

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 March 24, 2017 [Week # 11]

[HCR 028](#) was adopted by both the House and Senate. This Legislation honors and thanks Jim Jones, former Idaho Attorney General and retired Chief Justice of the Idaho Supreme Court for his 50 years of public service to the State of Idaho.

Before this Legislative session began on January 9, Legislative Leadership set the target adjournment date of March 24 which appeared to be well within reach until later this week when procedural hurdles in the House as well as other divisions on the 3rd floor of the Capitol over several major initiatives pushed the adjournment goal into at least early next week. As of this writing, it appears the likelihood of adjournment today is somewhere well south of zero.

By Thursday evening, the Senate was awaiting transmittal of House bills and had cleared its calendar with the exception of [SB 1162](#) which is a major bill relating to Transportation funding . However, the House majority spent a good part of the afternoon in caucus with about 60 bills awaiting action. One of those bills awaiting a hearing on the House side is [SB 1201](#), the trailer appropriation bill to fund the previously adopted judicial pay bill.

More specifically, [SB 1108](#) is this year's judicial pay bill which would amend I.C. §59-502. This bill previously passed both chambers and is on its course to the Governor. [SB 1201](#) is the trailer bill to appropriate the monies necessary to pay these salary increases in the amount of \$707,800 a year and will require on-going appropriations from the general fund. This trailer bill passed the Senate on Wednesday.

The Court's primary appropriation bill is [SB 1160](#) which passed the House on Monday with a vote of 60 - 10. In due course it will be transmitted to the Governor for his consideration.

The previously mentioned divisions on the 3rd floor of the Capitol include how to deal with Transportation funding. The Senate previously failed to pass [SB 1188a](#) which was a proposal to use some \$300 million in GARVEE bonding plus some additional funds to be transferred from the Idaho State Police which in turn would be replaced by general funds. A second proposal now on the 3rd reading calendar of the Senate is [SB 1162](#) which also proposes to use some \$300 million in GARVEE bond funding but does not involve the use of any general fund monies. There is significant discussion regarding the stretch of Interstate 84 between Caldwell and Nampa in Canyon County.

A second division revolves around tax relief proposals. The House previously passed [HB 67](#) which proposed a reduction in some income tax rates. The Senate "radiator capped" this proposal meaning substantially amended the proposal which would become a repeal of the sales tax on groceries. [HB 67a](#) is now back before the House where it is currently being held at the Speaker's desk.

[SB 1113](#), the bill to amend the so called JRI (Justice Reinvestment Initiative) ([SB 1357 - 2014](#)), has passed both chambers. The trailer bill to fund the additional Parole Commissioners contemplated by [SB 1113](#) is [SB 1199](#), and this trailer bill passed the Senate on Wednesday and is now over to the House floor.

[SB 1088](#), a DNA collection bill for offenders who move into the State has been passed. [SB 1200](#) is the trailer appropriation bill to the Idaho State Police to fund this process. The trailer passed the Senate on Wednesday and it too has now moved over to the House Floor.

[HB 148](#), the final piece of Court sponsored legislation in the 2017 session, passed the Senate on Monday. This bill deals with guardianships and conservatorships.

As we near the end of this session, once again I.C. §18-920 “no-contact orders” did not receive legislative attention. [SJR 103](#), a proposed revision to [Article 1, Section 22 of the Idaho Constitution](#) dealing with Victim’s Rights was before the House State Affairs Committee for a hearing on the merits over a period of 3 days; Friday March 17, and Monday and Tuesday of this week. Following these 3 days of hearings, the Committee heard alternative motions. The first vote was on the alternative motion to send the proposal to the floor of the House with a “DO PASS” recommendation and it failed on a roll call vote of 5-10. The original motion to hold the proposal in Committee then passed on a vote of 10-5. Because the proposal was a Senate Joint Resolution, by rule it could not be amended on the House side. The matter previously passed the Senate on a vote of 34-0. To amend the Idaho Constitution, a proposal must pass both the House and the Senate by at least a two-thirds vote plus receive a majority of votes at the next general election.

