

2017 Legislative News

by Senior Judge Barry Wood

You can access the **Idaho Legislature**, including the text of proposed legislation, calendars and agendas, a legislative directory, live-streaming video with audio on line, and other useful information on their home page at: <https://legislature.idaho.gov/>.

The **Bills of Interest** may be accessed on the Court's Website:
http://www.isc.idaho.gov/current_legislative_session

Legislative News, Week ending February 10, 2017 [Week # 5]

The Senate has introduced [Senate Concurrent Resolution No. 103](#) to commend Idaho native Kristin Armstrong for her accomplishments at the 2016 Summer Olympics in Rio de Janeiro, Brazil and for her superior attitude, work ethic, focus, and exemplary conduct.

The appropriations bill to allow completion of the renovation of the Supreme Court basement in order to make way for the I.T. Division to move onsite has been printed and assigned number [SB 1042](#). As of this writing, the bill is on the 3rd reading calendar in the Senate.

On Tuesday, the Governor's Division of Financial Management (DFM) issued its February 2017 Idaho General Fund Report which covers through the month of January 2017. The report contained very good news in that the January 2017 general fund revenues significantly exceeded expectations. The February report is the last report JFAC receives before it sets its' final budget number later this month, and therefore is of high significance.

[Click here](#) to access the full January report.

The Court's four Defects in the Laws Bills were before the Senate Judiciary and Rules Committee on Monday for a hearing on the merits. The Committee ran out of time and the hearings were vacated. As of this writing, the date has not been formally set, but these may be heard on Monday the 13th.

Administrative District Judges, or their designees, made a presentation to the Senate Judiciary and Rules Committee on January 8 and to the House Judiciary Rules and Administration Committee on January 9. These presentations were very well received and a good number of questions were asked.

An Administrative Conference was not held this February, which is a departure from historical practice; however, both the TCAs and the ADJs were in town for meetings on February 8 and 9.

Two of the Court's proposed pieces of legislation were before the House Judiciary, Rules, and Administration Committee on Thursday for a print hearing and were presented by Michael Henderson. The two proposals are a modification to the name change statutes and some amendments to the Guardianship and Conservatorship statutes. The Committee voted to print both proposals and they should be assigned a bill number in the near future.

On February 9, the Third Annual Senator Denton Darrington Lecture on Law and Government was held in the Lincoln Auditorium in the State Capitol before a large crowd. The featured speaker was Chief Justice Charlie Daniels of the New Mexico Supreme Court who spoke on Pre-Trial Justice. 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 series was established to address a wide range of topics related to the improved administration of the justice system and features well respected national, state and regional speakers of interest to Idaho citizens, students, and officials from all three branches of government.

In other "tidbits" around the Legislature this week:

- The Senate introduced a bill to broaden Idaho's definition of "assistance dogs" for disabled people to cover any kind of "support animal."
- A bill to ban the Idaho Lottery's use of electronic "touch tab" machines failed on the House floor.
- A bill has been introduced in the House State Affairs Committee seeking to eliminate certain forms of gaming at Tribal Casinos, namely slot machine like devices.

- On a unanimous 70-0 vote, the House passed legislation to eliminate a \$75 per year surcharge on gasoline hybrid cars which was enacted two years ago.
- [HB 97](#), the bill related to attorney's fees under [I.C. § 12-121](#), which follows a recent Supreme Court decision, was passed through the House Judiciary and Rules Committee with a DO PASS recommendation.
- A bill has been introduced which would forbid "motorcycle profiling" by police officers.
- A measure which would allow drivers who are in the act of passing on two lane highways to accelerate up to 15 mph over the posted speed limit has been introduced.
- The proposal to eliminate the requirement of a front license plate on certain motor vehicles has been defeated in the House on a vote of 28 – 42.
- A report from the Legislature's Office of Performance Evaluations has concluded that Idaho's child welfare system is burdened with some significant resource problems.
- The Justice Reinvestment legislation from several years back ([SB 1357 – 2014](#)) continues to be discussed in a variety of ways. Draft legislation has been circulated and additional proposals are being vetted, including a proposal to add additional Parole Commissioners and address certain parole violation processes.
- [HB 46](#), a sign language interpreter licensing bill, has cleared the House on a vote of 43 – 27.
- A bill designed to provide Rule of 80 PERSI benefits, rather than Rule of 90, to certain juvenile detention officers and emergency dispatch personnel failed to make it out of the House Judiciary, Rules and Administration Committee by a vote of 12 NO to 4 YES.

Finally, as of Thursday evening the House has printed 132 bills and the Senate has printed 68 (not counting resolutions). There is still talk of the session being adjourned about March 24.

On the Radar.....

