

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Monday, February 03, 2020

TIME: 1:30 P.M.

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:** Representative Davis

GUESTS: Eric Fredericksen, SAPD; Carmen Willis, Andee Brown, Lynda Mickelson, Kevin Mickelson, ICI; Jaren Larsen, Governor's Office; Chyla Wilson, Idaho Farm Bureau; Hollie Lawrence, LSO; Steve Cherry, Sean Garland, Karen Farland, Kaitlyn Cornford, CS Beef Packers

Chairman Chaney called the meeting to order at 1:30 p.m.

H 319: **Chairman Chaney** returned the bill to Committee for consideration. This bill expands the State Public Defender's authority to represent indigent defendants in misdemeanors and juvenile appeals.

MOTION: **Rep. Zollinger** made a motion to send **H 319** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wintrow** will sponsor the bill on the floor.

H 373: **Rep. Ricks** presented **H 373**, the bill updates language to identify Idaho Correctional Industries (ICI) as a training program for inmates. It also expands the program to other agricultural job types. Rep. Ricks stated this will help educate and train inmates to give them a greater chance of becoming productive citizens. Trainees earn stipends, which can be used for expenses and saved for when they are released. He yielded his time to **Kevin Mickelson**, General Manager, Idaho Correctional Industries. Mr. Mickelson yielded his time to **Steve Cherry** and **Shawn Garland** to discuss the benefits of the program.

Steve Cherry, Manager, CS Beef Packers. His company has been part of the ICI program since 2018 and uses trainees to supplement its workforce in a very challenging employment market. The company offers a training wage of \$12 per hour, well above the standard required minimum. The company intends to transition 100 percent of its ICI trainees to full-time employment upon release. Overall, this program has helped the company establish greater employment stabilization.

Shawn Garland, a former inmate and ICI training recipient. He stated the program taught him new skills and as a result of a recommendation from CS Beef Packers, he was able to secure release from prison three years early. He explained it is difficult to get a job with a prison record, but he was able to go straight to work to earn a living wage.

In answer to questions from the Committee, **Mr. Mickelson** stated this bill ensures the focus remains on the training aspects of the program to prepare participants for gainful employment following their terms rather than the business aspects of running the program. He explained the programs operate as apprenticeships ranging in 2,000 to 8,000 hours. If participants complete an apprenticeship before release, they can participate in another program, or serve as a mentor. He described the different types of pay structures, but for agricultural programs where work is performed off-site, wages are based on the prevailing wage set by the Department of Labor. Fees such as transportation, security, administration, restitution, room and board are deducted from their hourly stipends, but inmates keep the rest. Mr. Mickelson explained inmates are not eligible for worker's comp, but ICI provides accident and accidental death insurance coverage at a rate commensurate with market rates. Injured inmates are also eligible for Federal disability upon release. He said they are looking to expand training opportunities to women inmates.

MOTION: **Rep. Scott** made a motion to send **H 373** to the floor with a **DO PASS** recommendation.

Chairman Chaney reiterated the Committee process for hearing and considering bills, and the vote for **H 373** will be taken up at a later date.

Chyla Wilson, Idaho Farm Bureau, spoke **in support** of the bill. In answer to a Committee question, she stated the concerns about worker's comp have been addressed.

RS27322: **Chairman Chaney** asked for Unanimous Consent to return **RS 27322** to the sponsor at the sponsor's request. There being no objection, the request was granted.

RS 27324: **Rep. Scott** presented **RS 27324**, which adds language to code that outlines the training Health and Welfare child protection services (CPS) employees will receive to ensure they know the Constitutional rights of parents. This will not add any costs to the training already received by CPS employees.

MOTION: **Rep. Zollinger** made a motion to introduce **RS 27324**.

In answer to questions from the Committee, **Rep. Scott** explained CPS workers cannot enter a person's home without permission, or law enforcement with a warrant. A request was made to have a Health and Welfare representative available during the bill hearing to answer questions.

VOTE ON MOTION: **Rep. Chaney** called for a vote on the motion. **Motion carried by voice vote.**

RS 27348: **Rep. Scott** presented **RS 27348**, which provides cross referencing between the Federal Child Protection Act and newer sections of Idaho Code relating to parental rights outlined in sections 32-1010 through 32-1012.

