

MINUTES  
**SENATE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, January 26, 2022

**TIME:** 8:00 A.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairwoman Lodge, Vice Chairman Guthrie, Senators Winder, Anthon, Harris, Heider, Stennett, and Burgoyne

**ABSENT/ EXCUSED:** Senator Lee

**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:** **Chairwoman Lodge** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:02 a.m.

**RS 29228 RELATING TO THE LEGISLATURE** to provide that each regular session of the Legislature shall adjourn by a certain date.

**Senator Guthrie** presented **RS 29228**. He stated that the RS is similar to legislation introduced last year requiring the Legislature to adjourn on or before the last Friday of March with the following three exceptions: 1) To protect against a gubernatorial veto; 2) If the State is under an emergency or disaster declaration; or 3) If the Legislature passes a concurrent resolution by two-thirds vote in each house.

**MOTION:** **Senator Anthon** moved to send **RS 29228** to print. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Chairwoman Lodge passed the gavel to Vice Chairman Guthrie.

**DOCKET NO. 04-0000-2100 IDAPA 04 - OFFICE OF THE ATTORNEY GENERAL - Notice of Omnibus Rulemaking - Proposed Rule**, pages 5-91.

**Brett DeLange**, Division Chief, Consumer Protection Division, Office of the Attorney General (AG) of the State of Idaho, introduced himself to the Committee. He explained the dockets contained in the rules relating to the Consumer Protection Act: Idaho Tobacco Master Settlement Agreement, Idaho Administrative Procedures Act (APA), and consideration of cooperative agreements by health care providers. **Mr. DeLange** advised that the rules have not changed for many years.

**DISCUSSION:** In response to a question from **Senator Stennett**, **Mr. DeLange** clarified there is no redline version of the docket because there were no changes.

**Senator Burgoyne** inquired if the rules pertaining to the APA and administrative hearings are included in the docket. **Mr. DeLange** answered that the docket is an omnibus that includes all rules the AG has promulgated over the years. **Senator Burgoyne** commented that the APA does not require discovery in an administrative proceeding thus putting citizens at a disadvantage. He requested that the AG's Office consider a rule change to the APA to mandate a discovery process. **Mr. DeLange** replied that he will take that request to the AG.

**MOTION:** **Senator Anthon** moved to approve **Docket No. 04-0000-2100**. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 15-0600-2100 IDAPA 15 - OFFICE OF THE GOVERNOR/ID MILITARY DIVISION - Notice of Omnibus Rulemaking - Proposed Rule**, pages 196-211.

**Vice Chairman Guthrie** announced that consideration of **Docket No. 15-0600-2100** would be moved to a later date.

**DOCKET NO.  
34-0000-2100  
DOCKET NO.  
34-0000-2100F**

**Vice Chairman Guthrie** announced that consideration of **Docket No. 34-0000-2100** and **Docket No. 34-0000-2100F** would be moved to a later time on the agenda.

**DOCKET NO.  
38-0000-2100**

**IDAPA 38 - ID DEPT. OF ADMINISTRATION - Notice of Omnibus Rulemaking - Proposed Rule**, pages 377-417.

**Steve Bailey**, Deputy Director, Idaho Department of Administration (DOA), introduced himself to the Committee. **Mr. Bailey** reported that the docket contains previously existing rules governing the use of the exterior and interior of State property. He said the docket also includes Idaho Division of Purchasing rules related to State agency acquisition of property. **Mr. Bailey** stated the rules have not changed from previous years.

**DISCUSSION:**

In response to questions from **Chairwoman Lodge** about the tents pitched on the old Ada County Courthouse grounds, **Mr. Bailey** responded that the tents are symbols of protest. He affirmed there is no one camping or staying overnight. **Mr. Bailey** stated that the protest will likely continue until the City of Boise addresses the protestors' needs. He said the Courthouse grounds were a convenient spot for a protest.

**MOTION:**

**Senator Winder** moved to approve **Docket No. 38-0000-2100**. **Senator Anthon** seconded the motion.

**DISCUSSION:**

**Senator Burgoyne** asked if the DOA has any concerns about the use of the Courthouse grounds for a protest. He inquired if a rule change would be useful in addressing this type of situation. **Mr. Bailey** replied that the protesters have been very respectful and accepting of the rules. He added that law enforcement visited the site several times to look for any safety issues. **Mr. Bailey** said it would be helpful to discuss possible improvements to the rules.

**Chairwoman Lodge** asked for an update on the west parking lot management. **Mr. Bailey** responded that revenues have increased. He said the DOA is pleased with the vendor managing the parking lot.

**VOICE VOTE:**

The motion to approve **Docket No. 38-0000-2100** carried by **voice vote**.

**DOCKET NO.  
38-0000-2100F**

**IDAPA 38 - ID DEPT. OF ADMINISTRATION - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule**, pages 112-122.

**Mr. Bailey** stated the rule docket covers management of and fees for the 1,540 Capital Mall parking spots. He stated the rule has not changed. **Mr. Bailey** reviewed the Capital Mall parking fees.

**MOTION:**

**Senator Harris** moved to approve **Docket No. 38-0000-2100F**. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
34-0000-2100**

**IDAPA 34 - SECRETARY OF STATE - Notice of Omnibus Rulemaking - Proposed Rule**, pages 357-376.

**Jason Hancock**, Deputy Secretary of State, Office of Idaho Secretary of State (SOS), introduced himself to the committee. **Mr. Hancock** reported that the docket pertains to the Help America Vote Act, sunshine laws, business names, and notarial acts. He stated that the rules are exactly the same as the previous year with the exception of one word that was added on page 375 to correct a mistake.

**MOTION:**

**Chairwoman Lodge** moved to approve **Docket No. 34-0000-2100**. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 34-0000-2100F**      **IDAPA 34 - SECRETARY OF STATE - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule**, pages 78-111.

**Mr. Hancock** provided a handout to the Committee reflecting changes made to the rule. He noted the fee change from \$50 to \$60 for a subscription to the farm products central filing system (system) is not a fee increase. **Mr. Hancock** reported that there was an error in the previous rule, and the fee should have been noted as \$60. He explained that a subscriber can use the system to check for outstanding crop liens. **Mr. Hancock** said that in the past, a subscriber paid a \$30 subscription fee plus \$30 for each lien report. He stated that the \$60 subscription fee covers system access and multiple reports, resulting in decreased costs for some subscribers.

**MOTION:**      **Chairwoman Lodge** moved to approve **Docket No. 34-0000-2100F**. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:**      Vice Chairman Guthrie passed the gavel to Chairwoman Lodge.

**MINUTES APPROVAL:**      **Senator Heider** moved to approve the Minutes of January 17, 2022. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:**      There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:37 a.m.

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Senator Lodge  
Chair

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Twyla Melton  
Secretary

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Jeanne Jackson-Heim  
Assistant Secretary