

MINUTES

HOUSE ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE

DATE: Thursday, March 16, 2023

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Barbieri, Vice Chairman Furniss, Representatives Vander Woude, Horman, Scott, Young, Wisniewski, Raybould, Allgood, Bundy, Lambert, Mickelsen, Redman, Wheeler, Chew, Necochea, Rubel

**ABSENT/
EXCUSED:** None

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

Chairman Barbieri called the meeting to order at 1:30 p.m.

MOTION: **Rep. Redman** made a motion to approve the minutes of the March 8, 2023 meeting. **Motion carried by voice vote.**

s 1098aa: **Jess Byrne**, Director of the Department of Environmental Quality [DEQ], presented **S 1098aa**, legislation authorizing the Department of Environmental Quality to enter into voluntary contracts and agreements with municipal agencies, corporations and private parties. Director Byrne explained **S 1098aa** broadened DEQ's ability to enter into agreements, listing examples of opportunities for DEQ to use this ability. He noted the terms of agreements would be limited to five years and subject to renewal.

In response to questions from Committee Members, **Director Byrne** advised enabling statutes allow DEQ to accept certain funding without giving the authority to spend the funds. He stated **S 1098aa** would allow DEQ to enter into cost recovery programs to expand its capacity. He explained spending authority would enable the spending of money that DEQ expected to receive, adding funding from private entities would fund the cost of DEQ's work. He noted currently only one company was expected to enter into such an agreement with DEQ.

MOTION: **Rep. Wheeler** made a motion to send **S 1098aa** to the floor with a **DO PASS** recommendation.

Those speaking **in opposition** of the legislation were **John Runft**, Idaho Regional Waste Services; **Ian Frost**, The L&R Group; and **Amber Avery**, The L&R Group. They were of the opinion **S 1098aa** presented an apparent conflict of interest as a regulator would receive money from regulated parties and concern regarding the nature of voluntary agreements.

The speaking **in support** of the legislation were **Peyton Nunes**, Republic Services; **Alex LaBeau**, Idaho Association of Commerce and Industry; **Roy Eiguren**, US Ecology Corporation; **Benjamin Davenport**, Idaho Mining Association; and **Mary Alice Taylor**, Association of Idaho Cities. They were of the opinion voluntary agreements would enable DEQ to partner with private industry and as the agreements between DEQ and private entities would be public the potential for corruption to occur is removed and enable DEQ to more comprehensively regulate activity.

Director Byrne reiterated any agreements entered into between DEQ and private parties must be voluntary. Director Byrne noted there were a number of full time positions that regulate US Ecology, and further agreements with US Ecology would enable further oversight of their work. He noted the legislature's authority over DEQ spending.

In response to questions from Committee Members, **Director Byrne** advised individuals that break the law would be treated no differently than any other employee at DEQ. He advised employees hired through **S 1098aa** could be used for other work but not be reimbursed by the company. He explained the use of **S 1098aa** would not affect the way in which entities were treated, but would speed up the oversight process overall.

**ROLL CALL
VOTE:**

Roll call vote was requested. **Motion carried by a vote of 10 AYE, 3 NAY and 4 Absent/excused. Voting in favor** of the motion: **Reps. Barbieri, Furniss, Vander Woude, Horman, Raybould, Allgood, Bundy, Mickelsen, Wheeler, Necochea. Voting in opposition** to the motion: **Reps. Scott, Wisniewski, Lambert. Reps. Young, Redman, Chew, Rubel were absent/excused. Rep. Wheeler** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the Committee, the meeting adjourned at 2:50 p.m.

Representative Barbieri
Chair

Jeremy Collier
Secretary