

MINUTES  
**SENATE HEALTH & WELFARE COMMITTEE**

**DATE:** Tuesday, March 01, 2016

**TIME:** 3:00 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Heider, Vice Chairman Nuxoll, Senators Lodge, Hagedorn, Martin, Lee, Harris and Jordan

**ABSENT/ EXCUSED:** Senator Schmidt

**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** called the meeting of the Senate Health and Welfare Committee (Committee) to order at 3:02 p.m.

**RS 24625** **Nursing Definition Revised. Sandra Evans**, Executive Director, Idaho Board of Nursing, presented this RS.

**Sandra Evans** stated that the proposed legislation amends Idaho Code to update the definition of "practice of nursing." The current definition is outdated and no longer descriptive of today's nursing practice. The updated definition clearly articulates the diversity of settings in which nurses practice and the variety of roles in which they engage. Additionally, the updated definition confirms that the practice of nursing takes place where the recipient of care is located. This proposed legislation has been reviewed and approved by the Idaho Board of Nursing and the Idaho Medical Association. There is no fiscal impact for this proposed legislation.

**Chairman Heider** asked the Committee members if they had any questions.

Referencing the provision that a nursing practice may be in administration, **Senator Hagedorn** asked what types of administrative positions would licensed nurses fill. **Ms. Evans** answered that traditional nursing involved bedside care. In addition to that, nurses can serve as administrators in educational institutions, patient care administrators in health care institutions, administrators of nursing regulatory board, administrators in research facilities, administrators in corporations and other related administration positions. **Senator Hagedorn** asked if the people filling those types of positions are required to have a nursing license. **Ms. Evans** replied that in some cases, such as administrators in educational institutions and health care facilities are required to be a licensed nurse.

**MOTION:** There being no more questions, **Senator Martin** requested unanimous consent that **RS 24625** be sent to the Senate Judiciary and Rules Committee for printing. There being no objection, the motion carried.

**GUBERNATORIAL APPOINTMENT:** **Consideration of Gubernatorial Appointment of Kevin C. Boling to the Board of Environmental Quality (Board).** **Chairman Heider** introduced Mr. Boling and asked him to tell the Committee about himself and why he would like to be appointed to the Board.

**Mr. Boling** stated that this will be his second appointment to the Board. He has a background as a forester performing management of timberlands, saw mills and manufacturing plants. He currently owns his own business, specializing in the sale of timberlands. **Mr. Boling** commented that he appreciated the opportunity to serve.

**Chairman Heider** asked the Committee if they had any questions.

**Senator Lee** asked Mr. Boling to discuss what he has accomplished during his previous term on the Board. She also asked what issues the Board still needs to address. **Mr. Boling** answered that one accomplishment was his role in the hearings on fish consumption standards. In these hearings he questioned whether the Clean Water Act, federal regulations or other federal guidelines require States to consider fish suppression when establishing their fish consumption standards. The Environmental Protection Agency (EPA) responded no. As a result of the EPA's response to his questioning, the Board and the Idaho Legislature approved the proposed fish consumption standards. **Mr. Boling** indicated that the EPA may not approve the Idaho fish consumption rule. If not, then the Board may need to take the issue to the courts.

**MOTION:**

There being no more questions, **Senator Harris** moved to send the Gubernatorial reappointment of Kevin C. Boling as a member of the Board to the floor with a recommendation that he be confirmed by the Senate. **Vice Chairman Nuxoll** seconded the motion. The motion carried by **voice vote**. Vice Chairman Nuxoll will carry the appointment on the floor of the Senate.

**GUBERNATORIAL APPOINTMENT:**

**Consideration of Gubernatorial Appointment of J. Randy MacMillan to the Board.** **Chairman Heider** introduced Mr. MacMillan and asked him to tell the Committee about himself and why he would like to be appointed to the Board.

**Mr. MacMillan**, Vice President of Research, Technical Services and Quality Assurance for Clear Springs Foods, spoke to his reappointment to the Board. He commented that this will be his fourth term serving on the Board. He spoke about his ability to bring technical expertise to the Board. He stated that he has a PhD in fish pathology or fish diseases.

**Chairman Heider** asked the Committee if they had any questions.

**Senator Martin** asked how many individuals hold a PhD in fish pathology. **Mr. MacMillan** stated that there are very few individuals with a PhD in fish pathology. There are fish pathologists in academia, in research and also with Fish and Game Departments. **Senator Martin** asked why Mr. MacMillan desires to serve on the Board. **Mr. MacMillan** responded that it is important to ensure that the State obtains primacy over the Idaho Pollution Prevention Discharge Elimination System (IPDES). He noted that the State is currently developing guidance for implementing the IPDES permit program. **Senator Martin** acknowledged the importance of primacy.

**Senator Hagedorn** asked whether Mr. MacMillan feels confident that Idaho will have a good outcome if the State's primacy is challenged by the EPA. **Mr. MacMillan** indicated that the EPA is not so much concerned about primacy, but rather they are concerned about fish consumption. He said that the State is required to set human toxics criteria for the waters of the State. During this process the State went through two to three years of investigations, hearings and rulemaking. He noted that the next step after State approval of the rule is to present to the rule to the EPA for their approval. He affirmed that the Department of Environmental Quality (DEQ) has gone above and beyond to protect the public health of tribal and non-tribal individuals. **Mr. MacMillan** is confident that the State has done its due diligence on this issue. He commented that an EPA

rejection of the rule would not be because of science or because it does not protect public health, but would rather be due to politics.

