

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Wednesday, February 24, 2021

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Ehardt, Vice Chairman Wisniewski, Representatives Vander Woude, Horman, Scott, Amador, Armstrong, Furniss, Hartgen, Lickley, Young, Adams, Yamamoto, Chew, Necochea, Nash

**ABSENT/
EXCUSED:** Rep. Amador

GUESTS: Benn Brocksome, Imagine Idaho; Rosa Martinez; Jerri Henry, Mary Anne Nelson, Michael McCurdy, Tiffany Floyd, Jess Byrne, DEQ; Jake Reynolds, Tom Kealey, Eric Forsch, Commerce; Sarah Bettwieser, Centurylink

Chairman Ehardt called the meeting to order at 1:31 p.m.

H 127: **Rep. Blanksma** presented **H 127**. This legislation creates a Broadband Advisory Board and establishes the Idaho Broadband Fund. The Advisory Board would consist of nine members and be tasked to developing, implementing and maintaining a statewide broadband board.

MOTION: **Rep. Vander Woude** made a motion to send **H 127** to the floor with a **DO PASS** recommendation.

Bobbi-Jo Meuleman, the Governor's Deputy Chief of Staff and **Benn Brocksome** with Imagine Idaho spoke **in support** of **H 127**.

VOTE ON MOTION: **Chairman Ehardt** called for a vote on the motion to send **H 127** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Blanksma** will sponsor the bill on the floor.

Tom Kealey, Director of the Idaho Department of Commerce gave a Broadband Overview. The Cares ACT paid out \$38.3 million for Idaho Broadband Grants. From this, 83 grants were funded, 30,000 "rural" households now have broadband connectivity in 125 communities, and 90 new public Wi-Fi Hotspots were set up, including libraries to ensure citizens have access to broadband for distance learning, telehealth, and remote work. They are proposing \$35 million future broadband support that would mostly go towards rural households, with a small portion towards strategic planning, federal grant matching, telehealth, statewide mapping and administration.

Eric Forsch, Broadband Development Manager for the Idaho Department of Commerce explained the issues with broadband connectivity including cost, connectivity and devices available. He shared examples of broadband connectivity the state was able to fund with these grants.

In answer to committee questions, **Director Kealey** explained that future plans for funding would move to match dollars with the private sector in public/private partnerships.

S 1015: **Jerri Henry**, Drinking Water Protection and Finance Division Administrator from the DEQ presented **S 1015**. This bill repeals statutes that were developed in 1913 and have not been used in regulation and in guidance for many years.

Rosa Martinez spoke in opposition of **S 1015**. Ms. Martinez expressed concerns that removing this section was taking out the requirement to give three days notification when domestic and other water was contaminated.

MOTION:

Rep. Lickley made a motion to send **S 1015** to the floor with a **DO PASS** recommendation.

Ms. Henry answered committee concerns on notification of contaminated water. The statute being removed only addresses E. coli and nitrates, which are already addressed in another area of the rules under Tier 1 notifications. Tier 1 notifications occur when acute contaminations are found, and the public must be notified within 24 hours after the lab results are received. Tier 2 addresses chronic contaminants such as arsenic, inorganic or organic contaminants, and must happen within 30 days. Chronic contaminants take many years of exposure before people become ill, which is why the notifications aren't as urgent. The public is usually notified depending on the size of the system, by a news release, and sometimes hand delivered door hangers. Ms. Henry clarified that nothing is being removed that is not already covered in other areas of the code. The committee requested that she come back to clarify what was being removed and what remained in code.

SUBSTITUTE MOTION:

Rep. Yamamoto made a substitute motion to **HOLD S 1015** for time certain, March 2, 2021. **Motion carried by voice vote.**

Chairman Ehardt turned the gavel over to **Vice Chairman Wisniewski**.

DOCKET NO. 58-0000-2000F:

Jess Byrne, the Director of DEQ, presented **Docket No. 58-0000-2000F**. This rule docket includes twelve rule chapters, many of which are necessary for the department to maintain state authorization or primacy for federal acts including air quality rules, hazardous waste rules, drinking water rules and pollutant discharge elimination system rules.

MOTION:

Rep. Lickley made a motion to approve **Docket No. 58-0000-2000F**.

In answer to committee concerns about the 'shall' and 'will' changes in this rule, **Director Byrne** pointed out that those changes were not unique to DEQ rules. This is something that will occur moving forward as part of the Zero-Based Regulation Executive Order issued by the Governor. The Division of Financial Management made these changes after negotiated rule making trying to make rules more consistent. Copies of the draft rule with those changes were sent to all participants in the negotiated rule making and DEQ received no concerns or responses. DEQ does not believe that the intent was changed in the process of changing verbiage. Director Byrne clarified this rule if approved will not be approving **S 1015** that is repealing a part of this rule.

SUBSTITUTE MOTION:

Rep. Vander Woude made a substitute motion to approve **Docket No. 58-0000-2000F** with the exception of IDAPA 58.01.25.302.20. This section is regarding water quality trading and was put into rules without a statute being in place.

Rep. Young expressed concern that DEQ had been operating with rules that did not align with statute. It's important to keep our processes straight, that changes are made in statute first and then reflected in the rules. Multiple committee members expressed concerns that the changes hadn't been shown clear enough. **Rep. Adams** expressed concerns about how emissions were addressed in the rules.

AMENDED SUBSTITUTE MOTION:

Rep. Adams made an amended substitute motion to reject **Docket No. 58-0000-2000F**

Vice Chairman Wisniewski put the committee at ease.

Due to time constraints **Docket No. 58-0000-2000F** will be carried over to another meeting.

Vice Chairman Wisniewski turned the gavel over to **Chairman Ehardt**.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 2:53 p.m.

Representative Ehardt
Chair

Maggie Price
Secretary