

LEGISLATIVE COUNCIL

**Capitol Annex, Room 204
Boise, Idaho
November 6, 2009**

MINUTES

The meeting was called to order at 8:00 a.m. by Co-chair President Pro Tem Robert Geddes. Members of the Legislative Council in attendance were Co-chair Speaker Lawrence Denney, Senators Bart Davis, Patti Anne Lodge, John McGee, Kate Kelly and Nichole LeFavour; and Representatives Mike Moyle, Gary Collins, Eric Anderson, John Rusche, Anne Pasley-Stuart and Donna Pence.

Also in attendance or participating in the meeting were Senator Joe Stegner and Representative Scott Bedke; Jan Frew, Division of Public Works; Bonnie Alexander and Sue Frieders, House staff; Jeannine Wood and Mary Sue Jones, Senate staff; Diane Kelly, Senate Minority Office; Rakesh Mohan, Office of Performance Evaluations; Peter Morrill and Jeff Tucker, Idaho Public Television. Legislative Services Office staff in attendance included Jeff Youtz, Sheila Ison, Robyn Lockett, Rande Trueax, Don Berg, Mike Nugent, Cathy Holland-Smith, Kristin Ford, Keith Bybee, Glenn Harris and Adam Martineau.

Minutes of the January 29, 2009 Legislative Council meeting were approved on a motion by Senator Lodge and a second by Representative Anderson. The Council then approved the minutes of the November 7, 2008 Council meeting on a motion by Representative Collins and a second by Senator McGee.

Capitol Restoration Update

LSO Director Jeff Youtz introduced the Capitol Restoration update by noting that the Council meeting was the last official function the Legislature would hold in the Capitol Annex. Legislative staff will be moving into the Capitol on November 20, 21 and 22, and elected officials will be moving into their new Capitol offices throughout December. He reported that the renovation project was being completed early and on budget and said Jacobsen-Hunt, the firm overseeing the project, had done a terrific job.

Jan Frew, who managed the restoration project for the Department of Administration, told the Council finish-work on the Capitol would continue throughout December, with the marble crew working 14 to 16 hour days, seven days a week. While the Legislature and elected officials will be in the Capitol, the building will not be open to the public until the "Rededication Celebration" on January 9, 2010. Workers will be completing punch-list finishing touches right up until the public opening. Fencing will

remain in place around the Capitol until late December to indicate that work on the building is still being done, and Mrs. Frew recommended that legislators and staff access the building through the tunnel leading from the parking garage. The Capitol entrance on State Street has been designated as a business entrance. A security desk will be in place inside the building and security staff will be checking identity badges at the State Street door.

In response to a question from Pro Tem Geddes, Mrs. Frew said the Secretary of State's Commercial Division will remain in its current location, the former State Library building on the corner of 4th and State streets. The Commercial Division will be notifying people with whom it works of its permanent location, the media will be notified and temporary signage will be strategically placed so people can easily find the Commercial Division.

Speaker Denney thanked Mrs. Frew for all her hard work on the renovation project, and Pro Tem Geddes said how appreciative the Legislature was to her and to everyone working to make the project such a success.

Mrs. Frew outlined security in the Capitol, which will require card access to the three main doors and to the new high-speed elevators. Upgraded security cameras as well as additional cameras have been installed. Outlets are available by all doors for magnetometers, should a decision be made in the future that they are necessary for security screening. Stairways will be open during regular business hours, except to the 2nd floor. In response to a question from Senator Davis, Mrs. Frew said stairway access on the third floor could be limited during legislative sessions at the Legislature's request. Representative Rusche noted the importance of signage telling people where exits are located. Mr. Youtz told the Council the high-speed elevators were for use by legislators and staff, and the back stairways for emergency use by the public. The grand staircases in the Capitol rotunda and the rotunda elevators are open to the public.

A motion to restrict public access on the third floor during legislative sessions by coding stairwell doors as well as elevators passed unanimously on a motion by Senator Davis and a second by Senator Kelly.