[SB 1202](#), a bill dealing with Garnishments and related topics, was printed just this week. It has passed the Senate and is now before the House awaiting a floor vote. This bill is the product of several years of work by various stakeholders.

According to the Legislative home page, as of Friday morning the House has printed 325 bills and the Senate has printed 205 bills (not counting resolutions).

A big thank you goes out to all of our judges who provided input and review of bills; to our internal staff who provide great support during this hectic time, and a special recognition to Michael Henderson, our very own “walking, talking legal encyclopedia” who provides fast, accurate and invaluable analysis in response to the myriad inquires we receive. Lastly, the Court had the benefit of a budget analyst at LSO, Jared Hoskins, who worked very well with Jim Arnold in our Financial Division, and their combined help in all of the Court’s requests through JFAC laid the ground work for a successful session. We also say a very special thanks to Cathy Holland-Smith, Division Manager of Budget and Policy Analysis at Legislative Services for her significant assistance with Court budgets and related matters. Cathy is retiring after many years of service and she was also honored by the Legislature with SCR 109 adopted by both the Senate and the House.

On the Radar.....

Week of March 27, adjournment *sine die* is anticipated.

January 8, 2018, the 2nd Regular Session of the 64th Legislature will open. The beginning date of the Legislature each year is set by statute; see Idaho Code § 67- 404. This statute provides the session begins on the Monday closest to the 9th of January.

January 17, 2018, the Chief Justice will deliver the State of the Judiciary to the Idaho Legislature.

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Legislative News, Week ending March 17, 2017 [Week # 10]

In a definite sign that the session is trying to head toward adjournment, the Senate advanced the start time of its afternoon committee hearings up a half hour in order to accommodate longer afternoon floor sessions. On Thursday, the Senate also began its morning floor session a half an hour earlier than normal.

The Court’s primary appropriations bill has been printed as [SB 1160](#) and passed the Senate on Wednesday. As of Friday morning, it is on the 2nd reading calendar in the House.

On Monday March 13, Administrative Director of the Courts Sara Thomas appeared before the House Judiciary and Rules Committee to respond to a concern related to the Judicial Pay bill [SB 1108](#) which arose after the bill went through the same Committee on March 9. On March 16, the bill passed on the House floor on a vote of 61- 9.

Trailer appropriation legislation related to [SB 1108](#) was taken up by JFAC on Thursday morning and the joint committee voted to print the bill on a vote of 20-0. That bill is now being assigned a bill number.

[SJR 103](#), seeking to amend [Article 1, Section 22 of the Idaho Constitution](#), which is the provision related to Victim’s Rights, passed the Senate on Wednesday and was before the House State Affairs for a hearing on the merits on

Friday morning. The Committee began taking testimony but ran out of time and continued the Committee hearing until the House adjourns today.

A newly printed proposal which has caught the attention of some is [SB 1155](#) which seeks to substantially and materially alter Idaho's current Administrative Procedures Act.

In other "tidbits" around the Legislature this week:

- [SB 1130a](#) designed to ban a practice known as "rolling coal" or "coal rolling" by intentionally modifying a diesel engine to pollute, failed in the Senate on a 16-18-1 vote.
- [HB 46](#), this year's version of a sign language interpreter bill narrowly passed the Senate on a vote of 18-16-1.
- [HB 7](#), seeking to establish massage therapy standards went down on the Senate Floor on a vote of 14-20-1.
- [HB 123](#), the so-called "anti-motorcycle profiling bill" went down on the Senate floor on a vote of 12-22-1.
- The now combined [HB 104aaS](#) regarding exhibition dog racing at county fairs and sled dog racing has passed the Senate. It now returns to the House for its consideration of the amendments made in the Senate.
- [HB 67](#), a bill seeking to reduce the rate of State Income Tax, has been significantly amended in the Senate, turning the proposal into one repealing the state's 6% sales tax on groceries; which amendment will now have to go back to the House.
- [SB 1162](#) and [SB 1163](#) - two significant proposals regarding Transportation funding and considered by many to be "going home" proposals - were before the Senate Transportation Committee this week with one making it through the committee and the other did not.

