

**LEGISLATIVE COUNCIL**

**Capitol Building  
Senate Majority Caucus Room  
Boise, Idaho  
June 8, 2012**

**MINUTES**

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

Also in attendance or participating in the meeting were Senator Chuck Winder and Representative Scott Bedke; Mary Sue Jones and Diane Kelley, Senate staff; Bonnie Alexander, Sue Frieders and Terri Franks-Smith, House staff; and Rakesh Mohan, Office of Performance Evaluations. Legislative Services Office staff in attendance included Jeff Youtz, Michelle O'Brien, Glenn Harris, Cathy Holland-Smith, Mike Nugent, April Renfro, Robyn Lockett, Keith Bybee, Katharine Gerrity, Eric Milstead, Brooke Murdoch, Terri Kondeff, Dena Darpli, Amy Brown, Colin Gallaher, Justin Powell and Brandon Rigby. Also present were Betsy Russell, Spokesman Review and Dave Goins, Idaho Press Tribune.

Minutes of the October 25, 2011 Legislative Council meeting were approved, with clerical modifications on page one, by a motion from Senator Hammond and a second by Representative Collins. The minutes were accepted after a comment from Representative Rusche to clarify his statement at the earlier council meeting.

**LSO Director's Report**

Mr. Youtz began the director's report by discussing the LSO Staff Performance Survey results. There were 59 total respondents to the performance survey. The survey of the Research and Legislation division showed a grade of 97% in helpfulness; 94% in quality of work; 96% in timeliness; 97% in confidentiality; 95% in objectivity and nonpartisanship; 100% in courteousness and professionalism; 96% for the services of the Library; 96% in staff support for interim committees; 86% in satisfaction in the administrative rules process with the aside that no one enjoys the rules process, yet it is very important. The final grade for Research and Legislation in overall satisfaction was a 95%.

The next survey results were for the Budget and Policy division. This division had a 91% in helpfulness in addressing concerns and interests; a 93% in quality of work; 92% in accuracy and timeliness; 94% in maintaining confidentiality; 93% in objectivity and nonpartisanship; 98% in

courteousness and professionalism; 93% in budget reports for legislators; 95% in their support for interim committees and a 95% for overall satisfaction with the division. Representative Rusche indicated that there were 6 legislator comments directed to the inadequacy of staffing. Mr. Youtz stated that with the restoration of a budget analyst position this past session, many of those concerns could be addressed.

The Legislative Audit division's survey results were discussed following Budget and Policy. The Audit division received a 90% in responsiveness in answering questions; 92% for technical proficiency; 90% in confidentiality; 90% in maintaining objectivity and nonpartisanship; 92% in courteousness and professionalism; and a 90% in overall satisfaction. Mr. Youtz indicated there were more responses with "no opinion" on the Audit division, because the Audit staff does not have many opportunities to work directly with the legislature. The Audit staff used to present Legislative Audits to JFAC, but now the audit reports are made to the co-chairs of JFAC, who then release the reports to the legislature, the media and the public. Representative Rusche made the statement that perhaps Audit staff could also indicate what agencies could do better, not just what they are doing wrong, and further stated that germane committees would be a good way for audit reports to get more legislative interest.

Information Technology division's survey was reported on next. They were given a 96% for their technical proficiency; 97% in accuracy and timeliness; 95% in support from the Help Desk; 98% in objectivity and nonpartisanship; 98% in courteousness and professionalism and an overall satisfaction grade of 96%.

Mr. Youtz also included "Director of Legislative Services" to the survey as well. The survey report for the director showed a 93% in overall management of the divisions, functions and people; a 93% in maintaining objectivity and nonpartisanship and an overall performance and representation of the best interests of the Legislature grade of 93% as well.

Mr. Youtz was pleased with the responses received from the legislators on the survey. He also acknowledged the co-chairs of JFAC, Representative Eskridge, Senator Bair, Speaker Denney and Pro Tem Hill for their support of the LSO appropriation this past session which restored two critical positions, provided salary equity for executive level staff, and also restored some travel and training costs. LSO is in great shape now and Mr. Youtz wanted to take a moment to express the agency's gratitude to the Legislature for their support.

