

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, February 03, 2022

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** Representative(s) Barbieri

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheets will be filed with the minutes in the Legislative Library.

Chairman Crane called the meeting to order at 9:00 a.m.

RS 29346: **Rep. Okuniewicz** presented **RS 29346** which would allow appropriate review to be conducted before removal or relocation of historic monuments or memorials from state property. The Idaho Historical Society would need to approve the process prior to any state entity moving the monuments or re-naming memorials or historic buildings.

MOTION: **Rep. Palmer** made a motion to introduce **RS 29346**. **Motion carried by voice vote.**

RS 29273: **Rep. Skaug** presented **RS 29273** which would allow the Secretary of State or a County Clerk to request judicial review in the event of a suspected election error where the error is sufficient enough in nature to affect the outcome of an election. Currently, there isn't any legal recourse for anyone other than a candidate in the election to seek review of said election. In response to committee questions, Rep. Skaug stated there had not been documented or reported evidence of "ballot stuffing" or other criminal activities surrounding elections in Idaho, but the possibility of clerical error or other human error occurring was a concern for which this legislation would provide legal recourse.

MOTION: **Rep. Monks** made a motion to introduce **RS 29273**. **Motion carried by voice vote.**

**DOCKET NO.
40-0000-2100:** **Michael Faison**, Executive Director for the Idaho Commission on the Arts presented **Docket No. 40-0000-2100**. He explained there were no real policy changes since last term but they had made significant efforts to reduce all redundancies or unnecessary verbiage. In a reduction of 80%, the agency rules now only consisted of 4 pages. In response to committee questions, Mr. Faison said the elimination of so much material made it possible for the Commission to more efficiently respond to funding requests but hadn't negatively affected their core purpose. For example, by removing language in a rule that required assistance be diverted through one organization, they were able to quickly and directly assist arts efforts in other arenas, such as funding Arts Therapy programming for the Veterans Association. In response to additional committee concerns about rules outlining funding limitations, Mr. Faison explained funding for "Red Carpet Events" are any kind of arts organization needing a singular donation for a specific reason, not an on-going bailout for that agency. Furthermore, while funding was not provided for any religious proselytizing purposes, it was provided for events or organizations held in or by churches such as the Boise Boys' Choir.

MOTION: **Rep. Skaug** made a motion to approve **Docket No. 40-0000-2100** in full. **Motion carried by voice vote.**

DOCKET NO. 31-0000-2100: **Eric Anderson**, President of the Idaho Public Utilities Commission (PUC) presented **Docket No. 31-0000-2100** and stated no changes had been made since last year.

DOCKET NO. 31-0101-2101: **Eric Anderson**, President of the Idaho Public Utilities Commission (PUC) presented **Docket No. 31-0101-2101** which does have changes for review. He introduced **Stephen Goodson**, Policy Analyst for the PUC, who explained the changes primarily consisted of a reduction in redundancies and outdated references, i.e. writing on chalkboards, but some policy changes were adopted to allow electronic filing and conforming to the current demands of Green energy. In response to committee concerns about the decision to "Go Green" as it was not done with permission of consumers or legislative input, Mr. Anderson said the reality is Wall Street dictates the rules by not funding high carbon utilities anymore. Green energies are the options being funded and therefore the commission has to go this route. In response to committee questions about reports of issues with meters, Mr. Anderson recommended these concerns be directed to the PUC consumer assistance staff. As the issues are currently being addressed by other legal venues he would be remiss in discussing that topic. In response to additional committee questions, Mr. Anderson said he was not familiar with something called "ESG" and did not think that was under the purview of the PUC.

MOTION: **Rep. Skaug** made a motion to approve **Docket No. 31-0000-2100**. **Motion carried by voice vote.**

In continued discussion of the changes proposed in **Docket No. 31-0101-2101**, committee members considered several procedural changes that were proposed. The process related to testifying under oath in Rule 250 had been altered to exclude the traditional phrasing of "the testimony ... before the Commission is the truth, the whole truth, and nothing but the truth." **Eric Anderson** said the language had been updated but the process is still the same. He said the public hearing component is also unchanged in practice because companies who provide various services negotiate matters privately to make things happen. The public does not weigh in on these discussions nor have they ever. Rule 261 states "the Commission generally follows rules ..." and was discussed with concern. Mr. Anderson explained that there are times when numerous entities will present contradictory evidence or simultaneous objections during hearings and in these instances, the commission will approve the spirit of the thing if not the exact thing. Committee members agreed from a legal standpoint, the commission must have the autonomy to function this way to avoid creating the chaos of getting attorneys involved to argue each individual contradictory point that might be in contention during proceedings.

MOTION: **Rep. Gannon** made a motion to approve **Docket No. 31-0101-2101**.

SUBSTITUTE MOTION: **Rep. Hanks** made a substitute motion to approve **Docket No. 31-0101-2101** with the exception of Rule 250 which will be rejected as there was merit to the traditional language. **Substitute Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 9:48 a.m.

Representative Crane
Chair

Rebecca Fisk
Secretary