February 13 : The Court's four Defects in the Law bills are likely to be heard on the merits in Senate Judiciary and Rules. Also likely to be heard is a print hearing on the Court's alternative proposal to amend [I.C. § 1-2205](#) seeking policy guidance from the Legislature regarding the current statutory requirement for a Magistrate Judge to be resident in every county of the state if the Board of County Commissioners request one.

Important 2017 Legislative Session Dates Published by Legislative Leadership:

January 17 - JFAC Budget Presentation - 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 6 – Target Date for Transmittal of All Legislation
 March 10 - JFAC Target to Complete Budget Setting
 March 24 – Target date to adjourn as set by Leadership before the session began.

As a reminder for our remote on-line listeners who are interested in following legislative proceedings, first look for the appropriate agenda at <http://legislature.idaho.gov/sessioninfo/agenda.htm>. Then if you locate something of interest, at the designated time, tune in on-line to "Idaho in Session" at <http://idahoptv.org/insession/>. From there, click on the "Legislature" icon and follow the prompts to the desired committee. Please note that JFAC has its own icon. The Committee rooms were upgraded in 2014 to include video as well as audio.

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

Legislative News, Week ending February 3, 2017 [Week # 4]

This was Health and Welfare Week before JFAC. One of the key takeaways is an effort to expand children's mental health services in Idaho.

A panel of Magistrate Judges appeared before both the Senate and House Judiciary Committees and highlighted the very important work of Magistrate Judges and some of the various programs they all implement around the state. The judges were well received and very good reviews have been expressed. This is an important presentation and we need to thank the Judges who took time from their busy schedules to prepare, travel and deliver this program over a two day period. [Click here for a copy of the agenda.](#)

The Co-Chairs and Vice Chairs of the Judiciary and Rules committees from both chambers were invited to an informal lunch meeting with the Supreme Court and Court of Appeals on Monday. These meetings have no agenda and simply provide a forum to get to know each other better.

Governor Otter and a member of his staff attended an informal meeting with the Supreme Court on Wednesday.

The topic which has commanded the most conversation this week at the Legislature is the tax bill designed to cut corporate and personal income tax rates. The measure, [HB 67](#), originally cleared the House Revenue and Taxation Committee along a party line vote with just the two minority Democrats on the Committee voting NO. On Thursday, the proposal passed the full House on a vote of 58-11.

The House Judiciary and Rules Committee heard a presentation on Wednesday by Jared Hoskins of Legislative Services Office (LSO) on an overview of the budget of the Judiciary.

Also before the House Judiciary Committee on Wednesday was a proposal dealing with Attorney's fees in light of the recent Supreme Court decision dealing with [Idaho Code § 12-121](#) and the related [civil rule IRCP 54\(d\)\(3\)](#). The bill is now printed as [HB 97](#).

In other tidbits around the Legislature this week:

- Representative Heather Scott from District 1 was restored to her Committee assignments which had been previously revoked.
- Former Magistrate Judge Jerry Meyers was confirmed by the Senate as a new Fish and Game Commissioner.
- The first firearm bill of the session, [HB79](#), has been introduced seeking to ban additional specified felons from owning or possessing firearms - namely those convicted of terrorism, criminal gang membership, human trafficking or hijacking convictions would be banned from owning or possessing firearms, even if they are discharged from their sentences.
- Another firearm bill introduced is [HB 93](#) which according to the statement of purpose seeks to "amend [Section 18-3302, Idaho Code](#) to allow any person who is a resident of Idaho, or is a current member of the armed forces of the United States, to carry a concealed handgun."
- An anti-Sharia law bill has been reintroduced again this session as [HB 94](#). According to the bill's sponsor, the legislation would declare void any court ruling that relies "in whole or in part on any foreign law" that doesn't match U.S. or Idaho protections for due process, freedom of religion, speech, press, privacy and marriage.
- And for those of you who drive Corvettes, a new bill has been introduced which would remove the requirement to display a front license plate on certain vehicles. The bill number was not available as of this writing.

Lots of eyes are anxiously watching for DFM's next General Fund Report which is expected to be published next week. This February report will be the last report JFAC receives before it sets its final budget number later this month, and therefore is of high significance.

JFAC's budget setting schedule may be published by early next week. The Court's budget setting date will then be finalized and will be included in this Legislative Report once it is known.

Finally, as of Thursday evening the House has printed 104 bills and the Senate has printed 41 (not counting resolutions). There is still talk of the session being adjourned between March 17 and March 24.

On the Radar.....

February 6: The Court's 4 Defects in the Law bills are scheduled to be heard on the merits in Senate Judiciary and Rules.

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 Capitol 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 Presentation - 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 6 - Target Date for Transmittal of All Legislation
March 10 - JFAC Target to Complete Budget Setting
March 24 - Target date to adjourn as set by Leadership before the session began.

