

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Wednesday, March 09, 2022

TIME: 1:30 pm or upon adjournment

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: The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

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

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

H 600: **Rep. Chaney** presented **H 600** which amends existing law pertaining to membership of and appointments to the Judicial Council, and it revises the duty of the Judicial Council pertaining to Council vacancies.

There were several committee questions, the committee did not feel comfortable voting at this time.

MOTION: **Rep. Skaug** made a motion to hold **H 600** for a time certain until the March 21 committee meeting. **Motion carried by voice vote.**

S 1332: **Rep. Nash** presented **S 1332** which amends existing law to provide for confidential relations and communications for employees and volunteers at a domestic or sexual violence programs in certain instances. He introduced **Senator Wintrow** who explained in more detail why **S 1332** is necessary.

Craig Kinsbury, David Clayborn, Beatrice Black spoke in support of **S 1332**, because it provides more protection to individuals trying to escape circumstances of domestic and sexual violence. It extends the same confidentiality protections to program employees and volunteers as is afforded to counselors and attorneys.

Senator Wintrow responded to committee questions and **Rep. Nash** concluded the presentation by saying that this bill is intended to protect women and children who need the protections included in this legislation.

MOTION: **Rep. Hartgen** made a motion to send **S 1332** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Nash** will sponsor the bill on the floor.

S 1240: **Rep. Mathias** presented **S 1240** which adds to existing law to provide for the prohibition and removal of racially restrictive covenants for real property. Racial language that excludes and prohibits, was made illegal in the 1968 Fair Housing Act; however, it was never actually removed from existing covenants. This bill is designed to have the language removed.

Rep. Mathias introduced **Senator Wintrow** who spoke in more detail on the subject, provided examples of racially restrictive language in existing covenants from her district and elaborated the importance of passing **S 1240**. **S 1240** creates a modification document that goes in the chain of title. The modification document says the racially restrictive language is null and void and puts it on record with the county clerk's office. A standard modification document has been created for this purpose to be used in all the counties and all the county clerks across have agreed to waive any filing fee. This is a voluntary thing, the county clerks are not required to find all the properties that have this racially restrictive language in their covenants, and it is up to the property owner to voluntarily modify their covenants.

MOTION: **Rep. Scott** made a motion to send **S 1240** to the floor with a **DO PASS** recommendation.

Professor McCay Cunningham, from the College of Idaho, spoke about historical context and how racially restrictive language got in housing covenants. He provided a brief history of racial prohibitions and explained the practice of "red-lining" which was a practice by the federal government that blocked out people of color from homeownership. During the Great Depression, to stabilize the economy the federal government began a program to encourage homeownership in middle-income households. It created an agency and offered financial incentives, and 100% loans to get the idea to take off. This same agency created city planning maps that zoned people according to race in several cities in the United States, people of color lived in the red-lined areas. During this dark historical period in the United States, 1934-1968 an underwriting manual was created by the same federal agency and circulated to banks, mortgage brokers and local governments excluding black Americans among other races of color from owning homes or property, especially in certain areas. This practice of "red-lining" and racial covenants was outlawed in the 1968 Fair Housing Act. However, the racially restrictive language was designed to "run with the land", a legal term that means it is attached to the land, as opposed to the individual who originally drafted it, and this legal designation has carried it forward into today's covenants.

MOTION: **Rep. Marshall** made a motion to call for the previous question. Roll call vote requested. **Motion carried by two-thirds vote, 12 AYE, 3 NAY, 2 Absent/Excused. Voting in favor of the motion Reps. Kerby, Amador, Scott, Marshall, Young, Nate, Cannon, Erickson, Skaug, Gannon, McCrostie, and Hartgen. Voting in opposition to the motion Reps. Ruchti, Nash, and Chaney. Reps. Ehardt and Troy absent and excused.**

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

S 1288: **Rep. Hartgen** presented **S 1288** which amends existing law to revise provisions regarding the appointed term of certain district judges. **S 1288** is brought about by the Secretary of State's office to clear up an ambiguity in Idaho Code concerning the election of district court judges. District Judges stand for election or judicial nomination election on the primary date of non-presidential election years and only if there is not a majority will they appear on the November ballot. **S 1288** clarifies that if a district court judge is appointed by the governor, and it is less than one year in the cycle to an election, they do not need to stand for election in that election year.

MOTION: **Rep. Cannon** made a motion to send **S 1288** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Hartgen** will sponsor the bill on the floor.

S 1279: **Rep. Hartgen** presented **S 1279** which adds to existing law to authorize the use of a temporary guard or private security service in certain instances. **S 1279** is brought about by the Sheriff's Association and will allow the county sheriff to hire temporary guards from contract security services to provide secure transport of county jail inmates to nearby or far away facilities. And provide that prisoners may be safely kept at hospitals, long-term care or hospice care. This allows deputies to be used in more appropriate and productive manners.

Rep. Hartgen introduced **Terry Derden**, Chief Legal Advisor for the Ada County Sheriff's Office who explained that **S 1279** makes it clear that the County Sheriffs does have the statutory authority to contract with private security in certain cases. In cases where jail inmates need to stay at a facility outside of the jail. An example of that would be if an inmate needs to go to the hospital to have a baby. Currently, two deputies are required to perform security during a hospital stay and two other deputies are called in to backfill their shifts at the jail. Contracting with an outside security service to perform this kind of security will be more cost-effective, also in the case of private secure inmate transports.

MOTION: **Rep. Kerby** made a motion to send **S 1279** to the floor with a **DO PASS** recommendation.

Mr. Derden responded to detailed committee questions about the range of this statute and the use of deadly force.

SUBSTITUTE MOTION: **Rep. Troy** made a substitute motion to **HOLD S 1279** for time certain, the March 17, 2022 committee meeting.

Chief Aaron Shepherd, Ada County Sheriff's office explained that **S 1279** is about saving money but it is also about the fact that the Sheriff's Department is short-staffed and is not able to provide officers for hospital security when inmates are hospitalized or conduct transports without calling deputies in on their days off. The staffing alternatives presented in **S 1279** are a solution to this problem. There is significant concern about burnout with the deputies. Chief Shepherd responded to committee questions and described the training contract security officers are expected to have.

VOTE ON SUBSTITUTE MOTION: **Substitute motion carried by voice vote.**

S 1334: **Rep. Chaney** presented **S 1334** which amends existing law to authorize training programs with certain private employers in telecommunications. This bill involves Correctional Industries (CI), and it allows inmates to be trained in telemarketing jobs while incarcerated so they are better suited to find meaningful employment upon release from prison. He introduced **Director Josh Tewalt**, Department of Correction (DOC) to explain how this would work in more detail. Director Tewalt explained that telemarketing is a high turnover industry and if inmates are trained in this field they can serve as a stable employment pool for telemarketing businesses.

There were many committee questions about how this would be controlled and how the public would be protected. **Director Tewalt** explained in detail the combination of DOC controls; and the built-in controls of telemarketing businesses, which includes training, standards, restrictions, and levels of access.

MOTION: **Rep. Kerby** made a motion to send **S 1334** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Chaney** will sponsor the bill on the floor.

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

ADJOURN: There being no further business to come before the committee the meeting adjourned at 3:15 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary