

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

- DATE:** Monday, February 11, 2019
- TIME:** 1:30 P.M.
- PLACE:** Room EW42
- MEMBERS:** Chairman Dayley, Vice Chairman Chaney, Representatives Kerby, Amador, Zito, Zollinger, Ehardt, Scott, Goesling, Hartgen, Marshall, Ricks, Troy, Young, Gannon, McCrostie, Wintrow, Davis
- ABSENT/
EXCUSED:** None
- GUESTS:** Jack Lyman, Idaho Housing Alliance; Len Galus, Paul Smith, Idaho Apartment Association; Alex Costa, Greystar; Andrew Masser, Paul Riggins, IACDL; Ruby Mendez, ACLU; Rep. Giddings
- Chairman Dayley** called the meeting to order at 1:30 p.m.
- RS 26706:** **Jeremy Pisca**, on behalf of the Idaho Humane Society, presented **RS 26706**. This proposed legislation proposes to remedy the penalty portion of the dangerous dog law that was overhauled in 2016. Misdemeanor penalties were inadvertently dropped from the code. Cases are not being prosecuted as a result.
- MOTION:** **Rep. Hartgen** made a motion to introduce **RS 26706**. **Motion carried by voice vote.**
- RS 26728:** **Paul Smith**, Executive Director of the Idaho Apartment Association presented **RS 26728**. The proposed legislation increases tenant protection for personal property left behind; gives tenants alternatives to litigation in certain circumstances; and enables tenants to serve landlords a notice, and if the violation isn't cured within three days, tenants can deduct the cost of remedying the problem from their rent, or get out of their lease. Some domestic violence protections are added, which allow tenants to get out of their lease or get their locks changed. The proposed legislation also reduces tenant costs for being evicted. Mr. Smith stated the proposed legislation also provides clearer rules for landlords regarding abandoned property, three day notices and deposit refunds. It also requires landlords to hold security deposit money in trust. Additionally, the eviction process is expedited into one lawsuit instead of two, which will reduce costs and length of time for evictions.
- In answer to questions from the Committee, **Mr. Smith** explained that under current law, an order of restitution is needed first in an eviction, and a second lawsuit is needed to seek monetary damages. This proposed legislation will combine these two legal processes into one. Under the proposed legislation, landlords can store and dispose of abandoned property rather than law enforcement.
- MOTION:** **Rep. Scott** made a motion to introduce **RS 26728**. **Motion carried by voice vote.**
- RS 26749:** **Rep. Ehardt** presented **RS 26749**. The proposed legislation was written to protect first amendment rights of authors and journalists by preventing them from being pulled into foreign courts for libel. Journalists have been pulled into courts because litigants are shopping states without laws in place to prevent such actions. The proposed legislation is commonly referred to as Rachel's Law and has passed in 11 states with bipartisan support.
- MOTION:** **Rep. Zollinger** made a motion to introduce **RS 26749**. **Motion carried by voice vote.**

RS 26850: **Rep. Gannon** presented **RS 26850**. The proposed legislation allows persons convicted of possessing less than a half (1/2) ounce of marijuana to reduce their misdemeanor charge to an infraction if they voluntarily complete four hours of court approved drug/alcohol education, and pay a fine of \$250, or complete eight hours of court approved community service.

In answer to questions from the Committee, **Rep. Troy** clarified industrial hemp is removed from the schedule of illegal substances. **Rep. Zollinger** explained several places in code need cleaned up if the industrial hemp bill passes, also applying to **RS 26850** if it were to become law.

MOTION: **Rep. Wintrow** made a motion to introduce **RS 26850**. **Motion carried by voice vote.**

HR 2: **Chairman Dayley** explained **HR 2** has outstanding questions concerning Rule 76 which deserve additional vetting. He requested a motion to hold the bill in Committee.

MOTION: **Rep. Chaney** made a motion to **HOLD HR 2** in Committee. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the Committee, the meeting was adjourned at 2:04 p.m.

Representative Dayley
Chair

Wendy Carver-Herbert
Secretary