

MINUTES  
**HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE**

**DATE:** Thursday, February 23, 2023

**TIME:** 1:30 P.M.

**PLACE:** Room EW42

**MEMBERS:** Chairman Skaug, Vice Chairman Scott, Representatives Ehardt, Young, Cannon, Erickson, Alfieri, Allgood, Dixon(24), Gallagher, Garner, Handy, Lambert, Sauter, Wroten, Gannon, Nash, Mathias

**ABSENT/  
EXCUSED:** Representative Skaug

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

**Vice Chairman Scott** called the meeting to order at 1:30pm.

**H 114:** **Rep. Mathias** presented **H 114** regarding abuse of school employees.

Committee members inquired regarding the format of covered abuses, what entity determines the occurrence of abuse or emotional distress, the application to coaches, and threshold standards.

**Rep. Wroten** declared Rule 80 stating a possible conflict of interest.

**Paul Stark** of the Idaho Education Association of Boise, testified **in support**.

**Vice Chairman Scott** put the committee at ease at 1:59pm.

**Vice Chairman Scott** returned the committee to order at 2:02pm.

**ORIGINAL MOTION:** **Rep. Nash** made a motion to send **H 114** to the floor with a **DO PASS** recommendation.

**MOTION:** **Rep. Sauter** made a motion to call for the previous question.

**ROLL CALL VOTE:** **Vice Chairman Scott** requested a roll call vote on the motion to call for the previous question. **Motion failed by a vote of 6 AYE and 11 NAY and 1 Absent/Excused.** **Voting in favor** of the motion: **Reps. Scott, Garner, Sauter, Wroten, Nash, Mathias.** **Voting in opposition** to the motion: **Reps. Ehardt, Young, Cannon, Erickson, Alfieri, Allgood, Dixon (24), Gallagher, Handy, Lambert, Gannon.** **Rep. Skaug** was **Absent/Excused**.

**SUBSTITUTE MOTION:** **Rep. Young** made a substitute motion to return **H 114** to the sponsor.

**UNANIMOUS CONSENT REQUEST:** **Rep. Young** requested unanimous consent to withdraw her substitute motion to return **H 114** to the sponsor. **Motion carried by unanimous voice vote.**

**SUBSTITUTE MOTION:** **Rep. Alfieri** made a substitute motion to **HOLD H 114** in committee.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:** **Vice Chairman Scott** requested a roll call vote on the substitute motion. **Substitute motion failed by a vote of 8 AYE and 9 NAY and 1 Absent/Excused.** **Voting in favor** of the motion: **Reps. Scott, Ehardt, Young, Erickson, Alfieri, Gallagher, Handy, Lambert.** **Voting in opposition** to the motion: **Reps. Cannon, Allgood, Dixon (24), Garner, Sauter, Wroten, Gannon, Nash, Mathias.** **Rep. Skaug** was **Absent/Excused**.

**AMENDED  
SUBSTITUTE  
MOTION:**

**Rep. Gannon** made an amended substitute motion to send **H 114** to the floor without a recommendation.

**ROLL CALL  
VOTE ON  
AMENDED  
SUBSTITUTE  
MOTION:**

**Vice Chairman Scott** requested a roll call vote on the amended substitute motion. **Amended substitute motion failed by a vote of 8 AYE and 9 NAY and 1 Absent/Excused. Voting in favor** of the motion: **Reps. Cannon, Dixon (24), Garner, Sauter, Wroten, Gannon, Nash, Mathias. Voting in opposition** to the motion: **Reps. Scott, Ehardt, Young, Erickson, Alfieri, Allgood, Gallagher, Handy, Lambert. Rep. Skaug** was **Absent/Excused**.

**H 147:**

**Rep. Raybould** requested **H 147** be held in committee.

**MOTION:**

**Rep. Nash** made a motion to **HOLD 147** in committee. **Motion carried by voice vote.**

**H 167:**

**Rep. Raybould** presented **H 167** regarding critical infrastructure trespass.

**MOTION:**

**Rep. Wroten** made a motion to send **H 167** to the floor with a **DO PASS** recommendation.

Committee inquired regarding public gatherings and clarification of trespass terminology.

