

## LEGISLATIVE COUNCIL

Capitol Building  
House Majority Caucus Room  
Boise, Idaho  
October 25, 2011

### MINUTES

The meeting was called to order at 8:00 a.m. by Co-chair Speaker Lawrence Denney. Other members of the Legislative Council in attendance were Co-chair Pro Tem Brent Hill; Senators Bart Davis, Steve Bair, Jim Hammond, Edgar Malepeai, Les Bock and Nicole LeFavour; and Representatives Mike Moyle, Gary Collins, George Eskridge, John Rusche, Donna Pence and Bill Killen.

Also in attendance or participating in the meeting were Senators Chuck Winder and Joe Stegner; Mary Sue Jones and Diane Kelly, Senate staff; Bonnie Alexander, Sue Frieders and Terri Franks-Smith, House staff; Kent Kuntz, Idaho State University; Rakesh Mohan, Office of Performance Evaluations; Jeff Tucker, Idaho Public Television; Betsy Russell, Spokesman Review; and Dustin Hurst, Idaho Reporter. Legislative Services Office staff in attendance included Jeff Youtz, Sheila Ison, Mike Nugent, Cathy Holland-Smith, Don Berg, Glenn Harris, Katharine Gerrity, Eric Milstead, Ryan Bush, Matt Ellsworth, Richard Burns, Paul Headlee, Keith Bybee, Robyn Lockett and Shane Winslow.

Consideration of the June 3, 2011 Council minutes was delayed pending further review. Later in the meeting, Senator Davis moved to accept the minutes with minor clerical modifications. Senator Hammond seconded the motion, which passed unanimously.

### **LSO Director's Report**

Legislative Services Office Director Jeff Youtz introduced four new staff members who had been hired to fill vacant positions: IT Specialist Jeremy Larsen and Auditors Greg Stalling, Karina Myles and Andrew Montz. Speaker Denney welcomed the new staff to the legislative family, saying they would find the work both challenging and rewarding.

#### *Strategic Plan*

Mr. Youtz outlined the draft FY 2012 Strategic Plan by goal and objective. Representative Rusche said he hoped there would be increased budget support staff for legislators not serving on the Joint Finance-Appropriations Committee (JFAC). In response to a question from Representative Rusche about video conferencing capability in committee rooms, Mr. Youtz said options had been discussed by the Capitol Services Committee, and the decision had been made to recommend to the Council that fiber cable be pulled in the Capitol to increase committee hearing room communication capacity in the future. He went on to say that House Committee Room EW42 and Senate Committee Room 55 have already been wired for video conferencing.

The Council approved the FY 2012 Strategic Plan as presented on a motion by Senator Hammond and a second by Senator LeFavour.

### ***FY 2013 LSO Budget Request***

Mr. Youtz presented for the Council's consideration two options for the Legislative Services Office FY 2013 budget request. The first option was for a maintenance-of-current operations (MCO) budget. The second option included funding for two unfilled LSO positions, one budget analyst and one auditor. Mr. Youtz explained that of the 65 FTEs authorized by the Legislature for the Legislative Services Office, only 62 are currently filled, largely due to budget constraints during the last few years.

In response to a question from Senator Bair, Mr. Youtz said the service level of staff has not dropped, but that having fewer staff doing more work is creating more stress on employees to get the job done. There have been continuous requests from legislators for more budget assistance for other committees, and Budget and Policy Analysts are busy providing assistance to JFAC. The Legislative Audit Division doesn't have enough staff to cover the hours needed to complete the required work. Auditors are working so much overtime to keep up with the demands that Division Manager Don Berg has had to pay employees for comp time earned; there is too much work to be accomplished for staff to take the time off.

Speaker Denney asked if paying employees for comp time costs as much as adding another employee. Mr. Berg said, yes, because the nature of audit work is that it doesn't go away, the cost of the work doesn't drop and the deadlines don't change. The total cost of doing audits is finite; you either have enough staff to do the job or you have to pay fewer staff more in paid comp time. He does not have a sufficient number of employees to get the job done.

