

MINUTES
(Subject to Approval by the Council)
Legislative Council
Friday, November 09, 2018
8:15 a.m. - 4:00 p.m..
State Capitol
Boise, Idaho

Speaker Scott Bedke called the meeting to order at 8:16 a.m.; a silent roll call was taken. Council members in attendance: Chairmen Speaker Scott Bedke and Pro Tem Brent Hill; Senators Chuck Winder, Steve Bair, Steve Vick, Michelle Stennett, and Cherie Buckner-Webb; and Representatives Mike Moyle, Clark Kauffman, Jason Monks, Mathew Erpelding, Phylis King, and Sally Toone. Absent and excused: Senator Grant Burgoyne. Legislative Services Office (LSO) staff present were: Eric Milstead, Terri Kondeff, Michelle O'Brien, and Shelley Sheridan. Other attendees: Somer Weich, LSO Information Technology; April Renfro, Ashley Rice, Lucas Cooperrider, and Landon Hawkins, Audit Division; Paul Headlee, LSO Budget & Policy Division; Mary Sue Jones and Jennifer Novak, Senate; Emily Patchin, Risch Pisca; Carlie Foster, Lobby Idaho; Colleen Zahn, Office of the Attorney General; and Betsy Russell, Idaho Press.

Pro Tem Hill recognized council members' re-election and Representative Hy Kloc, who attended his last official meeting yesterday. He stated that Representative Kloc was very gracious and will be missed. Speaker Bedke encouraged everyone to read and view the Idaho Statesman article and video about Representative Kloc's family history.

Speaker Bedke called for the approval of the Legislative Council meeting minutes. **Senator Bair motioned to approve the June 15, 2018, minutes, seconded by Senator Buckner-Webb. The motion passed by voice vote.**

DIRECTOR'S REPORT

Fiscal Year 2019 Strategic Plan

Eric Milstead, LSO Director, reviewed the fiscal year 2019 Strategic Plan, noting no substantive changes. Senator Winder suggested future revisions: 1) upholding the Idaho and U.S. Constitution in the mission statement; 2) performance goal of 99% instead of 90% for drafting bills within five working days; 3) clean up repetition in rules format; 4) survey LSO staff on what legislators can do differently; 5) create system of tracking what legislator is working with what LSO staff member; and 6) establish objective to continue upgrading public computer access. Director Milstead responded that, in regard to #2, significant requests could take longer, but will discuss increasing the performance goal with the Research & Legislation Division and, regarding #6, LSO staff frequently responds to the public and public access is continually being upgraded. **Senator Kauffman motioned to approve the fiscal year 2019 Strategic Plan, seconded by Senator Winder. The motion passed by voice vote.**

Fiscal Year 2020 LSO Budget Request

Director Milstead reviewed LSO's fiscal year 2020 budget request, noting two supplemental requests that will be discussed later in the agenda. Director Milstead stated that the budget request included reappropriation of the Audit Division's authority to charge state agencies for services and the removal of: onetime expenditures, including reappropriation authority; last year's replacement items; and the onetime appropriation for the hiring of an Information Technology consultant in the Budget & Policy Analysis Division. The request also reflects an increase in benefit costs, replacement items, and statewide cost allocation, all of which are fees assessed by the state Treasurer's and Controller's offices, and a 1% placeholder for the change in employee compensation. Director Milstead highlighted the total budget request of 65 full-time positions, \$5.4 million from the general fund, and \$2.6 million from dedicated funds; totaling \$8,005,700. The only line item request was for an additional \$4,800 for increases to the Audit Division's electronic workpapers. **Senator Bair**

motioned to approve the LSO fiscal year 2020 budget request and supplementals, seconded by Senator Stennett. The motion passed by voice vote. Speaker Bedke clarified that the supplementals related to the Capitol remodel tie in to later discussions.

Introduction of New LSO Staff

Director Milstead introduced Somer Weich, IT Programmer Analyst/Web Developer; and Ashley Rice, Lucas Cooperrider, and Landon Hawkins, Staff Auditors.

