------|
| | Approval of minutes | |

COMMITTEE MEMBERS

| | |
|-----------------------|--------------|
| Chairman Chaney | Rep Marshall |
| Vice Chairman Hartgen | Rep Troy |
| Rep Kerby | Rep Young |
| Rep Amador | Rep Nate |
| Rep Ehardt | Rep Cannon |
| Rep Scott | Rep Erickson |

| |
|---------------|
| Rep Skaug |
| Rep Gannon |
| Rep McCrostie |
| Rep Ruchti |
| Rep Nash |

COMMITTEE SECRETARY

Andrea Blades
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Monday, May 03, 2021

TIME: Upon Adjournment

PLACE: Room EW41

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

**ABSENT/
EXCUSED:** Representative(s) Ehardt, Scott, Troy, Young, Erickson, Gannon, Ruchti, Nash

GUESTS: None

Chairman Chaney called the meeting to order at 2:48 p.m.

MOTION: **Rep. Cannon** made a motion to approve the minutes of April 15th, 2021. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:48 p.m.

Representative Chaney
Chair

Kennedy Jones
Secretary

AMENDED AGENDA #1
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE
8:30 A.M.
Room EW42
Tuesday, November 16, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

| SUBJECT | DESCRIPTION | PRESENTER |
|----------------|--------------------|------------------|
|----------------|--------------------|------------------|

[H 417](#)

Worker's Compensation, Vaccines

Rep. Monks

The meeting will adjourn no later than 9:30am.

Due to time constraints, only 30 minutes will be available for public testimony.

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

COMMITTEE MEMBERS

Chairman Chaney Rep Marshall
Vice Chairman Hartgen Rep Troy
Rep Kerby Rep Young
Rep Amador Rep Nate
Rep Ehardt Rep Cannon
Rep Scott Rep Erickson

COMMITTEE SECRETARY

Tracey McDonnell
Room: EW56
Phone: 332-1127
email: hjud@house.idaho.gov

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Tuesday, November 16, 2021

TIME: 8:30 A.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:** Representative(s) Ehardt

GUESTS: Sara Walton Brady, self; Lynn Laird, self; Lorna Mitson, self; Darrell Shipp, self; Alicia Abbott, Idaho 97% Project

Chairman Chaney called the meeting to order at 8:30am.

H 417: **Rep. Monks**, District 22, stated this legislation is a continuation of work he started earlier in this year's Legislative Session with **H 301**. Since that time, he worked with **Rep. Skaug** to better understand when Workman's Compensation (WC) applies if injuries occur as a result of being vaccinated. **Rep. Monks** explained, **H 417** clarifies that injuries arising from employer-mandated vaccinations shall be compensable under the Idaho Worker's Compensation laws.

MOTION: **Rep. Gannon** made a motion to send **H 417** to the floor with a **DO PASS** recommendation, stating if an employer requires a vaccination, then they should be responsible for any injuries associated with that vaccine.

SUBSTITUTE MOTION: **Rep. Troy** made a substitute motion to **HOLD H 417** in committee, stating that any change to WC at this time without sufficient input from various employers is premature and will change the whole paradigm.

Committee discussion ensued regarding **H 417**, the motions before the committee, and WC. In response to committee questions, **Rep. Monks** explained the term "experience rating" within WC is how various companies' claims for injuries are determined. In other words, a company's actual incurred loss of work due to injuries from certain activities is used in comparison to the average injury loss of similar activities. The company's loss history then determines its WC premium.

Rep. Ruchti explained the term "course of employment" in WC, stating in order to receive compensation, an injury must occur in the course of employment. He gave the following example: if an employee chooses to use their lunch break to leave the work place to get a vaccine and gets hurt while away from the worksite, that injury is not compensable under WC, because it was their choice to leave. But if that same employee was directed by their employer to leave the work place on company time to get vaccinated, and while doing so gets injured, that injury would be covered under WC. **Rep. Ruchti** explained **H 417** would provide WC coverage for the employee if an injury occurs due to receiving a required vaccination.

Rep. Skaug clarified **H 417** only applies to Idaho's WC, not to the military or federal employees. Additionally, he remarked he was in contact with members of the Industrial Commission and many attorneys regarding the wording of **H 417** relative to WC, and stated this legislation is designed to make it easier for employees to be covered by WC when injuries occur as a result of vaccines. **H 417** would cover any and all company mandates; for example, private company vaccine mandates as well as federal vaccine mandates.

Lynn Laird, representing herself, stated she is not quite sure how to testify on **H 417**. She had several concerns, one of them being the phrase "substantial evidence" stated on line 18 requiring employees to prove their injuries are the result of a vaccine. Another of her concerns is there is no discussion regarding adequate compensation for a life altering incident or consequences as the result of a vaccine.

Lorna Mitson, representing herself, stated she is **in support** of the spirit of the bill. She indicated if employers are going to mandate vaccines and those vaccines cause harm, then the employer should be held responsible.

Brian Whitlock, Chair, Industrial Commission Advisory Board, stated **Rep. Skaug** did a great job of reaching out and getting input from members of the Board. He stated the consensus of the Board is the WC laws already protect employees when vaccines are a condition of employment, and that **H 417** is redundant. In response to questions, Mr. Whitlock remarked proving an injury is related to a vaccine is no more difficult than other injuries, and that there are already documented cases of claims being paid out from injuries associated with vaccines. He further clarified employees do not need to prove causation of claims at the onset, but rather only file the claim; the burden of proof lies with the employer.

Chairman Chaney and Rep. Cannon declared Rule 80.

Rep. Monks stood and closed. He stated it doesn't matter who requires the vaccine; the bottom line is the employee should be covered by WC. He remarked it would be better if there were not any mandates, but if there are, then employees should be protected.

Although **Rep. Troy** agrees with the spirit of **H 417**, she stated she still has concerns Idaho will become more litigated, impacting the ability to have a free and open market. She is also concerned this will impact every business in Idaho, and because employers and insurance companies were not at the table during earlier discussions, to consider bringing this bill back later after more discussions can take place.

**VOTE ON
SUBSTITUTE
MOTION:**

Chairman Chaney called for a vote on the substitute motion to **HOLD H 417** in committee. **Motion failed by voice vote.**

**VOTE ON
ORIGINAL
MOTION:**

Chairman Chaney called for a vote on the original motion to send **H 417** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Monks and Skaug** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 9:28am.

Representative Chaney
Chair

Tracey McDonnell
Secretary