

MINUTES  
**SENATE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, February 15, 2019

**TIME:** 8:00 A.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Buckner-Webb

**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:** **Chairwoman Lodge** convened the Senate State Affairs Committee (Committee) at 8:00 a.m.

**GUBERNATORIAL APPOINTMENT:** **The Gubernatorial Appointment** of Travis "Bear" Prairie to the Idaho Energy Resources Authority (IERA).

**Mr. Prairie** reviewed his professional background. He stated upon graduation from the College of Idaho in 1998, he began working in the power operations group within Idaho Power which was a great learning opportunity working through the 2000 energy crisis. He remained with Idaho Power until 2007 when he joined Integrys Energy Services, a Fortune 100 energy utility out of Wisconsin. They approached him to open an office in the West to do natural gas and electricity trading, asset management, and the development of energy resources in the West. They opened an office in Boise to grow the Western business for Integrys. When the financial crisis hit in 2008, Integrys decided to sell the Western office to an entity in Houston. At that time, **Mr. Prairie** elected to remain in Boise and opened a consulting business. In 2011, he joined Idaho Falls Power as Assistant General Manager allowing him to use his energy trading and finance background. With this position came the responsibility of managing the company's energy portfolio. He was recently appointed General Manager of Idaho Falls Power.

**DISCUSSION:** **Senator Souza** asked Mr. Prairie what he saw as the biggest challenge for IERA in today's economy. **Mr. Prairie** indicated it is a tough environment in the energy industry at this time, with the markets driving more towards the development of non-dispatchable resources like wind and solar. In the past, energy assets were developed by individual entities; as we move forward with an interconnected grid, things become more regionally focused and IERA can play a key role. IERA has the ability to bring people and entities together to do financing packages and lend support in facility operations. This can help lower the cost and bring stable, reliable energy to Idaho communities.

**Senator Hill** noted that the Idaho Falls Community strongly supports the small nuclear reactor project at the Idaho National Laboratory (INL) site, and asked Mr. Perry if he sees that project playing a part in the overall energy needs of Idaho; specifically Idaho Falls. **Mr. Prairie** advised the Committee that he is currently the Chairman of the Small Module Reactor project (SMR) at INL and is intimately aware of the inner workings of that project. He stated that IERA is staying at the table to see if they can play a supporting role in financing. He explained that eastern Idaho is predominately served by one major substation; so from a pure physics standpoint, the SMR project could really help with the reliability of power

in southeast Idaho. He stated that it would also bring a transmission savings component, as well as employment opportunities for 300 people.

**GUBERNATORIAL The Gubernatorial Re-appointment** of Eric Anderson to the Public Utilities RE-APPOINTMENT:Commission (IPUC).

**Mr. Anderson** stated that he has just finished his third year with IPUC. The IPUC regulates four electric utility companies in the State of Idaho, and has responsibility for providing fair and reasonable rates for its customers. He indicated that IPUC spent a good deal of time this past year on a proposed merger between Avista and Hydro One out of Ontario, Canada. As the case progressed, it became evident that it did not fall within the statutes and legal authority of the State of Idaho. It eventually failed with a ruling by IPUC that would not allow the merger to go forward. He indicated IPUC also worked on a transmission power case brought by Idaho Power, and approved a redundant line up into the Ketchum area. **Mr. Anderson** advised the IPUC also regulates all of the industrial water companies in the State of Idaho and hears many small cases, mostly dealing with rates and lack of line maintenance issues.

**DISCUSSION:**

**Senator Souza** noted that the Avista/Hydro One merger had been very important to her part of the state, and asked Mr. Anderson if his experience with that case has pointed to anything in Idaho Code that he feels may need to be clarified or strengthened for any situations that might come before the IPUC in the future.

**Mr. Anderson** explained that Idaho Code § 61-327 does not allow for foreign states to take possession of our resources. He stated this is a good statute, but there is always room for improvement.

**Senator Vick** observed that the IPUC is a quasi-judicial body, and just as the Idaho Supreme Court provides feedback to the Legislature on defects in the law they encounter in rulings, perhaps the IPUC could reach out in the same way when they encounter a statute that might need some work. He stated that the expertise of Mr. Anderson and the IPUC would be very valuable to the Legislature. **Mr. Anderson** responded that if IPUC finds any difficult or conflicting legislation they will certainly weigh in on that with the people who need to know.

