

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Thursday, February 07, 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 3:05 p.m. and welcomed Dr. Christine Hahn, Public Health Director, Department of Health and Welfare (Department).

RS 21948 **Dr. Christine Hahn** reviewed **RS 21948**, which eliminates the need for **S 1011** (not passed), incorporates the information in **S 1012** (not passed) and adds the stipulation that all information relating to an individual may be removed from the registry. There is no impact to the General Fund.

Chairman Heider pointed out that the new wording was changed significantly from the earlier bills, which elicited adverse reaction. **Vice Chairman Nuxoll** asked for clarification about the opt-in, opt-out registry. The information will be placed in the registry unless the parents or guardian requests otherwise. **Senator Lodge** asked how the law would affect families who move out of state or change doctors, as well as the possibility of a name being placed in the registry when it was not supposed to be there. **Dr. Hahn** said it will be up to the family to make sure the information is transferred. Regarding the question of placing a name in the registry in error, **Dr. Hahn** said the system would not allow registry of a name that was previously not allowed; she said it would be the responsibility of the family to make sure their child is not in the registry. Other questions included protection against vaccinations where there are severe reactions; what is done when an individual dies; reporting accuracy; and how to avoid misuse in cases of a contentious custody. **Dr. Hahn** said information about vaccinations are managed differently from the opt-out program; severe reactions are noted in the registry; the Department does not and cannot track all deaths; parents are encouraged to work with providers on sharing health information; and misuse could occur in a custody case. She said the Department provides an informational brochure to help parents and guardians navigate the system, and parents are encouraged to work with health care providers to ensure records are correct.

MOTION: **Senator Lodge** moved to send **RS 21948** to print. The motion was seconded by **Senator Bock**. The motion carried by **voice vote**.

PASSED THE GAVEL: **Chairman Heider** turned the meeting over to Vice Chairman Nuxoll while he presented **RS 21772** and **RS 21781**.

RS 21772 **Chairman Heider** explained that **RS 21772** would allow law enforcement officers, emergency personnel and firefighters to notify organ procurement organizations of deceased individuals at the scene of an accident rather than after transport. He said that time is of the essence in organ transplant situations and this legislation would authorize those at the scene of an accident to begin the organ recovery process immediately. He said other states have enacted similar statutes, which are working well. There is no fiscal impact to the General Fund.

Questions were asked about the problem of relatives hearing news of a death inappropriately and of the possibility of sending the information to an organ harvesting organization when the individual is not actually deceased. **Chairman Heider** emphasized this legislation is a notification process only; no organs would be harvested prior to confirmation of death.

MOTION: **Senator Hagedorn** moved to send **RS 21772** to print. The motion was seconded by **Senator Martin**. The motion carried by **voice vote**.

RS 21781 **Chairman Heider** presented **RS 21781**, which allows the Motor Vehicle Department to collect a \$2 organ donation contribution by amending Chapter 10, Title 56, Idaho, by adding a new section, § 56-1055, to Chapter 10, Title 56, Idaho Code, to create an organ donation contribution fund, to provide for duties of the Department of Health and Welfare in administration of the fund, and to identify possible recipients of monies from the fund. There is no fiscal impact to the General Fund. **Chairman Heider** said the computing system was not set up to accept donations previously, but is now updated. He said donations are strictly voluntary and not mandated.

Questions were asked about the tracking and reporting process. **Chairman Heider** said until the process is put in place it will not be known exactly how the program will work. He said a Donor Services representative would be attending a committee meeting February 14, at which time more information may be available.

MOTION: **Senator Hagedorn** made a motion to send **RS 21781** to print. The motion was seconded by **Senator Lakey**. The motion carried by **voice vote**.

PASSED THE GAVEL: **Vice Chairman Nuxoll** turned the meeting back to Chairman Heider.

S 1013 **Chairman Heider** recognized Genie Sue Weppner, Program Manager, Idaho Department of Health and Welfare. **Ms. Weppner** presented an overview of **S 1013**, which amends § 56-901, Idaho Code, to remove reference to "Link-Up" contributions, and § 56-902, Idaho Code, to remove reference to "Link-Up" contributions. The Federal Communications Commission (FCC) has increased the eligibility limits from 133 percent Federal Poverty Level (FPL) to 135 percent and discontinued the "Link-Up" program, thereby requiring changes in the above sections of the Idaho Code. The revised regulations went into effect June 1, 2012. There is no fiscal impact to either state or federal funds. The funds that provide the discount to the low-income customer are collected by the phone companies as a surcharge. **Ms. Weppner** said the Security and Exchange Commission (SEC) made changes to combat the problems arising from increased cell phone usage, and these changes are necessary to align the state of Idaho with federal regulations.

MOTION: **Senator Bock** moved that **S 1013** be sent to the floor with a **do pass** recommendation. **Vice Chairman Nuxoll** seconded the motion. The motion carried by **voice vote**.

