

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, January 21, 2015

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman McKenzie, Senators Davis, Hill, Winder, Siddoway, Smyser (Lodge), Lakey, Stennett, and Werk

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 McKenzie** called the Senate State Affairs Committee (Committee) to order at 8:01 a.m. He welcomed Senator Smyser; Vice Chairman Lodge's substitute. **Chairman McKenzie** announced that Jennifer Pike would be presenting the first docket for the Department of Administration.

DOCKET NO. 38-0404-1401: IDAPA 38 - DEPARTMENT OF ADMINISTRATION - FEE RULE
38.04.04 - Rules Governing Capitol Mall Parking

Jennifer Pike, Public Information Specialist, Department of Administration (Department), explained that during the 2012 Legislative Session, the Department was authorized to construct a new parking garage and evaluate the parking permit and fee structure. The structure was completed in August 2014, resulting in a net gain of about 500 employee parking spaces on the Capitol Mall. The existing rules were amended to update the utilization, management, and collection of fees for the new garage and other Capitol Mall parking areas. The new garage will be referred to as "Garage #2;" the garage located at 550 West State will be referred to as "Garage #1."

This rulemaking will:

- update parking locations and add references to the new garage;
- increase the cap on the percentage of total reserved parking spaces from 15 percent to 25 percent;
- define legislative and executive parking;
- define visitor parking at the Capitol Annex;
- clarify eligibility requirements for special permits; and
- increase the monthly parking fees for reserved, general and paid parking permits.

Ms. Pike offered to go through the rules section by section or highlight the most significant changes. **Chairman McKenzie** asked Ms. Pike to start with the most significant changes and then proceed to other items in the rules if needed.

Ms. Pike explained that spaces allocated for reserved parking were increased from 15 percent to 25 percent of the general parking spaces available within the Capitol Mall. The changes addressed 100 percent of the 200 requests for reserved parking.

Subsection .02 clarifies the process for reserving Legislators' parking. Subsection .03 outlines the Americans With Disabilities Act (ADA) parking. Subsection .08 covers visitor parking. The majority of the visitor parking is centrally located at the southeast side of the Capitol Annex parking lot. This change allowed visitor parking to be increased by 100 percent.

HCR No. 47 directed the Department to review the parking fees as a means of support for the maintenance and operation of all the parking facilities. **Senator Winder** asked what was being done to police the visitor parking to ensure the rules for parking were being followed. **Ms. Pike** responded that Capitol Mall Security and any additional security people hired during the Legislative Session monitor the parking lot several times a day.

Ms. Pike stated that fees for general permits increased from \$5.00 to not to exceed \$10.00. A reserved permit was not to exceed the amount of \$40.00. A state vehicle permit was not to exceed an amount of \$15.00. Receipts from the parking permits go to the Permanent Building Fund and are appropriated for Capitol projects.

The changes have gone a long way to ease the daily impact of parking at the Capitol Mall.

Chairman McKenzie asked for questions from the Committee.

Senator Davis referred to the definitions in the Capitol Mall section. He reviewed the labeling of the old and new garages; identified each of the parking lots with the appropriate street address; and clarified where the reserved parking was located for state elected officials, directors of executive branch departments and Capitol Mall employees. Legislators will have parking in the 103 spaces reserved for them.

Senator Davis asked if some Legislators will continue to use the parking lot at the old Ada County Courthouse. **Ms. Pike** stated that some members have parked there for a long time and will continue to do so. That lot is mostly visitor parking and listings of current parking facilities do not include that lot.

Senator Davis asked if there was a differentiation between where the legislative branch and the executive branch can park in the 8th Street parking lot. **Ms. Pike** stated that there is not a specific area for either group. Keeping those spaces together was intended to simplify patrolling and to protect the occupants of those spaces.

Senator Lakey asked how the range of between \$2.00 and \$25.00 referenced in Section 041.02 was determined. **Ms. Pike** answered that those amounts are in statute. Currently, a ticket is \$15.00 within the Capitol Mall parking facilities. Boise City and Capitol Mall Parking determined the \$15.00 amount.