Manager Cathy Holland-Smith, Budget and Policy Analysis Division, said she recognized her staff has not been able to provide as much support to germane committees during the session as they would have liked, but that during the interim they had been providing a lot of support as a result of health care reform, stimulus projects and other initiatives. She said she recognized there were legislators requesting certain projects and that some support needs were not being addressed, but she does not know of a time when an analyst said they couldn't do something for a legislator. It may be they cannot do something right away, but not that they can't do it at all.

Mr. Youtz, in response to a question from Senator Malepeai, said he didn't think any staff had left the Legislative Services Office due to burn-out, but rather to accept other jobs when they've been offered terrific opportunities. The average tenure of legislative staff is fairly long.

Representative Rusche said he was concerned that without enough staff to meet legislators' needs, the Legislature would have an increasing dependence on and would forfeit some of its responsibilities and power to both the Executive Branch and to private entities that come before the Legislature.

Representative Eskridge said he was concerned with the message the Council would be sending if it approved a request for higher expenditures for the Legislative Services Office. The economy is not yet reporting significant growth, and the Legislature shouldn't be increasing government costs at a time when the private sector is still struggling.

Senator LeFavour noted that the Legislature has been cutting staff and cutting government for more than four years, since the beginning of this recession. She said that looking at the cuts and some of the outcomes might show that some of the cuts don't really save money. In the Audit Division, for example, the work will have to be paid for one way or another. There is a tendency to want to make everything smaller and to cut everything. Some of the cuts, however, have an impact on the private sector. When the Legislature freezes spending on construction projects, lays off employees or cuts salaries, the ability of those employees, projects and private contracts to do their work for the economy is compromised. Two-thirds of the economy is consumer spending, so when those state workers don't have the money to spend, private businesses are affected.

Senator Hammond said he recognizes the challenge to the Legislative Services staff, but doesn't see a state budget coming forth that will allow for anything but an MCO budget. Senator Hammond moved, with a second by Representative Collins, that the Council recommend an MCO budget for the Legislative Services Office to JFAC.

Representative Rusche made a substitute motion for the Council to endorse an LSO budget with increased funding for two positions. Senator LeFavour seconded the motion. The substitute motion failed. The original motion, endorsement of an MCO budget for the Legislative Services Office, then carried on a voice vote.

### **Interim Committee and Task Force Reports**

Research and Legislation Division Manager Mike Nugent reported that the Energy, Environment and Technology Interim Committee met in Boise on September 28-29 and on October 20 to consider revisions to the 2007 Idaho Energy Plan, which statute requires be reviewed every five years. The public was invited to comment at public hearings and to submit written comments for posting on the Legislature's website. The committee will meet again November 21-22 to update the State Energy Plan.

Legislative Research Analyst Katharine Gerrity updated the Council on activities of the Natural Resources Interim Committee. The committee met in Boise on August 29-30. Members received an update from the Department of Water Resources regarding various water storage projects and aquifer management efforts. The majority of the meeting was devoted to panel presentations by the Idaho Department of Lands relating to the management of state endowment trust assets. It is anticipated that another meeting will be held prior to the beginning of the 2012 session.

Legislative Research Analyst Ryan Bush reported on the Health Care Task Force. At a meeting held in Boise on August 20, task force members heard from state officials about the Idaho Health Insurance Exchange. They also heard presentations from stakeholders about the impact of federal health care reform on private companies. Other items on the agenda included updates on the High Risk Reinsurance Pool, the Idaho Immunization Program and Medicaid reforms. The task force met again October 4. Members were presented with information about the first year of operation for the Allumbaugh House, Boise's first sobering, detox and crisis mental health facility. Representatives from the Department of Health and Welfare gave an update on the Molina system, Medicaid reforms and the department's budget. The agenda also included an update on health insurance exchanges and information about how other states are complying with federal health care reform. Another meeting is scheduled in Boise on November 17.