**Mary Alice Taylor** of the Association of Idaho Cities, **Will Hart** of Idaho Consumer Utilities, and **Russ Hendricks** of the Idaho Farm Bureau, testified **in support**.

**Christy Zito** of the Second Amendment Alliance testified **in opposition**.

**ROLL CALL  
VOTE ON  
MOTION:**

**Vice Chairman Scott** requested a roll call vote. **Motion carried by a vote of 9 AYE, 8 NAY and 1 Absent/Excused. Voting in favor** of the motion: **Reps. Erickson, Alfieri, Allgood, Dixon (24) Garner, Handy, Sauter, Wroten, Mathias. Voting in opposition** to the motion: **Reps. Scott, Ehardt, Young, Cannon, Gallagher, Lambert, Gannon, Nash. Rep. Skaug** was **Absent/Excused**. **Rep. Raybould** will sponsor the bill on the floor.

**Vice Chairman Scott** put the committee at ease at 3:20pm.

**Vice Chairman Scott** returned the meeting to order at 3:26pm.

**H 148:**

**Rep. Raybould** presented **H 148** regarding impeding critical infrastructure.

The committee inquired regarding the language used to describe intent in the proposed legislation.

**MOTION:**

**Rep. Dixon (24)** made a motion to send **H 148** to floor with **DO PASS** recommendation.

**Mary Alice Taylor** of the Association of Idaho Cities, **Will Hart** of the Idaho Consumer Utilities, and **Russ Hendricks** of the Idaho Farm Bureau, testified **in support**.

**Christy Zito** of the Second Amendment Alliance testified **in opposition**.

**ROLL CALL  
VOTE ON  
MOTION:**

**Vice Chairman Scott** requested a roll call vote. **Motion failed by a vote of 8 AYE and 9 NAY and 1 Absent/Excused. Those voting in favor** of the motion: **Reps. Erickson, Alfieri, Allgood, Dixon (24) Garner, Handy, Sauter, Wroten. Voting in opposition** to the motion: **Reps. Scott, Ehardt, Young, Cannon, Gallagher, Lambert, Gannon, Nash, Mathias. Rep. Skaug** was **Absent/Excused**.

**S 1024:**

**Rep. Dixon (24)** and **Ashley Dowell** of the Idaho Commission of Pardons and Parole presented **S 1024** regarding commutations and pardons.

**MOTION:**

**Rep. Ehardt** made a motion to send **S 1024** to the floor with a **DO PASS** recommendation.

The committee inquired regarding recommendations of the Pardons and Parole Commission.

**ROLL CALL  
VOTE ON THE  
MOTION:**

**Vice Chairman Scott** requested a roll call vote. **Motion carried unanimously by a vote of 16 AYE, 0 NAY and 2 Absent/Excused. Voting in favor** of the motion: **Reps. Scott, Ehardt, Young, Cannon, Erickson, Alfieri, Allgood, Dixon (24), Gallagher, Garner, Handy, Sauter, Wroten, Gannon, Nash, Mathias. Reps. Skaug and Lambert** were **Absent/Excused. Rep. Dixon (24)** will sponsor the bill on the floor.

**Director Eric Fredericksen** of the Idaho State Appellate Public Defender, presented the Idaho State Appellate Public Defender Performance Report.

The committee inquired regarding agency processes and structure.

**Director Kathleen Elliott** of the Idaho Public Defense Commission presented the Idaho Public Defense Commission Performance Report.

The committee inquired regarding the class action lawsuit, the structure of the adjudicating body, and case load goals.

**ADJOURN:**

There being no further business to come before the committee, the meeting adjourned at 4:23pm.

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Representative Scott  
Chair

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Nancy Conrad  
Secretary