

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, February 21, 2014

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman McKenzie, Senators Davis, Johnson (Fulcher), Hill, Winder, Lodge, Siddoway and Stennett

ABSENT/ EXCUSED: Senator Werk

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 McKenzie** called the Senate State Affairs Committee (Committee) to order at 8:00 a.m. with a quorum present.

RS 22905 A Unanimous Consent Request from the Commerce and Human Resources Committee Relating to Exemptions from Coverage from the Worker's Compensation Law in Reference to Sole Proprietorships; presented by Senator Johnson.

MOTION: **Senator Winder** moved to send **RS 22905** to print. **Senator Hill** seconded the motion. The motion carried by **voice vote**.

RS 22891 A Unanimous Consent Request from the Commerce and Human Resources Committee Rejecting a Certain Rule Docket of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors; presented by Senator Patrick.

RS 22929 A Unanimous Consent Request from the Transportation Committee Regarding Legislation Creating a Process whereby the Idaho Transportation Board may Provide Maintenance of a Highway not being Adequately Maintained by a County or Highway District; presented by Senator Brackett.

MOTION: **Senator Hill** moved to send **RS 22891** and **RS 22929** to print. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

VOTE ON GUBERNATORIAL APPOINTMENTS: **Senator Siddoway** moved to send the gubernatorial appointment of Megan Ronk to the Human Rights Commission to the floor with the recommendation that she be confirmed by the Senate. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

Senator Winder moved to send the gubernatorial appoint of Brian Scigliano to the Human Rights Commission to the floor with the recommendation that he be confirmed by the Senate. **Senator Siddoway** seconded the motion. The motion carried by **voice vote**.

Senator Stennett moved to send the gubernatorial appoint of Estella O. Zamora to the Human Rights Commission to the floor with the recommendation that she be confirmed by the Senate. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL
APPOINTMENTS:**

The Gubernatorial Appointment of Susan Kerrick to the Idaho Lottery Commission (Commission).

Ms. Kerrick said she is a teacher at the Kendrick Junior-Senior High School and wanted to be on the Commission because the money goes to education. She is new to the Commission, has attended one meeting and is still unsure of what her responsibilities will be.

Senator Hill thanked Ms. Kerrick for being there and for her service, and asked her what she thought her role on the Commission would be. **Ms. Kerrick** replied that the Commission would probably have oversight over what the lottery does with their money and she may be able to make suggestions from time to time but did not know specifically what her role would be.

Chairman McKenzie said it is nice to have different perspectives on the Commission and that a teacher would bring a good point of view because so much of the money does go to schools.

The Gubernatorial Appointment of Timothy N. Anderson to the State Building Authority Board of Commissioners (Board).

Senator McKenzie asked Mr. Anderson what he thought his role would be on the Board.

Mr. Anderson replied that he is a lifetime Idaho resident with a background in accounting and the Board dealt with the way projects are funded. He would bring insight as to the most efficient way to fund those projects. **Chairman McKenzie** noted that Mr. Anderson is a graduate of Idaho State University and Brigham Young University.

Senator Hill stated that he and Mr. Anderson used to be partners in the same CPA firm and that he was comfortable with him serving. Mr. Anderson has also served on the Madison School District School Board, and the Senator considered them heroes. **Senator Hill** asked if there was anything that Mr. Anderson learned on the School Board that might help in this capacity. **Mr. Anderson** replied that his School Board experience taught him the difference between government and management and that a well served board can provide both. Also, experience in working as a committee and respecting people's different backgrounds and the diversity they bring will be invaluable.

Senator Siddoway asked how many meetings Mr. Anderson has attended and asked if he could explain the responsibility of the Board. **Mr. Anderson** replied that he has attended four phone meetings. The responsibility of the Board is to obtain financing for projects the Legislature has approved through public bond offerings and by negotiating the best rates for those bonds. **Senator Siddoway** asked if the Board had the power to veto certain projects due to obstacles in financing. **Mr. Anderson** replied that he was unsure.

Chairman McKenzie thanked Mr. Anderson for serving as a volunteer and giving his time.

The Gubernatorial Reappointment of John Ewing to the State Building Authority Board of Commissioners (Board).

Chairman McKenzie asked how Mr. Ewing considered his role in the past and how it relates to the Board going forward.

Mr. Ewing said he has been on the Board 25 years. The Capitol renovation was his most interesting case. The Board finds financing for projects, reviews those projects and is involved in soliciting architects and other contractors. These activities are his areas of expertise.

Senator Siddoway asked if the Board had the power to accept or reject a project. **Mr. Ewing** said they did have that authority.

Senator Hill asked in what kind of circumstances a project might get accepted or rejected i.e. financial, zoning, construction. **Mr. Ewing** replied that the first thing they look at is, can it be done. Can they get financing to meet the needs of the State and the financial status of the department doing the project? Can they repay the funding?

Senator Winder asked if the Board had a role in the Ada County Courthouse rehabilitation and reconstruction. **Mr. Ewing** replied that he was unaware of any role the Board had in that matter.

Senator Davis said that he had a different understanding of the discretion of the Board. It was his understanding that they implement policy, not make policy. There is a separate decision maker that has lawful authority to determine whether a project should go forward and made that determination, then the Board's function is to implement that project. **Mr. Ewing** responded that he was unsure and sincerely hoped that he had not misspoke. **Senator Davis** replied that he knew that Mr. Ewing would never mislead the Committee and invited Wayne Hammon, Executive Director, Idaho Association of General Contractors, to provide further clarification.