Mr. Youtz introduced the new LSO staff members who have come on board since the last Legislative Council Meeting. They are Terri Kondeff, who replaced Kathaleen Gallaher as the HR/Fiscal Manager; and Amy Brown, Dena Darpli, Colin Gallaher, Justin Powell and Brandon Rigby, who filled vacant positions with the Audit division. Budget and Policy will be hiring their new analyst soon. Mr. Youtz then turned his time over to his division managers beginning with April Renfro, Legislative Audits, who replaced Don Berg upon his retirement.

Ms. Renfro began her time by reviewing what has taken place since the October 2011 Legislative Council meeting. The statewide CAFR was completed on December 23, 2011 with 6 findings. The

statewide Federal Single Audit was completed on May 11, 2012 with 25 findings. Of the separate entity audits, three were completed as of May 11<sup>th</sup> and the other seven are in progress. The management reviews are either in progress or completed. Those that are in progress will be finished by July 1, 2012. There were new audit and accounting standards issued during FY12, and changes to the federal Single Audit are being contemplated as well. Ms. Renfro reviewed the status of the Audit staff, and they have currently filled all of their vacant positions and are at a total of 28 positions filled. In addition, several of the staff members are currently studying and testing for the CPA exam. It is important to the Audit division that they have the same professional standards as a CPA firm.

The next division manager to report on the 2012 session was Cathy Holland-Smith with the Budget and Policy division. Ms. Holland-Smith began by thanking the Council for the new analyst position they received and stated that the hiring process should be complete next week. During the session JFAC did hold a single public testimony hearing based on the same format as last year, where the committee listened to testimony but did not ask questions of the speakers. It was, once again, a positive experience for all involved. They kept the same three-week schedule for budget setting, and all budgets were set during this time. Both the public schools budget and the Medicaid budget were set at the last of the three-week schedule due to the fact there was a slight wait for enabling legislation to pass both bodies. Two trailer bills were ruled on during the last week of March. Budget and Policy prepared and tracked 90 appropriation bills which were 21 more than last year. The sound quality in JFAC was much improved with the acoustical panels, speakers, cushions on the benches, and the repositioned speakers. There has been positive feedback from committee members and staff about the improved sound quality. Pro Tem Hill offered his thanks to Ms. Holland-Smith and her staff for their hard work.

Mike Nugent, division manager for Research and Legislation, felt the session went quite smoothly even though they had a senior analyst retire and a senior proofer out on medical leave. There were fewer errors than the preceding session, even though the number of bills was up a little. This is due to changes made in staff procedures. Redistricting posed a challenge during session. The Legislative Librarian was one of the key nonpartisan staff and that necessitated other staff members providing support to the library when needed. Mr. Nugent wanted to give thanks to the Secretary of the Senate and the Chief Clerk of the House for their great job during session, which resulted in fewer overtime hours for his staff. The Council of State Governments West Legislative Council on River Governance will meet in Boise during the month of August, and Research and Legislation will provide the staffing for the meetings. Mr. Nugent closed with a request to investigate ways to maximize efficiency of the existing copy machines as they are being heavily used, especially the color copier towards the end of session.

Next on the agenda was the session breakdown from the Information Technology division. Mr. Harris began with how the wireless network performed during session. There are few “dead” spots in existence and connectivity was greatly improved. The printers had high color usage towards the end of session, which required replacing the cartridges. Few email accounts reached their maximum capacity this year. The Pro Tem asked if it was possible to create an auto archive feature, and Mr. Harris answered that it will not work with the web access-based email. Mobile streaming was

available this session and it was viewed by 23% of the members. Senator Davis indicated that at the beginning and middle of the session the mobile streaming worked better than towards the end of session when he could not access it at all. Mr. Harris thanked the senator for his feedback and will look into the issue.

The Legislative Technology committee recently met and Mr. Harris will be presenting a proposal to leadership on the replacement of legislator laptops. The iPad and Android tablet pilot project included 27 legislators trying the tablets and providing feedback. The results were that legislators would still need a laptop, and use of personal tablets for additional convenience would be an individual's choice. GEMS was a success this year for the committee secretaries. A combination of new laptops, much improved training and improvements to usability resulted in a high level of satisfaction with GEMS.