Mrs. Frew said legislators could park in the lots on 8th Street or 6th Street (Annex) or in the parking garage. Tim Mason, Public Works, told the Council 105 parking spots will be clearly marked for legislator use only and, in response to a question from Pro Tem Geddes, said parking will be "zero sum." A total of 105 spaces will be available regardless of which lot a legislator chooses to park in. He recommended that legislators with a preference for a particular parking area reserve a parking spot in advance for the session.

Capitol Services Coordinator Robyn Lockett said new furniture is being put in the Capitol from the fourth floor down. Legislative staff will be moving into the building November 20, 21 and 22, followed by a full month of moves as other agencies move in. She said the public Rededication Celebration being planned by the Capitol Commission will be at noon on Saturday, January 9, on the south Capitol steps. Prior

to the public opening, a reception for all contractors working on the project and their families will be held on Thursday, January 7. On Friday evening, January 8, legislators, elected officials and spouses will be hosted at an open house at the Capitol.

Mrs. Lockett said the tour program and gift shop will be organized in December and tours would begin as soon as the building can accommodate them. One-hour Capitol tours will be offered twice a day, and most groups scheduling tours are reserving time in February and March when the weather is better for travel. In addition, a self-guided brochure is being printed for distribution at the Visitor Welcome Desk.

Mr. Youtz told the Council that Buy Idaho had requested an exemption to Capitol Commission guidelines that public use of the rotunda be limited to the fourth floor. Buy Idaho wants to use the first through fourth floors for its one-day exhibition as it has in past years. An offer by the Capitol Commission to allow Buy Idaho to use just the fourth floor but for a full week rather than one day has been declined. Pro Tem Geddes asked that the issue be tabled until the Council had a chance to review appropriate statutes regarding Capitol use and authority. Subsequent to that review and further discussion, the Council decided to ask three legislators, Senators Lodge and McGee and Representative Collins, to meet with representatives of Buy Idaho to try to effect a compromise. The Council also asked Mr. Youtz, in conjunction with Senators Kelly and Davis, to draft a letter to the Capitol Commission stating consensus of the Council regarding legislative control of the wings, garden level, first, third and fourth floors. The Pro Tem and Speaker expressed interest in representing the Council on this matter at the next meeting of the Capitol Commission, which is scheduled November 18th in the Capitol Annex.

Mrs. Lockett said legislators will be able to hang whatever they want in their personal offices, as long as a work order for installation is submitted to Facility Services. In response to a question from Representative Pasley-Stuart, Mrs. Lockett said such items as white boards can be installed in House work spaces; legislators can work with her or the Sergeant at Arms on such projects.

Technology in the Renovated Capitol

Manager Glenn Harris, Legislative Services Office IT Division, presented the Council with information about the technology work being done in preparation for the move back to the Capitol. The IT staff has been configuring computer equipment to comply with state standards, moving all Novel GroupWise users to Microsoft Outlook for e-mail and enhancing print driver access for users. Add-on options for Outlook are being installed to create contacts, automatically save e-mail addresses and create automatic response folders. Mr. Harris told the Council, in response to a question from Representative Rusche, that the co-sponsor feature is now operational in GEMS. He said the GEMS bill drafting and tracking system would be discussed in more detail later in the day (see page 8).

Mr. Harris described the automation being built into the House and Senate chambers. The House voting program will include options to select the Third Reading Calendar,

bill web pages and legislators' personalized notes. The Senate calendars will be displayed on laptop screens. Among other enhancements, the phone system has been upgraded to include visual voice mail messages, allowing users to select from a list of messages those with priority. Additional phones have been installed in conference rooms.