ELECTION UPDATE AND ORGANIZATIONAL SESSION

Pro Tem Hill reviewed results of the November general election. He also discussed committee chair training to be held during the organizational session, which will be held separately for each house on Friday, December 7, 2018, at 9:00 a.m. Veteran committee chairs will be panelists and an open meetings laws section will be at 10:30 a.m.

NEW LEGISLATOR ORIENTATION PROGRAM

Terri Kondeff, LSO Chief Operations Officer, reviewed the new legislator orientation scheduled for December 3 - 5, 2018, where 27 new and 3 returning legislators will be attending. She added that all legislators are invited to attend. Speaker Bedke commended the well-prepared agenda and improvements made each year to the program.

INTERIM COMMITTEE UPDATES

Campaign Finance Reform

Kristin Ford, Manager, LSO Research & Legislation Division, advised that the committee was in its second year, met five times, and heard testimony from the Secretary of State's Office, Ada County clerks, Office of the Attorney General, and stakeholders. Topics discussed included extending reporting requirements to all local elections, consolidating reporting with the Secretary of State's Office, enhancing the enforcement of penalties, increasing frequency of report filings, and the scope and disclosure requirements for communications and expenditures. Ms. Ford added that the Secretary of State's Office provided an update on the development of the new reporting software. She concluded that two pieces of legislation were drafted and will be introduced to the 2019 Legislature. Pro Tem Hill asked and Ms. Ford confirmed that committee action items were included in the draft legislation. Senator Stennett recommended awareness of the transition period needed for implementation of the Secretary of State's new software. Speaker Bedke asked what could be expected. Senator Stennett responded that the big change will be the increase of reportability and to make sure that reporting is done in non-election years. Representative Erpelding noted the mandate of a penalty if not reported within 24 hours. Senator Bair asked about quasi-governmental agencies. Representative Erpelding responded that there was no requirement to report if less than \$500 was raised.

State Employee Group Insurance and Benefits

Ms. Ford stated that the committee is in its third year of studying ways to reduce cost increases of state employee health insurance, while maintaining quality of health care plans. The first year was spent investigating plans, the second year included hiring a professional contractor to advise the committee of recommended paths, and the third year included a recommendation to issue a request for proposal, which was adopted in House Bill 715. Ms. Ford stated that the committee met in June 2018 and was presented with a letter from the Governor informing the committee of his intent to direct the Department of Administration to not follow the legislative intent of House Bill 715, but to issue a request for information to vendors and conduct an employee survey. Ms. Ford stated that the committee will meet once more to hear from the consultant and Department of Administration regarding the employee survey responses. Representative Moyle asked if a reason was given as to why the law was broken and should there be a penalty to the executive branch. Ms. Ford responded that the intent language was tied to money given to the department; however, no money was tied to these actions. She added that the issue is a separation of powers issue and that the Legislature has options, but none are actively being discussed. Speaker Bedke asked which legislators

were on the committee. Ms. Ford responded Senators Lakey, Johnson, Nonini, Patrick, Nye; and Representatives Wood, Anderson, Anderst, Monks, and Gannon. Speaker Bedke commended the committee for doing their best to resolve the issues and anticipates a recommendation from the committee. Representative Moyle expressed concern for there being no consequences when laws were broken. Speaker Bedke responded that concerns were shared by many and that all legislators have the prerogative to amend the law.

