

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Tuesday, February 15, 2022

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Chaney, Vice Chairman Hartgen, Representatives Kerby, Amador, Ehardt, Scott, Marshall, Troy, Young, Nate, Cannon, Erickson, Skaug, Gannon, McCrostie, Ruchti (Roberts), Nash

**ABSENT/
EXCUSED:** Representative(s) Ehardt

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

Chairman Chaney called the meeting to order at 1:30 p.m.

**UNANIMOUS
CONSENT
REQUEST:** **Rep. Nash** made a unanimous consent request that **Rep. Troy, Amador,** and himself be excused from voting on **HR 10, HR 11, HR 12, HR 13, HR 14, HR 15, HR 16, HR 17, HR 18** due to their serving on the Joint Finance and Appropriation Committee (JFAC). There being no objection, the request was granted.

HR 18: **Rep. Manwaring** presented **HR 18** speaking in support of the permanent building fund request made by the Department of Correction for a new reentry center in District 29, Pocatello.

Chairman Chaney stated he will be presenting this germane committee's recommendations to JFAC on February 16th, and the nine house resolutions on today's agenda were intended to help him get the committee's input in a more formal way. The committee had previously expressed a desire to be more closely consulted when it comes to policy questions. This method was devised because this has profound policy implications and the JFAC committee had requested more input from the germane committees. Some members of the committee expressed their objection to this method and discussed a less formal approach where each committee member would give their opinion to then be passed along to the JFAC Committee in the Chairman's presentation.

MOTION: **Rep. Gannon** made a motion to send **HR 18** to the floor with a **DO PASS** recommendation.

The Committee voiced more concerns about the method of these being in House Resolution form.

**ROLL CALL
VOTE:** A roll call vote was requested. **Motion carried by a vote of 11 AYE and 2 NAY, 4 ABSENT/EXCUSED.** Voting in favor of the motion: **Reps. Chaney, Hartgen, Kerby, Marshall, Young, Cannon, Erickson, Skaug, Gannon, McCrostie, and Ruchti.** Voting in opposition to the motion: **Reps. Scott and Nate.** **Reps. Amador, Ehardt, Troy and Nash were absent/excused.** **Rep. Chaney** will sponsor the bill of the house floor.

Chairman Chaney turned the gavel over to **Vice Chair Hartgen.**

HR 16: **Rep. Chaney** presented **HR 16** in support of the Idaho State Police (ISP) supplemental budget request for a new, first time ever, helicopter, hoist, hanger, and the needed support positions.

Sheriff Chris Goetz, Clearwater County Sheriff, representing the Idaho Sheriff's Association testified in support of **HR 16**. He explained that Clearwater County has had a contract helicopter program since 1978 and listed the different uses including search and rescue. Sheriff Goetz answered committee questions regarding helicopter ownership costs, storage, existing contracts in other counties, hours in use, and alternatives if contracted helicopters were not available.

Colonel Kedrick Wills of the Idaho State Police, spoke in support of **HR 16** and explained the advantages of using air support for a variety of law enforcement incidents. He said helicopters are a solution in law enforcement because of speed, agility, efficiency, and the advantage point they offer and that forty-six states have helicopter air support for law enforcement incidents. Helicopters are great tools for search and rescue incidents and pursuits; they are a force multiplier, he stated, because of the vantage point, law enforcement can solve more crimes and respond to incidents more quickly with increased safety for officers and for the public.

Committee members expressed concerns about the helicopter being used mainly for the Treasure Valley area and not evenly across the state. There were questions about costs pertaining to ongoing expenses after the initial start-up costs, and the staff required to support a helicopter unit. Committee members questioned the reimbursement process for counties if the state helicopter was utilized. There were questions about whether drones would be less expensive, and the limitations of their use. In response to committee questions, **Colonel Wells** compared contract helicopter expenses to this proposed infrastructure investment. He explained that availability at the time of a crisis is the main drawback of using contract helicopter services.

Tammany Brooks, Deputy Chief of the Boise Police Department, spoke in support of **HR 16**, saying it would benefit Boise and the Treasure Valley who currently have no aviation assets for police pursuits, searches for dangerous or missing subjects, or other high risk, high liability activities. He said it is currently challenging to manage these situations in a manner consistent with national best practices and that the unique elevated view a helicopter provides, is invaluable for better on-site decisions in a wide range of incidents. In response to Committee questions about drones, Deputy Chief Brooks explained that drones are in use and are helpful in many incidents, however, drones cannot be flown beyond the line of sight of the operator and there are many situations that this limitation excludes their use.