I.T.'s survey of legislators provided the following conclusions: 50% of legislators would like a lighter laptop, 90% print legislation daily or weekly, 66% print in color at least occasionally and that the I.T. Help Desk received, on a 1 to 5 scale, a 4.95 in quality of service; 4.81 in response time and a 4.44 in their training classes. The attaché survey findings concluded that 88% were satisfied or very satisfied with the computer speed; 92% were satisfied or very satisfied with the computer reliability; 86% of the attachés rarely or never print and mail documents; 69% use the calendars often; 56% felt they were adequately prepared for word processing tasks; 58% were well prepared to manage their own email; 45% were well prepared to manage legislators' email and 46% felt they were well prepared to use GEMS, with 54% being adequately prepared. The I.T. staff were very happy with these results. Senator Bair asked if educating legislators on the cost of printing would help reduce printing expenses. Pro Tem Hill indicated they could discuss it and address this point later.

The Committee moved on to discuss whether there is a need to continue printing the Weekly Bill Status and Final Bill Status. Pro Tem Hill stated that he didn't know if they necessarily needed to rule on this now but it is open for discussion. The sergeants-at-arms report that in the House, three representatives want the weekly report, and in the Senate 31 senators want the report. The cost to print the weekly report is approximately \$3,300 a year. The fact that this report is available online should reduce the number of hard copies printed each week. The Final Bill Status report is also available online. The cost to print this report is approximately \$2,200 a year. The Pro Tem and Speaker would like feedback from the Council members on this matter. Senator Bair does not use either the Final Bill Status or the Weekly Status report. Senator Hammond did not use the weekly report when he is using an iPad. Pro Tem Hill reminded the council that the weekly report is out of date by Monday. Senator Davis does like the Final Bill Status and perhaps they could be printed only for those who request them. He stated that the Final Bill Status publication is a good historical document. Senator Davis uses the weekly report frequently during the second half of session for speedy access to information. If there were a quick link available, he wouldn't need the paper copy. Mr. Youtz felt that we should continue to publish the Final Bill Status for historical purposes, but put the weekly report into pdf format on the website, and thereby reduce the number of hard copies required.

Senator Davis made a statement concerning technology and the upcoming laptop proposal for the Legislature. He observed that when laptop technology became readily available the idea was to replace the laptops every two years. However, for a variety of reasons laptop replacement has lengthened into four-year cycles instead. After two years he feels that new technology has passed by what the legislators use and that is why legislators bring their own equipment. He also realizes this expanded use of personal equipment makes it more difficult for the I.T. Division to manage many different technologies.

Next on the agenda was the Interim Committee Appointments. Speaker Denney received a letter of consideration for the Natural Resources Interim Committee from Representative Henderson who would like to be on that committee. Representative Vander Woude would be removed and Representative Henderson would take over that Ad Hoc placement. In response to a question from Senator Davis, Senator Hammond explained the primacy bill on water rights that passed the Senate, and the fact that there is great interest in having the Natural Resources Interim Committee also explore the state federal water rights primacy issue as part of their interim activities. Pro Tem Hill asked if Senator Hammond would like to be an Ad Hoc member of the committee, and Senator Hammond responded in the affirmative. Representative Eskridge and Speaker Denney also spoke in support of evaluating primacy of water rights and if there is federal overreach. Senator Davis made a motion that the Council recommend to the Natural Resources Interim Committee chairs to consider, as part of their interim committee, the matter of primacy. The motion was seconded by Senator Bair and passed unanimously on a voice vote. The motion to approve the committees and task forces including the changes of Representative Henderson and Senator Hammond to the Natural Resources Committee as Ad Hoc members was made by Senator Bair and seconded by Representative Moyle. The motion passed on a unanimous voice vote.

The Council then moved on to the Capitol Building Room Protocols. Pro Tem Hill asked for input on these draft guidelines he put together in collaboration with the Speaker for appropriate public use of various hearing rooms and meeting rooms in the Capitol Building, for areas controlled by the legislature. This includes the House and Senate Committee Hearing Rooms, the Welcome Room, the House and Senate Caucus Rooms, and the reservations process and information from the I.T. department. Meeting rooms in the West Wing are scheduled through the Pro Tem's office. Meeting rooms in the East Wing are scheduled through the Speaker's office. Reservations cannot be made more than 180 days in advance. "Reservations may be denied to groups or individuals who support hate, violence, disrespect for the rule of law, or other objectionable behavior."

