

MINUTES  
**SENATE HEALTH & WELFARE COMMITTEE**

**DATE:** Wednesday, March 07, 2018

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

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Heider, Vice Chairman Souza, Senators Martin, Lee, Harris, Agenbroad, Foreman, Potts, and Jordan

**ABSENT/ EXCUSED:** None

**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 Health and Welfare Committee (Committee) to order at 3:13 p.m.

**HCR 036** **Childhood Cancer, Diffuse Intrinsic Pontine Glioma (DIPG).** **Representative Chaney** explained DIPG is a rare brain tumor that affects between 200 and 400 children in the United States every year. This resolution would establish May 17 as DIPG Awareness Day in Idaho.

**TESTIMONY:** **Darren Hoagland** shared his personal experience with DIPG and spoke in favor of this resolution.

**MOTION:** **Senator Martin** moved to send **HCR 036** to the floor with a **do pass** recommendation. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**H 0562** **Districts, Trustees.** **Representative Blanksma** explained this bill would clarify that the Board of Trustees of Public Health (Board) is subject to open meeting laws and require the Board to maintain the current funding formula for three years. This bill would also establish an emergency formula-setting process which can be used if necessary. **Representative Blanksma** stated Public Health Districts (Districts) 3 and 4 requested this legislation.

**DISCUSSION:** **Senator Foreman** asked if Board meetings are already subject to open meeting laws. **Representative Blanksma** stated some past Board meetings were not open to the public. Idaho Code does not explicitly state the Board meetings are subject to open meeting laws. In 2016, the Attorney General of Idaho issued an opinion declaring the meetings must follow open meeting laws; however, this may change with future Attorneys General.

**Senator Foreman** noted the Districts in northern Idaho oppose **H 0562**. He stated they dislike the three-year requirement for the funding formula and asked why the requirement was included in this bill. **Representative Blanksma** explained the Board itself decided to maintain the current funding formula for three years. She read from several sets of Board meeting minutes that indicated the Board's intent to continue utilizing the formula for three years.

**Senator Foreman** stated he heard certain Districts were vying for funding. He sought more information regarding this issue. **Representative Blanksma** stated the three-year funding formula would help stabilize the Districts' budget.

**Vice Chairman Souza** asked if all Districts are in favor of the three-year timeframe.

**Representative Blanksma** asserted the minutes of the Board meetings show the Board members supported the three-year timeframe. However, some Districts began to oppose the time requirement after this legislation was proposed. **Vice Chairman Souza** asked which Districts oppose this bill. **Representative Blanksma** explained Districts 1, 2, 6, and 7 oppose this bill; 3 and 4 support this bill; and 5 is neutral. **Vice Chairman Souza** expressed concern that this bill may cause tension and disagreements between the Districts. **Representative Blanksma** asserted setting the funding formula for three years would alleviate the tension between the Districts.

**Senator Harris** asked why this bill eliminates staggered terms for Board members. **Representative Blanksma** stated staggered terms have already been established; therefore, the language regarding this requirement is no longer needed.

**Senator Potts** asked if Representative Blanksma held a position on the Board. **Representative Blanksma** stated she is the representative of Elmore County to District 4. **Senator Potts** asked how often the funding formula has changed in the last decade. He asked how many votes are required to change the formula now and how many would be required to change the formula in an emergency situation if the bill passes. **Representative Blanksma** stated the funding formula was relatively stable until a particular part of the formula was changed. Currently, the formula can be changed by a simple majority vote. She clarified the emergency funding formula clause of this bill would require a unanimous vote to modify the formula.

**Senator Potts** commented there seems to be tension between urban and rural areas. He asked if the current funding formula account for population. **Representative Blanksma** noted all Districts include an urban hub as well as rural areas.

**Senator Agenbroad** asked why the Board members no longer support the three-year formula requirement. **Representative Blanksma** reported she was unsure why the members withdrew support. She emphasized the importance of a stable funding formula. **Senator Agenbroad** asked if this legislation would increase tension between the Districts. **Representative Blanksma** expressed hope that this bill would alleviate tension between the Districts. She noted that it costs taxpayer money every time the Districts meet to negotiate the funding formula.