The Court's 4 "Defects in the Law" bills - [SB 1023](#), [1024](#), [1025](#) and [1026](#) - have now all passed the Senate and the House and will be forwarded to the Governor for his consideration.

The two Court sponsored, non-defect bills for this session, [HB 148](#) dealing with Guardianship and Conservatorship statutes, and [HB 201](#) dealing with amendments to the name change statutes, and which previously passed the House, are before the full Senate and are on the 3rd reading calendar.

According to the Legislative web page, as of Thursday evening March 16, the House has printed about 293 bills and the Senate has printed about 189 (not counting resolutions). The web page is not completely current however.

On the Radar.....

Week of March 20: JFAC will continue to meet subject to the call of the Chairs to act on trailer appropriation bills to fund legislatively approved programs.

Week of March 20: [SB 1160](#), the Court's overall appropriation (exclusive of Judicial pay), should be voted on by the full House.

Week of March 20: The trailer appropriation bill to the Judicial Pay bill [SB 1108](#) will be working its way through the chambers.

Week ending March 24 or March 31: Likely adjournment.

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.

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Legislative News, Week ending March 10, 2017 [Week # 9]

Both Chambers strived to meet the March 6 bill transmittal date set by Leadership before the start of the session. The transmittal date means the House tries to get all of the bills which have been introduced in the House and which are likely to go somewhere this year, moved through the House and over to the Senate by no later than March 6; and vice-a-versa on the Senate side. In practice, this goal is never fully met and a few bills are still being printed as of this writing.

On Tuesday, the Governor's Division of Financial Management (DFM) published the [March 2017 "Idaho General Fund Report."](#) The report showed a mere \$3.3 million above the projection for the month; but the actual fiscal year-to-date receipts through February 2017 are up 8.8% for the same period in FY16. This is very positive news as JFAC prepared to close in on the budget setting process at the end of this week.

On Friday March 10, JFAC finished agency budget setting and will only reconvene to consider a few trailer bills and any other special matters which might arise relating to appropriations. The completion of agency budget settings is a significant milestone each session, and with its completion comes the possibility that the Legislature could adjourn no later than ten legislative days following. By way of explanation, this is because the primary function of each Legislative session is to pass a budget as required by Idaho law. As soon as JFAC's appropriations bills pass through both chambers, adjournment is possible.

In other important JFAC news this week which will impact the Courts:

- IDOC's request for 24 new Probation and Parole Officers was reduced to 12.
- Appropriated \$10.3 million for a "psychiatric hospital transformation" program that includes construction of a new 16 bed State Hospital West in the Treasure Valley, to house adolescents; and conversion of the current adolescent unit at State Hospital South in Blackfoot into a high-risk, 20 bed secure psychiatric unit for adults.

One matter should be highlighted and that is the value of the health insurance premium increased being paid by the state for each employee. In FY17 the health insurance premium paid by the State was \$12,240 and in FY18 increases to \$13,100, or a net increase of \$860 per employee. This is highlighted because the value of this insurance has been discussed at length in CEC discussions in each of the last several years.

[HB 94](#), the House bill introduced weeks ago seeking to ban recognition of foreign or Shariah law in Idaho Courts, has not received a hearing before the assigned committee which is House State Affairs.

[SB 1108](#) is the Judicial Pay bill this session and was before the House Judiciary and Rules Committee on Thursday. On a voice vote, the Committee voted to send the bill to the House floor with a "DO PASS" recommendation. Following the Committee proceedings a question has arisen regarding the percentages resulting from the proposal relative to the overall legislative intent of keeping CEC under 3% and we are attempting to address this concern before the bill comes up for a vote on the floor.

As of this writing, the Court's primary appropriations bill has not yet been assigned a bill number but is being drafted. Once printed, you will be able to see a separate section in which JFAC has set up the GAL Program as its own budget function and substantially increased this appropriation by \$467,500 in general funds. This is the first time that monies for the GAL programs have been specifically called out in this fashion. In 2016, JFAC did somewhat the same thing with the Senior Judge Program. All appropriations bills from JFAC must also be approved by both chambers and the Governor

A new version of "Marsy's Law," which seeks to amend [Article 1, Section 22 of the Idaho Constitution](#), was introduced in Senate State Affairs and is [SJR 103](#). This bill was before Senate State Affairs this morning (Friday, March 10) and the Committee sent the measure to the Senate floor with a "DO PASS" recommendation.

