

MINUTES

## HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE

**DATE:** Monday, January 27, 2014

**TIME:** 1:30 P.M.

**PLACE:** Room EW42

**MEMBERS:** Chairman Wills, Vice Chairman Luker, Representatives Nielsen, Bolz, Bateman, McMillan, Perry, Sims, Dayley, Horman, Malek, Packer, Trujillo, McDonald, Burgoyne, Meline, Ringo

**ABSENT/  
EXCUSED:** None

**GUESTS:** Clark Rollins, ISP; Russ Wheatley, ISP; Kevin Hudgens, ISP; Charlie Spencer, ISP; Raeleen Welton, ILBA; Russell Westerberg, ILBA; Barbara Jordan, ITLA; Teresa Baker, ISP; Shane Evans, IDOC; Mike Kane, ISA; Elizabeth Criner, Pfizer

**Chairman Wills** called the meeting to order at 1:30 PM.

**RS 22400:** **Lt. Russ Wheatley**, Lieutenant with the Idaho State Police over the Alcohol Beverage Control, presented **RS 22400** which amends and clarifies Section 23-910(1), Idaho Code, relating to those persons eligible to hold a license for the retail sale of liquor by the drink. Currently, the statute reads if a person has been convicted of a felony and five years has lapsed, a person is eligible to hold a license even if they are still on felony probation. The challenge for the Idaho State Police Alcohol Beverage Control is determining who is qualified to be a licensee. The amendment would clarify that a person must wait five years to lapse after they finish their entire felony sentence, including probation, to be eligible to hold a liquor license.

**Rep. Packer** asked for clarification on page two, line 11. The number 6 is stricken from the language of the law. **Lt. Wheatley** indicated it was not their intent to strike this number.

**MOTION:** **Rep. Packer** made a motion to introduce **RS 22400**.

**Rep. Burgoyne** questioned the need to strike the number 6 from Section 6 and suggested the committee make the change before the RS is introduced.

**AMENDED MOTION:** **Rep. Packer** amended the original motion to introduce **RS 22400** with the following change to the strike out on page two, line 11, reaffirming the number 6.

**Rep. Luker** indicated this may be an attempt to clean up the language in the Code. There may be a need to renumber the entire legislation so it may be best to have the author make the changes.

**MOTION WITHDRAWN:** **Rep. Packer** withdrew the amended motion to introduce **RS 22400** with the following change to the strike out on page two, line 11, reaffirming the number 6.

**MOTION:** **Rep. Packer** made a motion to introduce **RS 22400** allowing the Idaho State Police to amend the legislation as necessary to ensure the accuracy of the language for the striking out of the number 6 in Section 6.

**Chairman Wills** asked the Idaho State Police to withdraw **RS 22400** to make the necessary changes and return to the committee at a later date with the change. **Lt. Wheatley** indicated he would return with the proposed legislation as soon as possible.

**RS 22401:**

**Maj. Kevin Hudgens**, West Area Operations Major for the Idaho State Police (ISP), presented **RS 22401** which amends and clarifies Section 37-2744(f)(2), Idaho Code, relating to the number of persons required to witness the destruction of drugs. The statute currently requires that two representatives from the Idaho State Police be present. Maj. Hudgens stated the law was written before the Idaho State Police was responsible for Forensic Services and both a supervisory drug analyst and a representative from the Director's Office are required to be present. Now that both representatives are governed by the same agency, it is an unnecessary duplication of efforts to continue to have both as witnesses. This proposed legislation would eliminate the requirement for a Forensic Services representative. Both **Clark Rollins**, Major over ISP Forensic Services, and **Mark Johnson** from the Board of Pharmacy are supportive of this change.

In response to questions, **Maj. Hudgens** explained that between the representatives from all the agencies involved, there are as many as eight people present to ensure the destruction of the drugs without the additional member from the ISP.