**Senator Lee** asked if this bill could be tabled until next year to allow discussion between the Districts. **Representative Blanksma** stated a similar bill was introduced in 2017. It was held in committee in order to allow for negotiation between the Districts. She expressed doubt that holding **H 0562** as well would solve current problems.

**TESTIMONY:**

**Bill Leake** introduced himself as the trustee from District 7. **Mr. Leake** asserted there is not much contention between trustees; however, he acknowledged it was challenging to create a funding formula. He noted District 4 receives 24 percent of the funding available to the Districts. He opposed the three-year funding formula requirement, but stated all seven Districts support the open meeting clause.

**DISCUSSION:** **Senator Jordan** asked Mr. Leake to briefly explain the current funding formula. She asked how often the formula has changed in the last three years. **Mr. Leake** stated the formula was modified in 2017 and had not been changed since 2014. He noted the change in 2014 negatively affected District 4; the change in 2017 was meant to solve this issue. He explained in detail the current funding formula.

**Representative Blanksma** noted the Board decided in February 2018 to revisit the funding formula. She emphasized the importance of having a stable budget.

**Senator Potts** acknowledged the importance of stability, but also stressed the need for a dynamic funding formula. He noted the majority of the Districts oppose this bill.

**MOTION:** There being no further questions or testimony, **Senator Potts** moved to hold **H 0562** in Committee subject to the call of the Chair. **Senator Foreman** seconded the motion.

**DISCUSSION:** **Vice Chairman Souza** stated she agreed with Senator Potts and would not support this bill. She thanked Representative Blanksma for her efforts.

**SUBSTITUTE MOTION:** **Senator Lee** moved to send **H 0562** to the floor with a **do pass** recommendation. **Senator Martin** seconded the motion.

**DISCUSSION:** **Senator Lee** expressed concern about this bill, but stated she would support it. She noted this bill may provide clarity and stability.

**Senator Martin** also expressed concern about this bill, but noted he would support this bill for his district.

**Senator Potts** stated not enough stakeholders support this bill. He opposed the substitute motion.

**Senator Foreman** voiced concern about the current funding formula. He stated Districts 1 and 2 oppose this bill. He asserted the Legislature should not attempt to settle a dispute by passing legislation.

**Senator Agenbroad** spoke in favor of the substitute motion. He mentioned this bill would create greater budgeting stability for the Districts.

**ROLL CALL VOTE:** **Chairman Heider** requested a roll call vote. **Chairman Heider and Senators Martin, Lee, Agenbroad, and Jordan** voted **aye**. **Vice Chairman Souza and Senators Harris, Foreman, and Potts** voted **nay**. The motion carried. Senator Lee will carry the legislation on the floor.

**GUBERNATORIAL APPOINTMENT:** **Reappointment of Suzanne Budge to the Hazardous Waste Facility Siting License Application Review Panel (Panel)**. **Suzanne Budge** explained her qualifications and educational background. She noted the Panel has not met since her previous appointment to the position.

**PRESENTATION: Mental Health and Neuromodulation.** **Dr. Judi Kosterman, Ph.D.**, represented CereCare, which is part of a brain research lab in California. She spoke about EEG (electroencephalogram)/EKG (electrocardiogram)-guided transcranial magnetic stimulation (ETMS). ETMS is a form of neuromodulation, which is used to treat brain diseases and their symptoms. **Dr. Kosterman** explained the science behind neuromodulation. The human brain has an optimal frequency at which it works most effectively. Neuromodulation adjusts brain frequency in order to treat certain brain conditions. **Dr. Kosterman** noted this treatment has been used to successfully treat post-traumatic stress disorder in veterans. She asserted neuromodulation also has implications for opioid addiction treatment.

**PRESENTATION: Office of Performance Evaluation Report: Representation for Children and Youth in Child Protection Cases.** Due to time constraints, **Chairman Heider** stated this presentation would be rescheduled.

**ADJOURNED:** There being no further business, **Chairman Heider** adjourned the meeting at 4:30 p.m.

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Senator Heider  
Chair

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Rachel Goodman  
Secretary