

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, April 03, 2024

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Guthrie, Vice Chairman Bernt, Senators Winder, Anthon, Harris, Lee, Toews, Wintrow, and Shea (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 8:00 a.m.

WELCOME: **Chairman Guthrie** welcomed all to the Committee meeting.

H 409 **STATE GOVERNMENT - Amends and repeals existing law relating to the sale, transfer, or disposition of state administrative facilities. Representative Raybould** stated that **H 409** related to the State Street property and the Idaho Transportation Department. **H 409** was drafted in such a way that nothing was unwound; the legislation only addressed the sale of surplus property going forward. **Representative Raybould** introduced a handout (Attachment 1) that defined and outlined the process for surplus property disposal for real property and State administrative facilities. Idaho Code § 67-5709A was repealed by **H 409** and related to State administrative facilities only. **Representative Raybould** commented that property sale proceeds were returned to the dedicated account if dedicated funds were used for the sale, while general funds were returned to the permanent building fund. The surplus of State administrative property reverted to a more complete process under **H 409**.

DISCUSSION: **Senator Winder** asked if the State Constitution required surplus property funds to be returned to the State highway fund. **Representative Raybould** directed the Committee to Idaho Code § 58-332, which determined that surplus property compensation was returned to the agency which declared the property surplus. **Senator Winder** asked if the landlord had staff to carry out the sale of the surplus property. **Representative Raybould** responded that the landlord was currently carrying out the sale of other surplus properties.

Chairman Guthrie recognized concerns over the emergency clause and remarked that a July 1 date could be added in the 14th Order of Business.

MOTION: **Senator Anthon** moved to send **H 409** to the **14th Order of Business** for possible amendment. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

H 735 **APPROPRIATIONS - DEPARTMENT OF ADMINISTRATION - PERMANENT BUILDING FUND - Relates to the appropriation to the Department of Administration for the Division of Public Works for fiscal year 2025. Senator Lent** recommended that **H 735** be held in Committee because it was replaced by **H 768**, which was a new appropriations bill.

MOTION: **Senator Anthon** moved to hold **H 735** in Committee. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

H 766 **EDUCATION - Amends existing law to provide that the Governor's appointment of the executive officer of the state board is subject to the advice and consent of the Senate, to revise provisions regarding School District Facilities Fund distributions and School Modernization Facilities Fund distributions, and to revise provisions regarding public charter school financial support and charter school authorizers. Senator Lent** stated **H 766** was a trailer bill and made changes to **H 521**. **H 766** ensured that the executive officer of the State board was confirmed by the Senate. The requirement for contract days was eliminated, and implementation was delayed to 2025. Any misused dollars by a local school district were recaptured to the schools facilities fund and distributed to rural schools. He stated that **H 766** amended the one-time distribution to schools and restored public charter school facility funds to their level prior to unanticipated reductions from funding formulas impacted by H 292, which passed in 2023. A conflict within Idaho Code § 33-5209A was resolved. He stated that the facility funds were only used for academic, and not athletic, facilities.

DISCUSSION: **Senator Anthon** verified that school districts set their own calendars, which ensured local control. He asked if any language in **H 766** supplanted the Legislature's authority to set instructional hours. **Senator Lent** responded that nothing in **H 766** supplanted that authority.

Senator Lee inquired if charter schools received some immediate funding, then received additional funding in 2025 per **H 766**. **Senator Lent** replied that was correct.

Senator Winder asked if stakeholders had provided input on the funding delays. **Senator Lent** remarked the stakeholders were involved and endorsed **H 766**.

MOTION: **Senator Anthon** moved to send **H 766** to the floor with a **do pass** recommendation. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

H 767 **IDAHO ADMINISTRATIVE PROCEDURE ACT - Amends exiting law to provide for when pending fee and not-fee rules shall become effective. Senator Winder** stated **H 767** dealt with administrative rules and corrected an error by adding the emergency clause upon passage. All previous resolutions were addressed.

MOTION: **Senator Bernt** moved to send **H 767** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

DISCUSSION: **Chairman Guthrie** thanked the Committee Secretary, the Senate pages, the Senators on the Committee, and those who testified in the 2024 session. He commented on the difficult issues the Committee had addressed and was thankful for the interest, hard work, and participation.

ADJOURNED: There being no further business at this time, **Chairman Guthrie** adjourned the meeting at 8:24 a.m.

Senator Guthrie
Chair

Peggy Caraway
Secretary