

Meeting Minutes
IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMS
MEDAL OF HONOR COMMISSION

Wednesday, May 15, 2019
1:00 P.M. MST

Office of the Idaho Attorney General
Statehouse, Room 210
700 West Jefferson Street
Boise, Idaho

Attorney General Lawrence Wasden, chairing the meeting, called the meeting to order at 1:00 p.m.

Item 1a – The Commission Secretary called roll.

The following Commissioners were present:
Lawrence Wasden, Attorney General
Dennis Doan, Chief, Boise Fire Department
Louis Hougaard, Office of the Governor
Jeff Lavey, Chief, Meridian City Police
Bart May, Clark County Sheriff
Tim Miller, Captain, Twin Falls County Sheriff's Office

The following Commissioner were absent:
Wayne Denny, Chief, Bureau of Emergency Medical Services & Preparedness
Brad E. Johnson, POST Division Administrator
Bryan Taylor, Canyon County Prosecuting Attorney

Others present: Scott Graff, Public Information Officer (OAG)
Kay Christensen, Chief of the Contracts & Administrative Law Division (OAG)
Stephen Bartlett, Sheriff, Ada County Sheriff's Office
Scott Johnson, Chief, Ada County Sheriff's Office
Sergeant Carlos De Leon, Jr.
Deputy David Anderson
Deputy Derek Beardall
Deputy Michael Geisel
Officer Kyle Mikowski
Deputy Vishal Sahni
Kimi White, Commission Secretary (OAG)

The Chair announced a quorum was not present, therefore the Commission could not hold an official meeting and formal business could not be conducted. All agenda action items would be set aside at this time and placed on the agenda of the next scheduled special meeting of the Commission. The Chair announced today's meeting would be for the sole purpose of meeting the recipients and to go over the ceremony logistics with them. The Commission moved ahead to Items 4 and 4A of the agenda.

Items 4 – 4A – Chairman Wasden requested that the nominating officers present, Chief Lavey and Sheriff Bartlett, introduce the 2019 Medal of Honor recipient(s) from their agencies, as well as their families and guests to the Commissioners. Chief Lavey introduced Officer Kyle Mikowski and his family to the Commissioners. Sheriff Bartlett introduced: Sergeant Carlos De Leon, Jr., Deputies David Anderson, Derek Beardall, Michael Geisel, Vishal Sahni, and their families and guests.

Chairman Wasden then explained the ceremony logistics to the recipients.

Kay Christensen, Chief of the Contracts & Administrative Law Division for the Office of the Attorney General, informed the Chair that they did have a quorum with five (5) Commissioners present. The Chair agreed, apologized for his miscount, and announced a quorum was present. The Commission addressed the remaining agenda items.

Item 1B – The agenda was reviewed; no amendments were made.

Item 2 – Chairman Wasden asked if there were any changes to the proposed February 8, 2019 minutes. Hearing no comments, he called for a motion to approve. Chief Lavey moved to approve the minutes. Sheriff May seconded the motion. Chairman Wasden called for discussion. Hearing none, he called for the vote. The motion passed unanimously.

Item 3 – Report of sub-committee (appointed at the 2/8/19 MOH Commission meeting) regarding revising the statute to combine the law enforcement and firefighter and EMS ceremonies into a combined ceremony. Chairman Wasden called for the report from sub-committee members Chief Doan, Chief Lavey and Kay Christensen. Chief Doan presented the Commission with the recommendations on the draft revised statute.¹ Chief Doan informed the Commission that he discussed this matter at the last Fire Chiefs conference and it was approved. The other members of the sub-committee also agreed to revise Idaho Code section 67-8803 to combine the ceremonies into one, to be held during the legislative session. Chiefs Doan and Lavey stated that their associations agreed to cover the costs of their respective recipients' awards. Chief Lavey stated that while he supports combining the ceremonies, the logistical details still need to be worked out. The Commissioners discussed the process and time-line to introduce the revised statute to the legislature. Chairman Wasden stated that the Governor has the authority to introduce legislation at any time. Ms. Christensen recommended that the bill be introduced by executive process through the Governor's Office. Louis Houggard agreed

¹ A copy of the draft revised statute prepared by the sub-committee is attached to the minutes.

to personally shepherd the legislation through the Governor's process once it has been finalized.

