Legislative News, Week ending January 20, 2017  [Week # 2 ]

Monday was the official state Martin Luther King Jr. /Idaho Human Rights Day Holiday but the Idaho Legislature had a full day of legislative activities on the schedule.

The first order of business was the Senate conducting a hearing on the election challenge in the recent District 29 State Senate race (Pocatello). Senator Mark Nye was ultimately declared the winner by a unanimous vote.

On the House side, there were continuing events throughout the week surrounding Representative Heather Scott from District 1 (Blanchard). Representative Scott had been stripped of her Committee assignments on the third day of the session for her earlier disparaging comments about other female House members. Continuing into this week, on Wednesday afternoon Representative Scott was reported to have issued an apology to every member of the House. However, on Thursday it was reported that the Representative objected to a standard motion to waive the full reading of a bill on the House floor which forced the clerk of the House to read aloud, word for word, before it could be taken up. The subject bill was HB 1 and was only two pages long. The purpose in reporting this event is should this objection practice continue, the pace of legislation in the House could be substantially impacted.

JFAC began a full week of hearings following their newly designed format for the FY2018 budget development wherein the budget analyst assigned to the particular budget makes most of the presentation. PowerPoint and video presentations are no longer allowed. Administrative Director of the Courts Sara Thomas made the Court’s presentation on January 17, followed by Natasha Lattin of the 6th District CASA/GAL who made the Guardian ad Litem’s (GAL) budget presentation, which was followed by Tony Cantrill as the Executive Director of the Idaho Judicial Council making the presentation on behalf of the Council.

The Legislative Committee on Change in Employee Compensation (CEC) for state employees finalized its recommendation on Tuesday evening. After several different motions which failed by varying margins, the CEC Committee ultimately adopted the Governor’s recommendation for an across the board 3% merit based CEC. Salaries for Judges are handled differently and also require separate legislation through the germane committees to amend I.C. § 59-502.

It was reported last week that the Legislature’s joint Economic Outlook & Revenue Assessment Committee (EORAC) of 2017 (EORAC) had set their revenue projection for FY 2018. The forecast predicts a 4.6% state general fund growth for FY2018. However, JFAC’s “acceptance” of that revenue projection does not equate to JFAC being obligated to budget to that number. More specifically, following budget presentations and before actual budget setting begins, JFAC will determine an actual dollar number to budget to; which in some years has been the EORAC number and in other years it has been different. One important item that enters into this process is that by the time JFAC gets to the point of selecting the actual number, more financial data will exist; in particular the January 2017 general fund revenues will be known and are reported in early February.

Several years ago, an agreement was reached with Leadership of both Chambers that the Chief Justice’s State of the Judiciary would be set for the second Wednesday of each legislative session. Chief Justice Roger Burdick delivered the address to the Senate and the House on Wednesday January 18. The message was well received and it can be reviewed by clicking here.

On Wednesday, the Senate Judiciary and Rules Committee heard an update and status report on the Idaho Criminal Justice Commission. Administrative Director Sara Thomas was the former Chair of the Commission until she assumed her duties here at the Court. The Commission is now chaired by Sharon Harrigfeld who is the Director of the Idaho Department of Juvenile Correction.
The first week of the session was substantially filled by the January 9, 2017 - State of the State and Budget Address speech by the Governor, legislator training, legislative page orientation, Committee organization, and the start of IDAPA Rules review. The second week saw the pace pick up substantially on Committee action primarily related to the continued review of IDAPAs. There were also a few print hearings and some other presentations relevant to the specific germane committees. One such presentation was Sharon Harrigfield provided a status update on IDJC to Senate Judiciary and Rules Committee.

On Thursday, January 19, the Senate Majority Leadership held an informal meeting with the Supreme Court. These meetings have been instituted over the last several years and provide a great opportunity for the Justices and Legislators to get to know each other better on an informal basis. The meeting was also attended by the Court of Appeals Judges as well as Senate Judiciary and Rules Chair Patti Anne Lodge.

The House has introduced a bill which is seen in substantially the same form every year and which is designed to bring the state’s tax code into compliance with the federal tax rules. This alignment makes it easier for Idaho tax payers when filing their tax returns.

On Thursday afternoon, a siren unexpectedly went off and a smoke screen barrier deployed in a hallway of the Capitol causing some people in the Capitol to evacuate. Apparently the cause was a sensor improperly triggered but there was no fire and no actual smoke. The issue was resolved fairly quickly and business resumed as usual.

