

MINUTES

HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE

- DATE:** Wednesday, March 27, 2013
- TIME:** 1:30 pm or Upon Adjournment
- PLACE:** Room EW42
- MEMBERS:** Chairman Wills, Vice Chairman Luker, Representatives Nielsen, Bolz, Bateman, McMillan, Perry, Sims, Dayley, Horman, Malek, Packer, Patterson, Trujillo, Burgoyne, Meline, Ringo
- ABSENT/
EXCUSED:** Rep. Perry; Rep. Patterson
- GUESTS:** Monica Hopkins, ACLU; Brent Reinke, IDOC; Claudia Harris, Saturn Printing
- Chairman Wills** called the meeting to order at 1:35 p.m.
- SCR 129:** **Sen. Davis** presented **SCR 129**. He said **SCR 129** amends **Joint Rule 18** clarifying that a Statement of Purpose (SOP) and Fiscal Note are not necessarily the intent of the legislation. He talked about how the SOP and Fiscal Notes should be utilized as an internal tools only. He encouraged the committee members to challenge the SOPs and Fiscal Notes and to look to the literal language of the bill to interpret legislative intent. He explained how the House and Senate votes on bills, corrects titles, but only attaches the SOP as an internal document. He suggested that if the SOP is incorrect, the Representatives should use that in their debates on the floor. He talked about the difference between legislative history and legislative intent.
- There was committee discussion as to the process of drafting and amending both Statements of Propose and Fiscal Notes.
- MOTION:** **Rep. Bateman** made a motion to send **SCR 129** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Moyle and Rep. Rusche** will sponsor the bill on the floor.
- SCR 131:** **Sen. Davis** presented **SCR 131**. He talked about the differences between **SCR 130** and **SCR 131**. He talked about the importance of archiving the work of the House and the Senate and concern that archiving could create an opportunity for some to try to collaterally attack the journal of the House and the Senate. He discussed the value and danger of archiving. He said the Courts has said it is not their job to look past the journal. He explained that the live streaming and recording could be suspended with a 2/3 vote of the individual body. He talked about how the statements of individual speakers do not reflect legislative intent and said the recordings are not a substitute for the journal. He said the Attorney General supports this Senate Concurrent Resolution.
- In response to questions, he said this bill was trimmed back to the single most important thing; to protect the institution but allow archiving. He discussed the importance of keeping the Senate and House practices separate and explained the process of suspending any rule by a 2/3 vote of the body. He said the Idaho constitution does not allow the body of the House or the Senate to ever go into executive session. He said this bill does not disadvantage the legislature or the public and gives each body the discretion where circumstance may arise to suspend the rule.
- MOTION:** **Rep. Bolz** made a motion to send **SCR 131** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Moyle and Rep. Rusche** will sponsor the bill on the floor.

- S 1189:** **Sen. Davis** presented **S 1189**. He said this bill is intended only to codify current legislation on statutory construction. He talked about the importance of actual words in statute as the best guide for determining legislative intent.
- MOTION:** **Rep. Packer** made a motion to send **S 1189** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Moyle and Rep. Rusche** will sponsor the bill on the floor.
- Chairman Wills** turned the meeting over to **Vice Chairman Luker** .
- SCR 128:** **Rep. Wills** presented **SCR 128**. He said the purpose of this legislation is to appoint an interim committee to study the criminal justice system in Idaho. He explained that this is not a witch hunt to find what is not working but rather an effort to enhance what is currently in place. He said Council of State Governments West (CSG West) has offered to undertake this study for free and give the committee a data driven report with facts so the Idaho criminal justice system can have the best fiscal policies and practice. He said the primary goal of the criminal justice system is to reduce the recidivism rate in Idaho.
- In response to questions, he said the Council of State Governments West (CSG West) study would be conducted prior to the meeting of the interim committee. He said that CSG West has been involved with the Idaho legislature for many years and have been involved with other studies. He explained CSG West will be deeply involved with Idaho judiciary branches in their study and with every agency that it affects. He said their study will include only information from Idaho. He talked about the Idaho Department of Health and Welfare being a key component of the study. He said the intent of the study is to improve the system and reduce the millions of dollars the criminal justice system is costing the state.
- Monica Hopkins**, ACLU (American Civil Liberties Union of Idaho), testified in support of an amendment to **SCR 128**. She suggested amendments to the purpose of the study, the role of Council of State Governments West (CSG West), the definition of the "justice reinvestment" concept and the focus of the study.
- In closing, **Rep. Wills** said we are not trying to tear apart the Uniform Sentencing Code but simply trying to build upon the foundation currently in place. He said some of what the ACLU suggests is beyond the scope of the study but some of the information gleaned may allow the interim committee to look at some sentencing practices.
- MOTION:** **Rep. Trujillo** made a motion to send **SCR 128** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Moyle and Rep. Rusche** will sponsor the bill on the floor.
- Vice Chairman Luker** turned the meeting back over to **Chairman Wills**.
- H 331:** **Rep. Pence** presented **H 331**. She explained this legislation establishes additional provisions to the Correctional Industries Act to ensure the Board of Corrections' contracting authority will sell their printing products to public agencies of the state or any political subdivisions only in order to avoid direct competition with the private printing businesses in Idaho. She said the spirit of the law is to provide training to inmates but not at the expense of private contractors.
- In response to questions, she said she did contact the Department of Corrections (DOC), and was told that the statute gives them the ability to contract and they are going to continue to do so. She explained that she feels the DOC is abusing the intent of the statute. She explained how printing is not a finished product at the time of the bid in comparison to furniture building, etc.

Claudia Harris, Saturn Printing, testified in support of **H 331**. She talked about the inability of private printing companies to compete against the State of Idaho. She explained that private businesses have the overhead of renting space, employee salaries and benefits that the state doesn't have. She expressed frustration that tax payers are paying for the housing of the inmates and then having to compete against those inmates in business.

Director Brent Reinke testified in opposition to **H 331**. He said one of the areas of the Department of Corrections' vocational training is printing. He said that he needs more jobs for inmates, not less. He offered to set up a meeting with the Board of Corrections and Rep. Pence to attempt to solve this issue. He noted that Correctional Industries is a self-sustaining business that receives no general funds.

MOTION: **Rep. Sims** made a motion to send **H 331** to the floor with a **DO PASS** recommendation. **Rep. Sims** withdrew her motion.

MOTION: **Rep. Perry** made a motion to hold **H 331** in committee. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:19 p.m.

Representative Wills
Chair

Danelle Heath
Secretary