Citizens' Committee on Legislative Compensation

Ms. Ford stated that the committee met once, heard testimony from a legislator, private citizens, and the Idaho Freedom Foundation and received recommendations from Pro Tem Hill and Speaker Bedke. The committee decided to increase base salary by 3% for two years, an additional \$5,000 to the Speaker and Pro Tem and \$2,000 to House and Senate Majority and Minority leaders, to change extra allowance from maintaining a second residence to having a primary residence over 50 miles from the statehouse and to increase primary residence allowance to \$139 per day during session, to tie to federal per diem rate, to increase constituent service allowance from \$2,250 TO \$2,500, to provide additional money to legislators serving districts of over 1,000 square miles, to restrict airfare compensation to value of economy class, and to grandfather out special retirement calculations for legislators who serve, then take full-time positions. Senator Vick asked what the process was for implementation. Ms. Ford replied that the committee is a constitutional power and sets rates in its report. She added that it would be advisable to conform statutes to the committee's report; however, if that was not done, the statute would be void. Speaker Bedke noted robust discussions within the committee and that plenty of attorneys were present. He cited Article 3, Section 3, that empowers the committee to set compensation and that it is the Legislature's prerogative to reduce or reject. Speaker Bedke stated that the committee's report is a step in the right direction and is consistent with reading of the Constitution.

Natural Resources

Katharine Gerrity, Deputy Division Manager, LSO Research & Legislation Division, stated that the committee was in its second year and met twice. The committee reviewed proposed legislation regarding storage water issues and considered recommending to the Governor a special session. Parties involved in litigation reached a consensus that the current law was not clear in terms of providing a carve out for new storage in the face of refill water rights. The committee supported the special session recommendation; however, an agreement was reached between water users and managers on prioritizing water rights, thus eliminating the need for a special session. The Department of Water Resources prepared and submitted a list of all rights held by federal agencies to the Governor and requested further direction.

Commercial and Farm Vehicle Registration and Operating Fees

Ms. Gerrity reported that an organizational meeting was held in March 2018, with no further meetings. Representative Erpelding asked why no additional meetings were held. Senator Winder responded that the co-chairs worked on the issue and determined there was no direction provided and could not move forward.

Idaho Council on Indian Affairs

Matt Drake, Legislative Drafting Attorney, LSO Research & Legislation Division, stated that the committee discussed the potential retrocession of jurisdiction under Public Law 280 and dental health aid for tribal members. The committee heard updates on the child welfare system, needs for mental health programs, and challenges regarding grants for addiction recovery programs. The committee also heard about the military's Rebuild America program, and placement of tribal flags in the state Capitol. Pro Tem Hill asked if legislation and state funds were needed for the dental health program. Mr. Drake responded that the program could be authorized without legislation and that it was a federal program that must occur in tribal clinics and on tribal lands. The scope was limited and cannot occur without each state's approval.

Criminal Justice Reinvestment Oversight Committee

Ryan Bush, Principal Legislative Drafting Attorney, LSO Research & Legislation, stated that the committee met six times and will expire this year; however, an extension to 2023 is requested. The committee heard from the Department of Correction, and the Commission on Pardons and Parole relating to population forecasts for inmates in Idaho and how it relates to facility needs. The committee heard from prosecutors and defense attorneys, while Ada County Sheriff Steven Bartlett proposed a new facility for probation and parole violators. The Supreme Court sentencing working group presented their recommendation to revise sentencing statutes. The committee also heard from the Department of Education and Juvenile Corrections regarding at-risk youth programs, and reviewed justice reinvestment policies in other states. The committee supports the Department of Corrections' budget request for an additional 30 probation and parole officers and the bed expansion proposal for re-entry centers, supports the Supreme Court's sentencing work group statutory changes, and recommends two pieces of legislation allowing inmates to work in agricultural communities and judges to deviate from mandatory minimums for drug trafficking offenses. Senator Stennett asked if inmate criteria was discussed for the Twin Falls facility. Mr. Bush responded no. Senator Winder added that there will be a lot of discussion about sentencing for drug trafficking versus minor possession.

Public School Funding Formula Committee

Robyn Lockett, Principal Analyst, LSO Budget & Policy Analysis Division, stated that the committee was in its third year and met six times, with a final meeting scheduled in November. The committee's charge was to study the current formula, enacted in 1994. The committee is recommending a new student-centered formula and will likely recommend statutory changes. In the new student-centered formula, the money would follow the student, districts would be afforded flexibility instead of prescribed funding inputs, and the formula would simplify the current funding and provide more transparency and predictability so the focus can be on student outcomes. The committee contracted with the Education Commission of the States (ECS) to help research and draft a new funding model based on recommendations heard by the committee. Ms. Lockett stated that the draft model was posted online for public access. In its final meeting, the committee intends to receive a report from the ECS outlining its recommendations and provide draft legislation to the germane committee.

