

MINUTES  
**SENATE HEALTH & WELFARE COMMITTEE**

**DATE:** Thursday, January 19, 2023  
**TIME:** 3:00 P.M.  
**PLACE:** Room WW54  
**MEMBERS PRESENT:** Chairman VanOrden, Vice Chairman Zuiderveld, Senators Lee, Harris, Bjerke, Wintrow, and Taylor  
**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 VanOrden** called the meeting of the Senate Health and Welfare Committee (Committee) to order at 3:06 p.m.  
**RS 30001** **Relating to Health. Senator Bjerke** presented **RS 30001** to the Committee, stating in his research, Idaho Code Chapter 98, Title 39, outlines in particular situations, an essential caregiver should be someone who could visit an individual in the hospital, as someone designated to assist you in your health care.

He noted this legislation seeks to amend Idaho Code Title 39, by adding a new chapter that provides for a patient's right to visitation giving Idaho families the fundamental right to visit their loved ones receiving care in a health care facility. He further stated there was no provision that spelled out this type of visitation.

**Senator Bjerke** continued, in amending Idaho Code, Title 39, would add a new Chapter 8 to define terms that:

- provide legislative intent to establish provisions regarding visitation policies and procedures at certain facilities
- provide a right to visitation for patients and residents and for facilities
- provide certain requirements in visitation policies and procedures to establish provisions regarding suspension of visitation
- provide for the submission of visitation policies and procedures to the Department of Health and Welfare provide for publication of visitation policies and procedures on certain websites
- provide for submission of certain complaints
- provide for a certain hot line
- provide authority to the Department of Health and Welfare in declaring and emergency, and provide an effective date.

**Senator Bjerke** relayed it would expand visitation to assist the health care agent or one who had a durable power of attorney for health care decisions. An individual's vaccination or immunization status would not be taken into account to prevent disparate treatment, and allow four people at any one time for the visitation. It would also include provisions for the health care facility to suspend the rights to visitation if people don't follow the policy if needed.

**MOTION:** **Senator Lee** moved to send **RS 30001** to print. **Vice Chair Zuiderveld** seconded the motion. The motion passed by **voice vote**.

**RS 29935** **Relating to an Institutional Controls Program for the Bunker Hill Mining and Metallurgical Complex Superfund Facility.** **Jess Byrne**, Director of the Idaho Department of Environmental Quality (DEQ), relayed that **RS 29935** proposes a new statute to codify the existing institutional control program for the Bunker Hill Superfund Site contained in Idaho Code Chapter 68, Title 39.

The Bunker Hill Superfund Site (Site) has high concentrations of metal, mainly lead, arsenic, and cadmium as a result of historic mining activities conducted in the Silver Valley. The clean up actions over the last several decades at the Site were only a partial removal of contaminated soil. The top 12 inches of contaminated soil was removed and replaced with clean fill as a barrier over that underlying contamination.

The Institutional Control Program (ICP) was established to ensure proper management of those clean barriers, and required to prevent recontamination. The ICP regulates certain activities and provides services at no cost to the public. The DEQ would delegate implementation of the ICP to the Panhandle Health District, who would continue to operate through a formal agreement, the costs right now were covered through a cooperative agreement with EPA and State dedicated funding.

He further relayed this proposed legislation would move authority from the Panhandle Health District Rules into Idaho Statute, thereby resolving that uncertainty, and moving the Rule into Statute would remove outdated, duplicative and unnecessary language, combine some tax, and add definitions into the Statute for clarity.

**MOTION:** **Senator Wintrow** moved to send **RS 29935** to print. **Senator Lee** seconded the motion. Motion carried by **voice vote**.

**RS 29917C2** **Relating to Environmental Quality.** **Jess Byrne**, Director of the Idaho Department of Environmental Quality (DEQ), presented **RS 29917C2** to the Committee. He stated this legislation would modify Idaho Code § 39-105, adding new subsection that allows DEQ to enter into voluntary funding agreements with public agencies, municipal corporations and private parties.

The current language in Idaho Code § 39-105 allows the DEQ to enter into voluntary funding agreements, only in very specific instances with the involvement of a federal agency. This legislation would broaden authority to allow DEQ to accept funding on behalf of the State and enter into voluntary funding agreements without that federal nexus.

When relating to participation in the initial or environmental planning process, federal agencies and mining companies want State participation in that process, and DEQ wanted to participate in that process. He further stated that if the federal government does not enter into a cost recovery agreement with the project proponent that included the State, the ability to participate is limited. Currently, the only options are to absorb the additional work where possible, or to request additional General Funds.

The DEQ would add a third, voluntary option considered on a case by case basis, estimated at approximately \$180,000 per year worth of work. **Mr. Byrne** continued, adding these voluntary agreements would still be subject to all of the normal appropriation requirements and processes.

**MOTION:** **Senator Wintrow** moved to send **RS 29917C2** to print. **Senator Lee** seconded the motion. Motion passed with a **voice vote**.

**ADJOURNED:** There being no further business at this time, **Chairman VanOrden** adjourned the meeting at 3:22 p.m.

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Senator VanOrden  
Chair

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Michelle Tierney  
Secretary