**MOTION:**

**Rep. Horman** made the motion to introduce **RS 22401**. **Motion carried by voice vote.**

**Brent Reinke**, Director of the Idaho Department of Correction, presented an update on the Idaho Criminal Justice System whose mission is to promote a safer Idaho by reducing recidivism. Mr. Reinke said the department's vision is for a dedicated and committed staff who transforms lives one person, one family, one community at a time. The vision is achieved through the goals of safety first, promoting staff success, and reducing recidivism. The mission is so important to the department that each staff member wears a lanyard card to be worn with their identification badge promoting this safety-first message. The Department of Corrections, encompassing more than 1,500 employees, manages 22,500 felony offenders, 11 prisons, four community work centers, and district offices throughout the state. With the Governor's announcement to transfer the management of the Idaho Correctional Center back to the state, **Kevin Kempf**, IDOC Deputy Director, and **Jeff Zmuda**, IDOC Incident Commander, have been chosen to lead a seamless transition while still maintaining the integrity of the IDOC. This change of management will shift 2,060 beds, 25% of the current prison capacity, from contract to state management.

**Mr. Kempf** detailed the organizational structure and transition schedule for the change of management. He outlined three goals. The first goal, due by July 1, is to have on-site visits to communicate with staff about issues like employment and POST orders, and to finalize an extensive inventory process identifying state owned property. Goal number two, starting July 2, is to stabilize the populations using comprehensive statistics with a slow and steady approach. Goal number three is to provide meaningful opportunities in education, vocational education and correctional industries. **Mr. Reinke** indicated he would provide the legislature with updates every month until at least 60 days after the takeover is completed.

**Mr. Reinke** spoke about the challenge of providing medical care. Any discussion about medical care has to include the challenge of the Balla lawsuit. The lawsuit should be settled within 24 months of October 15, 2013. The reason the Balla case is important is because of how the health care contract came into being this past year. The Board of Corrections, specifically **Vice Chairman McClusky**, decided to issue a Request For Proposal for medical services to include the Idaho Correctional Center rather than allow for another rate increase. This has been a challenge due to the sheer number of inmates now included. The issues that led to the Board's decision included the difference of formularies, off-site appointment issues, a primary infirmary at the Idaho State Correctional Institution, and dialysis transfers which were hard to meet. After an extensive process with a blind bid, the Board and IDOC leadership chose the contract including the ICC for a daily

cost of \$15.31/inmate. Mr. Reinke continued his update by noting that one in four correctional officers left the agency in 2013. To combat this, there needs to be a doubling in officer training and increase in POST academies. The caseload per officer is too large. Currently, there are 79 offenders to every officer. Mr. Reinke ended his presentation with the news that the Idaho Department of Correction will celebrate 150 years this year.

**Barbara Jorden**, of the Idaho Trial Lawyers Association, presented a general overview of the association. She said it is a non-profit organization governed by a board of directors with the daily operations run by two staff members. Its membership includes attorneys, law students, and legal staff from across the state and both sides of the political aisle. Most of the attorneys in the state are small business owners; their practices only encompass one to two attorneys plus staff. Because of this, the Idaho Trial Lawyers Association offers connections between practices, communications across the state, and continuing legal education opportunities. This is so attorneys have a thorough understanding of new laws and procedures. She said because the ITLA is dedicated to ensuring all new laws are well-written, the lawyer/legislator is encouraged, and more are needed in the statehouse. The ITLA can also be a valuable resource for any legislator. They offer expertise, answer questions, and may be able to provide a different perspective on an issue.

**Ms. Jorden** observed that community service is important to the organization. They mentor both law students and young attorneys, encouraging the fact they are always representatives of their clients. The Idaho Trial Lawyers Association assists in the Street Law Clinic and the Family Law Clinic. These clinics encourage law students to meet with people who need help. They are not designed to solve problems but to show individuals where to look for help. The ITLA just launched a new website, [www.itla.org](http://www.itla.org), which includes resources to find a lawyer by location and specialization.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:33 PM.

---

Representative Wills  
Chair

---

Francoise Cleveland  
Secretary