

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, February 27, 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.

H 109 **Chairman Heider** welcomed Kate Hass to present **H 109**, which relates to the Board of Pharmacy (BOP), and welcomed.

Ms. Hass said she represented the Idaho Society of Health-System Pharmacists. **Ms. Hass** said **H 109** emphasizes the diversity of practice on the pharmacy board, clarifies two of the five positions on the board, does not add positions to the board and has no impact to the board. (See Attachments 1a, 1b and 1c.)

Senator Hagedorn said he thinks **H 109** is a great bill and asked how the word "substantial" would be defined in the bill's language. **Ms. Hass** said the word is not specifically defined and is left up to the discretion of the governor when making appointments.

TESTIMONY: **Chairman Heider** asked if anyone wanted to testify on **H 109**.

Mark Johnston, Executive Director of BOP, said the board took the position of neutral on this bill, as done with similar bills in prior years. The board does not think it is appropriate to take a position on their own make-up. Overall the board is a proponent of the governor appointing the best BOP members possible and is a bit fearful that further definition of its composition might make such appointments more challenging.

Steve Millard, President and Chief Executive Officer of the Idaho Hospital Association, said he supports **H 109**. **Mr. Millard** said he respects the governor's and director's concern about geographical representation on the board, but felt that the different types of pharmacy practices are more important than geography when it comes to who should be making decisions on pharmacy issues.

Vice Chairman Nuxoll asked if there were any hospital pharmacists on the board now. **Mr. Millard** said he believed there was one.

MOTION: **Senator Martin** moved that **H 109** be sent to the floor with a **do pass** recommendation. **Vice Chairman Nuxoll** seconded the motion. The motion carried by **voice vote**.

Senator Martin volunteered to carry **H 109** on the Senate floor.

MINUTES: **Senator Martin** moved to approve the February 12, 2013 minutes as written. The motion was seconded by **Senator Schmidt**. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT: **Chairman Heider** asked if there was any discussion in regard to the gubernatorial appointment of Wendy Jaquet to the State Board of Health and Welfare.

Senator Bock said he has worked with retired-Representative Jaquet in the past and that it is hard to imagine anyone more qualified than she is.

MOTION: **Senator Bock** moved to send the gubernatorial appointment of Wendy Jaquet to the State Board of Health and Welfare to the floor with a recommendation that she be confirmed by the Senate. **Senator Lodge** seconded the motion. The motion carried by **voice vote**.

Senator Lodge volunteered to carry the gubernatorial appointment of Wendy Jaquet on the Senate floor.

S 1116 **Chairman Heider** said the sponsor of **S 1116** has come forward two or three times since the bill was presented with an amendment. The primary difference is the notification at the earliest convenience. The Idaho State Communications Center shall, as soon as reasonably possible, notify the appropriate organ procurement organization, tissue bank or eye bank. **Chairman Heider** said the motion sought would be to send **S 1116** to the 14th order for amendment reflecting the change.

Senator Hagedorn asked to be reminded on the process that **S 1116** has been through thus far. **Chairman Heider** said the committee passed **S 1116** and sent it to the floor. The committee then withdrew it from the floor because of the changes that were anticipated and, since then, there have been two sets of changes to come forward. Now, the committee will be sending it as amended to the 14th order with the change that was discussed. **Senator Hagedorn** asked why **S 1116** was pulled back from the floor to the committee; couldn't it have just as easily been sent to the amending order from the floor? **Chairman Heider** said it was because the committee did not have the proper verbiage at the time, he has received two or three sets of verbiage since then and needed to pull the bill back to committee in order to discuss it and then to decide to send it back to the floor or hold it in committee. **Senator Lakey** said there's a section of the bill he thought could use some wordsmithing. Rather than "notify Idaho State Communications Center the location the deceased will be," it should read, "of the location where the deceased will be." **Chairman Heider** asked if that was a make or break deal for Senator Lakey. **Senator Lakey** said he supposed not, but the language does not read clearly without the changes he suggested. **Chairman Heider** said he guessed the committee could send the bill back to its wordsmith one more time – which would be about the fifth time. **Senator Hagedorn** said he thought the only motion that could be made is to send **S 1116** to the amending order and whatever amendments come out, will come out. **Senator Bock** said he agreed with Senator Hagedorn and that the language would be completely flexible and could be reworded once it gets to the floor. **Vice Chairman Nuxoll** said she liked the bill's new wording much better than the other wording that had been before the committee. **Senator Guthrie** asked if **S 1116** was the bill to have language specific to an automobile or vehicle accident. **Chairman Heider** said that wording was in another version of the bill. **Senator Guthrie** asked what the definition is for, or who would be, a person considered "legally authorized." **Chairman Heider** that would be someone legally authorized to

declare a person deceased, such as a coroner, state patrolman, firefighter or Emergency Medical Technician (EMT). **Vice Chairman Nuxoll** said she thought that the individual is declared dead by a person legally authorized by the state, which would not necessarily be a firefighter, but a coroner. **Chairman Heider** said it would probably be the coroner or the hospital.

MOTION: **Senator Hagedorn** moved that **S 1116** be referred to the 14th Order for amendment. **Senator Martin** seconded the motion.