Kieran Donahue, Canyon County Sheriff, spoke in support of **H 16** explaining that a helicopter is an invaluable piece of equipment for search and rescue and extracting individuals off mountains. He stated that the more populated Idaho becomes, the more air support will be needed, and the faster law enforcement can respond to missing children reports and life and death calls for help. Sheriff Donahue does not expect agencies will have a problem sharing the equipment; there is a shared understanding of priorities assigned to calls and the helicopter would be put to work accordingly. In response to Committee questions, Sheriff Donahue explained that frequently search and rescue areas are too large for drones to be the right equipment; the battery life averages 20 minutes before they must return to their handlers. Different cost options were considered but from a law enforcement perspective, the priority and availability of the equipment were determined most important. In response to staff shortage questions, it was explained that helicopters are a force multiplier, and it can reduce the number of personnel required to respond to incidents.

Colonel Kedrick Wills responded to Committee questions about the life expectancy of a helicopter saying that the hours of use factor into the life of a helicopter and Utah's helicopters average 10-15 years.

Major General Michael Garshak, Adjutant General for Idaho, said pertaining to the military's life expectancy of helicopters some of the helicopters flying today were manufactured in the early 1980s and based on that, the life expectancy could be 30 years.

Committee members expressed concerns about the expense and liability of keeping and maintaining helicopters.

ORIGINAL MOTION:

Rep. Scott made a motion to **HOLD HR 16** in Committee.

Rep. Chaney addressed some of the Committee's concerns explaining that the availability of a helicopter in an instant is key to the needs of law enforcement, it is not possible to schedule these events, and the problem with contracting and borrowing from other government entities or other states is waiting for availability.

More concerns were voiced about having just one helicopter when it sounds as if there is a need for five already, and that its primary use would be in the Treasure Valley.

SUBSTITUTE MOTION:

Rep Kerby made a substitute motion to send **HR 16** to the floor with a **DO PASS** recommendation.

In committee discussion, it was said that this is a complex problem that boils down to public safety and not a cost analysis kind of decision. A helicopter is a significant investment for the State, a boost to public safety, and it is expected to last 20-30 years. It was also expressed that the Committee isn't "resolved" so committee resolution should not be communicated to JFAC, and that understaffing should be addressed before assessing the need for a helicopter.

ROLL CALL VOTE ON SUBSTITUTE MOTION:

Roll call vote was requested. **Substitute motion failed by a vote of 4 AYE and 9 NAY, 4 ABSENT/EXCUSED. Voting in favor** of the motion: **Reps. Chaney, Hartgen, Kerby and Ruchti. Voting in opposition** of the motion: **Reps. Scott, Marshall, Young, Nate, Cannon, Erickson, Skaug, Gannon, McCrostie. Reps. Amador, Ehardt, Troy, and Nash were absent/excused.**

ROLL CALL VOTE ON ORIGINAL MOTION:

Roll call vote was requested. **Original motion carried by a vote of 10 AYE and 3 NAY. Voting in favor** of the motion: **Reps. Scott, Marshall, Young, Nate, Cannon, Erickson, Skaug, Gannon, McCrostie, and Ruchti. Voting in opposition** of the motion: **Reps. Chaney, Hartgen, and Kerby. Reps. Amador, Ehardt, Troy, and Nash were absent/excused.**

MOTION:

Rep. Marshall made a motion to **HOLD** all the remaining resolutions **HR 10, HR 11, HR 12, HR 13, HR 14, HR 15, HR 16 and HR 17** in committee with the idea that there will be simple committee resolutions on these and not formal House Resolutions.

UNANIMOUS CONSENT REQUEST:

Rep. Marshall made a unanimous consent request to modify the motion. There being no objection, the request was granted.

MOTION:

Rep. Marshall made a modified motion to **HOLD** all remaining resolutions in committee but have a discussion about each topic so the Chairman can relay to JFAC the JRA Committee's opinion on each issue. **Motion carried by voice vote.**

Vice Chairman Hartgen turned the gavel over to **Chairman Chaney**.