PRESENTATION: **Chairman Heider** welcomed **Mr. Jeff Feeler**, President and Chief Operating Officer of U. S. Ecology, Inc., who presented an overview of his company (Attachment No. 1) U. S. Ecology, Inc. operates hazardous and radioactive waste treatment and disposal facilities. The publicly traded company is headquartered in Boise but operates across the country with approximately 450 employees (100 in Idaho). **Mr. Feeler** described the transportation, treatment and disposal process, primary markets, location of the facilities and nature of the waste handled. He said the company is financially strong and stable. Revenues in 2012 were \$160 million.

Mr. Feeler introduced Mr. Terry Geis, Idaho Plant Manager, who described the Grand View operation. **Mr. Geis** said historically, the Grand View plant pays over \$2 million per year in tipping fees to the state and contributes approximately \$22 million annually to the Idaho economy in payroll, taxes, capital spending and supplies. **Mr. Geis** described the process of bringing in waste into the facility and reviewed treatment, disposal and the monitoring process. He said a ten cubic yard landfill is being built, costing about \$7.5 million. He said the company is the largest employer in the Grand View area with above-average wages and tipping fees of \$2 million.

Questions were asked about the integrity of land fill liners, moisture problems and types of radioactive waste and tipping fees. **Mr. Geis** explained how the liners were constructed; he said they are virtually impenetrable by rodents. He said daily monitoring ensures that no waste seeps into the aquifer. **Mr. Feeler** summarized the presentation and answered additional questions, including the definition of tipping fees. The waste collected is of two types: hazardous and low-level radioactive. Tipping fees are fees in the sum of tax charged when the company brings in waste, which can range from \$2.50 per ton to \$30 per ton, depending on the type of waste. These fees are contributed to the General Fund. Regarding a question about the tracking process, he said every drum is tracked with detailed information sent to the state, which will remain in perpetuity.

Chairman Heider thanked Mr. Feeler and Mr. Geis for their presentation and recognized Mr. Norm Semanko of the Idaho Council on Industry and Environment (ICIE).

PRESENTATION: **Mr. Norm Semanko**, Chairman of Environment and Regulatory Affairs Committee, presented an overview of ICIE and introduced **Mr. Jack Lyman**, Executive Vice President of the Idaho Mining Association, who reviewed the Idaho Administrative Procedures Act (APA). The APA authorizes state agencies to develop rules that have the force and effect of law. He described the rulemaking process, which includes substantial public input through written comments, meetings and hearings. **Mr. Lyman** said a rule prescribes legal standards or directives but does not enable statutes. He described the APA as an agency that provides authority to the legislature to amend, modify or reject rules. Idaho is one of only three states in the nation with this authority. **Mr. Lyman** described the definition of 'stringency,' which imposes rigorous standards of performance. He also reviewed the statutes relative to the Idaho Hazardous Waste Management Act, Toxic Substance Control Act, and others. (Attachment No. 2).

Questions were posed regarding the function of the Idaho Department of Environmental Quality (IDEQ) as pertains to writing rules. It was explained that IDEQ enables more flexibility and the rules are embodied in the statutes written by legislation. **Chairman Heider** thanked Mr. Lyman for the information and recognized Ms. Joan Cloonan, a long-time member of the IDEQ. **Ms. Cloonan** reviewed the process of guidance and rulemaking at IDEQ. She said the board promulgates the rules, which are then legislatively approved, as either permanent or temporary, and carry the full force and effect of law. She explained that "guidance" is simply written documentation of how an agency interprets a rule and is often used by staff.

Mr. Semanko summarized the presentation and answered questions about permits (specifically those required for an injection well). **Chairman Heider** thanked the presenters and called on Ms. Marilyn Sword, Executive Director of Community Partnerships.

PRESENTATION: Ms. Marilyn Sword reported on the Collaborative Work Group on Services to Adults with Developmental Disabilities (Group) (Attachment No. 3). The Group was formed in January 2012, and has met regularly to address concerns and formulate research avenues on the service delivery system for adults with development disabilities in Idaho. Specific states were chosen as models to emulate. For example, the state of Florida provides excellent managed care. Boston is a current focus of research and will lead to the first round of data, which will be available at the end of February. A focus group will meet next spring to assess the programs that work and those that need revision. The Health and Welfare Department has developed two managed care proposals and is preparing others. The Group will work to enhance and improve on its findings and will bring results to the committee next year.

Chairman Heider read the Group's lofty vision, which is:

"By 2016, adults with developmental disabilities living in Idaho enjoy the same opportunities, freedoms and rights as their neighbors. They have access to a sustainable service system that provides quality, individualized supports to meet their lifelong and changing needs, interests and choices."

Ms. Katherine Hansen, Director of Community Partnerships, extended an invitation to committee members to attend the Governor's second annual "Disabled Day" on February 8, where disabled individuals and related agencies throughout the state will be assembled. **Chairman Heider** thanked Ms. Sword and Ms. Hansen for their report.

ADJOURNED: There being no further business to come before the committee, **Chairman Heider** adjourned the meeting at 4:50 p.m.

Senator Heider
Chairman

Linda Hamlet
Secretary