

MINUTES  
**SENATE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, January 15, 2024

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

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Guthrie, Vice Chairman Bernt, Senators Winder, Harris, Lee, Toews, Wintrow, and Ruchti

**ABSENT/  
EXCUSED:** Senator Anthon

**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 to order at 8:01 a.m.

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

**RS 30913C1** **Relating to Device Protection. Senator Cook** stated that manufacturers of smartphones and tablets must enable existing parental control filters if these devices were activated by children in the state of Idaho. The filters were currently turned to "off".

**MOTION:** **Senator Winder** moved to send **RS 30913C1** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**RS 30788** **Relating to the State Procurement Act - Notice of Solicitation. Steve Bailey**, Director of the Department of Administration (Department) introduced Valerie Bollinger, Administrator, Division of Purchasing. **Ms. Bollinger** stated that Idaho Code § 67-92-08 modernized two points in the language of the notice of procurement solicitation. They had required vendors to meet specifications or required outcomes rather than exact details and did not require that vendors specify a location for the closing date of the bid. She stated that this was important for complex bids and aligned better with performance-based specifications. She remarked that the new language allowed for more competition between vendors.

**MOTION:** **Senator Lee** moved to send **RS 30788** to print. **Senator Bernt** seconded the motion. The motion carried by **voice vote**.

**RS 30789** **Relating to the State Procurement Act - Provisions Regarding Multiple Awards. Ms. Bollinger** stated that Idaho Code § 67-92-11 (Code) limited when and how the Division of Purchasing could award multiple contracts for the same or similar property. It also required agencies to evaluate specific criteria when choosing between contracts in a multiple award. She stated that there were two proposed changes to the Code. The first change eliminated the specific criteria used when a selection was made between multiple vendors. In addition, the language allowed an agency to select a vendor annually rather than every time a purchase was made. She remarked that the second change provided the agencies flexibility to award multiple contracts which resulted in more variety of properties and vendors.

**DISCUSSION:** **Senator Lee** asked if Ms. Bollinger worked with outside groups or vendors on the Code language or if it was developed internally. **Ms. Bollinger** responded that the Department of Administration consulted with legal and other agencies and considered prior procurement concerns and limitations. She stated that vendors asked for more flexibility and the agencies asked for more efficiency. **Senator Lee** asked Ms. Bollinger to clarify if any vendors were specifically consulted on the language. **Ms. Bollinger** stated that they were involved informally. **Senator Bernt** noted that the language "price availability and support services delivery" would be changed to "advantageous" and stated that it was more vague. **Ms. Bollinger** responded that the award criteria were vague and it was difficult for the agencies to weigh the criteria if they did not clearly apply to the contract. **Senator Bernt** asked if there was a way to reword the selection criteria. He noted that price was important and the word "advantageous" was vague. **Ms. Bollinger** responded that the agency knew the most important factors for the bid criteria and the language provided necessary flexibility. **Chairman Guthrie** asked if the language that specified one year before a repeated bid was consistent. **Ms. Bollinger** stated that the agencies had flexibility and determined the time frame. **Senator Lee** stated that it was important to get **RS 30789** to print because it signaled the Department's intent. She anticipated future discussion. **Senator Wintrow** stated she expected robust discussion on striking a balance between price and quality.

**MOTION:** **Senator Lee** moved to send **RS 30789** to print. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

**RS 30797** **Relating to State Government Interagency Contracts with State Institutions of Higher Learning.** **Ms. Bollinger** stated that Idaho Code § 67-23-32A ensured that no state agency entered into a noncompetitive contract with an institution of higher education unless authorized to do so. The modification ensured better transparency related to agency contracts with universities. She stated that all Idaho universities were provided the opportunity to compete for state funds. She noted the objective was to establish an informal, competitive process when multiple universities were interested in the contract. The majority of solicitations resulted in a single bid. She noted that this caused delays in the process. **RS 30797** ensured that all universities interested could compete, and that the incentive was reduced for agencies to award a contract to out-of-state universities.

**MOTION:** **Senator Harris** moved to send **RS 30797** to print. **Senator Toews** seconded the motion. The motion carried by **voice vote**

**RS 30916** **Relating to the Commendation of the National Conference of State Legislatures.** **Senator Winder** stated this was a resolution that acknowledged the 50-year anniversary of the National Conference of State Legislatures and commended them for their work.

**MOTION:** **Senator Harris** moved to send **RS 30916** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**

**RS 30914** **Relating to Space Force.** **Senator Winder** stated that the Department of Defense established a new branch of the armed forces called Space Force. Idaho Code contained listings of the U.S. Military branches of the armed forces but failed to list Space Force. **RS 30914** added Space Force to the list.

**MOTION:** **Senator Toews** moved to send **RS 30914** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**

**GUBERNATORIAL APPOINTMENT:**

**The Gubernatorial Appointment of Jim Yost to the Idaho Energy Resource Authority** (Authority) to serve a term commencing October 12, 2023 and expiring June 30, 2028. **Mr. Yost** introduced himself and stated he was retired and lived in Meridian. He served for 15 years on the Northwest Power and Conservation Council. He had worked in energy. He was willing to accept this confirmation and serve to the best of his ability.

**DISCUSSION:**

**Chairman Guthrie** asked what he found to be the most challenging aspects of the appointment. **Mr. Yost** replied that the nature of the benefits had changed. He stated that originally the Authority aided energy companies because of the difficulty of obtaining funding required for energy projects. He stated that ten to fifteen years ago, Bonneville Power Authority (BPA) had difficulty obtaining funding due to federal budget caps on transmission lines. The Authority assisted them. He stated that the federal government released the caps, but the co-ops had difficulty obtaining funding. **Senator Bernt** commented that Mr. Yost was a former Senator. **Chairman Guthrie** stated that he intended to allow for discussion after the Committee meeting and a vote would be conducted at the next meeting.

**GUBERNATORIAL APPOINTMENT VOTE:**

**Committee Vote on the Gubernatorial Appointment of Jeff Agenbroad to the Idaho Energy Resource Authority.**

**MOTION:**

**Senator Winder** moved to send the Gubernatorial appointment of Jeff Agenbroad to the Idaho Energy Resource Authority to the Senate with the recommendation that he be confirmed. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL REAPPOINTMENT VOTE:**

**Committee Vote on the Gubernatorial Reappointment of The Honorable Charles L. Winder to the Idaho Endowment Fund Investment Board..**

**MOTION:**

**Senator Lee** moved to send the Gubernatorial reappointment of Charles L. Winder to the Idaho Endowment Investment Fund to the Senate with the recommendation that he be confirmed. **Senator Harris** seconded the motion. The motion carried by **voice vote**

**ADJOURNED:**

There being no further business at this time, Chairman Guthrie adjourned the meeting at 8:27 a.m.

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Senator Guthrie  
Chair

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Peggy Caraway  
Secretary