MOTION: **Rep. Zollinger** made a motion to introduce **RS 27348**. **Motion carried by voice vote.**

RS 27295C1: **Rep. Zito** presented **RS 27295C1**, which relates to financial exploitation of an elder by making it a felony for financial fraud of more than \$1,000. She explained this came about as a result of an older family member in her district that unknowingly signed over the family farm to a home care worker without knowledge of any family members.

MOTION: **Rep. Kerby** made a motion to introduce **RS 27295C1**.

Discussion among Committee members included requesting the proposed bill be reviewed by the Attorney General's office to ensure all the language is well vetted and is not too broad as it relates to charging a felony, defining misuse of power of attorney and taking of assets. **Rep. Hargten** stated most felonies involved crimes of \$10,000 or more.

Rep. Marshall expressed concern that there may be other statutory language that covers this crime. It is too broad and is not clearly written. He stated he is **in opposition** to introducing the RS.

Rep. McCrostie stated he was in support of introducing the RS, but when it comes back before Committee for the bill hearing, he asked **Rep. Zito** to address **H 347** that was passed by the Legislature in 2018.

VOTE ON MOTION:

Chairman Chaney called for vote on the motion. **Motion carried by voice vote.** **Rep. Marshall** requested he be recorded as voting **NAY**.

RS 27534:

Rep. Kerby presented **RS 27534**. He explained a DUI diversion program was adopted by the Legislature in 2019, but it mistakenly included commercial drivers, which are prohibited by Federal law to participate in these types of programs. This RS removes CDL drivers from being eligible. He stated a typo in the Statement of Purpose will be corrected to read insure and not ensure.

VOTE ON MOTION:

Rep. Zollinger made a motion to introduce **RS 27534**. **Motion carried by voice vote.**

RS 27528:

Rep. Gannon presented **RS 27528** to provide for more transparency so the renters know a portion of their rent includes property taxes. He explained it is important for landlords to give accurate information to renters regarding property taxes and their impact on rents. A draft of the proposed legislation was shared with the Apartment Owners Association and it received positive feedback as long as the required detail was not excessive. Therefore, property owners will only need to provide renters with an accounting of the total property tax paid, not a per unit break down.

MOTION:

Rep. McCrostie made a motion to introduce **RS 27528**.

Rep. Marshall spoke **in opposition** to introducing the RS because it was unclear about how it would be applied.

Discussion among Committee members included concern about how it would be applied on farms and ranches where room and board are a part of a worker's total compensation. It also raised questions about how it would be applied to commercial versus residential properties, short-term rentals, college dormitories and care facilities.

SUBSTITUTE MOTION:

Rep. Ricks made a substitute motion to return **RS 27528** to the sponsor. Speaking to the motion, he said he supports the intention of the bill, but there are some issues that need to be addressed before it is ready for a bill hearing.

Rep. Gannon stated he supported holding the RS to work out more details.

VOTE ON SUBSTITUTE MOTION:

Chairman Chaney called for a vote on the substitute motion. **Motion carried by voice vote.**

RS 27299:

Rep. Troy presented **RS 27299**. This proposed legislation expands the law regarding female genital mutilation to prohibit such a procedure on a child and makes it a crime to allow such a procedure to be done out of state. It also adds the crime to the list of violent felonies eligible for \$5,000 victim compensation.

MOTION:

Rep. Kerby made a motion to introduce **RS 27299**.

Rep. Marshall, raised his concern that laws should not pronounce guilt. Therefore, the Legislature should not perpetuate the common problem in existing law of stating "shall be guilty" of a felony. The proposed legislation should only define the felony.

VOTE ON MOTION:

Chairman Chaney called for a vote on the motion. **Motion carried by voice vote.** **Rep. Marshall** requested he be recorded as voting **NAY**.

ADJOURN:

There being no further business to come before the Committee. The meeting adjourned at 3:06 p.m.

Representative Chaney
Chair

Wendy Carver-Herbert
Secretary