

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 22, 2023

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Guthrie, Vice Chairman Bernt, Senators Winder, Anthon, Harris, Lee, Toews, Wintrow, and Ruchti

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 Guthrie** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:01 a.m.

INTRODUCTION: **Chairman Guthrie** introduced Kelly Plewe, the Committee's Page for the second half of the legislative session. **Ms. Plewe** shared she was a senior at Owyhee High School in Meridian and originally from the State of Washington. Her interests were skiing, golfing, baking, and hiking. She was on the varsity golf team for her school for four years. Having played golf since her freshman year, her golf handicap was in the low hundreds and high nineties, and improving. Ms. Plewe planned to attend University of Utah to study political science and to eventually (perhaps) become a Senator.

MINUTES APPROVAL: **Senator Harris** moved to approve the minutes of February 10, 2023. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

Senator Anthon moved to approve the minutes of February 8, 2023. **Senator Toews** seconded the motion. The motion carried by **voice vote**.

S 1083 **PURCHASING BY POLITICAL SUBDIVISIONS - Amends existing law to revise provisions regarding procuring services or personal property.** **Marciella Sanford**, University of Idaho, College of Law, is a legal extern in the office of Senator Anthon. She presented **S 1083** as a bill that would amend Idaho Code § 67-2803. It would protect Idaho taxpayers in the public bidding process and make adjustments in the personal property procurement process. This bill impacted expenditures less than \$50,000 for public works construction, and \$75,000 to procure services or personal property. Purchases from zero to \$50,000 would require no bid. Purchases between \$50,000 and \$100,000 would involve a three quote process. Purchases in excess of \$100,000 would require the competitive, sealed bid process. In response to a question from Senator Wintrow, **Ms. Sanford** offered examples of the need to increase the expenditure thresholds to address inflation, the supply chain disruptions, and larger purchases. She explained the thresholds were raised from 2017 levels to make the quote/bidding processes more manageable.

MOTION: **Senator Wintrow** moved to send **S 1083** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

ENERGY RESOURCES - Amends existing law to provide for the promotion and development of clean energy resources for declared purposes, to revise provisions regarding powers of the Idaho Energy Resources Authority, and to provide for clean energy generation projects. Senator Harris explained **H 96** as a simple bill that replaced the definitions of renewable energy and renewable energy generation projects with clean energy and clean energy generating projects. The definitions included water/hydro, geothermal, wind, solar and biogas, and added nuclear, hydrogen, energy/battery storage, and other non-carbon emitting resources. The change signaled Idaho's support behind research and development of emerging energy technologies, including advanced nuclear energy, small modular reactors, hydrogen turbine generators, and energy storage systems.

Senator Wintrow asked about any pros and cons related to this legislation. **Senator Harris** informed that **H 96** recognized the technological advances in energy since 2005. He said this was an important update to the language.

TESTIMONY:

The following individuals registered to testify in support of **H 96**: Julie Hart and Mary Alice Taylor, of Association of Idaho Cities; Hollie Conde, of Conservation Voters of Idaho; Ron Williams, of Idaho Energy Resource Authority; Mary Alice Taylor, of Association of Idaho Cities; and Will Hart, of Idaho Consumer Owned Utilities Association. The following individuals registered to testify in opposition to **H 96**: Leigh Ford, Julie Hoefnagels, Hanna Smay, and Tim Andreae, of Snake River Alliance. Jerry Riener submitted written testimony in opposition to **H 96**. Written testimonies from Hollie Conde and Jerry Riener were attached to the minutes (Attachment 1).

Mary Alice Taylor, of Association of Idaho Cities, said changing the definitions was essential to show Idaho's support for the technology. She encouraged the Committee to move this bill forward with a do pass recommendation.

Ron Williams, Executive Director of the Idaho Energy Resources Authority, talked about financial benefits this legislation would provide to Idaho cities.

Leigh Ford, Executive Director of the Snake River Alliance, provided some personal history with the Idaho National Laboratory (INL) and expressed concern about possible negative impact to the aquifer (the life blood of Idaho) as a result of nuclear waste and its potential harm to indigenous people. It was her opinion **H 96** would open the door to false energy solutions. She argued that nuclear energy was neither clean nor carbon free, and was not renewable. She feared passage of this bill was a way to access clean energy funding. **Senator Winder** agreed the aquifer was important; however, the characterization that clean energy did not rely on carbon fuels was a misnomer. He talked about trucking of wind turbine blades and the electrification of vehicles that required mined minerals. He encouraged getting groups like hers together to come up with realistic transition plans. **Ms. Ford** responded that it would take thousands and thousands of years for nuclear waste to become less dangerous. She wanted better, safer, cleaner energy and did not think nuclear was a good solution. She stated Idaho should not become the nuclear waste dump for the nation. **Senator Wintrow** acknowledged the dilemma between the need to address climate change and the nuclear issue. **Ms. Ford** stated climate issues were a crisis and nuclear was not an answer. She said it was not faster to build advanced reactors. She felt it was urgent to act now and to transition to faster, cleaner, safer energy. **Senator Winder** commented that major reform would involve the permitting processes for all forms of energy.