The Council discussed several issues on this topic including banning sales and financial solicitations; meetings should be public meetings except for executive sessions; signs, lapel pins and distracting behavior; food and beverage policies with exceptions for JFAC; and rules for behavior in the gallery areas. After the discussion, Representative Eskridge asked the Speaker of the House if he concurs with the draft rules for the galleries recommended by the Pro Tem, and the Speaker responded in the affirmative. Representative Rusche indicated that he is satisfied with the rules as well; that they seem reasonable and respectful. Senator Bair questioned how the rules would be posted and Pro Tem Hill answered that there are already signs in the central entrance to the House and Senate

galleries with limited rules. Representative Rusche suggested placing these new signs in the central entrances. A motion was made by Representative Killen to approve the signs stating the rules for the House and Senate galleries in the central gallery entrances. The second came from Representative Rusche and passed on a unanimous voice vote.

Senator Winder and Representative Bedke, the co-chairs from the Capitol Services Committee stood to give their report from the meeting that took place the previous afternoon. The JFAC sound quality improvements are complete and the feedback from citizens, committee members and staff has been very positive. The improvements on Senate WW17 were approved by Senate Leadership on February 6, 2012. The Capitol Commission approved the \$47,200 in funding on March 6, 2012. The project includes a permanent raised dais, a large custom boat-style table with power and data outlets and a table top sound system. The expected completion date is September 1, 2012. The Capitol Tour Program saw 12,110 visitors in 2011 and could exceed that number in 2012. They currently utilize 25 volunteers for the guided tours. The Visitor's Guest Book has signatures representing 117 Idaho cities, 48 states and 57 foreign countries. The Capitol Gift Shop sold 15,785 items in FY 2011 and is projecting 15,300 items sales for FY2012 with gross sales of approximately \$88,000. The Gift Shop is self supporting; with a long term goal of providing modest revenues to help maintain the Capitol Building. Dewain Gaudet, the Gift Shop manager, does a great job downstairs on the Garden Level. He is the first face many people see in the building during the interim, and acts as an ambassador for the Capitol.

The Capitol Services Committee also had the task of selecting a vendor for the Capitol Dining Room for the next two-year cycle. The committee had three interviews from prospective vendors and recommends to the Legislative Council that Rooster's Eatery be retained and authorized as the Capitol Dining Room vendor for the period of July 1, 2012 through June 30, 2014. The contract with Rooster's Eatery was then discussed by the Council members and two changes were authorized. Change number one stipulates that LSO is no longer the processing agent for legislator funds. Legislators, lobbyists and the public will now simply pay directly to the vendor.

Change number two included language to have the vendor provide a report to LSO on the finances and operations of the dining room. Representative Bedke indicated that the financial reports were necessary to enable fair competition in the future, so other vendors would have an idea of what they are getting in to. Right now, incumbency is a huge advantage to the existing vendor. Senator Davis commented that he is struggling to understand why proprietary business information should be collected and made available to competitors. Representative Bedke responded that this was a compelling discussion in the Capitol Services Committee as well. The committee thought some of the information viewed as proprietary should be turned in to equal the playing field in these contract competitions, and that the legislature, as owners of the space, are privy to information collected by the vendor. Representative Rusche commented that knowing the number of people through the door would allow other prospective vendors to know if they really want to give a bid. Senator Hammond also commented that if you know the number of people or meals served and the gross sales, a prospective vendor would have the information they need to make a bid. Ultimately, the Council agreed to change the language in the contract to include a report to LSO that shows

“monthly gross sales and number of customers per month.” The Capitol Services Committee also reported on another matter they took up, which was a recommendation for additional signage. The Capitol Services Committee recommends to the Council that three additional stand alone signs be provided to advise the public when special events or ceremonies are taking place in the Capitol building to minimize noise and distractions. A motion to accept the Capitol Services Committee report as it is, with the changes in the wording of the contract, was made by Representative Rusche and seconded by Representative Collins. The motion passed on a unanimous voice vote.