Adam Martineau, IT Network Specialist, presented information about space in the Capitol fitted with monitors to allow increased public viewing of chamber proceedings, improved wireless capability to enhance public wireless access to the Internet, and cell phone connectivity available throughout the building. He described improved printing options and said printers were more widely distributed in legislative areas. Drop-down projectors have been installed in all committee rooms and connected to dedicated laptops for presentations. Members of the Joint Finance-Appropriations Committee also will be able to see agency presentations on their laptop screens. Video conferencing equipment has been installed in one room on the Senate side and one room on the House side to give legislators more options. Committee rooms have all been wired for audio streaming. Returning to this subject at the conclusion of the meeting, Pro Tem Geddes said each committee chairman could decide whether the audio of their meetings should be streamed live via the IPTV system. He said particular topics may generate increased public interest and chairmen could decide when and if audio of their meetings will be streamed.

Capitol Services Committee Proposal

For the past several years, Senator Stegner and Representative Bedke have served as co-chairs of the Advisory Committee to Provide Legislative Space Allocation & Design Recommendations to the Capitol Commission (Space Allocation and Design Committee). They addressed the Council about the future of coordinating Capitol functions. Robyn Lockett, formerly the Relocation Specialist, has been named to a new position in the Legislative Services Office, Capitol Services Coordinator. In this position, Mrs. Lockett is responsible for functions in the Garden Level, including Capitol tours, the Visitor Welcome Desk, the Capitol Gift Shop, the newly combined bill room/copy center, the information phone operation and the Legislative Dining Room.

Senator Stegner and Representative Bedke asked the Council to consider formation of a new Capitol Services Committee to continue the work of the Space Allocation and Design committee, providing coordination between the Legislature, Public Works, the Capitol Commission and the Governor's Office during the transition back into the restored and expanded Capitol Building, and to address continuing short-term and long-term facility issues that impact the Legislature. The Capitol Services Committee would serve as a sounding board for Mrs. Lockett in her capacity as Capitol Services Coordinator and consider the "nuts and bolts" of the operations, serving in an advisory capacity and representing the Legislature.

The proposal for the ongoing joint advisory committee included membership of eight members chaired by the Senate and House Assistant Majority Leaders. Members would consist of the Speaker and Pro Tem (or their designees), the Minority Leaders

of the House and Senate (or their designees), one additional member from the House appointed by the Speaker and one additional member from the Senate appointed by the Pro Tem.

In response to concern raised by Representative Rusche regarding the suggested make-up of the committee, the Pro Tem noted that Capitol space was allocated not by the Space Allocation and Design Committee, but by the minority and majority offices. Representative Bedke added that members of the committee would be answerable to their own bodies, caucuses and leadership.

Senator Davis wanted to know why such a committee was needed and said Legislative Council can make any necessary decisions. Senator Stegner noted that a Capitol Services Committee would not have policy-setting authority, nor exert its will over the House or Senate, but such a committee is necessary as a sounding board when facility issues come up during the course of the year. The Legislative Council only meets twice a year. Representative Bedke said the committee would serve as a “clearinghouse for minutia” and could report back to Council.

Senator Davis made a motion to approve an ongoing advisory committee concerning Capitol Services, with the membership to be decided by the Legislative Council. Senator McGee seconded the motion.

Senator Kelly, saying she was uncomfortable voting for a motion that did not include the details, made a substitute motion to adopt the advisory committee as defined in the proposal presented by Senator Stegner and Representative Bedke. Representative Pasley-Stuart seconded the motion.

Senator Davis said he was opposed to several of the bulleted items included in the advisory committee proposal, which detailed the responsibilities of the advisory committee. Senator Kelly, as maker of the substitute motion, offered to withdraw the motion pending further discussion.

Speaker Denney made an amended substitute motion to accept the proposal for the Capitol Advisory Committee as follows:

This proposal would create an ongoing joint advisory committee of the Senate and House to address Capitol Building facility issues for the Legislature. The proposed committee would continue the work of the existing Space Allocation and Design committee, providing coordination between the Legislature, Public Works, the Capitol Commission and Governor’s Office during the transition back into the restored and expanded Capitol Building, and address continuing short and long-term facility issues that impact the Legislature.

