

MINUTES  
**SENATE JUDICIARY & RULES COMMITTEE**

**DATE:** Friday, January 19, 2018

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Lodge, Vice Chairman Lee, Senators Hagedorn, Lakey, Anthon, Foreman, Potts and Nye

**ABSENT/ EXCUSED:** Senator Burgoyne

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Lodge** called the Senate Judiciary and Rules Committee (Committee) meeting to order at 1:31 P.M..

**RS 25855** **Relating to Civil Actions; Amending Idaho Code § 10-111 To Provide Orders Renewing Judgment** presented by **Jason Slade Spillman** of Idaho Supreme Court. **Mr. Spillman** noted that the statute was identified defective by the court's administrative staff. He commented that the amendment pertains to obtaining a judgment which a party is able to have recorded simultaneously with the lien against the property. He noted the judgment and lien trigger the statute of limitations. He commented on the ambiguity within the current language of the statute and noted the remedy the amendment will provide.

**MOTION:** **Senator Lakey** moved **RS 25855** to print. **Vice Chairman Lee** seconded. The motion carried by **voice vote**.

**PASSED THE GAVEL:** **Chairman Lodge** passed the gavel to **Vice Chairman Lee**.

**S 1208** **Chairman Lodge** presented **S 1208**. She noted this agricultural inmate bill amends existing language, specifically the words "perishable" and "foods". She explained it also amends the definitions. She introduced **Noel Barlow-Hust**, Warden of the South Boise Women's Correctional Center. She invited her to provide testimony.

**Warden Barlow-Hust** provided an overview of the female population incarcerated in the prison system. She emphasized the importance of workforce programs that enable the female inmates to gain independence upon release from incarceration. She noted that the recent changes in legislation allowed incarcerated female inmates to gain work experience. **Senator Hagedorn** asked about available programs at female facilities. **Warden Barlow-Hust** responded that there are some limited programs. She introduced inmate Darlene Hailey.

**TESTIMONY:** **Ms. Hailey** provided her work experience in the agricultural program. She noted how she gained workforce skills as well as some financial independence in advance of her release from incarceration. **Senator Hagedorn** inquired regarding inmates' compensation. **Ms. Hailey** explained the compensation and the bonus program for the work performed.

**Gypsie Kean**, a second inmate speaker, also provided testimony in support of her achievement in the agricultural labor program while incarcerated. She briefly explained her employment at the farm. **Ms. Kean** commented that she was also the first female inmate to receive a full-time employment offer from the Simms Fruit Ranch upon her release. She praised the experience she has gained from the program.

**Charles Robinson**, Manager of Simms Fruit Ranch spoke to the need for agricultural labor in the Treasure Valley. He noted the volume of laborers needed to run the ranch. He commented on the H2A visa program aimed at assisting employers in obtaining workers from Mexico which was financially burdensome. He commented on the benefits of the inmate labor program. He noted this year was the first to incorporate female inmate laborers into fruit picking and proved to be successful. He noted that an outstanding male inmate has also received an offer of full-time employment upon release. He expressed praised for the program.

**Senator Nye** asked if serious permanent injuries are covered and whether there was worker's compensation coverage. **Mr. Robinson** responded that there were no known occurrences of serious injuries. He added that injured inmates, should it occur, would be taken back to the correctional facility.

**Bill Clayton**, founder and owner of Clayton Tree Farm, testified in support of the bill and discussed how the labor shortage affects local farmers. He stated the future of his farm depends on the availability of workers. He noted he increased wages and provided bonus incentives in his efforts to find additional workers. He praised this legislation.

**DISCUSSION:** **Senator Potts** asked how injuries are handled. **Mr. Clayton** responded he has not seen the contract. He noted the projected cost of his company's participation in the H2A visa program could reach \$150,000.00 in the spring time. He noted he has not seen any injuries on his ranch.

**Senator Potts** asked about the various fees and inmates' compensation. **Mr. Clayton** responded the hourly rate is between \$11.00 and \$12.00.

**Senator Lakey** inquired what season was more difficult to find workers. **Mr. Clayton** responded that the difficulty was year-round, however springtime was most critical.

**Senator Lakey** inquired if the critical time was approaching, and if there were opportunities for technical personnel. **Mr. Clayton** responded that the last week of February was crucial. He noted the ranch's continued desirability to find laborers who could operate heavy machinery. He commented that he would offer the opportunity to those interested. **Senator Lakey** inquired regarding wages for inmates. **Mr. Clayton** responded that the starting pay would be the same as he referenced.

**Senator Hagedorn** commented on increased wages to attract laborers; he inquired if Clayton Ranch paid minimum wages to any employee. **Mr. Clayton** responded

that they do not pay the minimum wage.

**Vice Chairman Lee** noted Henry Atencio, the Director of the Department of Correction, was available in the audience should there be any questions.

**Chairman Lodge** explained that the prison maintains a medical services contract in the event an inmate is injured. She explained costs associated with the program. She praised the legislation and the program.

**Senator Potts** commented on his experience as an employer addressing compensation and fees associated with that. He noted the honest wage paid is an attestation to the return of inmates to society as productive citizens.

**Vice Chairman Lee** praised the legislation. She added the expansion of economic opportunities for the State of Idaho. She noted that the legislation did not intend to displace jobs but instead collaborated to increase employment opportunities. She requested Director Atencio's input regarding inmate compensation.

**Director Atencio** commented that the pay rate to inmates is established in conjunction with the United States Department of Justice and the Idaho Department of Correction. He explained that correctional facilities are reimbursed. He noted the pay rate is established as fair once reimbursements are deducted. He expressed concern regarding the hourly rate.

**Chairman Lodge** added that the emergency clause in the legislation was vital in getting workers in a timely manner. She commented on the improvement of the inmates' lives.

**MOTION:** **Senator Lakey** moved to send **S 1208** to floor with a **do pass** recommendation. **Senator Foreman** seconded. The motion passed by **voice vote**.

**ADJOURNED:** There being no further business at this time, **Chairman Lodge** adjourned the meeting at 2:58 p.m.

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Senator Lodge  
Chairman

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Anna Wroblewski-Jones  
Secretary