The Council moved on to the Proposed Constitutional Amendment Ballot Statements, which were next on the agenda. Mr. Youtz began by summarizing Idaho Code 67-453 which requires the Legislative Council to approve language for the voters’ guide and ballot statements regarding proposed constitutional amendments.

The Council began by taking under advisement SJR 102, which is the amendment for section 5, article X, Probation and Parole. Senator Davis began the discussion by addressing the Number 2 “Con” statement against the amendment. Senator Davis wondered if a better statement against the enactment would be that enactment would not address local standardization of probation and parole. Representative Killen supported the existing language proposal which basically says if it isn’t broke, don’t fix it.

After much discussion, Chairman Hill chose to move on the HJR 2 and come back to SJR102. Mr. Youtz read the Meaning, Purpose and Result statement, and Senator Davis began the discussion on the language for HJR 2. Senator Davis moved that under the Meaning, Purpose and Results section there be a period after wildlife and a new sentence started with “This amendment...” and the remainder of that paragraph as proposed. This was seconded by Senator LeFavour and passed on a unanimous voice vote.

Senator Davis made a motion for the Statements Against the Proposed Amendment section point Number 3. It reads as follows, “Idaho Department of Fish and Game’s wildlife management decisions could be constitutionally challenged as a result of this amendment.” Senator LeFavour made a substitute motion that reads as follows, “Idaho Department of Fish and Game’s wildlife management decisions and some research based management practices could be constitutionally challenged as a result of this amendment.” Representative Rusche seconded the motion. A roll call vote was taken resulting in the failure of the substitute motion on an eight “nay” and five “aye” vote. The original motion by Senator Davis was again taken up and was passed on a voice vote.

Chairman Hill asked if there were changes to Number 2 in the Statements Against section. Senator Davis made the motion for the language to read, “This amendment is unnecessary because the rights to hunt, fish and trap are not threatened and are already protected by law.” This motion was seconded by Senator LeFavour and passed on a unanimous voice vote.

Senator LeFavour made a motion for the Statements Against section, point Number 1 to read, “Future legislation to address public concerns regarding inhumane, unsportsmanlike, and research

based best management practices could be affected by this amendment.” It was seconded by Representative Rusche. A voice vote was taken and the motion failed.

Representative Eskridge made a motion relating to the Statements For the Proposed Amendment section, point Number 1 to eliminate the word “further”. This motion was seconded by Representative Moyle and passed on a voice vote.

The committee now moved back to SJR 2 and the Number 2 point in the Statements Against section. Senator Davis made a motion to replace the existing Number 2 with the following, “This amendment could result in different misdemeanor probation treatment by a judicial district.” Representative Rusche proposed the following, “This amendment could result in different misdemeanor probation treatment among judicial districts.” Representative Killen made the motion to adopt Representative Rusche’s proposed language, with the second from Representative Rusche. The motion was passed on a voice vote.

Chairman Hill suggested the following statement under the Meaning, Purpose and Results statement in the last sentence. “Misdemeanor probationers would continue to be supervised by Idaho counties, as is permitted by law.” A motion from Senator Bair to accept the suggested language from Chairman Hill was made, and seconded by Senator Hammond, and passed on a voice vote.

The Council then broke for lunch. Upon reconvening after lunch Senator Davis moved to reconsider language for the Number 2 Against Statement for SJR 2 (Probation and Parole). Senator Davis’ proposed language was read by Katharine Gerrity as follows, “This amendment preserves the statewide uniform felony probation system, but does not address possible different misdemeanor probation treatment among judicial districts.” The motion to reconsider and adopt the language was approved by voice vote.