On Friday morning, JFAC took up the Court’s FY2017 Supplemental Budget request for $384,107 dealing with remodeling of the basement in the Supreme Court building which is being renovated in order to bring the I.T. Division on site. The request is necessitated by the construction bids coming in significantly higher than originally anticipated at the time the Court received the original appropriation back in the 2015 session for FY2016. JFAC heard the request today but took no formal action, which is expected to occur early next week. Should JFAC approve this supplemental, an appropriation bill must be passed by both houses and signed into law by the Governor.

The last day for filing a “personal bill” by an individual legislator in the Senate is January 20, 2017 and in the House is January 27, 2017. The significance of these deadlines, which have been established by Legislative Leadership, is that any individual legislator can ask that a bill be introduced up to these dates. After the personal bill deadline has passed, the next deadline is February 6 which is the last day for Legislative Services Office to be presented with drafting requests in order to meet the 36th legislative day deadline the following week. The “germane committee” deadline to introduce bills is February 13, or the 36th legislative day. Following the germane committee deadline, any bill must come from a “privileged committee.” The Ways and Means Committee in the House or the State Affairs Committee in the Senate, are the so-called Leadership Committees, and can print and introduce legislation up to the last moments of the session.

At the end of the second legislative week only one bill had been printed in the House. As of Thursday evening of the second legislative week, there are 26 printed bills in the House and 15 in the Senate.

On the Radar..............
January 26: House Majority Leadership informal meeting with the Supreme Court.
January 30: a panel of Magistrate Judges will make a presentation to the Senate Judiciary & Rules Committee.
January 31: the same panel of Magistrate Judges will make a presentation to the House Judiciary, Rules & Administration Committee.
February 1: Governor Otter and staff informal meeting with the Supreme Court.
February 8: the Administrative District Judges will make a presentation to the Senate Judiciary & Rules Committee.
February 9: the same panel of Administrative District Judges will make a presentation to the Senate Judiciary Rules & Administration Committee.
February 9: The Third Annual Senator Denton Darrington Lecture on Law and Government. The annual lecture is sponsored by the University of Idaho College of Law, the Idaho Supreme Court, and the Idaho State Bar and Law foundation. The lecture was established to address a wide range of topics related to the improved administration of the justice system and feature well respected national, state and regional speakers of interest to Idaho citizens, students, and officials from all three branches of government. This year’s lecture is scheduled to be held at the Lincoln Room in the State Capital and will begin at 4 pm MST. The featured speaker is Chief Justice Charlie Daniels of the New Mexico Supreme Court who will speak on Pre-Trial Justice.

Important 2017 Legislative Session Dates Published by Legislative Leadership:
January 17 - JFAC Budget Setting - Judicial Branch late morning
January 20 - Senate Personal Bill Introduction Deadline
January 27 - House Personal Bill Introduction Deadline
February 6 - Deadline for Legislative Services Office Drafting Requests for 36th Day
February 13 - Committee Introduction Deadline (36th Day)
February 17 - JFAC Target to Complete Budget Hearings -
March 3 - Committee Target to Report on Rules Review
March 6 - Transmittal Date for Constitutional Amendments/Joint Resolutions
March 10 - JFAC Target to Complete Budget Setting
March 24 - Target date to adjourn as set by Leadership before the session began.

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As always, if you have any thoughts, suggestions, or questions, please send them back this way by emailing [mailto:bwood@idcourts.net](mailto:bwood@idcourts.net). Thanks for reading!

**Legislative News, Week ending January 13, 2017 [Week # 1]**

The 1st Regular Session of the 64th Idaho Legislature opened Monday, January 9, 2017. There is already a target adjournment date of Friday, March 24, 2017 which is published on the Legislature’s calendar located on the newly re-designed Legislative home page.

The beginning date of the Legislature each year is set by statute; see [Idaho Code § 67-404](http://legislature.idaho.gov/budget/budget.htm), which provides that the session begins on the Monday closest to the 9th of January. In 2018 it will be Monday, January 8.

On Monday, January 9, 2017 a Joint Session of the House and Senate, together with both the Idaho Supreme Court and the Court of Appeals in attendance, heard Governor Butch Otter’s 11th combined State of the State and Budget Message. At the beginning of the speech, the Governor specifically welcomed new Supreme Court Justice Robyn Brody. Some of the highlights from the Governor for this legislative session as it may impact the Courts include:

- The State of Idaho’s finances are secure, revenue is exceeding forecasts, and economic growth is outpacing the growth of government.
- Calling for $1.5 million next year to pay the remaining costs of starting up the two new mental health crisis centers in Twin Falls and Boise.
- Idaho Department of Health and Welfare Director Dick Armstrong will be retiring mid-year 2017.
- Significant funding increases for Public Schools
- Increase the number of Community Colleges with an emphasis on Eastern Idaho

One matter not mentioned in the Governor’s speech but included in his budget proposals is the addition of 24 new Probation and Parole Officers to the Idaho Department of Correction.

