

MINUTES  
**SENATE HEALTH & WELFARE COMMITTEE**

**DATE:** Monday, March 20, 2023

**TIME:** 2:00 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman VanOrden, Vice Chairman Zuiderveld, Senators Bjerke, Wintrow, and Taylor

**ABSENT/ EXCUSED:** Senators Lee and Harris

**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 2:01 p.m.

**GUBERNATORIAL APPOINTMENT:** **Committee Consideration of the Gubernatorial Appointment of Bruce Cyr to the Board of Environmental Quality (DEQ)**, for a term commencing March 8, 2023 and expiring July 1, 2025. **Mr. Cyr** gave a brief overview of his background. He stated he was involved in environmental issues in the Kootenai County area for quite some time.

**Senator Wintrow** asked what role he would play on the board, and what were some of his experiences and personal skills that would make him a good board member. **Mr. Cyr** stated he sat on multiple Committees, which included the Coeur d'Alene Lake Advisory Committee. He was involved in air quality issues from 2000-2006.

**GUBERNATORIAL APPOINTMENT:** **Committee Consideration of the Gubernatorial Appointment of John Sigler to the Board of Environmental Quality (DEQ)**, for a term commencing March 8, 2023 and expiring July 1, 2023. **Mr. Sigler** gave an extensive overview of his background in natural resources.

**Senator Wintrow** asked why he was a good fit for the board position. **Mr. Sigler** replied the last 50 years of his career gave him a perspective that was quite unique. He had dabbled in water quality since 1972 when he was working on his Masters in Bear Lake, which required a fairly extensive set of water chemistry studies along the western shore, as well as using radioactive carbon 14 to measure primary productivity. Years later he worked on primary productivity in Lake Powell after it had filled the well of two locations.

**GUBERNATORIAL APPOINTMENT:** **Committee Consideration of the Gubernatorial Appointment of LeAnn Gelskey to the Commission for the Blind & Visually Impaired**, for a term commencing October 13, 2022 and expiring July 1, 2025. She gave an overview of her background at Idaho Commission for Libraries, where she oversaw the Talking Book Service Program.

**HJM 4** **WATER QUALITY STANDARDS - States findings of the Legislature declaring opposition to EPA proposed rules regarding water quality standards.** **Senator Harris** explained Idaho had one of the most sophisticated water quality standards in the United States, The EPA had proposed a rule to get rid of all water quality standards and favored going to an unknown standard based in 1850.

**TESTIMONY:** **Scott Hauser**, Executive Director of the Upper Snake River Tribes Foundation, testified in opposition of **HJM 4**. He stated in the Environmental Protection Agency's (EPA) proposed rules, in part was a response to the failure of Idaho's process to recognize tribal treaty and reserved rights for tribal health and meaningful engagement and collaborate with Idaho tribes.

**Jonathan Oppenheimer**, External Relations Director, Idaho Conservation League, testified in opposition of **HJM 4**. He explained the proposed rule addressed required the EPA to consider tribal reserve treaty rights when approving statewide water quality standards. In addition, that rule would require states to include analysis on how proposed water quality standards account for and comply with any applicable tribal reserved rights as part of their overall water quality standards. From their perspective, nothing in that EPA rule would mandate any retroactivity to review.

**DISCUSSION:** **Senator Wintrow** asked if this rule were finalized by the EPA, would those future water quality standards need to be consistent with treaty reserves. **Mr. Oppenheimer** replied Idaho spent a lot of time determining their water quality standards. Those studies that were done by both the Nez Perce Tribes and the Shoshone Bannock Tribes, looked at relative rates of fish consumption and the cancer risk associated with eating that fish because of mercury content in particular. The water quality standards that were established by Idaho and approved by EPA took those into consideration.

**Senator Wintrow** asked if there would be fears about water quality, where rules might be set in place that would interfere with tribal treaties. **Mr. Oppenheimer** replied yes, there were obligations made between the United States government and Native American tribes that needed to be adhered to, as they pre-dated the statehood of Idaho. **Senator Wintrow** asked what he saw as the problem going forward with **HJM 4**. **Mr. Oppenheimer** stated it did not recognize the commitment made to Native American Tribes.

**TESTIMONY:** **Alex LaBeau**, President, Idaho Association of Commerce and Industry, testified in support of **HJM 4**. He stated their organization was deeply involved in the last process when they established Idaho's water quality standards. They had come to the legislature and asked for a grant for a study that was completed by Boise State University to figure out exactly how much fish our populations consumed. The reason the EPA wanted to do that on a broad, nationwide scale was because if the state was not able to comply with the water quality standards of that state, then every single permit would be put into a process of variance, which means every single detail within your permit had to be renegotiated through a process.

**DISCUSSION:** **Senator Wintrow** asked how the language in the bill made it sound like it undermined tribal treaties. **Mr. LaBeau** replied there was nothing the State of Idaho could do to undermine those treaties.

**MOTION:** **Senator Bjerke** moved to send **HJM 4** to the floor with a **do pass** recommendation. **Senator Harris** seconded the motion. The motion passed by **voice vote**. **Senator Wintrow** and **Senator Taylor** asked they be recorded as voting nay.

**HCR 9** **A CONCURRENT RESOLUTION - States findings of the Legislature and establishing a task force to study Medicaid Managed Care and to make recommendations to the Legislature.** **Representative Redman** explained this resolution would bring stakeholders from around the state together to consider different options to gain stability, not only with the budget, but also with the quality of care. He believed the findings from this task force would give us clarity for our state Medicaid program going forward.

**DISCUSSION:** **Senator Wintrow** asked if the disabled community was incorporated into that group to provide input. **Representative Redman** replied yes.

**TESTIMONY:** **Brian Whitlock**, Idaho Hospital Association, testified in support of **HCR 9**. He stated providers around the state wanted a program that was sustainable, and that supported budget predictability. In evaluation of containing the costs of Medicaid, the impact of such loss of access to care and adverse health outcomes must be considered.

**DISCUSSION:** **Senator Wintrow** asked what should be considered as the task force moved forward to address those things. **Mr. Whitlock** stated cost containment could not be looked at in a vacuum. In the words of this resolution, they gave him hope and some promise that it was more than just cost containment, as those beneficiaries of the Medicaid program need to have a say in that.

**Senator Wintrow** asked if there were individuals that had recommendations of who should be on that list to provide that to the Legislative Council and make sure no one was left out, or was there a process by which he was thinking. **Representative Redman** responded that he believed there were lists going around and spoken about that with Ledge Council. The chairman on the House side had some ideas on that as well.

**MOTION:** **Senator Taylor** moved to send **HCR 9** to the floor with a **do pass** recommendation. **Senator Bjerke** seconded the motion. The motion carried by **voice vote**.

**H 161** **PUBLIC ASSISTANCE - Amends existing law to establish provisions regarding work requirements for participants in the Supplemental Nutrition Assistance Program.** **Representative Andrus** explained he brought the bill because he was on a mission to get people back to work that were able. He introduced Scott Centrino, Foundation for Government Accountability, who gave further explanation. **Mr. Certrino** stated there was a work requirement for able bodied adults without dependents, and a general work requirement, which applied to a broader population.

**Senator Wintrow** asked what the eligibility was, how many people would be affected and what the amount of the budget was. **Representative Redman** replied eligibility in general was 130 percent of the federal poverty level. Idaho was higher because of the categorical eligibility. There were no requirements to have a disability or the need to meet other conditions of eligibility under federal law. **Senator Wintrow** asked what amount of money were we talking about, especially in an economy where people were struggling, as she did not want that to be harmful. **Representative Redman** replied he did not have the exact administrative costs in the budget.

**MOTION:** **Senator Bjerke** moved to send **H 161** to the floor with a **do pass** recommendation. **Senator Zuiderveld** seconded the motion. The motion carried by **voice vote**. **Senator Wintrow** asked to be recorded as voting nay.

**ADJOURNED:** There being no further business at this time, **Chairman VanOrden** adjourned the meeting at 3:18 p.m.

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Senator VanOrden  
Chair

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Michelle Tierney  
Secretary