The committee would consist of eight members and be chaired by the Senate and House Assistant Majority Leaders. Additional members would consist of the Speaker and Pro Tem (or their designees) the Minority Leaders of the House and Senate (or their designees) and one additional member from the House appointed by the Speaker, and one additional member from the Senate appointed by the Pro Tem.

Representative Collins seconded the motion. The amended substitute motion passed unanimously.

General Manager, Peter Morrill, Idaho Public Television (IPTV), presented to the Council a copy of an award IPTV received from the Corporation for Public Broadcasting. IPTV received the “My Source Community Impact Award” for Idaho Legislature Live, which provides gavel-to-gavel legislative coverage on-air, online and in-person. A collaborative project between the Legislative Services Office, the Idaho Department of Administration and IPTV, Idaho Legislature Live is made possible by the Idaho State Broadcasters Association, with additional support from Union Pacific Railroad Foundation and the Idaho Public Television Endowment.

During the 2009 legislative session, “Idaho Legislature Live” connected more than 76,000 online Web users to gavel-to-gavel coverage of the Idaho Senate, House of Representatives and Joint Finance-Appropriations Committee. In addition, all proceedings of the Idaho Senate and House were broadcast on IPTV’s statewide digital television Learn and World channels.

Pro Tem Geddes thanked Mr. Morrill for sharing the award and suggested mention of the award be included in a public service announcement about Idaho Legislature Live that would acknowledge the public funding involved.

LSO Director’s Report

Mr. Youtz outlined the draft FY 2010 Strategic Plan. Following a brief discussion to clarify and correct some language in the draft, the Council voted to accept the 2010 Strategic Plan on a motion by Senator Davis and a second by Representative Rusche.

Mr. Youtz reviewed steps taken by Legislative Services to balance the FY 2010 budget. Among steps taken to meet the mandated 6 percent holdback, he has eliminated five full-time positions and four part-time positions, frozen out-of-state travel and reduced in-state travel, asked LSO employees to take five furlough days and reduced publication production by two-thirds. In all, the LSO budget has been reduced by \$590,000 for fiscal year 2010 from the FY 2009 appropriation.

Pro Tem Geddes commended Legislative Services for doing an excellent job of working within the budget reductions.

Mr. Youtz then presented the FY 2011 budget request for the Legislative Services Office, Legislative Technology, and Redistricting. He said the request included no new staff positions or programs and characterized the request as a flat, maintenance-level budget for all but the redistricting portion. The proposed budget for redistricting includes personnel costs for technical and support staff for each party, operating expenses, software, and capital outlay for workstations, printers and monitors. On a motion by Representative Collins and a second by Senator LaFavour, the Council

approved LSO's FY 2011 budget request for presentation to the Joint Finance-Appropriations Committee during the 2010 session.

Due to time constraints, rather than hearing staff presentations, Mr. Youtz referred Council members to their meeting notebooks for summary reports of interim committee and task force activities.

Legislative Audits Update

Manager Don Berg, Legislative Audits Division of the Legislative Services Office, presented information about his division's accomplishments and challenges. Among the accomplishments: completing the statewide financial audit (CAFR), Federal Compliance Single Audit, statewide Internal Control Report, management reports on internal controls for 25 state agencies/entities, successfully passing a peer review, and providing 40 hours of continuing education to audit staff as required by federal audit standards. Challenges faced by the division include the reduction in staff and furlough time that reduced available staff hours by 10 percent, new government accounting and auditing standards, the ARRA "Stimulus" effect of expanding workload with new audit requirements, and a change in the due date for the Federal Single Audit being shortened by three months.

In response to a question from Representative Rusche, Mr. Berg said federal regulations allow up to 1/2 percent of the grant received by an agency to be spent funding audits to keep the agency in compliance with federal regulations. He is now working with fiscal staff in state agencies to bill them in advance of audit work his staff will have to do to account for the stimulus funds.

In conclusion, Mr. Berg called the situation the Legislative Audits Division finds itself in "a perfect storm." More work has to be done with fewer auditors in less time.