HR 10:

Chairman Chaney asked for the committee's position on the subject of **HR 10** and a new women's prison.

MOTION:

Rep. Marshall made a motion to support **HR 10**.

SUBSTITUTE MOTION: **Rep. Gannon** made a substitute motion that the committee recommends support for the new women's prison with the understanding that out-of-state beds will abate.

Director Tewalt, Department of Correction, was asked to respond to specific questions about how a new facility would reduce dependence on county jails and out-of-state beds.

ROLL CALL VOTE ON SUBSTITUTE MOTION: Roll call vote was requested. **Substitute motion carried by a vote of 11 AYE and 1 NAY, 4 ABSENT/EXCUSED. Voting in favor** of the motion: **Reps. Chaney, Hartgen, Kerby, Marshall, Young, Cannon, Erickson, Skaug, Gannon, McCrostie, and Ruchti. Voting in opposition** of the motion: **Rep. Nate. Reps. Amador, Ehardt, Troy, and Nash were absent/excused.**

HR 11: **Rep. Chaney** introduced the subject of **HR 11**, the use of ARPA funding for extradition transport costs, and asked if there was any discussion.

MOTION: **Rep. Marshal** made a motion to support **HR 11**.

ROLL CALL VOTE ON MOTION: Roll call vote was requested. **Motion carried by a vote of 11 AYE and 1 NAY, 4 ABSENT/EXCUSED. Voting in favor** of the motion: **Reps. Chaney, Hartgen, Kerby, Marshall, Young, Cannon, Erickson, Skaug, Gannon, McCrostie, and Ruchti. Voting in opposition** of the motion: **Rep. Nate. Reps. Amador, Ehardt, Troy, and Nash were absent/excused.**

HR 12: **Rep. Chaney** introduced the subject of **HR 12**, the use of ARPA funding for prison wastewater improvements, and asked if there was any discussion.

MOTION: **Rep. Hartgen** made a motion to approve the recommendation contained in **HR 12**.

ROLL CALL VOTE ON MOTION: Roll call vote was requested. **Motion carried by a vote of 11 AYE and 1 NAY, 4 ABSENT/EXCUSED. Voting in favor** of the motion: **Reps. Chaney, Hartgen, Kerby, Marshall, Young, Cannon, Erickson, Skaug, Gannon, McCrostie, and Ruchti. Voting in opposition** of the motion: **Rep. Nate. Reps. Amador, Ehardt, Troy, and Nash were absent/excused.**

HR 13: **Rep. Chaney** introduced the subject of **HR 13**, the use of ARPA funding for victim services.

Dana Weimiller, Grant Councilor for the Council on Domestic Violence and Victim Assistance, spoke **in support** of **HR 13**. She explained that this additional funding is necessary because there is a critical demand for services and a sharp decline in federal funding this year and ARPA funding can fill the gap.

MOTION: **Rep. Cannon** made a motion to support **HR 13**.

ROLL CALL VOTE ON MOTION: Roll call vote was requested. **Motion carried by a vote of 10 AYE and 1 NAY. Voting in favor** of the motion: **Reps. Chaney, Hartgen, Kerby, Marshall, Cannon, Erickson, Skaug, Gannon, McCrostie, and Ruchti. Voting in opposition** of the motion: **Rep. Nate. Reps. Amador, Ehardt, Troy, and Nash were absent/excused.**

HR 14: **Rep. Chaney** introduced the subject of **HR 14**.

MOTION: **Rep. Chaney** made a motion to support the use of ARPA funding for the Department of Correction facility maintenance costs.

ROLL CALL VOTE ON MOTION: Roll call vote was requested. **Motion carried by a vote of 10 AYE and 1 NAY, 4 ABSENT/EXCUSED. Voting in favor** of the motion: **Reps. Chaney, Hartgen, Kerby, Marshall, Cannon, Erickson, Skaug, Gannon, McCrostie, and Ruchti. Voting in opposition** of the motion: **Rep. Nate. Reps. Amador, Ehardt, Troy, and Nash were absent/excused.**

HR 15: **Rep. Chaney** introduced the subject of **HR 15**, the use of ARPA funding for Court technology costs.

MOTION: Rep. Hartgen made a motion to support HR 15.

A correction in the SOP was cited pertaining to the amount of ARPA funding involved. The correct amount is \$19 million. Committee concerns were expressed about the amount of ARPA funding.

