

**MINUTES**  
(Subject to Approval by the Committee)  
**Committee on Federalism**  
**Monday, November 21, 2022**  
**11:00 A.M.**  
**Room WW55**  
**Boise, Idaho**

Members in attendance: Cochair Representative Dixon and Representatives Boyle, Blanksma (remote), and Horman (remote); Cochair Senator Vick and Senator Johnson. Absent/excused: Representative Mathias and Senators Harris, Crabtree, and Nelson. LSO staff in attendance: Kolby Reddish, Trevor Ahrens, and Jennifer Kish.

Other attendees: Rick Just and Brian Lenney - Idaho State Senator elect; Liz Hatter - APCIA; and John Watts - ICCU.

NOTE: Presentations and handouts provided by the presenters/speakers are posted to the Idaho Legislature's website <https://legislature.idaho.gov/sessioninfo/2022/interim> and copies of those items are on file at the Legislative Services Office in the State Capitol. Recordings of the meeting may be available under the committee's listing on the website.

#### **OPENING REMARKS / APPROVAL OF MINUTES**

Cochair Vick called the meeting to order at 11:01 a.m.; a silent roll call was requested.

Cochair Vick asked for a motion on the minutes for the September 15, 2022 meeting. **Senator Johnson moved to approve the minutes of the meeting; Representative Boyle seconded the motion. The motion was approved unanimously by voice vote.**

#### **UPDATE ON FEDERAL LANDS ASSESSMENT PROJECT**

Cochair Vick reported that the cochairs had met with LSO staff to discuss access and the use of the software data provided by AEON A1. Mr. Kolby Reddish, LSO Legal Counsel, provided a handout to the committee members that summarized the questions and decisions of that discussion. The cochairs wanted those discussion points shared with the committee for further discussion and approval. After reviewing the handout of discussion points, **Rep. Horman moved that a lead person within LSO be appointed to assist committee members/designees with access to the software; Rep. Boyle seconded the motion; the motion was approved by voice vote.**

- Cochair Vick inquired how Utah used the data from a similar study. Mr. Reddish explained that the state of Utah used its study to advance the state's interest at the federal level regarding PILT payments, which were last adjusted in 2000, to show value discrepancies.
- Cochair Dixon inquired whether a member of the public could access information from the study by way of a request to a committee member or designee. Mr. Reddish explained that the contract was to provide the information to legislative members of the committee, and now by way of committee approval, a designee by the Speaker or Pro Tempore; any use beyond that would infringe upon the proprietary information of AEON.
- Cochair Vick asked whether the committee needed to address how the committee used the study in the amendment of usage. Mr. Reddish responded that it was not necessary.
- Rep. Blanksma inquired whether a public records request would apply to this information. Mr. Reddish explained that the public records act governed the type of information permitted to be requested, however it does safeguard trade secrets. Rep. Blanksma asked whether the data or the system used was proprietary. Mr. Reddish explained that the software was protected not the data.

No further amendments were requested of the contract. **Cochair Dixon moved to approve the report as submitted by AEON with the amendments discussed/approved as the final report; Sen. Johnson seconded the motion; the motion was approved by voice vote.**

### **POTENTIAL ENVIRONMENTAL, SOCIAL, OR GOVERNANCE (ESG) LEGISLATION**

At 11:17 a.m., Rep. Barbara Ehardt (D33-A), participating via teleconference, spoke to potential legislation regarding issues on ESG and her collaboration with other state legislators on such legislation. She mentioned that Congressman Mike Crapo was also involved in discussions on negating the limitations being issued from the federal government on this topic. Rep. Ehardt stated that these limitations were antithetical to the free-market idea and that her efforts were in order to maintain the financial autonomy and stability of financial institutions.

At 11:23 a.m., Julie Ellsworth, Idaho State Treasurer, noted her office's efforts in accordance with S1405 (2022) and collaboration with Rep. Ehardt in addressing any attempts to limit financial investments regarding ESG issues. Ms. Ellsworth stated that any draft legislation from her office would be focused on investment of public moneys.

- Rep. Blanksma asked whether there was any proposed legislation at this time for the committee to review. Ms. Ellsworth reported that her office did not have any ready for presentation. Rep. Ehardt reported that she had some pieces of proposed legislation that she would share, with the caveat that items were not complete.
- Sen. Johnson inquired how the state should address subcontractors and the use of public moneys. Ms. Ellsworth agreed that it may be a loophole that needed to be addressed. Sen. Johnson surmised that the intent of the law should be addressed with contractors up front.
- Rep. Blanksma expressed an interest in reviewing the proposed legislation because many individuals contracted with multi-national companies and she wanted to ensure that any proposed legislation would not limit the free market that ensues from those business opportunities.

### **OTHER BUSINESS**

Cochair Dixon spoke to the issue of recent executive orders [EO 13988, 14021] and how their language may affect state law regarding gender identity/sexual orientation issues and educational institutions current adherence to Title IX. He wished to discuss the state's responsibility in response to these executive orders. Prior to the meeting, cochair Dixon requested that Mr. Reddish provide an interpretation of the executive orders and any current related litigation. Mr. Reddish spoke generally to Title IX provisions. He noted that enforcement was probably the biggest concern as the issue unfolds, but that would have to be discussed when legislation is adopted. Cochair Dixon agreed that it was an ever-evolving issue but he wanted to get it on the radar of committee members to contemplate for the 2023 session.

With no further business before the committee, the meeting was adjourned at 11:37 a.m.