Senator Siddoway commented on charging the people that are hired during the Session for parking. He asked if there had been any comments about paying for parking during the public comment period. **Ms. Pike** responded that there were only about ten people that turned back their parking permits because of the fee increase. The vast majority of people thought the parking fee was reasonable.

Senator Davis asked Dennis Stevenson about the floor and ceiling amounts referred to in Section 041.02.b, related to parking violation fees, and asked for clarification about how and what the practice was regarding rules that replicated statute. **Dennis Stevenson**, State Rules Coordinator, replied that certain agencies are not allowed to make any profit on parking fees, so they only charge an amount that will cover the cost to provide the service. If there is something set in statute, rules are not required, but those items are encouraged to also be put in the rules. **Ms. Pike** intervened, explaining that the City of Boise sets parking violation fees. Those funds do not come to the State.

MOTION: **Senator Davis** moved to approve **Docket No. 38-0404-1401**. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 38-0601-1401 **IDAPA 38 - DEPARTMENT OF ADMINISTRATION**
38.06.01 Rules of the Department of Administration Governing Billing Procedures of the Office of the Chief Information Officer (New Chapter)

Greg Zickau, Chief Technology Officer, Department of Administration (Department), provided a brief background and overview of this rule. The Department performs a variety of functions that are made possible through a dedicated fund appropriation. The cost is billed back to supported departments.

During the 2014 Legislative Session, HB 647 "recommended . . . that the billing methodology be promulgated in agency rule and presented to the Legislature during the 2015 legislative session." In compliance with that language, and to bring transparency to the processes, the Department went through the negotiated rule making process.

There are two basic components that make up the total cost for these services: the cost of goods or services and overhead costs. Cost of goods or services is actual cost, and overhead costs are set by legislative appropriation. The factors used to distribute the costs change from service to service, but the principle remains the same. **Mr. Zickau** went through each of the seven rule sections and provided an explanation of each calculation method and the resulting overhead cost (see attachment I).

Senator Davis asked if the promulgating authority was based on intent language in the appropriation bill or on a different promulgating authority. He had a problem if the authority was from intent language in a bill that expires on June 30, 2015. **Mr. Zickau** stated that the reference was to the Department's rulemaking authority.

Senator Davis referred to 000., Legal Authority. This section states that the Department is relying on Idaho Code §§ 67-5701 and 67-5747 and a 2014 Idaho Session Law that will expire on June 30, 2015. **Senator Davis** asked if he would find promulgating authority in Title 67, Chapter 57. **Mr. Zickau** answered yes.

Mr. Zickau explained that two basic components are considered when allocating costs:

1. Cost of services that would be directly billed.
2. Overhead costs that are established by appropriation by the Legislature.

The total cost of support for the 32 small agencies is allocated based on two factors:

1. The relative percentage of the total full-time position count established by the State Controller's Office.
2. The number of electronic devices or services the agency uses.

Senator Davis noted that Subsection 11 defines an Idaho agency. He asked if that applied to the Legislature. **Mr. Zickau** responded that if a service was provided to the Legislature, there may be a cost for that service. **Senator Davis** concurred. His objective was to ensure that there was nothing in the rule that mandated that the Legislature participate and that approval of the rule would not compel the Legislature's participation. **Senator Davis** asked that it be reflected in the minutes that nothing in the rule compels the Legislature to participate, but if the Legislature chooses to participate, it is subject to the same participation costs.

Mr. Zickau reaffirmed that nothing in this rule is intended to compel any agency or department to participate. **Mr. Zickau** commented that there are no new or increased appropriations associated with this rule.

Chairman McKenzie called for questions from the Committee.

MOTION: **Senator Hill** moved to approve **Docket No. 38-0601-1401**. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business, **Chairman McKenzie** adjourned the meeting at 8:44 a.m.

Senator McKenzie, Chair

Twyla Melton, Secretary