The Council then received a briefing about activities of the ATV Task Force from Legislative Analyst Eric Milstead. On September 27, members heard testimony and presentations from representatives of the Idaho Department of Fish and Game, the Idaho Department of Parks and Recreation, ATV user groups and representatives from other stakeholders and members of the public. The primary focus of the task force has been on issues related to Fish and Game's motorized hunting rule and the extent to which that rule has impacted ATV users. The task force has also heard testimony regarding a memorandum of understanding between Fish and Game and the National Forest Service related to land management issues and road and trail closures. At the September meeting, the task force asked for an opinion from the Attorney General's office regarding whether current statutes provide Fish and Game with the authority to promulgate and implement the motorized hunting rule. An opinion since received is now under consideration by task force members.

Senator Hill asked if there is a resolution to this situation and, if so, if the resolution is close at hand. Senator Bair, co-chair of the ATV Task Force, said there still is a need for clarification of some administrative rules, but he thinks a resolution is possible. The Department of Fish and Game and the Department of Parks and Recreation are being encouraged to work together efficiently toward a satisfactory resolution.

## **Capitol Services Committee**

Co-chair Chuck Winder, Capitol Services Committee, submitted for the record an outline of the committee's meeting from the previous day and reported on Capitol projects that had been completed during the interim:

1. JFAC room acoustics
2. Capitol Auditorium media area wiring
3. Signing throughout the building
4. Added benches and public lounge seating
5. Sound system improvements in the 4<sup>th</sup> Floor Public Galleries
6. Sample shelving for House & Senate floor desks
7. Fan and HVAC noise improvements in several locations
8. Rotunda Guidelines & Map (now includes first floor)

Senator Winder said the consensus of committee members was to designate committee chairman suites by the number of each committee's secretarial office. The committee also agreed to allow some public displays on the first and fourth floors of the Capitol. They will not be permitted on the Garden Level and third floor. Facility improvements for the Senate flex room are pending, including a raised dais floor, boardroom style conference table and public seating arrangements.

The Capitol Services Committee discussed a possible art project for the tunnel running between the Capitol and other areas of the Capitol Mall. Members voted in support of a motion to recommend to the Council the use of Ward Hooper's "44 Counties" art series for the tunnel. The posters would be printed on 4' x 4' wrapped canvases. Relocation funds will be used to cover the cost. The Department of Administration has agreed to paint over the current high school art. Any existing murals deemed to be historically significant will be preserved.

Senator Winder reported that the committee was very supportive of an idea from the First Lady to have a statewide art competition for high school students, with winning art to be displayed in different parts of the Capitol and perhaps in the tunnel.

The Capitol Services Committee approved a motion to recommend to the Council the use of dining room meal cards for another year, the second year of the vendor's two-year contract. Lunches can't be pre-ordered unless a member has purchased a meal card or pre-payment is made. Senator Hammond moved for approval of the recommendation from the Capitol Services Committee to continue with the pre-paid card system for the dining room. Senator Bair seconded the motion.

In response to a question from Senator Davis, Senator Winder said the prepaid card system was not a part of the written contract with the vendor, but rather an operating decision to allow the dining room to function as well as possible for both the Legislature and the vendor. Senator Davis then asked if it is contemplated in the motion to continue the use of prepaid cards that legislators may opt out, or is there an expectation that all legislators are required to purchase a card for some nominal initial amount. Senator Winder said the expectation was that everyone would be required to participate but that the Speaker and the Pro Tem would have discretionary authority to exempt a legislator who requests exemption.

Senator Hammond noted that some legislators are greater users of the dining room, but all pay for the privilege of having that service available. The dining room is a fairly marginal operation. With the ability of the Speaker and Pro Tem to allow someone to opt out, the Legislature needs to continue the card system to help make the service available for all legislators.

In response to a question from Senator LeFavour, Speaker Denney said the base amount charged for the prepaid cards is \$150. Members will, however, be able to go to the Speaker and Pro Tem and ask to be allowed to purchase a lesser base amount.