Additionally, the Governor did not provide a CEC (change in employee compensation) figure in his speech, but his proposed budget documents include funding for an average 3% merit-based raise for state executive branch agency employees.

Whether this 3% CEC recommendation, or any other amount, will also apply to judicial officers (Justices and Judges) as well as to the Court’s non-judicial employees is unknown at this point. One caveat at this point in time is that the State’s portion of the annual health insurance costs per employee is projected to/will increase about $860 per FTP (full time employee) this next fiscal year. As such, it remains to be seen what impact, if any, this increase might have on the Legislature’s view of CEC. Additionally, all CEC matters must go through the legislative appropriations process (JFAC). For Judicial Officers, this would also require legislative action to amend [I.C. § 59-502](http://legislature.idaho.gov/budget/budget.htm).

In other CEC news, the joint Legislative Change in Employee Compensation Committee met on January 12 and 13 and is scheduled to meet again January 17, 2017 to discuss the Governor’s CEC Recommendation as required by [Idaho Code § 67-5309(c)](http://legislature.idaho.gov/budget/budget.htm).

Following the Governor’s presentation to the Joint Legislative Session, the Department of Financial Management (DFM) released the “Idaho General Fund Revenue Report” for January, 2017 listing December 2016 General Fund revenue collections at $320.0 million, which were $16.3 million (5.4%) above the forecasted of $303.7 million for the month.
The Legislature’s joint Economic Outlook & Revenue Assessment Committee of 2016 (EORAC) met on January 5 and 12, 2017 to set their own revenue projection. The EORAC ultimately adopted the Governor’s revenue forecast on a 17-1 vote and this number will be transmitted to JFAC. The purpose of this number is to set the state budget for the next fiscal year. The adopted figure for FY2018 represents a predicted 4.6% general fund revenue growth over the FY2017 number. This is particularly encouraging news for funding requests such as the iCourts project and other Court budget requests to be decided this session.

On Tuesday, January 10, the Senate went at ease to accept documents and other materials from the Secretary of State Lawrence Denny relative to an election contest in the recent Senate race in District 29 (Pocatello) and the matter was assigned to the Senate State Affairs Committee. Election contests regarding a Senate seat are handled by the Senate rather than the Courts. Former House member Mark Nye was the largest vote getter out of a 3-way race, but the second place vote getter has challenged the results claiming irregularities in several manners.

The Legislature devotes much of its time in the first few weeks of every session to a review of administrative rules (IDAPAs) which have been drafted by the various State of Idaho executive branch agencies since the last session. These rules are drafted to implement or interpret laws enacted in prior sessions. This year is no exception, and the review process by the respective germane committees has begun in earnest. Idaho Law provides that the legislature can veto agency rules in whole or in part. Many of those rules do not attract very much attention; however, some draw considerable attention. A few ultimately get rejected. Each Legislative Chamber reviews and votes on these rules independently of the other. Readers can access the rules coming before the respective Committees for review by visiting the Idaho Legislature Home Page, and clicking on the link Administrative Rules. Of particular interest to the Courts, the senate Commerce and Human Resources Committee heard two PERSI sponsored rules related to the JRF (Judge’s Retirement Fund) on Thursday, January 12.

On the actual legislation side of things --- as of this writing --- only one bill has been printed in either chamber. The bill is H001, which seeks to amend I.C. § 67-5291 relating to Legislative Review of Rules under the Idaho Administrative Procedure Act.

On the Radar............
January 17:  ADOC Sara Thomas delivers the Court’s Budget presentation to JFAC followed by GAL and Idaho Judicial Council.
January 18:  Chief Justice Roger Burdick will deliver the State of the Judiciary: 11:00 a.m. Senate; 11:30 a.m. House.
January 19:  Senate Majority Leadership informal meeting with the Supreme Court.
January 25:  Chairs and Vice Chairs of both the Senate and the House Judiciary and Rules Committees informal meeting with the Supreme Court.
January 26:  House Majority Leadership informal meeting with the Supreme Court.
January 30:  a panel of Magistrate Judges will make a presentation to the Senate Judiciary & Rules Committee.
January 31:  the same panel of Magistrate Judges will make a presentation to the House Judiciary, Rules & Administration Committee.
February 1:  Governor Otter and staff informal meeting with the Supreme Court.
February 8:  the Administrative District Judges will make a presentation to the Senate Judiciary & Rules Committee.
February 9:  the same panel of Administrative District Judges will make a presentation to the Senate Judiciary Rules & Administration Committee.
February 9:  The Third Annual Senator Denton Darrington Lecture on Law and Government, sponsored by the University of Idaho College of Law, the Idaho Supreme Court, and the Idaho State Bar and Law foundation. The lecture was established to address a wide range of topics related to the improved administration of the justice system and feature well respected national, state and regional speakers of interest to Idaho citizens, students, and officials from all three branches of government. This year’s featured speaker is Chief Justice Charlie Daniels of the New Mexico Supreme Court who will speak on Pre-Trial Justice. More details coming.