Ms. Lockett reviewed an example based on the draft funding model. Representative Kauffman asked if the example reflected the three-year hold harmless. Ms. Lockett responded that the draft was not based on current numbers and did not reflect the three-year hold harmless. Representative Erpelding asked how a decline in students would affect the funding. Ms. Lockett responded that despite a decline in students, the per student amount would still increase based on future additional appropriation and growth throughout the state. Representative Toone asked if there was a plan for schools where there is no growth beyond the three-year hold harmless period. Ms. Lockett responded that there were adjustments and additional weights for small schools, and that it would be up to the germane committee to determine how to weight the smaller populations. Senator Winder added that the committee made every effort to recognize concerns and protect the rural schools and that the draft model would put money where it needed to be so that schools could provide services and have flexibility on how education was delivered. Senator Winder stated that the committee recommended a transitional period to observe any unintended consequences.

Representative Moyle asked if the new model replaced the current 97% rule for paying teachers when no students were present. Ms. Lockett responded that average daily attendance was taken at the schools and submitted to the district based on that day's attendance versus whether the student was enrolled. She added that enrollment better captures the true cost to the school. Representative Moyle stated that if average daily attendance was taken over a larger window, it would better capture attendance. He suggested that smaller schools choose to stay small so they get more funding and asked if the committee looked into consolidating those smaller schools and for ways to make the funding more fair. Speaker Bedke responded that those concerns were valid and

discussed at length and that the committee tried to create a weighted student approach where the money would follow the student. Speaker Bedke urged the council to work with the model and enter different scenarios to see the various outcomes. Senator Winder added that consolidation was discussed but was not part of the committee's charge; therefore, no recommendation was made. He stated that the committee recommended that enrollment be counted four times per year and that funds be spread out so adjustments could be made.

Senator Stennett asked if the committee was prepared to discuss expected outcomes if there were classrooms without teachers. Speaker Bedke confirmed that the committee was fully prepared and that there was some reconciling with what was happening in the classroom versus how much they were willing to spend. Representative Erpelding asked what the rationale was in leaving the master premium number as a separate line item. Senator Winder replied that it was kept out to maintain it as an incentive to reward teachers. Ms. Lockett added that timing was also an issue.

Occupational Licensing and Certification Laws Committee

Elizabeth Bowen, Principal Legislative Drafting Attorney, LSO Research & Legislation Division, stated that the committee met twice and focused on reviewing reports filed by the executive branch agencies and licensing boards pursuant to Executive Order 2017-06, which states that any board or executive branch agency overseeing occupational licensing shall review all licensing and rules and make recommendations on whether the rules were necessary, could be improved, are necessary to improve public safety, or made it harder for people to get into those fields. The committee had difficulty locating the reports and was unable to complete their work; however, the committee accepted an invitation by the National Conference of State Legislatures (NCSL) to participate in the Occupational Licensing Policy Learning Consortium for the purpose of studying occupational licensing requirements nationwide, developing best practices, removing unnecessary obstacles to labor market participation, and to improve portability of licensing. The committee will meet in November and intends to request the committee continue another year.