As reported last week, the Court's four "Defects in the Law" bills - [SB 1023](#), [1024](#), [1025](#) and [1026](#) - have all passed the Senate and were before the House Judiciary and Rules Committee on Thursday. These four bills were presented by Michael Henderson and all four were unanimously passed on to the floor with a "DO PASS" recommendation.

The two Court-sponsored, non-defect bills for this session - [HB 148](#) dealing with Guardianship and Conservatorship statutes, and [HB 201](#) dealing with amendments to the name change statutes and which previously passed the House - are before the Senate Judiciary and Rules Committee this Friday afternoon.

In other "tidbits" around the Legislature this week:

- Twice this week procedural moves have caused delays on the floor of the House which, if continued, could delay the target adjournment date.
- [HB 123](#), the anti-motorcycle profiling bill, passed through the Senate Judiciary Committee with a “DO PASS” recommendation after surviving two motions; one to kill the bill and one to send it to the amending calendar.
- [HB 221](#), dealing with court procedures and rules of evidence involving asbestos claims in state court, narrowly failed to make it out of House Judiciary and Rules after an almost four hour committee hearing.
- [SB 1113](#), seeking to amend part of the original Justice Reinvestment legislation referred to as ([SB 1357 - 2014](#)), has passed the Senate and is now over to the House Judiciary and Rules Committee.

As of Thursday evening according to the Legislative web page the House has printed about 256 bills and the Senate has printed about 157 (not counting resolutions). The web page is not completely current however.

On the Radar.....

- Week of March 13: [SB 1108](#) (judicial pay bill) should reach the 3rd reading calendar in the House. When it will actually get heard is unknown.
- Week of March 13: The Court’s overall appropriation (exclusive of Judicial pay), as set by JFAC on March 1, should be printed and begin the process of being considered by each chamber.
- March 15: Target date for JFAC to take up trailer bills including the Judicial Pay bill [SB 1108](#).

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Legislative News, Week ending March 3, 2017 [Week # 8]

The Governor has signed into law [SB 1042](#) which provided \$384,000 in a supplemental appropriation to complete the renovation of the Supreme Court basement to make room for the Court’s I.T. Division which is presently housed off-site. Following this action, the bid has been signed and construction has started. The project is due to be completed within 120 days.

The primary Court related news of the week deals with JFAC’s budget setting for the Judiciary on Wednesday, March 1st. Highlights include additional general fund monies for: iCourt, Guardian ad Litem, Court Monitoring of Protected Persons, a pay raise for the Court’s non-judicial employees, and a new Magistrate Judge position in Bonneville County beginning October 1, 2017. There was only one motion presented on each of the Court’s three budget divisions and each vote was unanimous.

By [Article V, Section 17 the Idaho Constitution](#), judicial salaries must be set in statute; the statute is [I.C. § 59-502](#). Therefore, changes in Judicial CEC, or “ judges pay,” is a matter of both statutory amendment before the germane Committees as well as a JFAC appropriation. The Judicial pay bill is [SB 1108](#) and did pass through the Senate on Thursday of this week on a unanimous vote. It now moves over to the House where it will be assigned to the House Judiciary and Rules Committee for a hearing on the merits. Because the bill has not yet passed legislative consideration, there was no corresponding appropriation in the JFAC Committee on Wednesday to fund it. Should [SB 1108](#) pass both chambers, JFAC will take up a separate “trailer bill” to provide the necessary funding.