**MOTION:**

There being no more questions, **Senator Martin** moved to send the Gubernatorial reappointment of J. Randy MacMillan as a member of the Board to the floor with a recommendation that he be confirmed by the Senate. **Vice Chairman Nuxoll** seconded the motion.

**Chairman Heider** commented that he met Mr. MacMillan just after being elected to the Senate. He acknowledged Mr. MacMillan's accomplishments.

The motion carried by **voice vote**. Chairman Heider will carry the appointment on the floor of the Senate.

**GUBERNATORIAL APPOINTMENT:**

**Consideration of Gubernatorial Appointment of Leonard "Nick" Purdy to the Board.** **Chairman Heider** introduced Mr. Purdy and asked him to tell the Committee about himself and why he would like to be appointed to the Board.

**Mr. Purdy** thanked the Governor for the appointment. He commented that this will be his fourth term serving on the Board. He stated that he is a farmer and rancher. He noted that he has experience working with the DEQ from the perspective of (i) a land owner on Silver Creek, (ii) a public drinking water system owner, (iii) a manufacturer of water pumps for municipal water systems and farms and (iv) an owner of a gas station with underground tanks. **Mr. Purdy** spoke to the need of the DEQ to supervise the placement of underground tanks in Idaho. He commented that the people who work for the DEQ are very qualified and the leadership is great on the Board.

**Chairman Heider** asked the Committee if they had any questions.

Other than future work related to underground storage tanks, **Senator Martin** asked what else Mr. Purdy would like the DEQ to address during his next tenure. **Mr. Purdy** replied that the IPDES primacy is an important issue.

**MOTION:**

There being no more questions, **Senator Harris** moved to send the Gubernatorial reappointment of Leonard "Nick" Purdy as a member of the Board to the floor with a recommendation that he be confirmed by the Senate. **Senator Lodge** seconded the motion. The motion carried by **voice vote**. Senator Stennett will carry the appointment on the floor of the Senate.

**GUBERNATORIAL APPOINTMENT:**

**Consideration of Gubernatorial Appointment of John H. Tippetts as the Director of the Department of Environmental Quality.** **Chairman Heider** introduced Director Tippetts and asked him to tell the Committee about himself and why he would like to be appointed as Director of the DEQ.

**Director Tippetts** stated that he raised his family in Bear Lake County. He worked for Agrium, Inc., an owner/operator of phosphate mines and fertilizer manufacturer, for approximately 40 years before retiring. At Agrium, he served in a variety of roles, including most recently as Human Resources Manager. He reviewed his affiliations to other boards and committees during his career. He also noted his tenure with the Idaho House and Idaho Senate. **Director Tippetts** has a bachelors of arts degree from Brigham Young University and a masters degree in Human Resource Management from Utah State University. He has been the Director of the DEQ since July 2015.

**Director Tippets** identified four priorities for the DEQ while he serves as Director: (i) safety of employees, (ii) dignity and respect among the DEQ members, (iii) a focus on continuous improvement and (iv) a service perspective. He noted that a main goal of the DEQ is to help citizens of Idaho understand and comply with the law. **Director Tippets** highlighted the main challenges the DEQ currently faces, including (i) IPDES primacy, (ii) the fish consumption and human health issues and (iii) attraction and retention of qualified employees. **Director Tippets** remarked that he enjoys working at the DEQ. He recognized that environmental regulation needs to be meaningful, effective and reasonable. He understands that his role in the Executive Branch is to administer the DEQ in accordance with the laws. He stated his appreciation for the DEQ employees and the Board.

**Chairman Heider** asked the Committee if they had any questions.

**Senator Martin** asked if primacy deals only with water or other areas as well. **Director Tippets** replied that the State has primacy for the Clean Drinking Water Act, the Clean Water Act, the Clean Air Act and other areas. Idaho is one of four states that does not have pollutant discharge primacy. The DEQ will submit an application by September 2016 and then the DEQ will phase in primacy for the State over a three-year period.

**Senator Lee** acknowledged her appreciation for the way the DEQ presented their rules for review to the Committee. She noted that the format assisted the Senators to better understand the intent of the rules and allows them to advocate for these rules with their constituents.

**Senator Hagedorn** asked if the EPA rejects the fish consumption rule, what is the next step. **Director Tippets** responded that he was still hopeful that the EPA will approve the rule, but if not then the issue will likely end up in court. He believes the State has a very strong case.

**Senator Harris** commented that Director Tippets is thorough, thoughtful and full of integrity.

**MOTION:**

There being no more questions, **Senator Hagedorn** moved to send the Gubernatorial appointment of John H. Tippets as a Director of the Department of Environmental Quality to the floor with a recommendation that he be confirmed by the Senate. **Senator Lodge** seconded the motion. The motion carried by **voice vote**. Senator Harris will carry the appointment on the floor of the Senate.

**ADJOURNED:**

There being no further business, **Chairman Heider** adjourned the meeting at 3:56 p.m.

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Senator Heider  
Chair

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Karen R. Westbrook  
Secretary

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Michael Jeppson  
Assistant