STATE BUDGET UPDATE

Paul Headlee, Manager, LSO Budget & Policy Analysis Division, reviewed the state's general fund budget monitor and stated that fiscal year 2018 ended with an 8.2% revenue growth and an \$118.4 million carryover. Additionally, a \$120 million carryover was split by the surplus eliminator: 50% to roads and strategic initiatives program and 50% to the budget stabilization fund. Fiscal year 2019 starting balance was \$118.4 million; however, current revenues are \$47.3 million behind forecast. If everything holds the same, the projected fiscal year 2019 ending balance is \$59.4 million. However, if the decreasing revenue trend continues, the ending balance will be into the negative, leaving an unbalanced budget. Mr. Headlee supposed the cause was due to under-withholding and, therefore, could see an increase in April revenues when tax bills are due. The Legislature and Joint Finance Appropriations Committee (JFAC) would still be at a disadvantage because budget setting would be over by that time. Mr. Headlee stated that the Division was watching the trend closely.

Representative Erpelding asked what the difference was in sales tax revenue compared to the previous year. Mr. Headlee responded that sales tax revenue was up \$9.5 million. Pro Tem Hill added that revenues could be down due to the public not adjusting their W4s after tax reform took place and the Tax Commission struggling to update the tax tables. Regardless, the public could be shocked to learn they have to pay taxes when a tax cut was expected. He hopes that revenues are not permanently down, but is concerned about an increase in April. Mr. Headlee added that, with a \$59.4 million bottom line, the Legislature and JFAC will need to make considerations for the \$67.4 million in supplemental requests.

Responding to Speaker Bedke, Mr. Headlee confirmed that the statutory increases in education were included in the fiscal year 2020 budget request. Speaker Bedke asked if the education budget of \$89.9 million was requested by the Governor or the Superintendent of Public Instruction. Mr. Headlee responded that the budget requests were from state agencies and that the Governor's

recommendation would not be available until the first week of the Legislative Session. Speaker Bedke asked how much of the education budget request was for public schools. Mr. Headlee responded that the K-12 budget was \$57.6 million plus the \$80 million statutory increase.

Mr. Headlee stated that fiscal year 2020 has not been forecasted; however, based on a five-year average, fiscal year 2020 could see \$3.9 million (5.8% increase) in revenues and \$4 million (10.3% increase) in general fund budget requests. Not including the \$59.4 million fiscal year 2019 balance or supplementals, the fiscal year 2020 ending balance could be a negative \$42.1 million.

Senator Bair asked what the confidence level was in a revenue increase in April. Pro Tem Hill responded that the Governor Elect and Tax Commission were working hard to prepare a reasonable estimate by the first of the year. Representative Erpelding asked where the money would come from to make up the shortfall and if budget stabilization money could be used and then repaid. Pro Tem Hill confirmed that money could be pulled from wherever needed, but will depend on the confidence level that revenues will increase. Representative Erpelding noted that highways and other districts are depending on the surplus eliminator and that the trickle effect could be dramatic. Speaker Bedke stated that the budget will be a driver in the upcoming legislative session. Representative Moyle commented that the new tax structure will play a roll in Idaho's tax liability. He discouraged taking money from other funds and recommended waiting to see how it plays out. Mr. Headlee added that the surplus eliminator sunsets in May and concluded by stating that the entire state budget, including all funds, was \$8.8 billion - a 6% increase.

2019 LEGISLATIVE SESSION PLANS

Pro Tem Hill noted that training for all legislators was scheduled for the afternoon of Wednesday, January 9, 2019, and will include Ethics and Respectful Workplace training. The calendar also includes statutory deadlines, an additional two weeks for budget setting, and a Sine Die target of March 25. Representative Moyle asked if JFAC was going to move up their timeframe similar to what was done in 2018. Senator Bair responded that JFAC changed their methodology in 2018 and was likely to do the same in 2019. Speaker Bedke added that new faces in JFAC may lengthen or diminish time.

RESEARCH AND LEGISLATION DIVISION UPDATE

Ms. Ford stated that the division conducts research for legislators and provides information on the legislative process to the public and state agencies. Thus far in 2018, the Legislative Library has assisted 1930 patrons, most of which were members of the public. Per month, 26% of patrons were legislators and staff and 25% were lawyers and paralegals, and 63% of the requests were in person. Since July 1, 2018, the Division's five attorneys have drafted 161 pieces of legislation, and the Division staffed eight interim committees, where 23 meetings were held. The Division reviews administrative agency rules and received 250 rules dockets since the end of the 2018 Legislative Session. The Division's administrative, editorial, and proofreading staff work hard to track and publish records of all action taken on introduced bills, prepare session laws for publication, and proof Idaho Code supplements.