In other JFAC actions which do impact Court related programs, two are of note. The first is JFAC cut an \$11 million IDHW request to \$5.6 million. This request related to funding for a Justice Reinvestment program to provide mental health treatment to newly released defendants, which funding need had been identified in the joint IDOC and IDHW GAP analysis conducted a year ago. The second related to the IDHW budget request for Substance Abuse Treatment and Prevention services. JFAC reduced this request by \$302,000 being sought for a provider rate increase. The Committee directed IDHW to work together with the Courts, the Department of Correction and the Department of Juvenile Corrections, because these later three cannot support a provider rate increase from their existing appropriations and JFAC does not want to create any unintended consequences by only providing a rate increase for the Department of Health & Welfare.

In another significant JFAC action, the Committee voted to appropriate over \$50 million which represents the entire accumulated surplus in the current year's budget in order to provide for emergency road repairs due to the significant weather related damages around the state. This action immediately preceded the setting of the Court's budget which prompted Co-Chair Bell to quip "If there is anything left after that disaster declaration, we will give the Judiciary a budget."

When JFAC has finished setting budgets, which is currently set for March 10, adjournment within about two weeks becomes possible. The Committee will continue to meet when necessary to take up any trailer bills.

As reported last week, the Court's four "Defects in the Law" bills - [SB 1023](#), [1024](#), [1025](#) and [1026](#) - have all passed the Senate and are awaiting hearing before the House Judiciary and Rules Committee which will likely occur next week.

In news regarding Court sponsored bills, both [HB 148](#) dealing with Guardianship and Conservatorship statutes, and [HB 201](#) dealing with amendments to the name change statutes, have passed the House and are over on the Senate side.

Both Chambers continued to work toward the March 6th bill transmittal date, meaning the House is trying to get all of the bills which have been introduced in the House and which are likely to go somewhere this year, moved through the House and over to the Senate by no later than March 6; and vice versa on the Senate side.

In other "tidbits" around the Legislature this week:

- The Senate State Affairs Committee was scheduled to take up [SJR 102](#) Friday, March 3rd. However, a work group convened at the Capitol at 6 a.m. this morning and a new draft is forthcoming, so the public meeting was canceled. The Group meets again at noon Friday to review the new RS. This is the proposal to amend [Article 1, Section 22 of the Idaho Constitution](#) dealing with Victim's Rights.
- Following last week's House State Affairs Committee vote to print a bill which would allow and govern the use of delivery robots in Idaho, such a robot was delivering donuts in the Capitol rotunda.
- [HB 123](#), which seeks to ban "motorcycle profiling" passed through the Senate.
- [HB178](#), which sought to make directly or indirectly providing heroin to a person who subsequently died of an overdose sufficient grounds for a homicide conviction, failed on the House floor on a vote of 26 ayes, 43 nays, and 1 absent.
- [HB202](#), which amends Idaho's civil forfeiture statutes, passed from the House floor on a vote of 58 ayes, 10 nays, and 2 absent. This bill has now been referred to the Senate Judiciary and Rules Committee.
- As reported in prior editions, a proposal being advanced to move district judge staff attorneys, who are presently paid for by the counties, over to the state's general fund to become a state expense, is not moving forward this year. This was [HB 175](#).
- This week's Legislative News is a somewhat "abbreviated version" due to resource constraints.

On the Radar.....

- March 7 or 9: [SB 1108](#), Judge's pay bill is likely to be up in House Judiciary and Rules Committee for a hearing on the merits.
- The Court's overall appropriation (exclusive of Judicial pay), as set by JFAC on March 1, will be printed and assigned a bill number and begin the process of being considered by each chamber.
- DFM's General Fund Report for the month of February should be released by mid-week.
- IDOC's budget is scheduled to be set by JFAC on March 9 which will determine whether the anticipated increase in the number of Probation and Parole Officers will become a reality. IDOC has asked for 24 new POs and the Governor has recommended these be funded.

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Legislative News, Week ending February 24, 2017 [Week # 7]

Monday was President's Day holiday; a holiday for many but not all. Sara Thomas presented the draft of the Judges' pay bill for print before the Senate Judiciary and Rules Committee. The bill was printed and is now [SB 1108](#). This bill will be heard on the merits in Senate Judiciary and Rules Committee today, Friday, February 24.

