

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Monday, March 09, 2020

TIME: Upon Adjournment of Afternoon Floor Session

PLACE: Room EW42

MEMBERS: Chairman Chaney, Acting Vice Chairman Monks, Representatives Kerby, Amador, Zito, Zollinger, Ehardt, Scott, Goesling, Hartgen, Marshall, Ricks, Troy, Young, Gannon, McCrostie, Wintrow, Davis

**ABSENT/
EXCUSED:** None

GUESTS: Holly Lawrence, LSO; Jeremy Pisca, Risch, Pisca PLLC; Josh Tewalt, IDOC; Daniel Chadwick, Kyle Shockey, Jason Zimmerman,
Chairman Chaney called the meeting to order at 2:42 p.m.

MOTION: **Rep. McCrostie** made a motion to approve minutes of the February 3, 2020 and February 11, 2020 meetings. **Motion carried by voice vote.**
Chairman Chaney explained the intent to hear and consider Resolutions on the same day.

S 1232: **Chairman Chaney** explained the tie vote on the motion to send **S 1232** to the floor with a do pass recommendation at the previous Committee meeting was not a definitive vote to hold the bill in Committee, so it was still open to the Committee for another motion. This bill allows the Department of Correction (IDOC) to establish mandatory inmate reentry savings accounts.

MOTION: **Rep. Troy** made a motion to send the **S 1232** to the floor with a **DO PASS** recommendation.
Reps. Ricks, Troy, Kerby and **Wintrow** spoke in support of the motion. Rep. Ricks stated the legislation is designed to encourage savings and limit access to state funds that are intended for truly indigent inmates upon release. Committee members also spoke to the benefits of helping inmates learn new savings habits and build personal responsibility. Doing more to incentivize these behaviors was encouraged.
Rep. Ricks yielded to questions from the Committee. He explained the bill does not include a provision for inmates to earn interest on their accounts. The money in these accounts is retained into a few master IDOC accounts, making it difficult to apply interest individually. He stated this is something that can be looked at in the future.
Reps. Scott, Young and **Zollinger** spoke in opposition to the motion. They agreed the concept is good, but there are some issues that need further consideration. They include addressing inmates serving life sentences, prioritized restitution to victims, and concern about the mandatory requirement to direct a percentage of savings into reentry saving accounts. They also expressed concern the administrative rule making process would be used to workout how the savings program will work, rather than established in statute.
Reps. McCrostie and **Ehardt** stated they previously voted against sending the bill to the floor, but intended to support the motion now that they have more information about the intent of the bill. Rep. Ehardt stated she still reserved her right to vote differently on the floor.

- ROLL CALL VOTE:** **Chairman Chaney** called for a roll call vote on the motion to send the bill to the floor with a **DO PASS** recommendation. **Motion carried by a vote of 13 AYE, 5 NAY.** Voting in favor of the motion: **Reps. Kerby, Amador, Ehardt, Goesling, Hartgen, Marshall, Ricks, Troy, Gannon, McCrostie, Wintrow, Davis and Chairman Chaney.** Voting in opposition to the motion: **Reps. Monks, Zito, Zollinger, Scott and Young.** **Rep. Ricks** will sponsor the bill on the floor.
- SCR 130:** **Rep. Rubel** introduced **SCR 130** to honor William C. "Bill" Roden. This Senate Concurrent Resolution also calls for the lobbyist lounge on the Garden Level of the Idaho State Capitol to be known as the "Bill Roden Memorial Lounge."
- Jeremy Pisca**, Risch, Pisca PLLC, spoke **in support** of **SCR 130.** **Sen. Roden** was a mentor to Pisca and he shared stories about him.
- MOTION:** **Rep. McCrostie** made a motion to send **SCR 130** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Rubel** will sponsor the bill on the floor.
- S 1356:** **Chairman Chaney** returned the bill to Committee for consideration. This bill adds one new District Court judge position to the First Judicial District.
- MOTION:** **Rep. Kerby** made a motion to send **S 1356** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Amador** will sponsor the bill on the floor.
- S 1357:** **Chairman Chaney** returned the bill to Committee for consideration. This bill allows for a salary increase for Idaho Supreme Court Justices.
- MOTION:** **Rep. Hartgen** made a motion to send **S 1357** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Chairman Chaney** will sponsor the bill on the floor.
- S 1283:** **Rep. Crane** presented the bill that provides a consistent way for people to request a waiver, variance, or amendment of an existing rule from state agencies. He described the criteria for requesting dispensation.
- In answer to Committee questions, **Rep. Crane** stated an agency could develop a waiver process through administrative rule making and a waiver cannot be granted if it is against state law.
- Sen. Agenbroad** spoke **in support** of the bill and explained agencies who grant waivers or variances can use that information to consider amending the rule on a permanent basis.
- S 1370:** **Rep. Ricks** presented **S 1370** and yielded his time to **Jared Larsen.**
- Jared Larsen**, Criminal Policy Director, Governor's Office, explained this bill seeks to clarify a long-standing section of code that addresses the responsibility of the Board of Correction to provide for the care and maintenance of those incarcerated. It is the intent to provide opportunities for inmate employment, but it is not a requirement to do so.
- Josh Tewalt**, Director, Idaho Department of Correction answered Committee questions. He stated approximately 75 percent of inmates would like to work and the department is focused on identifying opportunities for those who would like to do so, but the focus is on providing programming that builds basic life skills to help inmates become more work ready. He explained this bill was the result of a legal challenge to the language that stated the Board of Correction was responsible for providing employment for all prisoners.

S 1371: **Rep. Goesling** presented the bill which clarifies an extended absence of a parent on active duty or deployment with the U.S. armed forces does not constitute neglect, abuse, abandonment, or failure to provide a stable home environment. It also clarifies a temporary guardianship can be terminated when a service member returns. He described examples of the conditions of leaving a child in guardianship.

Sen. Lee spoke in support of the bill and explained there are nuances in the law regarding appointment of guardianship that have brought this issue to the forefront. This bill makes the rights of military parents clear.

Daniel Chadwick, testified in support of the bill. He shared the story of a friend caught in a legal dispute to regain custody of his child from grandparents who were granted a temporary guardianship.

Chairman Chaney stated without objection **S1283, S 1370** and **S 1371** will be held for future consideration. There was no objection.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 3:45 p.m.

Representative Chaney
Chair

Wendy Carver-Herbert
Secretary