Senator Hill noted that it really is a convenience for the Legislature to have the dining room service available for legislators and their constituents, even those who only use it occasionally. He added that legislators had been fairly happy with the service provided and that this was the last year of the vendor's contract. Unless some assurance or security is provided for this marginal operation, the Legislature may have a hard time resigning this vendor or finding another one at the end of her contract next year.

Representative Moyle, saying there were members of the House for whom this would be a hardship, asked for confirmation they would be able to opt out. Speaker Denney said that exceptions were made last year and could be again. Representative Eskridge said he concurred with Representative Moyle and that he knew of several House members opposed to having to buy prepaid cards. He recommends a lesser minimum or flexible requirement as to how much has to be spent.

The Speaker called for a vote on the motion to continue the prepaid card system at a minimum cost of \$150 per session for another year, with the Speaker and Pro Tem having the authority to allow members to opt out or to pay a lesser initial amount. The motion carried.

Senator Winder reported that the Capitol Services Committee had discussed draft guidelines for news media access in the Capitol and was asking the Legislative Council to clarify a section

regarding media access to the Capitol's back elevators. Once the guidelines have been clarified and approved by the Council, written copies will be distributed to the media, security, committee chairmen and all legislators so everyone knows the rules and they are enforced uniformly.

Mr. Youtz pointed out two minor wording changes to the guidelines that were suggested at the last Council meeting: adding the word "may" in number 4 and the phrase "with prior consent of that committee chairman" in number 6. He said there remained a question regarding guideline number 2 as to whether it was the intent of the Council to allow the media to have access to the back elevators; the record on that issue is unclear.

Senator Hill brought up the question of security in connection with allowing media access to back elevators, noting that a great deal of effort was taken to make security a top priority during the Capitol restoration project. He wondered if it was a breach of security to have people legislators don't readily recognize be able to access the back elevators that open right into the legislative hallway. The consensus of the Council was that the discussion underway was dealing with media access, and that security issues could better be addressed in a different forum.

Following further discussion, Senator Davis made a motion to modify the language of the draft media access guidelines and to add a guideline as follows:

Guideline 2. ~~They~~ Correspondents also have full access to ~~all~~ hallways and ~~back hallways~~ areas, ~~plus the elevators to seek interviews with members.~~

Guideline 4. During joint sessions, including for the State of the State address, additional chairs may be added . . .

Guideline 6. Correspondents may go behind the committee members' seating areas to film or photograph those testifying to a committee when needed with prior consent of that committee chairman.

Guideline 8. The presiding officer may make ad hoc modifications to these guidelines to maintain decorum.

Following a second by Representative Rusche, the motion passed unanimously.

Representative Eskridge asked about shelving for floor desks. Senator Winder said the Capitol Services Committee has asked Legislative Services to look at the design of a standardized shelving model that would look nice beneath floor desks, as an option for legislators to use.

Senator Winder then summarized a motion adopted by the Capitol Services Committee recommending that an expenditure of \$6,000 be authorized by the Council for Idaho Public Television to pull cabling to other committee rooms to enable future video streaming. Senator Winder noted that the expenditure at this time would be a significant cost saving, given that other cabling work is currently underway in the Capitol Auditorium. On a motion by Representative Rusche and a second by Senator Hammond, the Council unanimously approved the \$6,000 expenditure for additional cabling work.

Representative Moyle asked what the Capitol Services Committee was recommending regarding preservation of the murals currently painted in the tunnel. He said he would not want to see the murals, which have been in the tunnel for such a long time, destroyed. Senator Winder said the

committee had discussed having the Legislative Services Office identify murals that might have some historical significance. Those could be preserved and the others painted over, and new art could then be displayed.

