

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Wednesday, February 25, 2015

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Hagedorn, Senators Davis, Tippetts, Johnson, Bayer, Souza and Burgoyne

ABSENT/ EXCUSED: All present, with a vacancy in District 17.

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) to order at 1:32 p.m.

MINUTES APPROVAL: **Senator Souza** moved to approve the Minutes of January 28, 2015. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Burygone** moved to approve the Minutes of January 30, 2015. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT HEARING: **The gubernatorial appointment of Sara Thomas to the Idaho State Public Defense Commission (ISPD).** **Chairman Lodge** welcomed Ms. Thomas and asked her to present information about herself and the work she does. **Ms. Thomas** presented a short biography and spoke about the positions she has had and shared a history of the public defense system.

Chairman Lodge set the vote for Ms. Thomas' confirmation for Monday, March 2, 2015.

S 1004 **Josh Tewalt**, Idaho Department of Correction (IDOC), explained **S 1004** removes outdated reference language from Idaho Code § 20-242A regarding the Correctional Industries Penal Betterment Fund. No inmates are paid from this fund; it is administered by Correctional Industries. This bill reflects the practices of the IDOC.

Senator Davis asked for whom the inmates were doing work. **Mr. Tewalt** answered under this section the inmates are doing work on behalf of the IDOC. It covers the institutional workers. It also covers the funds for inmates who provide work at the community work center. **Senator Davis** asked if inmates worked for companies independent of IDOC. **Mr. Tewalt** answered that was the case. **Senator Davis** said the language in the section is not needed and asked why it is needed. **Mr. Tewalt** explained it was inserted by the Deputy Attorney General to prevent claims that are prohibited. **Senator Davis** questioned the civil rights reference in regard to compensation. **Mr. Tewalt** said it refers to any entitlements for the inmates. He will follow up and provide information to the Committee.

Senator Johnson inquired if this language is contained in all of the contracts for inmates under the worker program. **Mr. Tewalt** replied that it is.

Senator Davis asked for clarification on **S 1004** applying to IDOC changes. **Mr. Tewalt** answered that this statute does not apply to inmates seeking employment outside of the agency.

- MOTION:** **Senator Johnson** moved that **S 1004** be sent to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.
- S 1067** **Kandee Yearsley**, Child Support Bureau Chief, Department of Health and Welfare, presented **S 1067** to the Committee regarding the amendments designed to help children residing in Idaho receive the financial support due from parents, wherever those parents may reside. She also spoke about the requirement for continued receipt of federal funds supporting the child support program, which is a required program under the Temporary Assistance for Needy Families (TANF) block grant (see attachment 1).
- DISCUSSION:** A discussion ensued related to the issue of mandatory enforcement of rules of another country and the concern of being subject to a foreign government on Idaho issues. The discussion continued on concerns over other countries telling Idaho judges what to do and Idaho's enforcement of state laws in other countries as implied in the language of the **S 1067**. A concern on member states of the Hague Convention had the Committee questioning how Idaho may enforce law upon those member states. **Ms Yearsley** volunteered to provide a list of member states to Committee.
- PASSED THE GAVEL:** Chairman Lodge turned the gavel over to Vice Chairman Hagedorn.
- DISCUSSION:** The conversation continued about the language of "states" and to whom that applies. Jurisdiction was talked about, along with the threat of losing federal funds for TANF. The Committee talked about the need for further information on these issues. The Committee members asked Ms. Yearsley for more information on the federal funding of TANF and the ratification of the Hague Convention child custody rule. **Ms. Yearsley** agreed to do so.
- MOTION:** **Senator Souza** moved to hold **S 1067** to a date determined by the Chairman. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.
- S 1054** **Robert Aldridge**, Trust & Estate Professionals of Idaho, Inc. (TEPI), explained **S 1054** allows a person with decision making authority, especially financial, medical and mental health authority, to be recognized in Idaho (see attachment 2). This bill allows individuals to have control over their financial and medical decisions and their choices of who can act when the individual cannot act. The bill cross references other laws and defines certain terms.
- Senator Burgoyne** asked if the document were refused, would that person be liable for financial damage. **Mr. Aldridge** answered the bill does not preclude any rights or remedies.
- MOTION:** **Senator Davis** moved that **S 1054** be sent to the floor with a **do pass** recommendation. **Senator Bayer** seconded the motion. The motion carried by **voice vote**.
- RS 23680C1** **Mike Brassey**, Uniform Law Commission, explained that **RS 23680C1** is a trailer bill to **S 1025** and repeals those laws that should have been repealed in **S 1025**. **RS 23680C1** also corrects items that no longer exist.
- Senator Johnson** asked about the effective date on the bill. **Mr. Brassey** answered that it does not take effect unless **S 1025** passes since this is a trailer bill.
- MOTION:** **Senator Davis** moved that **RS 23680C1** be sent to print with the discession of the Chairman to send it back to the floor with a **do pass** recommendation. **Senator Tippets** seconded the motion. The motion carried by **voice vote**.
- ADJOURNED:** There being no further business, **Vice Chairman Hagedorn** adjourned the meeting at 2:55 p.m.

Senator Lodge
Chairman

Senator Hagedorn
Vice Chairman

Carol Cornwall
Committee Secretary

Barbara Lewis
Assistant Secretary