Ms. Christensen informed the Commission that the sub-committee did a great job drafting the revised statute, which she then put into legislative format. She informed the Commission of the other revisions that were made by the sub-committee to the statute.

In section 67-8804, the term "shall" was replaced with "may," to give the Commission discretion on whether rulemaking is necessary, taking into consideration that the Commission does not have funds to facilitate rulemaking.

The revision to section 67-8802 adds another Commissioner to the Commission from the professional firefighters of Idaho. Chief Doan stated that he would like the Commission to consider adding another Commissioner who is a firefighter. The Chair was concerned that a ten member Commission could lead to ties when voting. Ms. Christensen stated that in the event of a tie, the Chair can always opt out from the vote. The Commission discussed the matter, but no definite sentiments were voiced.

The revision to section 67-8802 provides that a Commissioner will continue to serve after the four (4) year term has expired until a successor has been duly appointed and qualified.

The revision to section 67-8803 provides the ceremony is held during the legislative session. Ms. Christensen recommended this provision not be mandatory in case of scheduling conflicts; there should be flexibility. Chief Doan and Chief Lavey expressed their approval with this recommendation. The other Commissioners concurred.

The revision to section 67-8803 changes who the governor may delegate to award the medal from the Attorney General to a member of the commission. Ms. Christensen stated that she did not support this change and believed this portion of the section should be left unchanged. The Commission discussed the matter and agreed with the recommendation.

The Chair discussed the revisions to section 67-8805 and asked Chiefs Lavey and Doan if their respective organizations have agreed to pay the awards costs, not only for their recipients, but for those awarded who are not law enforcement officers or firefighters. Chief Lavey stated that he is not sure if the Idaho Police Association would agree to pay for the costs of non-law enforcement officers. Chief Lavey asked what the total cost of the award per recipient is. Ms. White informed the Commission that the total cost of the framing and medal per recipient is approximately \$500.00. Sheriff May inquired why the Commission did not have a state budget to pay for the award costs. Chairman Wasden discussed what the Commission's budget should be per year, approximately \$3,000.00, and the process for submitting the request and obtaining approval from the state. Chairman Wasden requested that Mr. Hougaard first present and discuss this matter with the Governor's Office. Chief Lavey stated that he would like the Commission to receive its own funding for awards so that the smaller agencies around the state do not feel excluded because they cannot afford the award costs.

Sheriff May stated that he would like to make additional revisions to the statute. The Chair directed him to prepare a draft of his proposed revisions and submit them to Ms. Christensen for the sub-committee's review.

Chief Lavey requested the recipients and their guests be dismissed to the Lincoln Auditorium for the ceremony. The other Commissioners agreed and the recipients were dismissed at 1:30 p.m.

The Chair suggested they table the matter until the statute has been revised. A special meeting will be scheduled once the revised draft has been approved by the sub-committee. The special meeting may be held by conference call. Chairman Wasden called for a motion. Chief Lavey moved to table the matter. Chief Doan seconded the motion. Chairman Wasden called for discussion. Hearing none, he called for the vote. The motion passed unanimously.

Captain Miller arrived at 1:34 p.m.

Item 5 – Chairman Wasden called for a motion to adjourn. Sheriff May moved to adjourn. Captain Miller seconded the motion. Chairman Wasden called for the vote. The motion passed unanimously.

The Commission meeting adjourned at 1:37 p.m.

REDRAFT AS OF MAY 2019

Sixty-sixth Legislature
LEGISLATURE OF THE STATE OF IDAHO
Second Regular Session – 2020

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO.