CAPITOL SERVICES COMMITTEE UPDATE

Senator Vick reported on resolved Capitol projects, including:

- Installation of a new lighting control panel, replaced conductors, and Ethernet cables.
- Plaster repaired and re-caulked on the exterior stairs and porticos.
- Vision panels and upgraded hardware added to tunnel double doors.
- Monitors added to the front side walls of the senate chambers.
- Waterproof liner and drain replaced in the east and west sandstone stair planters. Water damage to sandstone to be addressed.

Other projects in progress:

- Delaminating window glazing. Legal documents have been filed, to which the general contractor has denied responsibility. Mediation is being scheduled to resolve the dispute, hopefully by next year. The state's expert advised that there was no safety hazard.
- Update of the voice evacuation/fire alarm system. Bids will be advertised during summer of 2019.
- Fall protection will be added to the roof of the Capitol. The architect is currently investigating and the designing plan.
- Crowd protection along Jefferson Street. Risk assessment analysis and potential solutions are being discussed. Representative Erpelding asked if the city of Boise would be involved in any potential solutions. Senator Vick confirmed that Homeland Security, as well as whoever oversees Jefferson Street, will be involved.
- Chamber railings in both houses are too low and pose a fall risk. The Division of Public Works is exploring solutions that would not affect access or aesthetics. Senator Stennett asked if nonconstruction measures could be taken, such as posting warning signs. Senator Vick responded that nonconstruction measures have not been discussed but should be. Speaker Bedke commented that making the rails safer while keeping the motif will be an issue.

LEGISLATIVE AUDITS UPDATE

April Renfro, Manager, LSO Audits Division, stated that the Audit Division was the largest division within LSO and includes 28 positions: 26 auditors (14 licensed CPAs), 1 administrative assistant, and 1 division manager. The Division is primarily tasked with completing financial and compliance audits and reviews: Statewide Comprehensive Financial Report (CAFR), Statewide Single Audit, management reviews, and other opinion audits. Ms. Renfro stated that audits performed are intended to provide an opinion on the accuracy of financial information and compliance with laws, rules, and regulations. Opinions are not issued on management reviews, but the reviews are statutorily required and allow the Division the flexibility to review agencies with activities not significant enough to be included in a financial audit.

Ms. Renfro stated that the CAFR is an audit of the state's financial statements through the evaluation of internal controls. The results of the fiscal year 2017 CAFR were issued in the Internal Control Report and included two findings. Follow up of fiscal year 2017 CAFR results and fiscal year 2018 CAFR audit work at 15 agencies is underway. She stated that the Statewide Single Audit is a two-part audit covering financial statement accuracy for both the statewide basic financial statements and the schedule of expenditures of federal awards and also compliance with federal requirements. The fiscal year 2017 Statewide Single Audit included 15 findings at 5 agencies and 13 prior findings, 7 of which were corrected and closed.

Ms. Renfro stated that the Division participated in the 2018 peer review, which evaluates the Division's system of quality control and ensures that audits are completed in accordance with standards. The peer review is a five-day review by other state auditors and occurs every three years. The Division received the highest rating available, a pass. The review also provided areas of improvement, interpretation from federal regulators, and a half-day training for staff. The 2018 peer review letter is posted on the Legislature's website.

The Council recessed for lunch at 12:10 p.m. and reconvened at 1:15 p.m.