***Note: The final language approved by the Legislative Council for the ballot statements and voter’s guide can be found in their entirety as an addendum to these minutes.***

The Council moved on to the presentation from Ms. Cathy Holland-Smith regarding the General Fund update. Through April, General Fund revenues are about \$37 million ahead of projections for the current fiscal year. However, May revenues, which just came out, were behind projections, but nevertheless, the year-end balance will still be about \$99.7 million which was projected at Sine Die to be \$96.6 million. Most of this year-end balance is committed in the FY2012 budget, and as things stand now, with a 4.5% revenue projection coupled with this 2012 year-end carryover balance of \$88.7 million, the state’s FY2012 spending plan is covered, with a small balance estimated at \$5 million. It is still very early in the process for any detailed discussion about the FY2013 budget. Ms. Holland-Smith then outlined the status of the various reserve funds, and reported that as of April, the Budget Stabilization Fund will likely have a balance of about \$34.1 million and the Public Education Stabilization Fund will have about \$37 million.

The Council then took up the Memorandum of Understanding with Idaho Public Television. This MOU provides guidelines under which the Legislature and IPTV cooperatively provide live coverage

of the Idaho Legislature, and has not been updated since 2009. Peter Morrill then provided a brief overview of *Idaho Legislature Live* and pointed out the growing public participation, and new technologies which enabled streaming *ILL* on hand-held devices, including phones and tablets. *Idaho Legislature Live* costs IPTV \$204,000 per year to produce, and receives support from outside entities of about \$60,000. IPTV is open to any future support from the legislature to help contribute to this operation. Senator Davis asked about access to the webpage for MAC users as there is not an easy way to get there. Both Mr. Morrill and Mr. Tucker from IPTV, indicated that IPTV will be completely reworking IPTV's webpage portal next year, and the service will be more reliable for everyone, including MAC users.

After Mr. Morrill's introduction, Mr. Youtz began discussing with the Council the need to review the MOU with IPTV. He explained that there are two basic issues that need to be addressed in the MOU. The first is a request to allow IPTV and LSO to change the current process whereby a person fills out a form to request permission to receive a copy of the audio and/or video of certain committee hearings or floor debate. Currently, after LSO receives that written request, it is forwarded to IPTV whose staff then downloads the requested proceedings onto a disk. This activity has gone from 30 or 40 requests two years ago to hundreds that are processed now, which is a very labor-intensive effort. The proposal would be to change to a system that makes these proceedings available on the web to the public for a certain period of time, and allows them to simply download their own copies after agreeing to a usage policy.

The second issue covered by Mr. Youtz was the issue of IPTV permanently archiving their *Idaho Legislature Live* audio and video segments. Currently, the coverage is kept a maximum of about ten days and then deleted. This was designed when the original MOU was agreed to and reflected the policy of the Council at that time, when they did not want archived IPTV coverage to supplant the Senate and House journals as the official record of the Senate and House. The other side of this issue is that once these digital recordings are deleted, they are lost forever, and from a historical standpoint we may be sorry at some point in the future that we did not retain these floor debates and committee hearings.

During the following discussion several issues were examined including questions from Senator Davis regarding public records requests; Mr. Morrill's point that the availability of downloading the segments would produce large savings for IPTV, who produces the CDs as an out-of-pocket expense right now; the availability of commercially produced software where anyone can capture the online stream and save it to their hard drive or CDs; Representative Rusche's point that if IPTV has a record of the session proceeding, it could be used to counteract something published that might not be an accurate portrayal; and that the digital recordings represent only a small part of what really goes on in a legislative session, so from a historical perspective how valuable are they really.

Senator Davis indicated he would like to have more time to think about the MOU and prefers that the Council wait to make a decision on the MOU until the fall Legislative Council meeting. Senator Bair made a motion to hold the MOU until the fall Council meeting. The motion was seconded by Representative Rusche and passed on a unanimous voice vote.

The Council then received an update on the Citizens' Committee on Legislative Compensation from Brooke Murdoch. The committee's purpose is to establish a rate of compensation and expenses for members of the legislature during the upcoming two-year period. All six members have been appointed, and they will hold their first meeting on June 25<sup>th</sup>, 2012.

The final item on the agenda is the update from the Office of Performance Evaluations. Mr. Rakesh Mohan discussed the upcoming projects OPE will be undertaking. They include an Analysis and Comparison of Tax Rates, Best Practices for Contract Management, Employee Compensation and Turnover in State Agencies, Comparison of Laws and Policies for Traditional and Charter Public Schools and Recruitment and Retention of K-12 Teachers. In addition to those five evaluations, OPE will be performing follow-ups on agency efforts for two previously released evaluations which are Delays in Medicaid Claims Processing, and Increasing Efficiencies in Idaho's Parole Processes. Representative Rusche asked if the Employee Compensation and Turnover in State Agencies report will include the cost of recruitment and training a new employee. Mr. Mohan indicated they will ask for that type of data from Human Resource managers and agency directors.