As a reminder for our remote on-line listeners who are interested in following legislative proceedings, first look for the appropriate agenda at <http://legislature.idaho.gov/sessioninfo/agenda.htm>. Then if you locate something of interest, at the designated time, tune in on-line to "Idaho in Session" at <http://idahoptv.org/insession/>. From there, click on the "Legislature" icon and follow the prompts to the desired committee. Please note that JFAC has its own icon. The Committee rooms were upgraded in 2014 to include video as well as audio.

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

Legislative News, Week ending January 27, 2017 [Week # 3]

IDAPA Rules review before various committees continued this week. Two of those rules were proposed by PERSI and relate to the Judge's Retirement Fund (JRF). Andrea Patterson, Director of Human Resources Division for the Court, and Senior Judge Barry Wood attended the House Commerce and Human Resources Committee hearing on PERSI's request for permanent adoption of those rules. The rules are required to keep the JRF in compliance with law. The first rule dealt with the increased contribution rates by both the employer (Supreme Court) and the employee (individual judge). This rule was proposed by the PERSI Board in October 2015 and was temporarily adopted by the Idaho Legislature in January 2016. The second rule is a required IRS provision which limits the amount of money one can receive from defined benefit plans to the sum of \$218,000 per year. According to the presentation, no one in Idaho is impacted by this required IRS rule. After hearing from Don Drum, the Executive Director of PERSI, and some clarification by Andrea Patterson, the House Committee ultimately approved making the rules permanent with just two NO votes. The rules were adopted unanimously by the Senate Commerce Committee last week.

Also on Monday, the Court's four defects bills were before the Senate Judiciary and Rules Committee for print hearings. All four were printed and will next be before the Committee on a hearing on the merits. No date has yet been set but will likely be Wednesday February 1. For reference, the defects bills are:

- [S1023 - CRIMES](#) - Amends [I.C. § 49-2706](#), which states that interference with a funeral procession is a misdemeanor punishable only by a fine of up to \$100; would make such interference an infraction, except where it is knowing and intentional, in which case it would be a misdemeanor punishable by up to six months in jail and a fine of up to \$1,000. (Court defects bill.)
- [S1024 - CHILDREN & FAMILIES](#) - Corrects errors in the definition of "protective order" in [I.C. § 16-1602\(34\)](#) that arose from SB 1328a, adopted last year. (Court defects bill.)
- [S1025 - COURTS](#) - Amends [I.C. § 1-907](#) to eliminate the provision stating that administrative district judges have the power and duty to promulgate a schedule of offenses for which magistrates and clerks may accept written appearances, waivers or trial, and pleas of guilty, and to establish a schedule of fines and bails. (Court defects bill.)

- [S1026 - CRIMINAL PROCEDURE](#) - Amends [I.C. § 19-2604](#) to clarify that a person who has been convicted of a misdemeanor and has had any portion of the sentence suspended is eligible for relief under the statute. (Court defects bill.)

On Wednesday, the Senate also determined an award of costs and attorney's fees in the recent election contest from District 29 in which Senator Nye was unanimously declared the winner. The award is approximately \$20,000 and the fee vote was also unanimous as it was determined that the challenger's proceedings were frivolous.

This was Education Week before JFAC. The Committee began the week with an overview of the State Board of Education followed by presentations by Idaho's Colleges and Universities and Community Colleges in what has been described as Higher Education week. Individual colleges and universities and programs within them made presentations on successive days. On Wednesday, State Superintendent of Public Instruction Sherri Ybarra testified before the Committee.

In other JFAC news, the Court's FY2017 Supplemental Budget request was heard on Wednesday. The amount sought was \$384,100 in general funds to complete the basement renovation in order to house the Court's I.T. department and bring them into the Supreme Court building from off-site. On a 20-0 vote JFAC approved the request, although financed the supplemental appropriation by opening the Department of Administration FY2017 budget and authorized spending authority from the dedicated Permanent Building Fund rather than taking from the general fund. Next, this appropriation must clear both chambers and be signed into law by the Governor. By way of background information, the Court received a one-time General Fund appropriation of \$549,000 in the 2015 Legislative Session to renovate the basement. However, due to a variety of factors, when the job was ultimately put out to bid late Fall of 2016, the costs had risen substantially. This supplemental appropriation for the Supreme Court basement has now been "RS'd" and will likely be introduced for a print hearing in the very near future as the measure also has an emergency clause to accommodate the bidding time line.

For those who may wonder what an "RS" is, this is shorthand for "Routing Slip" and it amounts to a draft of the proposed legislation. The number which follows the letters RS is the identifying number of that particular proposal. In the ordinary course of business, an RS is not subject to public disclosure (beyond the sponsor and the committee members) until the print hearing. However, the sponsor can agree to release their RS to whoever before it becomes public after the print hearing. The idea is to keep these proposals out of the public domain until the assigned Committee has had a hearing and determined whether the proposal should be printed. If the Committee votes to print, then the proposal is assigned a bill number and becomes public.