Julie Hoefnagels, a member of the Snake River Alliance, expressed concern about viable electricity. She did not think changing the name in **H 96** from renewable to clean addressed the fact nuclear was not renewable, not clean, and not carbon free. She noted issues with pollution from mining for ore and minerals, the carbon released that exposed workers to health risks, and disposal of spent fuels. **Ms. Hoefnagels** referenced a Stanford University and the University of British Columbia studies that concluded higher costs in the production of nuclear power, which only benefitted the nuclear industry, not the people of Idaho. She said all energy sources had a downside but nuclear waste lasted forever and harmed everyone.

Will Hart, Legislative Advisor and Executive Director of Idaho Consumer and Utilities Association, testified in support of changing the definition in the bill from renewable to clean. He cited recent issues California had with the facing of rolling blackouts without the safety of a nuclear power facility and the electricity produced by dam systems. He urged support for **H 96**.

Hannah Smay testified virtually in opposition to the word change from renewable to clean. She called the change green washing. **Ms. Smay** said nuclear power was expensive and Idaho needed renewable energy, not dirty, dangerous, slow nuclear power that contaminated air, water, and lands. She said the radio active waste left Arco a desert and damaged aquifers. She asked the Committee to reject **H 96**.

Senator Harris made closing remarks about having toured nuclear facilities across the country. He was impressed with the buildings and management of facilities. He found nuclear energy to have a bright future and emphasized its safety within the industry. He requested the Committee send **H 96** to the floor with a do pass recommendation.

MOTION: **Senator Anthon** moved to send **H 96** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**. **Senator Wintrow** requested to be recorded as voting no.

RS 30399 **RELATING TO BEAR LAKE - Amends Chapter 43, Title 67, Idaho Code, by the addition of a new section 67-4313.** **Senator Harris** recognized Bear Lake as a natural lake before Idaho gained statehood. It was valued for its resources for fisheries, recreation, water clarity, and the mineral and chemical uniqueness that gave it an intense turquoise blue color. As a reservoir since the early 1900s, Bear Lake provided irrigation, flood control, and incidental power generation. **RS 30399** would preserve and enhance all that Bear Lake provided to Idahoans.

MOTION: **Senator Winder** moved to send **RS 30399** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

RS 30302C1 **RELATING TO ELECTIONS - Amends section 34-2401, Idaho Code.** **Senator Hart** explained this legislation required the software used with ballot counting machines that counted paper ballots to be open source software as defined in the legislation. **RS 30302C1** also included a requirement that paper ballots counted by a ballot counting machine be time stamped as to when the ballot was counted and that there be a machine identifying number stamped on the ballot at the time it was counted. **Senator Hart** explained the need for open source software as opposed to intellectually protected software. **Senator Wintrow** said she had questions for the Secretary of State's office about costs. **Senator Bernt** asked what comments the Secretary of State had about **RS 30302C1**. **Senator Hart** stated he met twice with the Secretary of State and the office was neutral on this matter. **Senator Lee** found the concept interesting. Having some programming experience, she expressed concern about the open source software comment. She said everyone had access to the internet and suggested bringing in someone to address the security aspects of the software. **Senator Hart** questioned how to get software

without internet connections. He stated the vote counting machines should not be connected to the internet.

MOTION: **Senator Anthon** moved to send **RS 30302C1** to print. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

RS 30421 **RELATING TO HOMEOWNER PROPERTY TAX RELIEF - Amends Chapter 7, Title 63, Idaho Code.** **Senator Anthon** described a new section of Idaho Code § 63-724 and amendments to Idaho Code §§ 63-902, 63-3024B, 63-3638, and 63-705. He explained the appropriation of moneys and providing for fiscal years 2023, 2024, and 2025 cash transfers from the general fund and declaring an emergency. **Senator Anthon** stated this legislation would help homeowners combat large increases in property taxes and addressed concerns about the circuit breaker program that impacted vulnerable Idahoans.

MOTION: **Senator Harris** moved to send **RS 30421** to print. **Senator Lee** seconded the motion. **Senator Winder** clarified he would refer the bill to the Local Government and Taxation Committee. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Guthrie** adjourned the meeting at 8:48 a.m.

Senator Guthrie
Chair

Joyce Brewer
Secretary