**Senator Stennett** commented that Mr. Anderson's professional summary indicates that he successfully contended with repercussions of the Clean Power Plan; she asked what the repercussions were. **Mr. Anderson** indicated there are two categories to the Clean Power Plan: the Clean Air Act, and the Clean Water Act. The Clean Air Act had problems with coal and the ability to operate coal plants; however, a lot of those rules have been overridden. He stated the renewal components of solar and wind are part of integrated resource plans of all utilities, and there is a shifting of demand as federal legislation comes forward.

**Chairwoman Lodge** announced the Gubernatorial nominations would be voted on at the Committee's next meeting.

**RS 26876**

**RELATING TO WAREHOUSES** to provide for electronic negotiable receipts.

**Senator Van Burtenshaw**, District 35, stated the purpose of this legislation is to bring the commodity warehouse operator requirements for warehouse receipts up to date. It provides that handwritten Idaho State Department of Agriculture (ISDA) provided forms and electronic receipts will have equal legally binding requirements. The electronic receipts must be United States Department of Agriculture (USDA) approved, accessible to ISDA, and all costs of implementation and costs related to electronic warehouse receipts are the responsibility of warehouse owners and/or associated dealers. **Senator Burtenshaw** indicated he worked with ISDA and grain producers on this legislation.

- MOTION:** **Senator Souza** moved to send **RS 26876** to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.
- RS 26659C1** **A JOINT MEMORIAL** regarding a Constitutional Amendment referred to as the Regulation Freedom Amendment.
- Senator Steve Vick**, District 2, stated this proposed joint memorial requests that Congress pass a constitutional amendment giving them the ability to review rules written by the executive branch, just as the Idaho Legislature does. Because of the potential volume of the federal rules, the memorial sets forth a process for review. **Senator Vick** indicated there are 28 states that have passed memorials with this same language; Vice President Mike Pence endorsed this when he was governor.
- DISCUSSION:** The Committee discussed Congress's current ability to get things accomplished and questioned whether this would add to that problem; the consensus was that Congress is not too busy and could do more. **Senator Stennett** commented that she is aware that we do have legislation floating around the building that is questioning our rules process, and wondered if both houses would be comfortable with demanding the federal government do something we are not clear about. **Senator Vick** advised that he had not seen the legislation in question, nor had he spoken with the sponsor of the legislation. He indicated he had spoken with members of both houses about this issue.
- MOTION:** **Vice Chairman Harris** moved to send **RS 26659C1** to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote**. **Senator Stennett** and **Senator Buckner-Webb** requested to be recorded as voting nay.
- RS 26881** **UNANIMOUS CONSENT REQUEST** from the Senate Transportation Committee related to providing management of highway construction and maintenance for extension of the surplus eliminator.
- Senator Bert Brackett**, District 23, stated that the current surplus eliminator sunsets this year. This proposed legislation extends the sunset for five years, and would put a \$100 million cap on the surplus eliminator. He indicated that currently there is no cap, and both of these changes would help reduce the volatility and the uncertainty of the Strategic initiative Fund and the Budget Stabilization Fund.
- MOTION:** **Senator Anthon** moved to send **RS 26881** to print. **Vice Chairman Harris** seconded the motion. The motion carried by **voice vote**.
- RS 26813** **RELATIVE TO THE INTERSTATE AGREEMENT** on detainers to revise a provision regarding the administrator.
- Jared Larson**, from the Governor's office, stated that he works as a policy advisor on public safety and criminal justice matters for Governor Little, and is also the extradition coordinator for the Governor. He advised that this legislation addresses the Interstate Agreement on Detainers (IAD), which governs the transfer of sentenced prisoners from one state to another, from the federal government to a state, or from a state to the federal government, to stand trial for a separate crime. **Mr. Larson** advised that Idaho Code § 19-5007 designates the "director of correction" as the administrator of the IAD, but the Director of the Idaho Department of Correction (IDOC) is not the logical person to administer the IAD; IDOC has nothing to do with bringing a prisoner from another state to stand trial in Idaho, this is handled by the counties. This proposed legislation changes the administrator to the Idaho Attorney General, or his designee, which aligns with some neighboring state policies, and with how Idaho handles extradition requests. **Mr. Larson** advised that this legislation enjoys the support of the Governor's office, the Attorney General's office, and the Director of IDOC.