2010 Legislative Session Plans

Speaker Denney said how glad he is to be having the Governor's State of the State Address and Budget Message back in the Capitol this session. He said his plans for the House include holding tight to deadlines during the session because the length of the session determines its expense.

Pro Tem Geddes said it would be helpful for legislators to begin reviewing administrative rules as early as possible to get the session off to a quick start. Proposed rules and staff analysis, he noted, are posted online and linked from the Legislature's home page. He concluded by saying it would be important for the Legislature to finish its work in a timely manner and gavel adjournment. "Legislators need to be cognizant of budget issues facing Idaho citizens." Mr. Youtz said it would be very helpful if legislation requests to the Research and Legislation Division could be expedited so they were received as much in advance of the 36th day deadline as possible.

Regarding administrative rules, Speaker Denney noted that his office receives the "Administrative Bulletin" each month from the Office of Administrative Rules. He

wondered, since all the rules are online, if the office could save money by limiting its print run of the books. Senator Kelly said there was a statutory requirement that required distribution of a certain number of Administrative Bulletins, and Mr. Youtz said he would investigate the statutory guidelines to see if cost savings might be effected.

CSG-*WEST* 2010 Annual Meeting in Sun Valley

Mr. Youtz briefed the Council on plans to host the 2010 Annual Meeting of CSG-*WEST* in Sun Valley in September. He called it a wonderful opportunity to showcase Idaho, with 400 to 500 people expected to attend. Hosting the meeting will be a big undertaking, and he estimates about a third of the Legislative Services Office staff will be involved in preparations next summer. Holding down the number of interim committees next summer would be very helpful.

Representative Rich Wills, the Chairman of CSG-*WEST*, is the chairman of the Host State Committee. Members of the committee include Senators Clint Stennett, Chuck Winder, Jim Hammond and Melinda Smyser and Representatives Wendy Jaquet and Steve Hartgen. Roy Eiguren is an ad hoc member assisting with fund raising. The Host State Committee has held one meeting and subcommittees are being formed to help with organizing the event. Teleconferencing was suggested as a way of limiting meeting expenses. Pro Tem Geddes said he thought Sun Valley was a great venue with centralized meeting locations that would allow participants a real opportunity to meet and learn from one another. In response to a question from Senator Lodge, Mr. Youtz confirmed that Representative Wills was planning a dinner theatre production at the meeting.

Technology and Communications Update

Mr. Youtz said the Information Technology Resource Management Council (ITRMC) has honored the Legislative Services Office with two achievement awards for 2009. Norma Clark was selected by a group of Idaho industry executives as IT Manager of the Year, and the Government Electronic Management System (GEMS) created by Mrs. Clark and her staff won top honors in the Digital Government applications category.

Nearly seven years in development, GEMS was successfully implemented in the fall of 2008 and used exclusively by the Legislature during the 2009 legislative session. The GEMS team has spent the interim fine-tuning and enhancing the system. At the request of Senate and House staff, as well as staff of the Legislative Services Office, several new features have been developed in GEMS and implemented for use during the 2010 session.

Bonnie Alexander, Chief Clerk of the House, and Jeannine Wood, Secretary of the Senate, addressed the Council about GEMS. Ms. Alexander called the system a resounding success during its inaugural session. Because the system ended much of the

duplication necessary to conducting the business of the House in previous years, she was able to eliminate one staff position. She said the GEMS team was able to provide quick solutions whenever a problem arose and to provide improvements and enhancements to the system in a timely manner to make the system work more efficiently. Mrs. Wood noted that using the system did require a learning curve and she had encountered a few bugs, but the GEMS team had been able to make changes quickly. She too was able to cut one staff position as a result of implementing GEMS. She had encountered an indexing problem, but was working with the GEMS staff to improve the way the system handles indexing, as well as gubernatorial appointments.