Senior Judge Barry Wood presented [SB 1104](#), the Court's Magistrate Judge relocation bill, to the Senate Judiciary and Rules Committee and the Committee unanimously voted to "hold the bill in Committee." This is "legislative speak or code" for killing the bill. Dan Chadwick testified on behalf of the Idaho Association of Counties and asked that the bill not go forward this session, but rather that the Association work with the Courts over the summer to find an acceptable solution to the issue of voter disenfranchisement in those counties where a Magistrate judgeship would be removed. This Committee action may well pave the way for success in the Court's budget request for a new Magistrate judgeship in Bonneville County effective October 1, 2017. A letter of strong support from the Bonneville County Commissioners has been provided to JFAC in support of this new Magistrate judgeship, which would be Idaho's 92nd Magistrate Judge position.

The Court's budget will be set before JFAC on March 1, next Wednesday, and Sara Thomas and Judge Wood have been meeting with individual members of the Committee to discuss any questions related to the Court's FY2018 requests. In "budget speak," these requests are referred to by some as "Decision Units" and by others as "Line Items."

A new version of the Court's bill regarding an amendment to the Name Change statutes was printed on Tuesday, February 21 and is [HB 201](#). This new bill was before the House Judiciary and Rules Committee on Thursday on the merits and the Committee has sent the bill to the floor of the House with a DO PASS recommendation. The prior bill was [HB 147](#).

The Court's bill dealing with amending certain Guardianship and Conservatorship statutes is [HB 148](#) and will be presented by Judge Bieter next week before the House Judiciary and Rules Committee.

A proposal to amend Idaho Constitution Article 1, Section 22 is likely to be printed early next week. These amendments are referred to as "Marsy's Law."

A proposal to amend ([SB 1357 - 2014](#)) commonly known as the "Justice Reinvestment Act," or "JRI" has been introduced and is [SB1113](#). It is assigned to the Senate Judiciary and Rules Committee and will be heard before that Committee next week.

The Court's four "Defects in the Law" bills - [SB 1023](#), [1024](#), [1025](#) and [1026](#) - have all passed the Senate and are awaiting hearing before the House Judiciary and Rules Committee. You will notice the March 6 bill transmittal date in the important dates section below. This means that the House is trying to get all of the bills which have been introduced in the House and which are likely to go somewhere this year, moved through the House and over to the Senate by no later than March 6; and vice a versa on the Senate side. Hence, bills that originated in the Senate,

such as the Court's Defects bills, which are already transmitted over to the House, typically are a lesser priority in calendaring at this point in time.

In other "tidbits" around the Legislature this week:

