

MINUTES  
**SENATE STATE AFFAIRS COMMITTEE**

**DATE:** Wednesday, March 09, 2016

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

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman McKenzie, Vice Chairman Lodge, Senators Davis, Hill, Winder, Siddoway, Lakey, Stennett and Rohn(Buckner-Webb)

**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 8:03 a.m. with a quorum present.

**GUBERNATORIAL APPOINTMENTS:** The Gubernatorial reappointment of Shelly Jo Enderud to the Idaho State Building Authority (phone interview).

**Chairman McKenzie** explained that the first interview for the Gubernatorial reappointment will be Shelly Jo Enderud to the Idaho State Building Authority (Board) and it will be by phone since Ms. Enderud is in Post Falls. He asked for an update from Ms. Enderud since her prior appointment and if there have been any relevant issues since that time. **Ms. Enderud** explained that the Board has not had many projects in the last five years. She said the last major project was the parking garage. She provided details about how the process worked for a large project and discussed some of the challenges in overseeing the construction of the garage. **Chairman McKenzie** asked if the Idaho State Building Authority had the appropriate mechanisms to overcome those challenges, and if the Legislature should work to address any problems. **Ms. Enderud** replied that the Board works very well as it stands.

The Gubernatorial reappointment of Bud Tracy to the Idaho State Building Authority.

**Chairman McKenzie** welcomed Bud Tracy to the Committee and asked for an update since his last appointment. **Mr. Tracy** said that Ms. Enderud reiterated that the Board has been quiet for the last five years and echoed the challenges with the parking garage. Mr. Tracy elaborated on the problem with the elevators for the garage and that it was, he believed, an unfortunate misrepresentation. Fortunately, they had the tools to deal successfully with the problem and stayed under the budget approved by the Senate. There are no potential projects at the present time.

Chairman McKenzie expressed his appreciation to both Ms. Enderud and Mr. Tracy for their service and time that they have spent on the Board. Voting will be at the next meeting.

**H 512** RELATING TO COMMUNITY COLLEGES to provide for community college trustee zones and related provisions.

**Senator Bert Brackett**, District 23, explained that the legislation would require community college trustees to run for election in designated zones. In current system, all trustees run district-wide, and those elected tend to reside in more urban areas. Senator Brackett cited several examples of disproportionate representation and detailed previous attempts to solve this problem. **Senator Brackett** referred to the maps of the three districts: 1.) College of Western Idaho (CWI) where one trustee lives in Boise, one in Eagle and one in Nampa (see attachment 1a); 2.) North Idaho College (NIC) has four of the five members residing in Coeur d'Alene and one in Post Falls (see attachment 1b); and 3.) College of Southern Idaho (CSI) has four of the five members in Twin Falls and one in Kimberly (see attachment 1c). Jerome County has been without representation since 2010. Information to develop this legislation has come from existing code including school board elections, county commissioner elections and the Commission for Reapportionment. **Senator Brackett** stated that Idaho Code § 33-313 says that the boundaries of several trustee zones in each school district shall be defined and drawn so that, as reasonable as may be, each zone shall be approximately the same population. That wording is found in the bill. All three community colleges have been consulted and gave input for **H 512**. **Senator Brackett** summarized a letter of support from President Fox and the Board at CSI. **Senator Brackett** stated that one major concern is the situation of current trustees and whether they may finish their term and will defer to Representative Chaney, who will detail the solution.

**Senator Brackett** said that a potential benefit of the bill is that it will be easier to get voter approval for a new community college district if voters can be assured that they will be represented on the board of trustees. It will also be easier to add new counties to existing community college districts if the voters in the new counties had some assurance that they will have representation.

**Senator Brackett** went through an explanation of the bill.

**Senator Stennett** asked what would happen if no one from a rural zone ran for a seat on the board and it remained vacant. **Senator Brackett** observed that filling vacancies has not been a problem to date; there is nothing to prevent someone someone from being appointed.