- DISCUSSION:** **Senator Stennett** questioned the statement that IDOC would not have anything to do with bringing a prisoner from another state to Idaho; they would have to incarcerate that prisoner. **Mr. Larson** explained that the prisoner is actually held in the county jail while they are awaiting trial.
- Senator Winder** commended Mr. Larson on the great job he does with the Governor's office, and commented that it is a real sign of progress to see the Governor and the Attorney General working together.
- MOTION:** **Senator Hill** moved to send **RS 26813** to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.
- AGENDA REVISION:** Due to the unavailability of **Senator Martin**, who is scheduled to present **HJM 001**, the presentation of **H 0064** was moved up on the Committee agenda.
- H 0064** **RELATING TO ABORTION COMPLICATIONS** to revise provisions regarding certain reports.
- Representative Greg Chaney**, District 10, advised that this bill relates to the Abortion Complication Reporting Act (ACT), which was adopted last year by the legislature. The intent of the ACT is to obtain data about abnormal and deviant processes or events arising from the performance or completion of abortions in Idaho. **Representative Chaney** stated that the ACT is legally defensible as adopted, but these changes are designed to refine the language and ensure that the same event would not be counted multiple times.
- DISCUSSION:** **Senator Stennett** and **Representative Chaney** discussed the similarity of this bill to H 29 which was passed by the Legislature in 2018, and currently is in litigation. **Representative Chaney** indicated that the Idaho Attorney General has been successful in defending that litigation as far as the 9th Circuit Court of Appeals and indicated the intent of **H 0064** is to refine language under the list of conditions to be reported; emphasize that reporting requirements kick in only when a doctor or a medical professional, using the best or reasonable medical judgment, determines there is a need to report; and to set forth safeguards to prevent duplicate reporting. **Senator Stennett** stated that no other state mandates this kind of illness reporting, and no other illness requires this kind of reporting. She asked who is actually compiling this information, and if we have put money aside to ensure it is done accurately. **Representative Chaney** advised that the handling and protection of the data is addressed in a section of the ACT not being amended by **H 0064**. **Senator Stennett** stated that the conditions listed in the bill could apply to men or children and asked if this is gender profiling. **Representative Chaney** responded that most of the conditions listed are not being amended by this bill, and **H 0064** does not create a new bill, it refines an old one.
- TESTIMONY:** **Lori Burelle**, of Boise, representing the National Organization of Women, Southwest Idaho Chapter (NOW), spoke in opposition to **H 0064**, stating that it raises the cost of healthcare generally, because onerous regulation is costly for private practitioners who must abide by these unnecessary laws.
- WRITTEN TESTIMONY:** **Mistie Tolman**, Idaho State Director, Planned Parenthood Votes Northwest and Hawaii, provided written testimony in opposition to **H 0064** (see attachment 1). **Kathy Griesmyer**, Policy Director, ACLU of Idaho, provided written testimony in opposition to **H 0064** (see attachment 2).
- MOTION:** **Senator Souza** moved to send **H 0064** to the floor with a **do pass** recommendation. **Senator Vick** seconded the motion. The motion carried by **voice vote**. **Senator Stennett** and **Senator Buckner-Webb** requested to be recorded as voting nay.

**HJM 001**                    **A JOINT MEMORIAL** requesting support of Idaho's congressional delegation to secure the proposed 611 National Suicide Hotline.

**Senator Fred Martin**, District 15, stated that about 30 Idahoans take their lives each month by suicide. This joint memorial requests the support of Idaho's congressional delegation in securing the proposed 611 national suicide prevention and mental health Crisis Hotline number from the Federal Communications Commission.

**DISCUSSION:**            **Senator Souza** asked if she were in a crisis, and did not know to dial 611, could she dial 911, explain her situation, and be referred to the 611 number. **Senator Martin** responded 911 would transfer her if they had that capability, and if not, would give her the 611 number. **Senator Buckner-Webb** commented that dialing 611 would be beneficial, as it would not take up the time of the 911 operator who is dealing with other emergency issues.

**MOTION:**                **Vice Chairman Harris** moved to send **HJM 001** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

**MINUTES APPROVAL:**    **Senator Winder** moved to approve the Minutes of February 13, 2019. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:**            There being no further business, **Chairwoman Lodge** adjourned the meeting at 9:05 a.m.

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Senator Lodge, Chair

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Twyla Melton, Secretary

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Assisted by Lois Bencken