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February 6:  Deadline for Legislative Services Office Drafting Requests for 36th Day
February 13:  Committee Introduction Deadline (36th Day)
February 17:  JFAC Target to Complete Budget Hearings -
March 3:  Committee Target to Report on Rules Review
March 6:  Transmittal Date for Constitutional Amendments/Joint Resolutions
March 6:  Target Date for Transmittal of All Legislation
March 10:  JFAC Target to Complete Budget Setting
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**Legislative News, Week ending January 6, 2017 [Week # 0]**

The first Legislative News for the 2017 Session will be included in the Court E-News on Friday, January 13, 2017. In the meantime, here is a brief primer on how and what you can follow the first week (beginning January 9) and thereafter. Much of the legislative support staff does not begin working until the first day of the session so it may take a day or two to get everything current.

[Click here](http://legislature.idaho.gov/sessioninfo/agenda.htm) to access the 2017 Legislative Home page which is newly designed for the 2017 session. From this page, you can access many different matters of interest including a calendar of Legislative deadlines, calendars and agendas of the various legislative committees, the budget hearing schedules, the newly updated 2017 Legislative Directory, and create your own individualized Bill Tracker. From this page it appears you can also access the audio and video of live coverage of House and Senate floor proceedings as well as committee hearings. In years past one had to go to a separate web page to do access these hearings.

*Idaho Supreme Court’s Budget Priorities for the 2017 Legislative Session*, including:

- Idaho’s Court Technology Fund
- Judicial Recruitment and Excellence
- Judicial Innovation in Times of Change: Coordinated Family Services
- Idaho’s Guardianships and Conservatorships
- Idaho’s Problem-Solving Courts
- Idaho’s Guardian ad Litem Programs: Protecting Precious Resources

By way of Committee orientation, the germane Committees to the Idaho Judiciary are the Senate Judiciary and Rules, chaired by Senator Patti Anne Lodge, and the House Judiciary, Rules and Administration Committee, chaired by Representative Lynn Luker. The Senate Judiciary and Rules Committee meets Mondays, Wednesdays, and Fridays of each week at 1:30 pm. The House Judiciary and Rules Committee meets on odd number days of each week at 1:30 pm. Hence, in weeks where Monday is on an even number date, the two Committees meet on different days of the week (Senate M,W,F, and House T, Th). However, in weeks where Monday is on an odd number date, the two Committees meet on the same three days of the week at the same time (M,W,F).

The other Committee that is of primary importance to the Idaho Judiciary is the Joint Finance-Appropriations Committee (JFAC), Co-Chaired by Senator Shawn Keogh and Representative Maxine Bell. This Committee also has two new Vice-Chairs this year. This committee is comprised of 10 Senators and 10 Representatives and meets every day of the week at 8 am.  JFAC, working with Legislative Services Office (LSO), has developed an entirely new format for budget presentations to the Committee, and the Court is before the Committee on Day 2 of budget presentations utilizing this new format wherein much of the presentation is by the LSO Budget Analyst who is assigned to the Court’s budget. The Court’s presentation will be followed by Guardian ad Litem (GAL) and then the Idaho Judicial Council.

On Monday, January 9 at 1:00 pm MST you can tune in to the Governor’s combined State of the State and Budget address.

As of this writing, Committee agendas are not yet available or posted, but you can check the “Calendars and Agendas” link on the Legislative Home Page starting Monday, the 9th. These are usually posted by late afternoon for the next day’s business.

**On the radar . . .**

- **Monday, January 9th** is the first day of the session
- **Tuesday, January 17**, ADOC Sara Thomas delivers the Court’s Budget Presentation to JFAC
- **Wednesday, January 18**, Chief Justice Roger Burdick delivers the State of the Judiciary to the Senate and the House.
- **Monday January 30**, a panel of Magistrate Judges appear before Senate Judiciary and Rules Committee
Tuesday January 31, a panel of Magistrate Judges appear before the House Judiciary and Rules Committee

Wednesday February 8, Administrative District Judges appear before the Senate Judiciary and Rules Committee

Thursday February 9, Administrative Judges appear before the House Judiciary and Rules Committee

Thank you for reading and if you have any questions, comments or suggestions on how to make this article more useful, please pass them back this way: mailto:bwood@idcourts.net.