In response to a question from Representative Rusche, Glenn Harris assured the Council that a co-sponsor option had been programmed into GEMS. He said the GEMS team had been working on dozens of improvements during the interim, including the manner in which Research and Legislation staff import and export bills, spell checking, tracking and improved search features.

Sheila Ison, Communications Manager in the Legislative Services Office, presented information about the Legislature's website and showed the Council a test site with suggested improvements to be implemented for the 2010 session. Changes were made to the site as a result of suggestions made by the LSO Web Group and House and Senate staff. The graphics in the banner of the site have been changed to include a photo of the renovated Capitol. Topics in the dropdown and rollover menus have been reorganized to make them easier to locate. A new section has been added within the House and Senate members' pages to make it easier for users to find e-mail links, and a link has been added to additional information about each legislator. A new search engine has been purchased and is being indexed and modified to work with the new server at the Department of Administration, which hosts the site for the Legislature. A search box has been added at the top right of the home page that will have search capability throughout the entire site. A legislation-specific search capability will be located within the legislation section of the site.

In response to a question from Senator Davis, Ms. Ison said the new search engine would make searching legislation from multiple years more efficient. On the legislation page, there will be a search box that can be checked for searching just the current year's legislation or checked to search multiple years' legislation. Because printed copies of bills will no longer be printed en masse as in previous years, Pro Tem Geddes said it would be helpful to be able to search for just the most recently introduced legislation. Ms. Ison said an option to search legislation by date could be built into the legislation section of the site.

FY 2010 and FY 2011 State Budget Update

Manager Cathy Holland-Smith, Budget and Policy Analysis Division of the Legislative Services Office, presented information about the status of the state budget and the challenges the Legislature will face in balancing the FY 2011 budget. The FY 2010 revised forecast shows an estimated shortfall, after holdbacks, of \$52,023,400. Without the holdbacks, the estimated shortfall would be \$150,999,500. Mrs. Holland-

Smith outlined the Governor's distribution of budget stabilization funds, which to date totals \$5,145,300. Stabilization funds of \$1,887,000 remain available. General Fund supplemental requests of approximately \$28 million have been made.

Mrs. Holland-Smith outlined possible budget scenarios for FY 2011. Assuming a 2 percent revenue growth and maintenance level budget, she estimates the ending balance would be -\$339,791,300. She presented a hypothetical maintenance level budget using most of the reserves combined with spending cuts of 4 percent that would result in an estimated balance, before line items, of \$6,284,300. A budget using part of the reserves and spending cuts of 8 percent would also result in a balanced budget.

Office of Performance Evaluations

Director Rakesh Mohan, Office of Performance Evaluations, described two reports his office is working on for release in early 2010. The first evaluation examines the operations and capacity of Idaho's prison system and will address the following questions: How has the Department of Correction managed trends in Idaho's prison population? Are Idaho's prisons operating efficiently? How can Idaho best accommodate growth in its prison population? The second evaluation focuses on the parole process in four major areas: roles and responsibilities, retention of prisoners beyond parole eligibility date, enhancing the system's efficiency, and identifying best practices of the parole process.

Redistricting Update

Librarian Kristin Ford briefed the Council on preparations being made for Idaho's redistricting effort to follow the 2010 U.S. Census. She and Budget Analyst Keith Bybee are charged with staffing the project for the Idaho Legislature. She shared a redistricting timeline showing preparations in 2009 include LSO testing, purchasing and training on redistricting software, as well as preparing budget and plans for the computer technology and staffing needs of the Idaho Commission on Redistricting. Data from the 2010 Census will be delivered for the redistricting data program in January through March of 2011. The appropriation request made by the Legislative Services Office for FY 2011 for redistricting, in the amount of \$424,800, includes personnel costs for technical and support staff for each party, operating expenses, software, and capital outlay for workstations, printers and monitors. The key date for redistricting is June 1, 2011, when the Secretary of State orders organization of the Commission on Redistricting and members begin meeting.

Pro Tem Geddes adjourned the meeting at 3:30 p.m. Council members then met for a guided tour of the Capitol Building.