Mr. Youtz explained that the Arts, History and Culture Subcommittee of the Capitol Commission recommended two years ago that it was time for a new generation of high school artists to participate in a tunnel art program. The Capitol Commission agreed and recommended that the old murals be painted over and a competitive call be put out to all high school art departments in the state for a juried competition with 40 or 50 student artists selected to participate in the tunnel art project. Because of timelines involved in moving back into the Capitol, the project was put on hold. Representative Bedke brought the project up again at the spring 2011 meeting of the Capitol Services Committee, and the Legislative Council followed with a vote for staff to develop some options for a tunnel art program for later consideration.

Earlier this fall, Mr. Youtz met with First Lady Lori Otter and her staff, together with Department of Administration Director Teresa Luna and her staff, to discuss some options. He said he thought sponsorship by the First Lady would elevate the project and create an incentive for the high school artists to participate. The First Lady suggested that the project go the route that the Capitol Services Committee ultimately endorsed – not to paint directly on the walls, but instead to use framed canvas art utilizing artist Ward Hooper’s 44 Idaho county series. She pointed out that while it would be easy for Treasure Valley students to participate, it would be very difficult for high school students from far-flung districts of Idaho to take part.

Mr. Youtz said that the intent is to paint over the old tunnel murals, with the exception of one or two murals to be preserved. Then the canvas-wrapped Ward Hooper pictures would be hung in the tunnel, which is not a public walkway; it is open only to legislators and state employees. Mr. Youtz noted that it might be more important to high school students to display their artwork in the wings of the Statehouse itself, as part of the rotating art displays. The winning high school art submittals would become part of the rotating displays, hanging for three months and garnering more notice and publicity for the student artists than art in the tunnel might.

In summary, Mr. Youtz said, the Capitol Services Committee was recommending to the Council that the Ward Hooper art be hung in the tunnel, with one or two of the murals preserved as historic, along with the anti-drug mural, which is fairly new. The Hooper art would be hung before the 2012 session, giving staff time to create a more well-developed art competition for students, with defined subject criteria such as Idaho history, people in history or special events.

Representative Moyle said he liked the idea of hanging art work and being able to move it, saying that makes it possible not to paint over the murals, but to leave them in place and hang framed art over them. Once the original murals are painted over, he said, they’re gone. There is no reason to paint over them when you can cover them with a frame. He questioned whether the Council has the authority to make decisions about the tunnel. Speaker Denney agreed and said he thought the Department of Administration had control of and was responsible for the tunnel.

Senator LeFavour noted that the murals could be preserved photographically, that the ability to digitize is very impressive. She said there are also adhesive white coverings that could be used to cover the murals and said she would favor new art in the tunnel, but could see the historic value of preserving the original art in some way so they would be on record.

Senator Bock voiced his agreement with Representative Moyle about preserving the murals, but thought the suggestion of covering them up with canvases was worthwhile. Though the Council may not have the authority, the recommendation could be passed on to the Department of Administration. Mr. Youtz noted that the Ward Hooper canvases would be four feet by four feet in size, which would not cover the floor-to-ceiling murals in the tunnel that measure eight by eight feet. He said perhaps masonite board or something like it could be hung over the murals if painting over them is not something the Council can recommend. He thought they could be covered relatively inexpensively.

Senator Winder asked if Curator Michelle Lynch of the Idaho Historical Society, who had attended the Capitol Services Committee meeting, has the expertise to deal with these issues. Mr. Youtz said yes, she does and could be involved in the project. Representative Pence voiced her support of preserving the murals photographically, which she said would likely be far less expensive than the big sheets and the construction that would be involved in covering over the murals. Mr. Youtz suggested keeping a digital library of the art in the tunnel as it is changed out over the years as a means of preserving the history.

Representative Moyle made a motion to recommend that the Department of Administration do all it can to preserve the existing murals by covering them until some final action can be decided, that the tunnel murals not be painted over. After a second by Senator Bock, the motion passed unanimously.

Senator LeFavour recommended that the Idaho Commission on the Arts be involved in any future student art competition. Mr. Youtz said the competition was still in the planning stages and that when it is developed, the topic would be brought back before the Council to make decisions regarding who will sit on the panel that judges the student art submissions.