JFAC also took up a supplemental appropriation from the Governor's office dealing with funding for a Cyber Security position.

On Thursday, House Majority Leadership and the Chair of the House Judiciary and Rules Committee held an informal meeting with the Supreme Court and the Court of Appeals.

On Friday morning, a joint Senate and House Health and Welfare Committee meeting was held in the Lincoln Auditorium of the Capitol to allow public testimony on matters of interest to the general public.

In other tidbits around the Legislature this week:

- 2 bills were introduced which are being advertised as a combined \$59 Million dollars in tax cuts. One is [HB67](#) which proposes to reduce state income taxes and the other is [HB68](#) which proposes to raise the exemption for the personal property tax businesses pay on their equipment.
- The House passed [HB26](#) which is the annual IRS rules conformity bill on a vote of 28-18 with several members opposing the measure by expressing the "same-sex marriage" concern which the federal tax code recognizes.
- The House State Affairs Committee voted unanimously to introduce a resolution repealing all state rules and regulations regarding "historical horse racing" (related to betting terminals that resemble slot machines). This is viewed by some as a means to put an end to recent efforts by Idaho's horse racing industry to re-establish the use of these machines in Idaho.
- The Senate Judiciary Committee heard rule proposals which would relax current Peace Officer Standards and Training (POST) rules relating to the time limit to exclude an applicant for past marijuana use. One alters the time prospective police officers in Idaho would be barred from certification if they've used marijuana in the past year, rather than in the last three years. The other would change the time limit to exclude an applicant for marijuana used on a "regular, confirmed basis" to within the last three years rather than the current rule exclusion of the last five years.

- A bill which may be of interest to some of you, [HB 34](#) proposes to relax Idaho's prohibition on dog racing by allowing for "exhibition-style live dog races" conducted at county fairs; but before you get too excited, it excludes betting on these races.

After a very slow start to bill introductions in week 1, the pace has picked up. As of Thursday evening of the 3rd week, the House has printed nearly 68 bills, 2 House Concurrent Resolutions, and 1 proposed Constitutional Amendment. The Senate has printed 31 bills. The Senate's personal bill deadline was January 20 and the House's personal bill deadline is today, January 27. See the important dates set by Leadership near the end of this document for other looming deadlines relating to bill introduction.

The proposed Constitutional Amendment is styled [House Joint Resolution No. 1](#) proposing to amend Article 1 of the Constitution of the State of Idaho by adding a new section 24, relating to the equality of rights and responsibilities of the sexes.

On the Radar.....

January 30: a panel of Magistrate Judges will make a presentation to the Senate Judiciary & Rules Committee.

January 30: the Criminal Justice Reinvestment Oversight Committee will meet beginning at 3:30 pm in the Capitol.

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 House 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 Capitol 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 6 - Target Date for Transmittal of All Legislation

March 10 - JFAC Target to Complete Budget Setting

March 24 - Target date to adjourn as set by Leadership before the session began.

As a reminder for our remote on-line listeners who are interested in following legislative proceedings, first look for the appropriate agenda at <http://legislature.idaho.gov/sessioninfo/agenda.htm>. Then if you locate something of interest, at the designated time, tune in on-line to "Idaho in Session" at <http://idahoptv.org/insession/>. From there, click on the "Legislature" icon and follow the prompts to the desired committee. Please note that JFAC has its own icon. The Committee rooms were upgraded in 2014 to include video as well as audio.

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

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 Harrigfeld 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 6 - Target Date for Transmittal of All Legislation

March 10 - JFAC Target to Complete Budget Setting

March 24 - Target date to adjourn as set by Leadership before the session began.

As a reminder for our remote on-line listeners who are interested in following legislative proceedings, first look for the appropriate agenda at <http://legislature.idaho.gov/sessioninfo/agenda.htm>. Then if you locate something of interest, at the designated time, tune in on-line to "Idaho in Session" at <http://idahoptv.org/insession/>. From there, click on the "Legislature" icon and follow the prompts to the desired committee. Please note that JFAC has its own icon. The Committee rooms were upgraded in 2014 to include video as well as audio.

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

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](#), 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](#).

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\(c\)](#).

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.

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 6: Target Date for Transmittal of All Legislation

March 10: JFAC Target to Complete Budget Setting

As a reminder for our remote on-line listeners who are interested in following legislative proceedings, first look for the appropriate agenda at <http://legislature.idaho.gov/sessioninfo/agenda.htm>. Then if you locate something of interest, at the designated time, tune in on-line to "Idaho in Session" at <http://idahoptv.org/insession/>. From there, click on the "Legislature" icon and follow the prompts to the desired committee. Please note that JFAC has its own icon. The Committee rooms were upgraded in 2014 to include video as well as audio.

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

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](#) 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>.