UPDATE ON REDISTRICTING EFFORTS

Ms. Bowen advised that Public Law 94-171 requires the Census Bureau provide state legislatures with population and demographic data needed for redistricting. Ms. Bowen and Keith Bybee, Deputy Division Manager, LSO Budget & Policy Analysis Division, are the redistricting program liaisons. The program is in the middle of phase two of five, where census data is reviewed and verified and suggestions and changes are sent back to the bureau. A geographic information systems (GIS) consultant was hired to assist with this phase, and staffers were trained on how to review the data and submit suggestions. Suggestions will be submitted in May 2019. Another verification

phase will take place in 2019-2020. Delivery of 2020 census data (phase three) and collection of redistricting plans (phase four) will take place in 2021. The program will conclude with a review of the entire program and suggestions for the 2030 census (phase five). Upon submitting the suggestions in May 2019, Ms. Bowen and Mr. Bybee will determine staffing and technology needs and work on a budget request for fiscal year 2021.

Mr. Bybee advised that the fiscal year 2020 LSO budget request includes a supplemental request for the Redistricting Commission. He noted that phase two is very important because the precincts need to be maintained through the redistricting process in order for them to be the building blocks of the legislative and congressional districts, thus the need to hire a contractor. The supplemental budget request includes \$43,800 for the consultant, travel, and training. A larger budget request will be submitted in 2021.

OFFICE OF PERFORMANCE EVALUATIONS UPDATE

Rakesh Mohan, Director, Office of Performance Evaluations (OPE), referenced OPE's annual newsletter highlighting last year's accomplishments. He noted the biggest accomplishment was the culmination of three reports issued on child welfare. He expressed thanks to the Legislature for the passage of two bills that strengthen and improve the operations of the child welfare system. OPE also issued a report on the Commission for Pardons and Parole, as requested by Senator Stennett. Mr. Mohan stated that OPE has worked with the commission for ten years to make changes to their data systems, to no avail; however, with the new director and leadership, significant changes have occurred and improvements are continuing in their operations.

Mr. Mohan stated that OPE is currently working on four projects: the collection of court fees and fines, the impact of legislative mandates on local governments, the problems at the Southwest Idaho Treatment Center, and the allegation of child neglect. All reports will be released by mid-February. Representative Erpelding announced that two OPE reports were nationally recognized and award-winning, which was impressive given that they have the potential to make a lot of improvements in our government.

TECHNOLOGY UPDATE

Glenn Harris, Manager, LSO Information Technology Division, reported that the House wing sound system was upgraded to include built-in dialers, out-of-date network switches were replaced, the Wi-Fi network was in the process of being upgraded, AT&T was joining Verizon as amplified signals within the Capitol, new Oracle and web servers were set up and moved onto LSO servers, conversion was made from Box to OneDrive, and shared calendars were now in the exchange calendar system.

Mr. Harris reported that the laptop use policy was changed to require permission to install software, and the appropriate use section was altered to delete the phrase that laptops could be used for political purposes. Mr. Harris stated that Lenovo 480Ts were selected as legislator laptops. The laptops have been received, and a method of distribution is in the works. Speaker Bedke asked if the old machines could be purchased by members. Mr. Harris responded that it is against state statute for employees to purchase old equipment for personal use. He added that the old laptops would be reused by LSO staff for training and back up. Pro Tem Hill suggested looking at that statute to carve something out that old laptops could be purchased for personal use. He asked for clarification of who was meant by "unknown persons" monitoring laptops. Mr. Harris clarified that "unknown persons" meant that LSO could not guarantee laptop security in unsecured areas. Pro Tem Hill added further that LSO or other legislators are not considered "unknown persons" and do not monitor laptop use. Representative Erpelding suggested and Mr. Harris confirmed that attache laptops would be updated with the old legislator laptops. Senator Vick asked when the transition would take place. Mr. Harris responded that the transition would take place by the end of the month.