## **2012 Legislative Session Plans**

Pro Tem Hill reviewed the draft 2012 Legislative Calendar, in which, the Pro Tem noted meaningfully, there was no calendar for April. The Economic Outlook Revenue Assessment Committee will meet on Thursday and Friday during the first week of January. Senator Hammond recommended the committee meet a full day on January 5 and a half day on January 6, to better accommodate member travel schedules. The session will convene on Monday, January 9. Pro Tem Hill continued pointing out the important session dates for the first three months of the year. There was some discussion about the deadlines that fall on a Saturday, such as the personal bill deadline. The consensus was that the Legislature would reflect the legislative day required by Senate and House rules on the written calendar, but that the working due dates for the items that fall on Saturdays would fall to the next business day the Legislature meets. The Pro Tem noted that the target date for JFAC to complete appropriation decisions had been moved up two days from last year, and Manager Cathy Holland-Smith, Budget and Policy Analysis Division, confirmed the accuracy of that target date.



## **Budget Update**

Budget and Policy Division Manager Cathy Holland-Smith began her presentation by telling the Council that Amy Johnson had left her analyst position with the division to accept a position at Boise State University. Former Capitol Services Coordinator Robyn Lockett then accepted an offer to join the Budget and Policy staff as an analyst, with assignments in general government and transportation. Ms. Holland-Smith reminded the Council of assignment shifts in the division. Matt Ellsworth now has responsibility for the Department of Health and Welfare and health-related services. He has been supporting the Legislature's Health Care Task Force this interim, as well as Representative McGeachin's effort to conduct a separate health-related committee meeting with many legislators invited to participate. Both Mr. Ellsworth and Budget Analyst Keith Bybee have been very involved in the state's health insurance exchange discussions.

Mr. Bybee also has been busy providing staff support to the Redistricting Commission, and is being trained by long-time Budget Analyst Ray Houston to take over responsibility for revenue forecasting and support of the Economic Outlook and Revenue Assessment Committee. It's vital to the institution to have the most talented and experienced staff to begin training younger staff members well in advance of inevitable retirements. Ms. Holland-Smith said she couldn't be more proud of her staff and the quality work they produce. She went on to remind the Council that the latest edition of the Fiscal Facts has been printed and delivered to legislators and is also posted online. She concluded her general remarks saying the Joint Finance-Appropriations Committee will be meeting on December 15 and 16 in Boise.

Looking forward to the FY 2013 budget to be set during the 2012 session, Ms. Holland-Smith presented three budget scenarios to the Council – scenarios representing 3 percent, 4 percent and 5 percent growth in revenue. A 3 percent revenue growth in the coming fiscal year would result in enough money for the state to fund all the costs needed to keep state services at their current level and to transfer \$26 million to the rainy-day fund. If revenue growth exceeds 3 percent, there would be money left to address additional budget requests. Pro Tem Hill noted that the figures presented by Ms. Holland-Smith show that the state is at least headed in the right direction. Mr. Youtz summarized the discussion by noting that the Legislature, for the first time in several years, will have some options and will be facing a manageable budget situation.

## **Constitutional Amendment Ballot Statements**

Mr. Youtz briefed the Council on proposed changes to the ballot statement timeline to increase the fairness of the process and to give interested parties the opportunity to comment on the final language in one, final open hearing.

Senator Davis questioned whether addition of a public hearing to the process was necessary, noting that the problem that developed the last time amendment statements were reviewed was an aberration. Mr. Youtz said he thought the Council could forego a public hearing, as long as it makes and enforces a policy not to allow any interest groups to address the Council on the final ballot statement language.

The Council voted unanimously, on a motion by Representative Rusche and a second by Senator Bock, to accept changes to the timeline language as written below:

### **April (fourth week)**

Complete the first drafts by staff and send to the Legislative Council, legislators, statewide elected officials, citizens and interests groups for review and submission of written comments.

### **May (third week)**

Send out final drafts to the Legislative Council, legislators, statewide elected officials, citizens and interest groups.

### **June Legislative Council Meeting (first week)**

Final edit decisions and approval made at the June Legislative Council meeting. There will not be public testimony.

## **Verbal Roll Call for Committees**

Speaker Denney informed the Council he had received several comments from people listening to committee meetings through Internet audio stream that they would like to know which committee members are in attendance. He wondered if it might be a positive move to require committees to take verbal roll call, but said he was inclined to leave it up to the discretion of each committee chair. Many times legislators must come and go during meetings and a verbal roll call may leave the wrong impression with listeners that a legislator is absent when, in fact, he is in attendance for most of a meeting. Representative Killen said taking verbal roll call was an easy thing to do and may help the process, but there should be a mechanism to identify those who arrive after the roll is taken or those who leave after roll is taken. Speaker Denney said it could get very cumbersome and that's why he chooses to leave it up to his committee chairmen. Representative Eskridge agreed, saying many legislators have competing interests and a verbal roll may give listeners the wrong impression of who is or isn't in attendance.

## **Technology Update**

IT Division Manager Glenn Harris briefed the Council on a list of activities accomplished during the session. In all, he thought it had been a successful session for the IT staff, and a legislator survey of Helpdesk quality of service received a 4.8 rating out of a possible high of 5. He reported that a pilot project conducted during the 2011 session of real-time notification of committee action via social media had been successful. The service will continue during the upcoming session and be offered to any committee chair and secretary who want to participate.

The Ad Hoc Advisory Committee on Technology was unanimously supportive of a pilot project to determine the direction of the Legislature regarding tablet computers. The purpose of this pilot project is to help determine what will replace legislators' four-year-old laptops in FY 2013. Legislators who own a device will be encouraged to use them exclusively and report back on their experiences. Four iPads and four android tablets have been purchased for testing by legislators who do not own a tablet. These eight devices will be rotated among interested legislators for use and feedback to the IT Division. Mr. Harris will be contacting legislators about the pilot project and will develop a tablet-use schedule based on legislator interest in participating.

Mr. Harris described changes to the GEMS system and the efforts that have gone into making the

system more user friendly for committee staff. A user group was formed to improve communications between IT staff and staff of the Senate and House and to serve as a clearinghouse to review new requests and changes within GEMS. New, faster laptops have been purchased for committee secretaries. New style sheets, redesigned committee reports and improved flow on the GEMS screen are among the many changes made during the interim to make using GEMS a more positive experience for staff.

## **Ongoing Special Committees and Task Forces**

The Council considered a list of 43 ongoing legislative committees to see if any could be eliminated. Senator Hill identified five committees for Council consideration. Two of them could simply be eliminated: Commemorative Medallion Committee and Environmental Common Sense Task Force. Three committees would require legislation to eliminate: Idaho Hall of Fame Building Advisory Board, Pacific States Radioactive Material Transportation Committee, and the State Trust for Outdoor Recreation Enhancement Grants Award. One committee still in existence requires legislation to change its name to reflect its current designation: Western States Transportation Agreement. A motion to authorize that a bill be written to effect these changes during the upcoming session, made by Pro Tem Hill and seconded by Representative Collins, passed unanimously.

Pro Tem Hill asked to revisit the membership of the Energy, Environment and Technology Interim Committee, on which the Council voted at its spring 2011 meeting. Pro Tem Hill noted that the committee had in the past always had two Democratic senators appointed and that the ratio of Democrat and Republican legislators supported the appointment of two. On a motion by Pro Tem Hill and a second by Representative Rusche, the Council voted its approval of the appointment of a second Democratic senator to the Energy, Environment and Technology Interim Committee.

Representative Rusche, in response to a question from Senator Bair about the State Hospital North Advisory Board, explained that the group meets twice a year in Orofino. Legislators who have served on the board have found it very helpful, particularly because representatives from the Department of Health and Welfare, Mental Health Division, also are on the board, so members are kept well informed about the status of mental health services in the area.

