

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, February 06, 2013

TIME: 3:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Heider, Vice Chairman Nuxoll, Senators Lodge, Hagedorn, Guthrie, Martin, Lakey, Bock and Schmidt

**ABSENT/
EXCUSED:**

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 Heider** convened the meeting at 3:03 p.m.

GUBERNATORIAL APPOINTMENT: **Chairman Heider** asked if there were any comments in regard to the gubernatorial appointment of Britt Raubenheimer to the Commission for the Blind and Visually Impaired.

Senator Hagedorn said his only comment would be that the Senate Health and Welfare Committee is very fortunate to have someone of Ms. Raubenheimer's capabilities on the Commission for the Blind and Visually Impaired.

MOTION: **Senator Hagedorn** moved to send the gubernatorial appointment of Britt Raubenheimer to the Commission for the Blind and Visually Impaired to the floor with recommendation that she be confirmed by the Senate. **Senator Martin** said he strongly seconded the motion.

DISCUSSION: **Chairman Heider** said he thought the Senate Health and Welfare Committee would all concur that Ms. Raubenheimer is a wonderful candidate, very well qualified and very talented in so many ways.

The motion carried by **voice vote**.

Chairman Heider said Senator Keough requested to carry the gubernatorial appointment to the Senate floor since Ms. Raubenheimer lives in her district and asked the Senate Health and Welfare Committee if that was acceptable. The committee agreed. **Chairman Heider** said he would notify Senator Keough.

H 37 **Chairman Heider** said Orville Green, Administrator for the Waste Management and Remediation Division at the Department of Environmental Quality (DEQ), would be presenting **H 37** to the committee.

Mr. Green said **H 37** proposes changes to provisions relating to the Wood and Mill Yard Debris Committee. The changes are to provide that the committee meet on an as-needed basis.

Senator Lakey said he was concerned with the wording of the bill in that a meeting has to be convened if the director, a committee member or a member of the public requests one. **Senator Lakey** said he was concerned that could raise some issues if a member of the public wanted to be problematic. **Mr. Green** said he believes the wording included "may schedule a meeting at the discretion of the director" and that the director would have the discretion to not convene the meeting. **Senator Lakey** expressed concern about the wording, "upon receiving the request the department shall contact all members and arrange a time and place most convenient to the majority of the members." **Mr. Green** said in the past ten years it has not been an issue, but if it becomes problematic he will be back before the Senate Health and Welfare Committee. **Senator Hagedorn** asked if there was discussion about terminating this committee since there has not been much of a need for it since 2004. **Mr. Green** said that was considered, but the statute provides authority for DEQ to specifically exempt facilities that manage wood and mill yard debris in accordance with the Technical Guidance Manual from the solid waste rules.

MOTION: **Vice Chairman Nuxoll** moved that **H 37** be sent to the floor with a **do pass** recommendation. **Senator Lakey** seconded the motion.

DISCUSSION: **Senator Hagedorn** said he thought Senator Lakey brought up a very valid point in that the department would be opening themselves up to unnecessary meetings and said he wondered if anyone wants to consider correcting that language.

Senator Schmidt said with the committee now meeting on an as-needed, he would like them to continue to be responsive. **Senator Schmidt** mentioned the wording, "shall make arrangements for a convenient time to meet" which could include "a telephonic meeting" and said he was supportive of the language.

Chairman Heider asked if it that was satisfactory to Senator Hagedorn.

SUBSTITUTE MOTION: **Senator Hagedorn** said he appreciated the comments but that he wanted to make a substitute motion. **Senator Hagedorn** moved that **H 37** be referred to the 14th Order for amendment.

Chairman Heider said the substitute motion died for lack of a second.

Chairman Heider asked for a vote on the original motion. The motion carried by **voice vote**.

PRESENTATION: **Chairman Heider** introduced Brent Reinke, Director of the Idaho Department of Corrections (IDOC), to give the Senate Health and Welfare Committee an update on IDOC.

Mr. Reinke said he would not be doing a power point presentation because all the information from the power point was in the IDOC handouts the committee members were given. **Mr. Reinke** referred the committee members to each of the handouts as he spoke about IDOC. (See Attachments 1a, 1b and 1c.)

DISCUSSION: **Senator Schmidt** asked about the parole wait time, which was dropped from eleven months to four months. **Mr. Reinke** said that concerned individuals, who potentially would be on parole, but were sent back to prison because they had violated their parole terms due to a technical violation or some other reason. Those individuals could only be released by the Idaho Parole Commission. This drop time has produced some good outcomes and addressed issues with having open prison beds for other more serious inmates. **Vice Chairman Nuxoll** asked if the Rider Program is only available to defendants in the beginning stages of the trial process. **Mr. Reinke** said not necessarily and that IDOC have had parolees who have been paroled on the Riders Program. **Senator Hagedorn** said he had heard IDOC was reconsidering its goal of building a mental health facility and asked what the latest information was on that. **Mr. Reinke** said that is still a goal but it has been difficult with the projected operating expenses for a 570 bed facility coming in at \$25 million a year. **Mr. Reinke** said mental health is something that cannot be ignored because there is a lot of risk involved for the state and a smaller facility could be the next goal. **Chairman Heider** asked if Idaho had prisoners in Colorado prisons. **Mr. Reinke** said there are currently 247 Idaho inmates in Colorado prisons.

RS 21880 **Chairman Heider** introduced Ken McClure – attorney and lobbyist for the Idaho Medical Association – to present **RS 21880**, a piece of legislation that relates to the Natural Death Act.

Mr. McClure said **RS 21880** was being brought before the committee to correct an alleged oversight in his work from last year that would clear up ambiguous language pertaining to Do Not Resuscitate (DNR) instructions for doctors and hospitals.

Senator Lodge asked if **RS 21880** was last year's S 1294. **Mr. McClure** said that was correct.

Vice Chairman Nuxoll moved to print **RS 21880**. **Senator Martin** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business before the committee, **Chairman Heider** adjourned the meeting at 3:49 p.m.

Senator Heider
Chairman

Linda Hamlet
Secretary