Sara Olmsfield from the Idaho Supreme Court, was invited to explain about the \$19 million requested, to be spent over a three year period of time. The court would use the funding to acquire case resolution resources, a continuity of services infrastructure, system security and stability, and public protection equipment. Certain counties need to be upgraded to continue online services, and to address the current backlog of cases, she said. She spoke about the increases in certain kinds of cases and the impact of those cases on the court budget. Part of the funding would be used to acquire an online dispute resolution program which will allow for greater use of mediators to resolve cases. Also, there are increased costs related to the use of translators; over the past year translators in 42 different languages have been necessary. There have been delays due to this, there are limited translators, and their availability plays in. An online dispute resolution program will allow for use of translators from wherever they are and save the expense of bringing them to Idaho. Building a better computer system architecture will allow court clerks and judges to access case computer audios from wherever they are, reducing travel and improving efficiency. All these improvements will allow civil and criminal cases to move forward more quickly but it must be done securely, and the current system requires many improvements to accomplish this.

SUBSTITUTE MOTION: Rep. Marshall made a substitute motion to support the request with the caveat that it is used over a three year period of time, and the public is restored to speedy and efficient trials and court cases.

ROLL CALL VOTE ON SUBSTITUTE MOTION: Roll call vote was requested. **Substitute motion carried by a vote of 9 AYE and 1 NAY, 4 ABSENT/EXCUSED. Voting in favor** of the motion: **Reps. Chaney, Hartgen, Kerby, Marshall, Cannon, Erickson, Gannon, McCrostie, and Ruchti. Voting in opposition** of the motion: **Rep. Nate. Reps. Amador, Ehardt, Troy, and Nash were absent/excused.**

HR 17: Rep. Chaney introduced HR 17.

MOTION: Rep. Chaney made a motion to support HR 17.

ROLL CALL VOTE ON MOTION: Roll call vote was requested. **Motion carried by a vote of 8 AYE and 2 NAY, 4 ABSENT/EXCUSED. Voting in favor** of the motion: **Reps. Chaney, Hartgen, Kerby, Cannon, Erickson, Gannon, McCrostie, and Ruchti. Voting in opposition** of the motion: **Reps. Nate and Marshall. Reps. Amador, Ehardt, Troy, and Nash were absent/excused.**

H 540: Rep. Lickley presented H 540 pertaining to law enforcement training in connection to sexual assault complaints. She explained that law enforcement is already providing information to victims of domestic violence to connect them with services and that this legislation would expand this to include the victims of sexual assault.

MOTION: Rep. Erickson made a motion to send H 540 to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Lickley** will sponsor the bill on the floor.

H 560: Rep. Hartgen presented H 560 which amends the current statute pertaining to the name of Misdemeanor Probation Advisory Committee to Misdemeanor Probation Training Council which better reflects their current bylaws.

MOTION: Rep. Cannon made a motion to send H 560 to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Hartgen** will sponsor the bill on the floor.

H 596: **Rep. Ruchti** presented **H 596** which is a clean-up bill repealing a section of Idaho Code regarding the inability to sue the driver of a vehicle if that person is not being compensated for being the driver. This statute was declared unconstitutional in a 1974 court case and it needs to be removed from code because it does not match current practices, he stated. There was some legal question about when this statute was last used and whether it should be repealed that could not be answered at this time.

UNANIMOUS CONSENT REQUEST: **Chairman Chaney** made a unanimous consent request to **HOLD** the bill until the meeting on February 21, 2022, to allow for some legal questions to be answered. There being no objections the request was granted.

H 598: **Rep. Cannon** presented **H 598** which amends a portion of the current statute to clarify DNA analysis exceptions. He explained that this legislation would allow employers in forensics to require DNA samples of their employees for the purpose of evidence integrity.

MOTION: **Rep. Erickson** made a motion to send **H 598** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Cannon** will sponsor the bill on the floor.

MOTION: **Rep. Marshall** made a motion to reconsider the vote on **HR 18** so that the committee message would be consistent. **Motion carried by voice vote.**

UNANIMOUS CONSENT REQUEST: **Chairman Chaney** made a unanimous consent request to **HOLD HR 18** in the committee. There being no objections the request was granted.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 3:56 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary