

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, February 11, 2022

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Guthrie, Senators Winder, Anthon, Harris, McClusky (Heider), Stennett, and Burgoyne

ABSENT/ EXCUSED: Senator Lee

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: **Chairwoman Lodge** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:03 a.m.

GUBERNATORIAL APPOINTMENT: **THE GUBERNATORIAL APPOINTMENT** of Joseph Forney to the Idaho Endowment Fund Investment Board (IEFIB).

Joseph Forney introduced himself to the Committee. He gave an overview of his background, education, military and professional career, and community service.

DISCUSSION: **Senator Winder** thanked Mr. Forney for agreeing to serve on the IEFIB. He asked if anyone had explained the IEFIB's duties and process for hiring managers and consultants. **Mr. Forney** replied that he understood the role of a board member was to vet managers and ensure proper asset allocations.

Chairwoman Lodge stated the Committee would vote on Mr. Forney's appointment at its next meeting.

RS 29319 RELATING TO ALCOHOLIC BEVERAGES to revise provisions regarding age restrictions for servers.

Pam Eaton, President, Idaho Retailers Association and Idaho Lodging and Restaurant Association, introduced herself to the Committee. **Ms. Eaton** stated the proposed legislation would lower the age at which a server could serve or sell alcohol from 19 to 17 years to help alleviate an industry labor shortage.

DISCUSSION: **Senator Harris** inquired how age 17 was selected. **Ms. Eaton** answered that the hospitality industry had been able to hire many teenagers. She said 17 seemed more reasonable than 16.

Senator Stennett asked for an example of "possession" as it was used in the bill. **Ms. Eaton** explained "possession" equated to moving alcohol from the room where it was stored to another location.

Senator Burgoyne questioned if the workers would be paid according to the training wage established in Idaho minimum wage law. **Ms. Eaton** responded that she believed most employers paid well above minimum wage. **Senator Burgoyne** suggested adding a sunset provision to make the legislation effective only long enough to see the industry through the current tight labor market. **Ms. Eaton** answered that the bill would continue to help young people access a greater variety of positions and help them move up more quickly regardless of economic conditions.

MOTION: **Senator Harris** moved to send **RS 29319** to print. **Vice Chairman Guthrie** seconded the motion. The motion carried by **voice vote**.

RS 29389C1 **RELATING TO THE FETAL HEARTBEAT PREBORN CHILD PROTECTION ACT** to include a mechanism for civil lawsuits against medical professionals who perform unlawful abortions after a fetal heartbeat can be detected.

Blaine Conzatti, President, Idaho Family Policy Center, introduced himself to the Committee. **Mr. Conzatti** said the proposed legislation would add a private enforcement mechanism to the heartbeat law passed in 2021. He explained the bill was modeled after a Texas law which had proven to be effective. **Mr. Conzatti** described three differences from the Texas law: (1) It did not create a cause of action for aiding or abetting an abortion; (2) Only a family member would have standing to sue without affecting familial rights and responsibilities in other areas of the law; and (3) The bill did not address venue and jurisdiction issues, similar to other Idaho pro-life legislation. He identified benefits of the proposed legislation.

DISCUSSION: **Senator Anthon** thanked Mr. Conzatti for his patience and his willingness to revise his first RS to address Committee member concerns.

Senator Stennett expressed concern about the extent of the family members who would be able to participate in a woman's personal matters. **Mr. Conzatti** advised that a woman's family would not have any participation in her health care but would only be able to sue a doctor who performed an unlawful abortion. **Senator Stennett** stated it was important to consider all possible outcomes for a child born to someone who was prevented from having an abortion.

MOTION: **Senator Harris** moved to send **RS 29389C1** to print. **Senator Anthon** seconded the motion.

DISCUSSION: **Senator Burgoyne** stated that the bill was unconstitutional on its face and would create an undue burden on the right to an abortion unless Roe v. Wade was overturned. He advised that jurisdiction and venue issues should be addressed in the legislation to avoid claims arising from abortions conducted in another state. He could not support the legislation, he added.

VOICE VOTE: The motion to send **RS 29389C1** to print carried by **voice vote**. **Senator Stennett** and **Senator Burgoyne** requested that they be recorded as voting nay.

Chairwoman Lodge announced that the Committee would reorder the agenda to consider **H 446** next.

H 446 **RELATING TO CONTROLLED SUBSTANCES** - Amends existing law to provide that certain nabiximols shall not be considered Schedule I controlled substances.

Senator Martin, District 15, and **Kurt Stembridge**, Director of State Government Affairs, Greenwich Biosciences Jazz Pharmaceutical Company (Greenwich), presented the bill to exclude its new drug, Nabiximols, from the Idaho Code definition of marijuana. **Mr. Stembridge** gave a history of Greenwich's research on cannabis-derived prescription drugs. He described Idaho's involvement in successful clinical trials for Epidiolex and the uses of Epidiolex. **Mr. Stembridge** explained the composition, delivery method, and uses of Nabiximols. He listed the State agencies that reviewed the proposed legislation. He reviewed the steps that would be required before the drug could be prescribed and dispensed in Idaho.

DISCUSSION: **Senator Stennett** remarked on the extensive chemistry involved with a plant-based drug. She asked what illnesses Nabiximols would treat. **Mr. Stembridge** answered that the current clinical trials involved multiple sclerosis. He said Greenwich would continue its research to determine the drug's effectiveness for other diseases.

MOTION: **Senator Anthon** moved to send **H 446** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

PRESENTATION: **2022 IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION REPORT.**
Garret Nancolas, Chairman, Idaho Public Safety Communications Commission (IPSCC), introduced himself to the Committee. **Mr. Nancolas** gave an overview of the IPSCC's composition, history, and accomplishments since its creation (see Attachment 1). He reviewed grants the IPSCC made to fund improvements to emergency communications systems. He noted the IPSCC helped facilitate enhanced cooperation among counties and increased county participation. He noted all 44 Idaho counties have text-to-911 service. **Mr. Nancolas** stated the cost for next generation technology would be \$9.1 billion per year. He said the IPSCC was researching funding options. He remarked that the IPSCC would soon present a funding request for a consistent statewide mapping process.

DISCUSSION: **Senator Burgoyne** asked which counties did not participate in the grant fund program. He further inquired if those counties needed assistance to become involved. **Mr. Nancolas** replied that the three counties not participating were Ada, Idaho, and Bonneville. He noted that grant fund participation was strictly voluntary. He said it would be helpful for Senate members to encourage county commissioners in those counties to participate.

Senator Burgoyne questioned if Ada County's non-participation in the grant funding interfered with interoperability. **Mr. Nancolas** advised that Ada County was very large and advanced in its technology. He commented that the next generation technology would require full participation of all counties to ensure an operable statewide emergency services system. He recommended promoting the cost benefit analysis to convince commissioners to participate.

Senator Stennett asked why Blaine County was the last county to adopt the enhanced grant fee in 2017. **Mr. Nancolas** responded that the legislation did not mandate the fee. It took longer for some counties to see the value and benefit of the grant program, he said.

Committee members thanked Mr. Nancolas for his outstanding service as Mayor of the City of Caldwell and his efforts to beautify and make the city safer.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:56 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Jeanne Jackson-Heim
Assistant Secretary