BY

AN ACT

RELATING TO MEDAL OF HONOR COMMISSION; AMENDING SECTION 67-8801, IDAHO CODE, TO PROVIDE AN ABBREVIATED TITLE TO USE AS A REFERENCE FOR THE AWARD; AMENDING SECTION 67-8802, IDAHO CODE, TO UTILIZE ABBREVIATED TITLE, INCLUDE REFERENCE TO IDAHO PROFESSIONAL FIREFIGHTERS, CLARIFY THE RULEMAKING AUTHORITY OF THE COMMISSION, AND CLARIFY COMMISSION MEMBER TERMS OF APPOINTMENT; AMENDING SECTION 67-8803, IDAHO CODE, TO CLARIFY WHEN AND BY WHOM THE AWARD MAY BE GIVEN, AND ABBREVIATE TITLE; AMENDING SECTION 67-8804, IDAHO CODE, TO ABBREVIATE TITLE; AMENDING SECTION 67-8805, IDAHO CODE, TO ABBREVIATE TITLE AND CLARIFY MEDAL FUNDING SOURCES; AMENDING SECTION 67-8806, IDAHO CODE, TO FURTHER DEFINE THE TERM EMERGENCY MEDICAL SERVICES PROVIDER, AND TO ADD DEFINITIONS OF ADDITIONAL TERMS; AMENDING CHAPTER 88, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-8807, IDAHO CODE, TO ESTABLISH THE PROCEDURAL REQUIREMENTS FOR SUBMISSION OF NOMINATIONS; AND AMENDING CHAPTER 88, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-8808, IDAHO CODE, TO CLARIFY NOMINEE QUALIFICATIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1: That Section 67-8801, Idaho Code, be, and the same is hereby amended to read as follows:

67-8801. IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMS MEDAL OF HONOR ESTABLISHED. There is hereby established a decoration of the Idaho law enforcement, firefighting and EMS medal of honor, hereinafter medal of honor, with accompanying ribbons and appurtenances for award by the governor in the name of the state to any law enforcement officer, firefighter or EMS provider who has been killed or seriously injured in the performance of duty, or who has been distinguished by exceptionally meritorious conduct, upon nomination of the Idaho law enforcement, firefighting and EMS medal of honor commission.

SECTION 2: That Section 67-8802, Idaho Code, be, and the same is hereby amended to read as follows:

~~67-8802. IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMS MEDAL OF HONOR COMMISSION CREATED — MEMBERSHIP — ESTABLISHMENT OF QUALIFICATIONS FOR AWARD.~~ (1) There is hereby created in the office of the governor the Idaho law enforcement, firefighting and EMS medal of honor commission, hereafter referred to as the commission, which shall nominate candidates for the award of the Idaho ~~law enforcement, firefighting and EMS~~ medal of honor. The commission shall consist of one (1) representative from each of the following: the office of the governor, the office of the attorney general, the Idaho prosecuting attorneys association, the Idaho chiefs of police association, the Idaho fire chiefs association, the Idaho sheriffs' association, the Idaho peace officers association, the Idaho department of health and welfare bureau of emergency medical services, ~~and the peace officers standards and training council, and the professional firefighters of Idaho.~~ Members of the commission shall be appointed by the governor and shall each serve for a term of four (4) years. Members of the commission shall hold office until the latter of expiration of the term to which the member was appointed or his successor has been duly appointed and qualified.

(2) The attorney general or his designee shall serve as chair of the commission and shall designate a secretary for the commission.

(3) The commission shall meet annually, or at the call of the chair, to consider candidates for nomination. Commission meetings may be conducted via teleconference.

(4) The commission ~~shall~~ may adopt such rules ~~establishing the qualifications for the Idaho law enforcement, firefighting and EMS medal of honor and the protocol governing the decoration, and other rules~~ as it deems necessary to carry out the purposes of this chapter.

SECTION 3: That Section 67-8803, Idaho Code, be, and the same is hereby amended to read as follows:

~~67-8803. WHEN AND BY WHOM AWARDED.~~ The Idaho ~~law enforcement, firefighting and EMS~~ medal of honor shall be awarded by the governor ~~to the law enforcement recipients during the national law enforcement recognition week and to the firefighter and EMS recipients during the annual Idaho fallen firefighter memorial~~ in a ceremony during the time that the legislature is in session. The governor may delegate the awarding of the medal to the lieutenant governor or a member of the attorney general commission.

