

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, March 22, 2023

TIME: 1:00 P.M.

PLACE: Room WW54

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

ABSENT/ EXCUSED: Senators Anthon and Wintrow

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 1:20 p.m.

Chairman Lakey indicated that Senator Hartgen needed to attend the Resources Committee meeting so the agenda would be changing to accommodate that.

MINUTES APPROVAL: **Senator Lee** moved to approve the minutes of March 6, 2023. **Senator Hartgen** seconded the motion. The motion carried by **voice vote**.

Senator Foreman moved to approve the minutes of March 8, 2023. **Senator Ruchti** seconded the motion. The motion carried by **voice vote**.

JUDICIAL COUNCIL APPOINTMENT VOTE: **Vote on the Judicial Council Appointment of Keely E. Duke.** **Chairman Lakey** began by declaring Rule 39(H) indicating he sat on the State Insurance Fund Board and Ms. Duke was legal council on a contract basis to that board. He stated that last year the nomination for this position was rejected and one of the main reasons was because they were working on the Judicial Council restructuring. Ms. Duke had been called to fill the remainder of that term. There had been much discussion about moving the goalposts with respect to Judicial Council processes. He added that in his opinion, Ms. Duke was put forward under the current rules. The new ones did not take affect until next year. **Chairman Lakey** mentioned that Ms. Duke provided the balance between the plaintiffs bar and the defense bar that they were looking for. She also respected the election process. He stated he would support her for this appointment. **Senator Lee** said she would not support Ms. Duke in her nomination. She felt it was important that the change to not having the bar directly send someone to the Judicial Council should begin immediately. The lack of more information on the candidate's application was a disappointment to her. She added that she did not feel this was a continuation of an appointment not confirmed from last year, this was a new term.

MOTION: **Senator Lee** moved to send the nomination of Keely E. Duke to the floor with a recommendation that she not be appointed to the Judicial Council. **Senator Foreman** seconded the motion.

DISCUSSION: **Senator Hart** stated that in light of the legislation passed by this Committee, he felt it would be good to leave the position vacant. He supported Senator Lee's motion. **Senator Ruchti** expressed how impressed he was with Ms. Duke's abilities as an attorney. He indicated that he felt she was well respected by both bars and felt she was an excellent candidate. He stated she would bring the balance to the Council they were looking for, but now they seemed to be looking for other issues to be concerned with.

MOTION VOTE: **Chairman Lakey** stated a motion was made to send the nomination of Keely E. Duke to the floor with a recommendation that she not be appointed to the Judicial Council. The motion carried by **voice vote**. **Chairman Lakey** and **Senator Ruchti** asked to be recorded voting nay.

GUBERNATORIAL REAPPOINTMENT VOTE: **Senator Lee** moved to send the Gubernatorial Reappointment of Brian Marx to the Sexual Offender Management Board to the floor with a recommendation that he be confirmed by the Senate. **Senator Ricks** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT VOTE: **Senator Ricks** moved to send the Gubernatorial Reappointment of Angela Barkell to the State Public Defense Commission to the floor with a recommendation that she be confirmed by the Senate. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT VOTE: **Senator Lee** moved to send the Gubernatorial Reappointment of Eric Fredericksen to the State Public Defense Commission to the floor with a recommendation that he be confirmed by the Senate. **Senator Ricks** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT VOTE: **Senator Lee** moved to send the Gubernatorial Reappointment of Paula Garay to the Sexual Offender Management Board to the floor with a recommendation that she be confirmed by the Senate. **Senator Ricks** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Chairman Lakey passed the gavel to Vice Chairman Foreman.

RS 30689 **Vice Chairman Foreman** indicated that Chairman Lakey would present the resolution confirming the Legislative Rules.

Chairman Lakey stated this Unanimous Consent Resolution confirmed the rules for the Idaho State Police Public Safety and Security Information Systems and the Sexual Offender Management Board indicating that the Senate Judiciary and Rules Committee reviewed them and none were rejected.

MOTION: **Senator Lee** moved to send **RS 30689** to print. **Senator Ricks** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chairman Foreman passed the gavel to Chairman Lakey.

ADJOURNED: There being no further business, **Chairman Lakey** adjourned the meeting at 1:45 p.m.

Senator Lakey
Chair

Sharon Pennington
Secretary