At 2:34 Representative Collins made a motion to adjourn, which was seconded by Representative Eskridge and passed on a unanimous voice vote.

## **SJR 102 Ballot Question**

*Shall Section 5, Article X, of the Constitution of the State of Idaho be amended to provide that the State Board of Correction shall have the control, direction and management of adult felony probation and parole?*

### **Meaning, Purpose and Result to be Accomplished**

Currently, Section 5, Article X, of the Constitution of the State of Idaho provides that the Board of Correction shall have the control, direction and management of adult probation and parole. The proposed amendment would insert the word “felony” before the word “probation” and would clarify that the Board of Correction's authority is limited to the supervision and management of felony offenders. Consequently, if the proposed constitutional amendment is adopted, the Board of Correction would not have the authority to supervise or manage misdemeanor probationers. Misdemeanor probationers would continue to be supervised by Idaho counties, as is permitted by law.

### **Statements FOR the Proposed Amendment**

1. Currently, adult felony probationers are supervised by the Board of Correction through the Idaho Department of Correction. This amendment would preserve local control of the misdemeanor probation process by clarifying that the state’s role is limited to felony offenders, while counties have supervision authority over misdemeanor probationers.
2. Because the Idaho Constitution is not clear regarding state and local supervision of adult felony and misdemeanor probationers, legal challenges could result in unwanted changes to the current system. This amendment would allow voters to provide constitutional clarification.

### **Statements AGAINST the Proposed Amendment**

1. Changes to the Constitution should be made only for major issues of interest to the state or in the event of a constitutional crisis.
2. This Section preserves the statewide uniform felony probation system, but does not address possible different misdemeanor probation treatment among judicial districts.

## **HJR 2aa Ballot Question**

*Shall Article I, of the Constitution of the State of Idaho be amended by the addition of a New Section 23, to provide that the rights to hunt, fish and trap, including by the use of traditional methods, are a valued part of the heritage of the State of Idaho and shall forever be preserved for the people and managed through the laws, rules and proclamations that preserve the future of hunting, fishing and trapping; to provide that public hunting, fishing and trapping of wildlife shall be a preferred means of managing wildlife; and to provide that the rights set forth do not create a right to trespass on private property, shall not affect rights to divert, appropriate and use water, or establish any minimum amount of water in any water body, shall not lead to a diminution of other private rights, and shall not prevent the suspension or revocation, pursuant to statute enacted by the Legislature, of an individual's hunting, fishing or trapping license?*

### **Meaning, Purpose and Result to be Accomplished**

This proposed amendment would provide that the rights to hunt, fish and trap are a valued part of Idaho's heritage and would preserve these rights for the people of Idaho and manage these rights through the laws of the state. This amendment specifies that hunting, fishing and trapping shall be a preferred means of managing wildlife. This amendment does not create a right to trespass or affect rights to divert or appropriate water. This amendment also will not prevent the suspension or revocation of licenses issued by the state for hunting, fishing or trapping.

### **Statements FOR the Proposed Amendment**

1. Hunting, fishing and trapping have long been practiced by the people of Idaho, and this amendment preserves Idaho's great sporting heritage.
2. Hunters, fishers and trappers help sustain a healthy ecosystem, and this amendment provides sportsmen meaningful and permanent protection to hunt, fish and trap.
3. Without constitutional protection, bans on certain types of hunting and trapping have been successful in other states and have incrementally eroded sportsmen's rights.

### **Statements AGAINST the Proposed Amendment**

1. Future legislation to address public concerns regarding inhumane and unsportsmanlike practices could be affected by this amendment.
2. This amendment is unnecessary because the rights to hunt, fish and trap are not threatened and are already protected by law.
3. The Idaho Department of Fish and Game's wildlife management decisions could be constitutionally challenged as a result of this amendment.