SECTION 4: That Section 67-8804, Idaho Code, be, and the same is hereby amended to read as follows:

~~67-8804. POSTHUMOUS AWARD.~~ The Idaho ~~law enforcement, firefighting and EMS~~ medal of honor may be awarded posthumously by presentation to a representative of the deceased as may be deemed appropriate by the governor or the designees specified in section 67-8803, Idaho Code.

SECTION 5: That Section 67-8805, Idaho Code, be, and the same is hereby amended to read as follows:

67-8805. DESIGN AND COST. The decoration of the Idaho ~~law enforcement, firefighting and EMS~~ medal of honor shall be cast in bronze or other metal. The design of the medal shall incorporate the great seal of the state of Idaho with other insignia as deemed appropriate by the ~~law enforcement, firefighting and EMS medal of honor~~ commission. The reverse of the decoration shall be inscribed with the words: "For exceptionally honorable and meritorious conduct in performing services as a law enforcement officer, firefighter or EMS provider." The cost of the medal ~~for a law enforcement officer~~ shall be paid by the ~~agency whose officer,~~ Idaho chiefs of police association. The cost of the medal ~~for a firefighter or EMS provider receives~~ shall be paid by the ~~medal~~ Idaho fire chiefs association. The family of a recipient may request a second medal and may receive such medal upon payment to the commission of the cost of the medal.

SECTION 6: That Section 67-8806, Idaho Code, be, and the same is hereby amended to read as follows:

67-8806. DEFINITIONS. As used in this chapter:

- (1) "EMS" means emergency medical services; and
- (2) "Emergency medical services provider" or "EMS provider" means an emergency medical ~~services provider certified~~ technician, advanced emergency medical technician or paramedic licensed by the department of health and welfare pursuant to sections 56-1011 through 56-1018B, Idaho Code, and an ambulance-based clinician as defined in the rules governing emergency medical services as adopted by the department of health and welfare.
- (3) "Exceptional meritorious conduct" means an act of bravery and self-sacrifice, at the risk of serious injury or loss of one's own life, which is so conspicuous as to clearly distinguish the individual above his comrades.
- (4) "Firefighter" means a volunteer member or paid employee whose primary duty is preventing, extinguishing or investigating fires, and prevents, extinguishes or investigates fires as part of a fire district, fire department or agency which is a part of or administered by the state or any political subdivision thereof.
- (5) "Law enforcement officer" means an employee of a police or law enforcement agency which is a part of or administered by the state, a federally recognized Indian tribe or any political subdivision of the state, whose primary duties are the prevention and detection of crime and the enforcement of the laws of this state or any of its political subdivisions.
- (6) "Serious injury" means any injury that causes great bodily harm and a probability of death, or any injury that causes significant permanent disfigurement and a significant permanent loss or impairment of the function of any body part or organ.

SECTION 7: That Chapter 88, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW SECTION**, to be known and designated as Section 67-8807, Idaho Code, and to read as follows:

67-8807. NOMINATIONS. All nominations shall be:

- (1) In writing; and
- (a) submitted on the form provided by the commission; and

(b) postmarked and mailed, or hand-delivered, to the commission chairman at the address appearing on the nomination form on or before the date set forth on the form.

(2) All documentation, photographs, testimonials, affidavits, or other supplemental or additional information pertaining to the nomination must accompany the completed form.

(3) Nomination forms must be endorsed by the chief law enforcement officer of the department of the nominee, the fire chief, or the head of the nominee's EMS agency, as applicable.

SECTION 8: That Chapter 88, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW SECTION**, to be known and designated as Section 67-8808, Idaho Code, and to read as follows:

67-8808. QUALIFICATIONS. (1) All nominees must:

(1) Be (or at the time of the incident, must have been) a law enforcement officer, firefighter or EMS provider performing or fulfilling responsibilities in an official capacity, as a law enforcement officer, firefighting or EMS provider; and

(2) was killed or seriously injured in the performance of duty; or

(3) performed with exceptional meritorious conduct as defined in this chapter.

STATEMENT OF PURPOSE

This proposed legislation will _____

_____.

FISCAL NOTE

This legislation will have no fiscal impact _____
_____.

Contact:
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Statement of Purpose/Fiscal Note

Bill No.