**Representative Greg Chaney**, District 10, came forward and responded that the smallest trustee district would have 20,000 people and therefore an ample number of potential candidates. The legislation contains provisions for appointing a trustee in the event that someone does not run for the position. This provision requires the appointee reside in the appropriate zone. The legislation states that districts be divided into five zones. **Representative Chaney** outlined three scenarios to resolve how incumbent trustees will serve out their terms.

**Senator Stennett** asked Representative Chaney to point out the appointment language in the bill and inquired about who would make appointments to the board in the event of a vacancy. **Representative Chaney** replied that the sitting board of trustees would make the appointment. **Senator Stennett** followed up to verify that an appointee would only serve the remainder of the term. **Representative Chaney** agreed.

**Senator Davis** asked why the legislation would not apply to new community college districts. Representative Chaney replied that it would. **Senator Davis** cited language in Section 1 of the bill implying its application to existing districts only. **Representative Chaney** described additional language in Section 2 that applied to the formation of new boards in new districts. Conversation about language in the bill ensued.

**TESTIMONY:**

**Mark Dunham**, board member for CWI, testified in support of the bill. He has served two terms, but does not think he is eligible for a third because he lives very close to a fellow trustee and the legislation would prevent both from serving. He stated the bill will maintain fair representation and resolve this long-contested issue.

**Braden Jensen**, representing the Farm Bureau Federation, testified in support of **H 512**. He stated that many farmers and landowners in these districts pay taxes to fund community colleges and they deserve fair representation in return. **Mr. Jensen** spoke of diversifying the experience and perspectives of the board of trustees, and asked for support from the Committee.

**Senator Brackett** thanked the Committee and those who testified.

**Senator Winder** commented that Mark Dunham would likely not be eligible to run again for the board of trustees because he lives in the same district as a fellow trustee. He asked if Mr. Dunham seeks reelection, would his fellow trustee be excluded from the election. **Senator Brackett** replied that the two trustees would run against each other should both seek reelection.

**MOTION:**

**Senator Hill** moved to send **H 512** to the floor with a **do pass** recommendation. **Vice Chairman Lodge** seconded the motion. The motion carried by **voice vote**.

**S 1360**

RELATING TO THE ADMINISTRATIVE PROCEDURE ACT to provide a requirement regarding certain amendments to the administrative rules.

**Senator Jim Rice**, District 10, stated that **S 1360** addressed an ongoing issue with the committee rules review process. He explained that each year rules are presented that make references only to previous versions or changes. There is a lack of any substantive explanation of the changes between rules, or the previous versions that existed before a change. **Senator Rice** cited proceedings in the Senate Agricultural Affairs Committee when questions were asked about previous versions or changes in rules and presenters were unable to answer. He stated that most agencies have the details of these changes and would merely pass them along to the appropriate committee during the rules review process.

**Senator Lakey** asked for clarification of the word "materials" in the language of the bill in subsection (4). **Senator Rice** responded that most rule changes are minor. He noted that members of a committee commonly ask what substantive changes have been made in the past to the rule.

**Senator Lakey** followed up to clarify if "materials" meant that agencies were to provide outside sources or previous amendments to the rules. **Senator Rice** answered that committee members receive manuals and other items incorporated by reference. These are the "materials" described in the bill.

**MOTION:**

**Senator Siddoway** moved to send **S 1360** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

**S 1377**

RELATING TO ELECTIONS to require judges to transmit a copy of the results to the county clerk.

**Senator Winder**, District 20, yielded his opening time to Phil McGrane.

**Phil McGrane**, Chief Deputy to the Ada County Clerk, explained that according to an antiquated statute, poll workers would post election results on the door of the polling location. This bill was crafted in response to the new

election system and the possibility that the posting requirement in statute could delay the transmission of the results of an election to the clerk's office and to their website.

**MOTION:**

**Senator Lakey** moved to send **S 1377** to the floor with a **do pass** recommendation. **Vice Chairman Lodge** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:**

There being no further business, **Chairman McKenzie** adjourned the meeting at 9:12 a.m.

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Senator McKenzie  
Chair

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Twyla Melton. Secretary

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Assisted by Maureen Lavelle