## **Legislative Audits**

Manager Don Berg, Legislative Audits Division, described the scope of work the audit staff had performed during the FY 2011 audit period: the Statewide CAFR, 11 agencies; the Statewide Federal Single Audit, 24 major programs at 7 agencies; separate audits of 10 entities (7 Health Districts, 2 DEQ Water Loans, and PBS); and management reviews of 22 agencies.

Mr. Berg reported that ARRA stimulus funds of \$664 million had been expended through July 2011, and \$108 million in funds remain. Ten programs have been added to the Single Audit workload as a result of ARRA. In addition, the Audit staff has been dealing with new accounting standards and requirements to address ARRA funding and reporting.

The workload has increased to such an extent that the Audit staff is working a great deal of overtime to meet the CAFR and Federal Single Audit deadlines. As Mr. Berg explained, the

auditors are working so much overtime to keep up with the demands that he has had to pay employees for comp time earned; there is too much work to be accomplished for staff to take the time off. He had just gone before the State Board of Examiners to request permission to pay off comp time, which he received.

Mr. Youtz noted that the Judiciary, by statute, is exempt from needing such authorization from the Board of Examiners. The Council then discussed the possibility of legislation during the next session to effect the same separation of powers for the Legislative Branch. Senator Davis voiced support for the concept and wondered if there was any reason not to support such a statute change. Following further discussion, the consensus of the Council was to prepare and run such legislation during the 2012 session.

Pro Tem Hill expressed his appreciation for all the work being accomplished by the Audit staff. In response to a question he asked regarding the management reviews being done every three years, Mr. Berg explained that the schedule is required in statute 67- 702, which delineates the Legislative Audit Division responsibilities.

Mr. Berg concluded his presentation with a description of other activities in which he's involved, serving on the Fiscal Policy Advisory Committee to amend the state travel policies and development of a state government fraud hotline. Idaho is one of the few states without one.

## **Office of Performance Evaluations**

Speaker Denney welcomed OPE Director Rakesh Mohan and congratulated him on an award the office had recently received, the Alva and Gunnar Myrdal Government Evaluation Award. Mr. Mohan briefed the Council on three reports that will be released at the next meeting of the Joint Legislative Oversight Committee on November 30:

1. Equity in Higher Education Funding – this report will outline the process for funding Idaho's four-year institutions and describe the concept of equity and its history in Idaho, explain how the enrollment workload adjustment formula works, describe efforts of the State Board of Education and Legislature to address equity, and make recommendations to facilitate reaching resolution on the decades-old issue.
2. Renal Disease Program – this report will describe Idaho's end-stage renal disease program, its eligibility determination process, identify any duplicate medical expenses covered by other programs, and discuss options for the Legislature to consider.
3. Distribution and Sale of Liquor – this report is a follow-up review of a report released in January 2011 that will evaluate the Liquor Division's progress on four recommendations: implement annual training for employees, establish formal criteria for new store placement, track customer purchases by zip code, and identify any store that could further benefit the state by relocating, expanding, closing, or converting to a contract store.

OPE is currently working on three additional reports for release in January 2012:

1. Barriers to Pursuing Post-secondary Education
2. Molina-Medicaid Follow-up
3. Idaho State Lottery

In response to a question from Representative Rusche, Mr. Mohan said the report on Molina would, to some extent, include issues related to contracting, oversight and project management.

Representative Eskridge asked if the Distribution and Sale of Liquor report would include analysis of store hours and their effect on sales. Mr. Mohan explained that the original report did not include that particular recommendation, so the follow-up report would not address it. He recommended Representative Eskridge write a letter to JLOC requesting that OPE conduct research on the issue of liquor store hours of operation and resulting revenue.

Mr. Mohan, in response to a question from Senator Hill, said the report on equity in higher education would not include a new funding formula, rather it would explore communication gaps and other issues related to the funding process that need to be addressed.

There being no further business, Senator Davis moved, with a second from Representative Pence, that the meeting be adjourned. The motion carried and the Speaker adjourned the meeting at 2:15 p.m.