

MINUTES  
**SENATE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, January 20, 2023

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

**PLACE:** Room WW55

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

**RS 30060** **Relating to Purchasing by Political Subdivision.** **Senator Herndon** reported this legislation was precipitated because some political subdivisions in the State were issuing contracts to public works contractors asking them to accommodate males using female restrooms, and vice versa, on the concept of gender identity. This legislation required a contractor engaged in public works construction to provide a multiple occupancy restroom, shower facility, or changing room on the basis of biological sex. He defined biological sex to mean the physical condition of being male or female, as stated on a person's birth certificate. He asked that **RS 30060** be sent to print.

**Senator Lee** questioned if this legislation prohibited a local political subdivision from requiring a family restroom. **Senator Herndon** clarified that multi-use meant more than one person of that sex in a restroom at the same time when that restroom was designated for one sex versus the other.

**MOTION:** **Senator Harris** moved that **RS 30060** be sent to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment** of Rayelle Anderson, of Rathdrum, ID to the Bingo-Raffle Advisory Board (Board) for a term commencing January 7, 2022 and serving at the pleasure of the Governor.

**Ms. Anderson** gave an overview of her community involvement the past 30 years, concluding she was currently Vice Chairman of the Board. She described coordinating with other agencies to help charities fulfill their commissions. She said she was honored to serve on the Board.

**Chairman Guthrie** stated the Committee would vote on her appointment at its meeting on January 23, 2023.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment** of Michael Mooney, of Boise, ID to the Energy Resource Authority (Authority) for a term commencing June 30, 2020 and serving at the pleasure of the Governor.

**Mr. Mooney** identified as an Idaho native of Pocatello with 42 years of banking experience. He shared that his brother Bob helped put the Authority together years ago, which was one reason Mr. Mooney enjoyed being involved.

**Senator Winder** acknowledged the Mooney legacy and noted its impact on energy production. **Chairman Guthrie** stated the Committee would vote on his appointment at its meeting on January 23, 2023.

**GUBERNATORIAL APPOINTMENT:** **Committee Consideration of the Gubernatorial Appointment** of Alberto Gonzalez, of Eagle, ID as Administrator of Information Technology Services (ITS) for a term commencing September 28, 2022 and serving at the pleasure of the Governor.

**Mr. Gonzalez** informed he served over 15 years in a variety of capacities, including implementation of, and modernization of technology programs. He referred to some of his work in various State agencies such as the Department of Health and Welfare (H & W) and the Department of Motor Vehicles (DMV).

**Senator Lee** asked about improvement to address past struggles at the DMV. Mr. Gonzalez acknowledged past technological issues at DMV and informed replacing the vendor resulted in increased productivity in most offices, accuracy of data, and identity verification and legal status improvements. Audits validated the improvements expected. He noted increased use of online services reduced lines in offices, reduced costs, and enhanced ease of making appointments.

**Senator Lee** asked about cybersecurity attacks. Mr. Gonzalez advised such threats evolved daily. He noted the Tik Tok ban was beneficial because of the vulnerabilities it presented. He said the State boasted a strong outer core, meaning the firewall. Though currently well protected, Mr. Gonzalez recognized the State needed additional assistance in proactive threat detection, which he was currently in the process of establishing programs to address. He advised the State had a lot of antiquated applications, which increased its vulnerability. Modernizing some of the older applications was being addressed. He anticipated increasing the tools and training individuals to deal with cybersecurity as its number one priority.

**Senator Wintrow** followed up by asking about out-of-date systems and how much further to go. **Mr. Gonzalez** said he was engaging agency directors and staff to better understand the applications in use. He believed there was much evolution in low-code/no-code systems, meaning rather than spending years developing them, there were existing tools that allowed building automation and connecting to databases already secured.

**Chairman Guthrie** said the Committee would vote on Mr. Gonzalez's appointment on January 23, 2023.

**GUBERNATORIAL REAPPOINTMENT VOTE:** **Senator Wintrow** moved to send the Gubernatorial Reappointment of Estella Zamora to the Idaho Commission on Human Rights to the floor with the recommendation that she be confirmed by the Senate. **Senator Bernt** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL REAPPOINTMENT VOTE:** **Senator Winder** moved to send the Gubernatorial Reappointment of Brian Scigliano to the Idaho Commission on Human Rights to the floor with the recommendation that he be confirmed by the Senate. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**S 1001** **Relating to Department of Administration (Administration).** **Steven Bailey**, Deputy Director of Administration, introduced Keith Reynolds, Director of Administration. Mr. Bailey provided a handout showing the facilities rules consolidation as part of the Red Tape Reduction Act. As a result of redundancy and scope limitations, some rules were consolidated. He stated the legislation would not impact the general fund, dedicated funds, or any Federal funds.

**Senator Wintrow** asked why outdated rules sat so long. **Mr. Bailey** explained they were promulgated and statutes put in place years ago as needed. As time progressed the old rules became obsolete.

**MOTION:** **Senator Harris** moved to send **S 1001** to the floor with a do pass recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**. **Chairman Guthrie** will carry the bill to the floor.

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

**DOCKET NOS.**  
**38-0406-2201**  
**38-0407-2201**  
**38-0408-2202**  
**38-0409-2201**

**Rules Governing Use of State Property.** Mr. Bailey advised he would cover **Docket Nos. 38-0406-2201, 38-0407-2201, 38-0408-2202, and 38-0409-2201** because these rules were consolidated. He explained his handout (Attachment 1) detailed which properties the rules applied and which rules were repealed. Consolidation eliminated redundancy and thousands of words. He explained **Docket No. 38-0409-2201** involved cleaning up wording.

**MOTION:** **Senator Wintrow** moved to approve the rules as read. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.**  
**38-0501-2201**

**Rules of the Division of Purchasing.** **Vice Chairman Bernt** introduced Valerie Bollinger, Administrator of the Division of Purchasing in the Department of Administration (Division).

**Ms. Bollinger** noted the rule was quite lengthy and included a lot of changes. She thanked Senator Wintrow for going through the rules with her line-by-line. In the essence of time, she commented only on the substantive changes and the guiding principles behind the rules and changes. The goal was to make rules easier to understand and follow, and to eliminate language duplicated elsewhere.

**MOTION:** **Senator Wintrow** moved to approve **Docket No. 38-0501-2201**. **Senator Lee** seconded the motion. **Chairman Guthrie** asked Ms. Bollinger to explain the open bid process. **Ms. Bollinger** described the necessity for typically five-year term contracts. For example, with services or software with a minimal fee of \$500 per year or so, it would be cost prohibitive to run that through the e-procurement system and for the time for vendors to respond with quotes. She stated inflationary increases were being addressed at this time because the Division did not have data for a broad policy change. The motion carried by **voice vote** with Senator Toews recorded as voting no.

**PASSED THE GAVEL:** Vice Chairman Bernt passed the gavel back to Chairman Guthrie.

**MINUTES APPROVAL:** **Senator Ruchti** moved to approve the minutes of January 13, 2023. **Senator Toews** seconded the motion. The motion carried by **voice vote**.

**Senator Bernt** moved to approve the minutes of January 16, 2023. **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 8:58 a.m.

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Senator Guthrie  
Chair

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Joyce Brewer  
Secretary