Mr. Hammon explained that if the Board is presented with a project that has been authorized by the Legislature for funding, the Board's objective is to implement that plan. However, if there are circumstances in the interest rate market or in the development of the project where it would appear that it would not be feasible, the Board has the legal authority to stop a particular project and reconsider it. When the Legislature authorized the funding of a project, they consider what the interest rate was at the time. The issuance of bonds takes place sometime later and there can be dramatic changes in the market. It is his belief that the Board has the legal authority not to issue bonds if the funding is substantially different then when the Legislature considered it and the budget was authorized.

Senator Siddoway asked if that authority extends to a fault in the design. **Mr. Hammon** responded that the Board addresses the actual design and construction of projects in two different ways: The Board is involved in the financing only, and another entity controls the design and construction of the project, so the Board would not have any control over those issues except as it would apply to the financing and repayment of the bonds. On other projects, the Board has control of the financing but also controls the design and construction contracts, which gives them a more immediate control over the project so it will fit the funding and the schedule.

Chairman McKenzie thanked Mr. Ewing for the information and for serving so long on the Board.

The Gubernatorial Reappointment of Candice Allphin to the State Building Board of Commissioners (Board).

Chairman McKenzie asked about her current function and her role going forward.

Ms. Allphin said her function is to be informed and understand the issues in order to review the financials since her background is in finance.

Senator Stennett asked how often the Board met. **Ms. Allphin** replied that it depended on how many projects were underway.

Chairman McKenzie asked for progress on the parking garage. **Ms. Allphin** replied that she was unsure. **Senator Winder** said that the garage was progressing and is scheduled to be opened in the summer.

S 1271

Relating to the State Symbols to Provide that the Idaho Giant Salamander is Designated to be the State Amphibian; presented by Senator Ward-Engelking and Ila Hickman.

Senator Ward-Engelking introduced **S 1271** and passed the microphone to Ila Hickman to present the bill. **Ms. Hickman** thanked the Committee for taking the time to consider the bill which seeks to add the giant salamander as the state amphibian. She said that there were 15 amphibians native to Idaho but several were also located in other states. The Idaho Giant Salamander was the best candidate to represent the State because it makes its home almost exclusively in Idaho. She said that she has received 101 votes to have the Idaho Giant Salamander as the state amphibian. She said that Superintendent Luna supports the bill, and since the last hearing, the likes on her Facebook page increased dramatically. Raising awareness of amphibians could also raise awareness for Idaho and the State's rivers, streams and lakes.

Senator Davis said that he has been on the Committee for 13 years and Ms. Hickman's presentation was on par with a professional; her passion was engaging. He was looking forward to hearing more.

Senator Lodge asked how the numbers of the giant salamander could be increased and if it could be adapted to other parts of the State. **Ms. Hickman** replied that the awareness brought by the legislation might facilitate more understanding of the salamander and that it might be possible to relocate some of them.

Senator Siddoway said he was the person who said no to the Girl Scouts and that he would likely be a no vote due to some of the concerns raised in the letters.

Senator Stennett said she wished that **Ms. Hickman** could present the bill on the Senate floor because she was such a great speaker.

Frank Lundberg, a wildlife public policy advisor, testified in favor of the bill. His full testimony is attached to the Minutes (see attachment a).

Senator Davis asked if it was important to include the scientific name as well as the common name. **Mr. Lundberg** replied that it was not. **Senator Davis** asked why the giant salamander should be chosen over the Coeur d' Alene salamander. **Mr. Lundberg** said that the giant salamander was 95 percent based in Idaho while the other species existed in other states. **Senator Davis** asked about the breadth of coverage of the giant salamander over the State. **Mr. Lundberg** answered that it primarily occupied territory from McCall to Coeur d' Alene and exists in about one-third of the State.

Senator Lodge asked if Ms. Hickman had involved other schools in this process. **Ms. Hickman** said that involvement was primarily in the Boise school districts. **Senator Lodge** advised reaching out to the rest of the State's schools in order to raise awareness. **Mr. Lundberg** responded that he had contacted people in Lewiston, Pocatello and the Treasure Valley and had very positive response because it is a creature that is unique to Idaho and had Idaho associated with its name.

MOTION:

Senator Stennett moved to send **S 1271** to the floor with a **do pass** recommendation. **Senator Davis** seconded the motion.

Senator Davis said that not all state symbols are located throughout the entire State and that in every case, there is a substantial uniqueness to Idaho that this proposal reflects. **Senator Davis** said he would support the motion.

Motion carried by **voice vote**.

S 1258

Relating to Codifier Corrections to make Various Corrections and Technical Corrections to the Idaho Code; presented by Katharine Gerrity, Research and Legislation.

MOTION:

Senator Davis moved to send **S 1258** to the floor with a **do pass** recommendation. **Senator Siddoway** seconded the motion. The motion carried by **voice vote**.

MINUTES:

Senator Winder moved to accept the Minutes of January 22, 2014. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

Senator Siddoway moved to accept the Minutes of January 29, 2014. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

Senator Johnson moved to accept the Minutes of February 17t, 2014. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

ADJOURNED:

Chairman McKenzie thanked the Committee for their work and announced that there would be meetings on Monday and Wednesday of next week. There being no further business, **Chairman McKenzie** adjourned the meeting at 9:08 a.m.

Senator McKenzie
Chair

Twyla Melton, Secretary

Assisted by David Ayotte