

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, January 29, 2021

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Guthrie, Senators Winder, Anthon, Harris, Lee, Heider, Stennett, and Burgoyne

**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** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:05 a.m. and passed the gavel to Vice Chairman Guthrie.

DOCKET NO. 34-0000-2000F **Omnibus Fee Rule IDAPA 34; Rules of the Secretary of State.**

Chad Houck, Deputy Secretary of State, introduced the omnibus rule package. **Mr. Houck** said there are no changes to four of the administrative rules. However, two of them have been combined into a single chapter. The citations and references for the combined rules have been corrected. He said there are no changes in fees associated with the rules.

MOTION: **Senator Stennett** moved to approve **Docket NO. 34-0000-2000F**. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chairman Guthrie passed the gavel to Chairwoman Lodge.

GUBERNATORIAL APPOINTMENT: **The Gubernatorial Reappointment of Kristine Raper to the Idaho Public Utilities Commission (Commission).**

DISCUSSION: **Senator Burgoyne** disclosed that he applied for the position and was considered for it.

Ms. Raper said she served as Deputy Attorney General previous to her appointment to the Commission. She explained that the Commission handles over 200 cases each year, many of which deal with tariffs that affect customers' rates. The Commission has the responsibility to provide competitive rates regionally and nationally. **Ms. Raper** said she represented Idaho before the Federal Energy Regulatory Commission in Washington D.C. and testified to Congress in the House Committee on Energy and Commerce.

Senator Stennett asked how Ms. Raper plans to maintain autonomy and a transparent process for rate payers with the growth in Idaho. **Ms. Raper** explained that growth is good for utilities because new customers pay for themselves and use up any surplus that may exist. If a new generation is created there must be new customers to buy the additional energy or it will result in increased costs for customers. New customers allow for the distribution of that energy.

Ms. Raper explained maintaining regional relationships and participating in dialogues with other commissions allows Idaho to understand their issues; California's interests are different from Idaho's. For instance, Idaho's rates are low compared to regional markets so the value of investing in storage is currently

not a logical option for the State. It is up to Idaho's utilities to present a value proposition that energy storage is reasonable to assist rate payers.

Senator Anthon asked how small nuclear reactor projects would affect the work of the Commission. **Ms. Raper** said nuclear technology is developing and the modular nuclear reactors at the Idaho National Laboratory (INL) is part of the dialogue. She said she is pleased that Idaho is a part of that dialogue on a regional and national basis but it is not yet ready for implementation; it will eventually reach that point. She mentioned that nuclear energy does fit into the clean energy category. She noted that modular nuclear reactors have a better energy creation/storage capability compared to current energy storage technology. This is due to the fact that reactors can produce energy perpetually, and storage holds energy for only a brief period of time.

Chairwoman Lodge announced that the vote would be at the next meeting.

RS 28372

Relating to Governor's Order of Isolation.

Senator Vick explained that **RS 28372** corrects the issues with **SJR 101**. Its main purpose is to take Idaho out of the COVID-19 protocols the Governor has enacted.

MOTION:

Senator Anthon moved to send **RS 28372** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**. Senator Stennett was recorded as voting nay.

SJR 101

Stating Findings of the Legislature to present to the electorate regarding psychoactive drugs. Closing and Committee discussion only. No further testimony

Senator Grow said there was some confusion indicating the bill only involves keeping cannabis illegal in Idaho. It keeps all illicit substances illegal under State law. He said the responsibility of government is to maintain the virtue and sobriety of the people as written in the Constitution of Idaho. It also says the legislature should promote temperance and morality. He stated that Idaho is influenced by forces outside the state that can change its culture. Use of illicit substances also increases addiction, the homeless population, and causes environmental issues. He said it causes problems with increased school drop-out rates as well as Suicides, overdoses, and vehicle fatalities. **Senator Grow** also explained criminal activity like child abuse and theft increases and it allows organized crime to have a larger presence.

MOTION:

Senator Burgoyne moved to hold **SJR 101** in committee. **Senator Stennett** seconded the motion.

Senator Burgoyne stated that Idaho's drug problems are as severe as California, Oregon, Washington, New York, Florida, Texas, and the rest of the country and the State is not making good progress on this issue. It is evident in the rollout of marijuana in other states and the resulting disasters. But it begs the question as to whether we have the right policy. If we do this, there are costs such as the cost of the resolution and the cost of the constitutional amendment to bar future legislatures from taking beneficial actions for Idaho. **Senator Burgoyne** pointed out it is not the fault of the criminal justice system, nor the medical community, nor the school system. It is a social failing. This constitutional amendment is not going to get the State to where it needs to go.

**SUBSTITUTE
MOTION:**

Senator Lee made a substitute motion to send **SJR 101** to the Senate floor with a **do pass** recommendation. **Senator Anthon** seconded the motion.

DISCUSSION:

Senator Lee said she recognizes the complexities of the issue as Senator Burgoyne pointed out. Whatever is done today, a constitutional amendment will not be passed but, what is done today may give Idaho citizens the opportunity to

vote on the issue. **Senator Lee** stated this motion is to allow the people of Idaho to speak through the ballot process about what they want for their state.

Senator Anthon said he supports the measure because Idaho does not have problems as severe as other states and can keep the issues they have at bay with this measure. He pointed out the adjoining state's new policy of legalizing small amounts of drugs like Methamphetamine, Heroin, and Cocaine to be used without criminal penalty. This State does not have the same problems. Let the people decide.

Senator Stennett referred to previous testimony by Idaho law enforcement who said Idaho has a serious drug trafficking problem. She said an amendment like this is redundant because cannabis is already illegal under the Idaho Constitution. She also said the bill will prohibit the use of experimental medical treatments using substances and limit future medical breakthroughs. She does not support the bill for these reasons.

Senator Guthrie thanked Senator Grow for his work and Senator Burgoyne for his insightful questions and comments. He believes the citizens of Idaho should have the opportunity to vote on the drug policies in their state. He supports the bill for this reason.

Senator Winder said he believes the language in **SJR 101** allows for the use of substances for experimental medical treatments. He stated he believes Idaho does have less drug issues compared to other states and recognizes that substances like marijuana may indeed have medical benefits. He supports the bill for this reason.

Senator Burgoyne said he has an issue with the language in lines 1-2 of page 2. The language says all therapeutic substances have to be approved by the Food and Drug Administration (FDA) before implementation. He explained how this process requires a patent first which is difficult to do for marijuana. Second, he said the price of conducting studies is astronomical so it makes the possibility of an approval from the FDA very remote. He is concerned the bill's language will create a situation where these treatments and research projects might not be able to happen as an unintended consequence.

Chairwoman Lodge mentioned in her 35 years as an educator she saw how drugs impact children. She thinks having the citizens of Idaho vote on the amendment is the best thing to do to see how they want drug policies handled.

**VOTE ON
SUBSTITUTE
MOTION:**

The substitute motion to send **SJR 101** to the Senate floor with a **do pass** recommendation carried by **voice vote**. Senator Stennett and Senator Burgoyne were recorded as voting nay.

**MINUTES
APPROVAL:**

Senator Stennett moved to approve the Minutes of January 18, 2021. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

ADJOURNED:

There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:54 a.m.

Senator Lodge, Chair

Twyla Melton, Secretary

Tucker Craig, Assistant Secretary