

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

**DATE:** Monday, March 16, 2020

**TIME:** 7:30 A.M.

**PLACE:** Room EW42

**MEMBERS:** Chairman Chaney, Acting Vice Chairman Monks, Representatives Kerby, Amador, Zito, Zollinger, Ehardt, Scott, Goesling, Hartgen, Marshall, Ricks, Troy, Young, Gannon, McCrostie, Wintrow, Davis

**ABSENT/  
EXCUSED:** Representatives Monks, Amador

**GUESTS:** David Devereaux, Rory Smith, Bill Brown, Paul Booth, Wyatt Zarr, ABATE of Idaho; Jason Kreizenbeck, Lobby Idaho, LLC

**Chairman Chaney** called the meeting to order at 7:32 a.m.

**MOTION:** **Rep. Marshall** made a motion to approve the minutes of the February 19, 2020 meeting. **Motion carried by voice vote.**

**S 1343:** **Chairman Chaney** returned the bill to committee for reconsideration. This bill establishes responsibilities and liabilities for mountain operators and bicyclists.

**MOTION:** **Rep Zollinger** made a motion to send **S 1343** to General Orders.

In answer to questions from the Committee, **Rep. Zollinger** explained the amendments were to address limited liability when the natural terrain is altered.

**VOTE ON  
MOTION:** **Chairman Chaney** called for a vote on the motion. **Motion carried by voice vote.** **Rep. Zollinger** will sponsor the bill on the floor.

**S 1292:** **Chairman Chaney** explained the intent to abandon the split hearing and consideration model for **S 1292** due to timing and other factors.

**Rep. Anderst** presented the bill to prevent law enforcement from motorcycle profiling. He explained it was not a new bill and the House passed a similar bill previously, but there were concerns in the Senate. This bill includes changes to address law enforcement concerns about cause of action against officers and governmental entities if profiling is proven. He stated the bill does three things: it defines what motorcycling profiling is, it creates a prohibition against it, and it establishes the fact that nothing shall constitute or create a private cause of action. Whatever comes from that stop can be relieved if profiling is proven in the courts. He explained other states have implemented similar laws and have seen a decrease in profiled stops as a result of the education. It has improved relationships between law enforcement and the motorcycling community.

**MOTION:** **Rep. Scott** made a motion to send the **S 1292** to the floor with a **DO PASS** recommendation.

In answer to questions from the Committee, **Rep. Anderst** stated race and gender are protected classes, so profiling is constitutionally prohibited. Anyone who uses this as a defense in court will need to show a fact pattern to establish the person was being profiled and the stop was related to their appearance. He explained other examples of unprotected classes who may establish profiling fact patterns have the right to bring forward similar legislation. Rep. Anderst stated there is some opposition from the law enforcement community, but they have worked through the biggest issue by addressing cause of action.

Debate among Committee members included consequences of the law and the role of law enforcement being reactive versus proactive.

**Rep. Anderst** declared Rule 80, stating he is a member of a motorcycle club.

**MOTION:** **Rep. Zollinger** called for the question.

Some members of the Committee questioned the decision to abandon the policy of hearing and considering bills on different days. **Chairman Chaney** explained his policy was done under the intent of the Committee's unanimous consent, which would need a motion to suspend rules.

**MOTION:** **Rep. Ehardt** made a motion to suspend rules for hearing and considering bills on different days in order to vote on **S 1292**.

**ROLL CALL VOTE:** **Chairman Chaney** called for a roll call vote on the motion to suspend rules to hear and consider bills on different days. **The motion failed due do a lack of two-thirds majority vote 8 AYE, 6 NAY, 4 Absent/Excused. Voting in favor of the motion: Reps. Kerby, Zollinger, Ehardt, Hartgen, Marshall, Troy, Young and Chairman Chaney. Voting in opposition to the motion: Reps. Goesling, Ricks, Gannon, McCrostie, Wintrow and Davis. Reps. Monks, Amador, Zito and Scott were Absent/Excused.**

**David Devereaux**, ABATE of Idaho, testified **in support** and followed-up further on Committee questions. He stated colors and types of clothing have been found as expressive conduct by the Supreme Court. He explained law enforcement action should be taken based on conduct. He explained standards of review versus strict scrutiny when applied to non-protected classes and a resolution rather than law in statute would not be binding in a state court.

**Chairman Chaney** explained the Committee's intent to meet tomorrow and clarified the order of motions and actions.

**ADJOURN:** There being no further business to come before the Committee, the meeting adjourned at 8:19 a.m.

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Representative Chaney  
Chair

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Wendy Carver-Herbert  
Secretary