- The House State Affairs Committee heard testimony over several days dealing with the so-called "anti-Tribal Gaming" bill, [HB 127](#). On Thursday, the bill died in Committee on a vote of 7 - 8.
- The House State Affairs Committee agreed to print a bill which seeks to allow and govern the use of delivery robots in Idaho, [HB 204](#).
- [HB 123](#) which seeks to ban "motorcycle profiling" passed through House Judiciary and Rules on a unanimous "DO PASS" vote and is on the 3rd Reading Calendar today, February 24, on the floor of the House.
- [SCR 108](#), seeking to have Idaho support an Article V Constitutional Convention, is drawing a good deal of time and attention before the Senate State Affairs Committee this week. It is reported that the primary goal is to seek a balanced budget amendment for the federal government.
- The damage to roads and bridges around the state from this winter's snow has become a topic of considerable conversation and has "amped up" the discussion regarding the policy questions of what should be the appropriate level of transportation funding, and from where that funding should come, which has been a rather hotly debated topic the last several years.
- As reported in prior editions, [HB 175](#) is a proposal being advanced to move district judge staff attorneys, who are presently paid for by the counties, over to the state's general fund to become a state expense. The calculated fiscal impact of this proposal is \$3.9 million. As of this writing, this bill is scheduled to be heard before the House Judiciary and Rules Committee on March 1. This is not a Court sponsored bill as it was not included in the Court's budget priorities published before the start of the session.
- A somewhat related proposal sponsored by Representative Christie Perry is [HB 176](#) which would re-direct a portion of traffic fines paid under [I.C. § 19-4705\(1\)\(c\)](#) now going to the Public Schools Income Fund to be deposited in the District Court Fund. However, this bill will not advance but a new bill has been printed as a replacement and it is [HB 210](#) which will be read across the House's First Reading calendar today.
- JFAC's budget setting schedule is now in full swing with a published schedule of a completion date of Wednesday, March 8. This is 2 days ahead of the target date set at the beginning of the session as noted in the important dates section below. The Committee will then typically meet thereafter at "the call of the Chair" to take up trailer bills and the like. As previously reported, the Court's budget will be set on March 1, and is now scheduled to begin at 8 a.m. You can watch and listen remotely on-line. One budget unit which will likely not be set at this hearing on March 1 is the amendment to [I.C. § 59-502](#) - Judge's salaries - [SB 1108](#), which when/if this is passed, JFAC will act on "trailer bills" to provide the appropriation.
- As of Thursday evening, the House has printed about 210 bills and the Senate has printed about 114 (not counting resolutions). There are still a few bill proposals awaiting print hearings so these numbers will grow. February 15 was supposed to be the last day for bill introduction, but some will still come through either a "privileged Committee" or House Ways and Means or in Senate State Affairs. There will also be "trailer appropriation" bills from JFAC following floor action on policy bills that require funding; e.g., [I.C. § 59-502](#) dealing with Judicial Salaries.
- The target adjournment date still being widely discussed is March 24. Given the pace so far, for this target date to be achieved, there will either be some really long floor sessions over the next month, or there will be a lot of bills left hanging on the calendar.

On the Radar.....

March 1: Court's budget to be set in JFAC beginning at 8 a.m.

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Legislative News, Week ending February 17, 2017 [Week # 6]

On Monday, February 13, both the House and Senate held “Lincoln Day” programs. These are annual events commemorating President Abraham Lincoln.

[SB 1042](#), 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 passed the Senate on a vote of 34-0-1 and has now passed the House on a vote of 67-0-3. It now moves on to the Governor for his consideration.

The Court’s four Defects in the Laws Bills were before the Senate Judiciary and Rules Committee on Wednesday for a hearing on the merits. Michael Henderson, Legal Counsel for the Court, presented the bills to the Committee. All 4 bills were sent to the floor with a DO PASS recommendation. These 4 bills are:

[SB 1023](#) dealing with Funeral Processions

[SB 1024](#) dealing with Child Protection statutes

[SB 1025](#) dealing with Administrative Judges

[SB 1026](#) dealing with [Idaho Code 19-2604](#)

On Wednesday, the Court’s proposed legislation to amend [Idaho Code § 1-2205](#) to relax the requirement that each of Idaho’s 44 counties must have at least one magistrate judge was before the Senate Judiciary and Rules Committee for a print hearing. Senior Judge Barry Wood presented the proposal which the Committee voted to print, with one Senator registering a NO vote. The bill is [SB1104](#) and is set for a hearing on the merits on Monday February 20, although the bill’s fate remains uncertain.

Two of the Court’s other proposed pieces of legislation were printed last week. The two proposals are a modification to the name change statutes which is [HB 147](#) and some amendments to the Guardianship and Conservatorship statutes which is [HB 148](#). The Guardianship bill is scheduled to be heard on the merits before the House Judiciary, Rules and Administration Committee on February 23. The name change bill needs to be modified slightly and therefore its course is presently uncertain.

The Legislature’s Joint Change in Employee Compensation (CEC) Committee presented its report to JFAC on Tuesday which called for approving Governor Otter’s recommendation for a 3% merit based raise for state employees. On Thursday, JFAC again took up state employee compensation and voted 19-0 -1, in favor of funding a 3% merit raise for permanent state employees for FY2018. This is the same amount previously recommended by both Governor Butch Otter and the Legislature’s Joint Change in Employee Compensation Committee. The cost of this raise will be built into every state agency budget JFAC sets. The Committee also approved an \$860 per employee increase in health insurance costs. These decisions should be favorable to the Court’s non-judicial employees when carried forward into the Court’s appropriations bill.

