

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, February 08, 2023

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lakey, Vice Chairman Foreman, Senators Lee, Anthon, Ricks, Hart, Hartgen, Wintrow, and Ruchti

**ABSENT/
EXCUSED:** None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the Committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Lakey** called the meeting of the Senate Judiciary & Rules Committee (Committee) to order at 1:30 p.m.

RS 30016C1 **Electronic Devices and Driving.** **Mike Pohanka** outlined his years of service as a chaplain for Idaho State Police and the Jerome County Sheriff's Department, where he often assisted with death notifications. He said the genesis for this legislation came from that service, where most of the notifications he worked on were for vehicular accidents. This bill would amend State code to upgrade instances of aggravated, distracted driving to a felony upon conviction. Those kinds of incidents result in permanent disability and/or disfigurement of the victim. This legislation was crafted after consultation with police chiefs, sheriffs, and prosecuting attorneys, all of whom agreed that legislative action was needed to address instances of distracted driving that resulted in severe injury.

DISCUSSION: **Vice Chairman Foreman** expressed some concerns about the proposal. He stated that, while not felonies, there were already laws in place regarding incidents that resulted from distracted driving, and wondered if upgrading the charges to felonies would be enough to create societal change. He was also concerned about the potential for a significant increase in the number of felony cases in Idaho. **Mr. Pohanka** replied, indicating that he believed the potential for time in county jail and/or a fine would discourage people driving on roadways in Idaho from operating handheld devices while driving. **Vice Chairman Foreman** followed up by asking if there were any suggestions for non-government solutions to discourage distracted driving. **Mr. Pohanka** declared that action needs to be taken, because the amount of suffering that has happened due to distracted driving is unacceptable. **Senator Hart** inquired about possible alternatives, like community service, because of the challenges that could occur in a jail environment placing people who did not have bad intentions with people who did. **Mr. Pohanka** responded by saying they would be amenable to exploring those options. **Senator Hart** followed up by asking if a community service provision should have been included in the legislation or if it should be amended to include that option. **Mr. Pohanka** agreed with including that option.

MOTION: **Senator Anthon** moved to send **RS 30016C1** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

RS 30257 **Judicial Officers, Confidentiality.** **Jason Spillman**, Legal Counsel, Administrative Office of the Courts, spoke to the inspiration for the legislation being a result of an observed uptick in violence against and harassment of judges across the nation. This bill would amend State Code by having the specific address and phone number for candidates for judge positions exempted from their declaration of candidacy, instead just showing their county of residence to confirm they were running in the appropriate jurisdiction. He wanted to reinforce the intent of the legislation was to ensure the integrity and impartiality of the judicial system in Idaho.

MOTION: **Senator Anthon** moved to send **RS 30257** to print. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

HEARING: **Joint Printing Committee Recommendation, Session Laws.** **Jennifer Novak**, Secretary of the Idaho State Senate, presented a proposal on behalf of the Joint Printing Committee, which would have limited the number of Idaho Session Laws to 90 copies each. This proposal was deemed prudent given how much digital access of bills, laws, and historical records had improved over the last few years. Giving context, **Secretary Novak** said that, excluding the copies made at the request of agencies and other groups that would have paid to secure copies, over \$2,600 was paid for printing, \$962 of which was from the Senate. She continued to explain that the State had done great work having physical copies of session laws digitally uploaded, with records dating back to 1945 being accessible online. The next project the Joint Printing Committee had identified was to perform the same digital conversion for journals, since those, in digital form, date back only to 1998 (see Attachment 1).

MOTION: **Senator Anthon** moved that the report be sent to the Senate Floor with a **recommendation it be adopted**. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

S 1039 **Relating to Rental Fees.** **Senator Rabe** explained **S 1039** was created with the intention of establishing best practices for landlords and property managers in State code to increase consumer protections, and improve transparency. Landlords would not be able to charge fees that exceed what is enumerated in the rental agreement, unless the tenant(s) were provided 30 or more days written notice, and any fees such as late payments had to be reasonable. **Senator Rabe** expressed a concern that Idaho Code contained protections for those with mortgages and storage facilities but not renters. She finished her main presentation by highlighting the bipartisan coalition that had worked on the legislation, including Senators Ricks and Trakel, and Representatives Hill and Erickson.

DISCUSSION: **Chairman Lakey** then asked if Senator Rabe had any amendments she was considering addressing, and if the **14th Order** might have been the next step for the bill. **Senator Rabe** concurred, noting that a question from Senator Anthon during the print hearing prompted her to explore having language added that would state the legislation would have no retroactive application to current rental agreements, and that no agreements signed before July 1st, 2023 would be affected. She continued to say she would be open to amending **S 1039** in the **14th Order**, if it was the will of the Committee. **Vice Chairman Foreman** asked what the need was for the State to have an increased role in private agreements. **Senator Rabe** said the challenge both landlords and tenants had observed was a lack of case law and provisions in State code that would have helped landlords determine what a reasonable level of fee was. She noted that this legislation was intended to offer guidance to judges that worked in small claims or eviction courts.

TESTIMONY: The Committee received verbal testimony from five members of the public, all of whom spoke in support of the bill being passed. **Spencer Henderson** with the Southwest Idaho Chapter of the National Association of Residential Property Managers said that the lack of guidelines for rental agreement and fee structure practices had led to a rise in predatory behavior by bad actors that hurts the housing industry. His group supported the legislation for that reason. **Cassandra Swanson** with Paramount Property Management and also the Southwest Idaho Chapter of the National Association of Residential Property Managers said that she believed this legislation would help strike a balance between protection of rental property and offer consumer protections to people. **Katie McInally** spoke on behalf of Evan Stewart with Jesse Tree in support of **S 1039**. She said her organization had identified over 3,000 evictions had been filed over the last three years, with average rents up 40%, a figure that doubled the national average. She urged the Committee to advance the legislation to offer protections to renters at a time they were most vulnerable. **Kendra Knighten** with the Idaho Asset Building Network wanted to address Idaho's shortage of affordable and available homes. She cited a study her group performed that showed a need for 24,000 more units across the state. In addition to referencing the figures mentioned in previous testimony highlighting the struggles of renters, she said this legislation would go a long way to helping ensure some stability for families during a volatile time for the housing market. **Doug Taylor** representing the Idaho Apartment Association, spoke to the need for a regulatory framework that would guide the decisions of good landlords and prevent the few bad actors from taking advantage of renters. See written testimony provided by Kathy Griesmyer (see Attachment 2) and written testimony provided by Evan Stewart (see Attachment 3).

MOTION: **Senator Lee** moved to send **S 1039** to the **14th Order** for possible amendment. **Senator Wintrow** seconded the motion. **Chairman Lakey** and Senators **Lee, Anthon, Ricks, Hart, Hartgen, Wintrow,** and **Ruchti** voted in favor of the motion, with **Vice Chairman Foreman** recorded as voting nay.

ADJOURNED: There being no further business at this time, **Chairman Lakey** adjourned the meeting at 2:45 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary

Kieran Sprague
Assistant Secretary