DISCUSSION: **Vice Chairman Nuxoll** said she had found out that judges have a very difficult time understanding the intention of some of the legislation that the Senate passes and since it is not recorded or taped, the only place they can really go – according to a judge she had spoken with – is the statement of purpose. **Vice Chairman Nuxoll** said she would like to put more wording in the statement of purpose in regard to individual being declared deceased by a person legally authorized by the state of Idaho. **Senator Bock** said he believed the judge that Vice Chairman Nuxoll talked to was incorrect and that the statement of purpose could not be used for legislative intent. **Vice Chairman Nuxoll** asked what could be. **Senator Bock** said the language of the statute. **Senator Guthrie** said, due to the amendments made within the bill, the statement of purpose does need to have some work done to it.

Chairman Heider asked the committee to vote on the motion that was made. The motion carried by **voice vote**.

Chairman Heider volunteered to carry **S 1116** on the Senate floor.

S 1053 **Chairman Heider** said **S 1053**, which deals with the issuance of Supplemental Nutrition Assistance Program (SNAP) benefits, was sent to the floor with a six to three motion in favor of moving it forward to the Senate floor. **Chairman Heider** said there was discussion about the fiscal note having changed and it was brought to the committee's attention that it would be more easily accepted if the fiscal note reflected what really was happening to the SNAP program.

DISCUSSION: **Vice Chairman Nuxoll** said it was her hope, in sending the bill to the floor, was that it would not be costing as much, especially the ongoing funding. **Vice Chairman Nuxoll** said if that is really what the cost is going to be, she did not think she could vote for it. **Senator Hagedorn** asked what the estimated savings were in 2008 when Idaho went from a multi-day to a single-day issuance. **Chairman Heider** asked David Taylor, Deputy Director of Department of Welfare's Support Services, to answer Senator Hagedorn's question. **Mr. Taylor** said he believed there was a savings in regard to personnel and estimated the savings to be from \$45,000 to \$60,000 annually. **Chairman Heider** thanked Mr. Taylor and asked if there were further questions. **Senator Guthrie** said he thinks the issue with the SNAP program is bigger than converting back to a ten-day staggered issuance. **Senator Guthrie** said he had a problem with spending the \$683,200 for the initial implementation costs when the money could be put to better use elsewhere. **Senator Guthrie** said that he appreciated the hard work that was done, but he would not be able to support **S 1053**.

Senator Lodge said there has been much thought throughout the years of how to address issues with the SNAP program, aside from staggering issuance days, such as what food is being purchased and how to stretch food dollars throughout the month. **Senator Lodge** said she had spoken with people from the Idaho Food Bank who told her that it would cost another \$300,000 to \$400,000 a month to help feed people throughout the ten-day staggered span. In 2005, Idaho was fined about \$138,000 for not being timely and accurate in getting food stamps issued. In 2006, Idaho was fined about \$230,000 for not being timely and accurate. **Senator Lodge** said she then became chairman of the Senate Health and Welfare Committee and worked with the Idaho Department of Health and Welfare closely. The department worked to try to come up with something that would be viable for everyone and decided on the first-day SNAP issuance. Aside from complaints from other shoppers and from some grocery stores, no complaints were received from those receiving SNAP benefits. **Senator Lodge** said Idaho was issuing about \$9 million in foodstamps per month in 2007. Today, it's about \$30 million. Fifteen percent of that money is spent on the first day of the month and ten percent on the second of the month – that's a huge number of people using foodstamps and a huge amount of money that is being spent. **Senator Lodge** said the an interim committee should be put together a group of people, representing food banks, grocers, etc. – who are all willing to keep emotions out of their discussions and decision – to address problems and issues and come up with ideas for solutions. **Senator Lodge** said she had an issue about using money given to the department as a bonus to change the SNAP program again when it is not even known if the change will be beneficial. **Senator Lodge** said she had materials on ideas she had to better the SNAP program. **Chairman Heider** said he appreciated Senator Lodge's future legislation, but the committee was to vote on whether to send **S 1053** back to the floor since it had been withdrawn. **Senator Lodge** said she believed her comments fit in with the current legislation; that she has had a long history with the Senate Health and Welfare Committee – and has seen what has happened over the years; that she could not support spending \$683,200 to implement the bill; and would be voting no on the bill.

Senator Hagedorn said he thinks that the previous change of a multi-day issuance to a single-day issuance worked well for the participants but not for a lot of other individuals. Although it is unfortunate to spend some bonus money to go back to the previous system, the annual costs will basically be the same. **Senator Hagedorn** said he agreed with Senator Lodge's idea of putting together a group of individuals to address issues that come up in the SNAP program. **Senator Hagedorn** said he believed a staggered issuance of SNAP benefits to be a much better idea.

MOTION: **Senator Schmidt** moved that **S 1053** be sent to the floor with a **do pass** recommendation. **Senator Hagedorn** seconded the motion.

ROLL CALL VOTE: **Chairman Heider** asked for a roll call vote. **Chairman Heider, Senator Hagedorn, Senator Martin** and **Senator Lakey** voted aye. **Vice Chairman Nuxoll, Senator Lodge, Senator Guthrie, Senator Bock** and **Senator Schmidt** voted nay. The motion failed.

ADJOURNED:

There being no further business before the committee, **Chairman Heider** adjourned the meeting 3:47 p.m.

Senator Heider
Chairman

Linda Hamlet
Secretary