Judges’ salaries are governed by [I.C. § 59-502](#) and require both an appropriation from JFAC as well as separate legislation to amend the salary statute. JFAC will not proceed with such an appropriation until the Judges’ pay bill has passed at least one of the chambers. A proposed amendment to [I.C. § 59-502](#) has been RS’d, a Statement of Purpose and a fiscal note have been drafted, and the proposal will be up for a print hearing on Monday February 20. The RS will be presented to the Senate Judiciary and Rules Committee by ADOC Sara Thomas.

JFAC finished its Budget Hearing process on Wednesday and then voted on the final preliminary steps to be able to start actual Budget Settings next week. These preliminary steps included setting a base line number to budget to as well as hearing from Committee Co-Chairs about the budget needs of agencies germane to those specific Committees. In the case of Third Branch, Co-Chairs Senator Lodge and Representative Luker made separate presentations relative to the Courts.

Where all of this financial reporting is leading is JFAC sets the Court’s budget for FY18 on March 1.

Representative Christy Perry has again sponsored two bills very similar to legislation she proposed in 2016. The first of these is [HB 175](#) which seeks to turn staff attorneys hired by District Judges into state employees; this same proposal was [HB 492 in 2016](#). The second is [HB 176](#) which would re-direct a portion of traffic fines paid under [I.C. § 19-4705\(1\)\(c\)](#) now going to the Public Schools Income Fund to be deposited into the District Court Fund,

[I.C. § 31-867](#). In 2016, this proposal was [HB 493](#) and proposed these same monies would go to the Supreme Court's statutorily created Drug Court Fund, [I.C. § 1-1625](#). These two proposals are not Court bills, and while the Court has been receptive to the possibility of having Staff Attorneys become state employees paid by the state, neither of these proposals were included in the Court's Budget priorities submitted to the Governor and the Legislature for FY18.

In other "tidbits" around the Legislature this week:

- The House has printed [HB 149](#) which would allow the use of a concealed weapons license as an authorized form of identification for voting purposes.
- The House Judiciary Committee has printed a bill to eliminate mandatory minimum sentences in certain drug crimes -- [HB 179](#).
- The Senate Judiciary Committee has printed a bill to broaden Idaho's definition of "assistance dogs" for disabled people to cover any kind of "support animal" -- [SB 1089](#).
- A bill to create a County Fair exception to exhibition dog-racing has cleared the House on a vote of 66-3, and rumors are a certain Magistrate Judge from Minidoka County is quite excited by this prospect.
- And a bill related to sled dog racing has been printed -- [HB 151](#).
- [HB 97](#), the bill related to attorney's fees under [I.C. §12-121](#) following a recent Supreme Court decision was passed through the full House on a vote of 62 - 8 and is now over to the Senate.
- The House Health and Welfare Committee printed a proposal to launch a new state Health Care Assistance Program which would tap the state's Millennium fund for \$10 Million this next fiscal year as a start to providing primary care for the "Gap Population" -- [HB160](#).
- A bill has been printed in the House Revenue and Taxation Committee to seek payment of sales tax on online sales to Idaho residents -- [HB155](#).
- As discussed in weeks past, 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, re-drafted and recirculated.
- A proposal to add additional Parole Commissioners and address certain parole processes is now included. This bill is likely to be printed this next week.

Finally, as of Thursday evening the House has printed 191 bills and the Senate has printed 105 (not counting resolutions). There is still talk of the session being adjourned around March 24. Given the pace so far, for this target date to be achieved, there will either be some really long floor sessions over the next month, or there will be a lot of bills left hanging on the calendar. Time will tell. One influencer may be the fate of [HB 67](#), a tax cut proposal which has passed the House and is now in the Senate Local Government and Taxation Committee. The topic of road and bridge repair following this winter's harsh toll is reported to be competing against any tax cut proposal.

On the Radar.....

February 20: President's Day; a holiday for many, but not the Legislature.

March 1: The Court's Budget will be set before JFAC.

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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.

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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.

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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.

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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.

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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>. 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](#), 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.

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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](#) 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>.