

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Monday, February 10, 2020

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lakey, Vice Chairman Lee, Senators Lodge, Anthon, Thayn, Cheatham, Burgoyne, and Nye

ABSENT/ EXCUSED: Senator Grow

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 and Rules Committee (Committee) to order at 1:30 p.m.

RS 27277C2 **Relating to Grandparents Visitation Rights. Senator Jim Rice**, District 10, described the current statute on grandparent and great-grandparent visitation rights as vague and ambiguous. He discussed that **RS 27277C2** will eliminate Idaho Code § 32-719, and insert Idaho Code §§ 32-1801, 32-1802, 32-1803, 32-1804, and 32-1805. He specified that these sections provide clear definition of grandparents' and great-grandparents' visitation rights, but he made it clear that they do not involve custody of the child.

MOTION: **Senator Burgoyne** moved to send **RS 27277C2** to print. **Senator Cheatham** seconded the motion. The motion carried by **voice vote**.

RS 27279C2 **Relating to Fair Chance Employment/ Criminal History. Senator Cherie Buckner-Webb**, District 19, cited Idaho's need to increase employment access for persons returning to the community after release from prison or jail. According to Senator Buckner-Webb, **RS 27279C2** would not allow job listings, application forms, and interviews to inquire about an applicant's criminal history until the applicant has been interviewed or after a conditional job offer has been made. She emphasized that it is proper for any potential employer to have a discussion about the full extent of the applicant's criminal background after the initial interview or provisional job offer. She stated that this policy reduces recidivism rates in Idaho, and helps formerly incarcerated people to be financially independent as well as to continue to contribute to their families, community, and economy.

MOTION: **Senator Burgoyne** moved to send **RS 27279C2** to print. **Vice Chairman Lee** seconded the motion. The motion carried by **voice vote**.

RS 27538 **Relating to Vicious Dog Legislation. Senator Mark Harris**, District 32, stated that this legislation will remove conflicting language in Idaho Code § 25-2811. That language contradicts Idaho Code § 25-2810 and creates confusion for law enforcement officers.

MOTION: **Senator Anthon** moved to send **RS 27538** to print. **Senator Lodge** seconded the motion. The motion carried by **voice vote**.

RS 27560 **Relating to Responsibilities and Liabilities of Bicyclists and Mountain Operators.** **Carlie Foster**, Lobby Idaho, presented for Jason Kreizenbeck on behalf of the Idaho Skier Association, and explained that the RS adds a new chapter, Chapter 33, to Title 6 of Idaho Code. She remarked that Chapter 33 defines and outlines the duties and responsibilities of both mountain operators and bicyclists while mountain biking in ski areas. She acknowledged that this chapter would limit liability for mountain operators for actions against them, and would establish responsibilities for which mountain operators shall be liable for posting of signage and negligent actions.

MOTION: **Senator Anthon** moved to send **RS 27560** to print. **Vice Chairman Lee** seconded the motion. The motion carried by **voice vote**.

RS 27612 **Relating to Clarification of Intent of "exclusive remedy" in relation to workers compensation.** **Alex LaBeau**, Idaho Association of Commerce and Industry (IACI), indicated that **RS 27612** proposes to add language to Idaho Code § 72-209, that delineates when an individual may file a claim for a workplace accident. This bill also preserves the integrity of the workers' compensation law. He asked for the bill to be sent to print but requested it to be referred to the Senate Commerce and Human Resources Committee.

MOTION: **Senator Thayne** moved to send **RS 27612** to print. **Vice Chairman Lee** seconded the motion. The motion carried by **voice vote**.

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

S 1284 **Relating to Public Records Disclosure.** **Chairman Lakey** described the role of the Public Defense Commission (PDC) in Idaho. He pointed out that PDC is responsible for evaluating, overseeing, and providing assistance and guidance in the provision of public defense services in Idaho. **Chairman Lakey** then introduced Kathleen Elliot, Director, PDC, to further explain the attorney-client privilege and the bill.

Ms. Elliot talked about the confidentiality issues of attorney-client communication, and information about the indigent defendant's attorney. She confirmed that confidentiality privilege does not extend to PDC. She remarked that this legislation will make that information exempt from disclosure under the Public Records Act.

MOTION; **Senator Cheatham** moved to send **S 1284** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion passed by **voice vote**.

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

RS 27700 AND RS 27701 **Chairman Lakey** gave a brief statement about **RS 27700** and **RS 27701**. He highlighted that the concurrent resolutions were heard in the Senate Commerce and Human Resources Committee and the Senate State Affairs Committee, respectively, and were sent to print. Due to slight technical errors in both resolutions, they were returned to this Committee. **Chairman Lakey** asked for a motion to print both resolutions.

MOTION: **Senator Anthon** moved to send **RS 27700** and **RS 27701** to print. **Vice Chairman Lee** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Lakey** adjourned the meeting at 2:00 p.m.

Senator Todd M. Lakey
Committee Chairman

Sharon Pennington
Committee Secretary

Rellie Wisdom
Majority Staff Assistant