LEGISLATURE'S RESPECTFUL WORKPLACE POLICY

Senator Buckner-Webb welcomed Representative Caroline Nilsson Troy, joining by phone, and thanked Deputy Attorney General Colleen Zahn, also in attendance, who was instrumental in

developing the respectful workplace policy. Senator Buckner-Webb stated that the policy was developed by stakeholders, staff, and legislative advisors. The task force felt it was important to utilize best practices used by other legislatures and entities throughout the United States. The opening section of the policy outlines the commitment to foster and maintain a respectful work environment, and that the Idaho Legislature expressly prohibits harassment of any kind and strives to prevent, interrupt, and eliminate harassing behaviors and protect those accused from being wrongfully accused. She stated that the policy was presented and tentatively approved by Pro Tem Hill and Speaker Bedke and is before the Council for their review.

Representative Troy thanked the task force consisting of legislators, LSO staff, legislative partners, as well as Deputy Attorney General, Colleen Zahn. She stated that the policy would apply to legislators, employees of the Legislature, including pages and interns, and legislative partners, including members of the press and lobbyists. She added that legislative partners may be asked in the future to present their own respectful workplace policy. The policy would apply to business conducted in and out of the Capitol and off-site events involving legislators (examples included in the policy). General definitions were also spelled out.

The task force recommends the development of a respectful workplace committee to oversee investigations and to consist of the Speaker of the House, Senate Pro Tem, LSO Director or designee, and representatives of both genders. The policy states that harassment of any kind is prohibited (examples included), including conduct based on race, color, sex, religion, national origin, age, disability, or genetic information; sexual harassment (examples included in the policy); and verbal, nonverbal, and physical harassment.

The policy provides a process of reporting complaints and to whom and recommends that the complainant first address the issue face-to-face with the perpetrator. If the complainant feels uncomfortable, then the issue can be reported to a person listed in the policy. The policy specifically states that retaliation is prohibited. The person who receives the complaint can work with the Attorney General's Office to determine if the complaint warrants further investigation. If it does, then the respectful workplace committee will convene and can seek advice from the Attorney General's Office. A complaint file and log will be created and both the complainant and the perpetrator will be advised that an investigation is underway. Both are confidential unless disclosure is requested by the complainant, perpetrator, or if released by a court.

Representative Troy stated that the committee will work with the Attorney General's Office to determine if a criminal or noncriminal investigation is warranted. Criminal investigations will be referred to the appropriate group and noncriminal investigations may be completed by the Attorney General's Office. Actions will be appropriate to the violation and could include an apology, a directive to stop, counseling, an oral or written warning, or referral to the Senate or House Ethics Committee. The policy requests mandatory training no less than every two years and for new employees prior to hiring. Complaints not made in good faith will be subject to the same scrutiny as legitimate complaints.

Speaker Bedke commended the work done by Senator Buckner-Webb, Representative Troy, Deputy Attorney General Colleen Zahn, and members of the task force. He stated that it was taken very seriously resulting in a good work product to be proud of. He suspected the policy would be refined, as it is hard to foresee every situation, but the policy is exactly what was expected. Pro Tem Hill also extended his thanks for the work done on the policy and likened it to writing a statute. He stated that everyone had the same goal, which was to take it very seriously and to not just develop a remedy for problems but to prevent them from happening. He agreed with Speaker Bedke in that the policy will evolve, but is a great start, and he appreciated the work done.

Senator Winder commended efforts and sincerity in preparing the policy and asked what the standards are in determining if a complaint was not made in good faith and if it gives the committee enough authority to penalize someone for complaints not made in good faith. Ms. Zahn responded

that determination of bad faith is subjective in that the complainant must know that the complaint was made in bad faith. If the person believed the complaint was true and believed the policy was violated, the complaint is not considered in bad faith. Ms. Zahn added that the language in the policy is enough to say that all the same remedies imposed on a violator could be imposed on a person who made a complaint in bad faith. **Senator Buckner-Webb motioned to approve the respectful workplace policy allowing the Speaker and Pro Tem to make minor changes as needed, seconded by Senator Winder. The motion passed by voice vote.** Speaker Bedke noted appreciation for the confidence in the Speaker and Pro Tem positions, but confirmed that no changes would be made without touchstones. He added that it was important to pass and officially recognize the policy so the Legislature could hit the ground running.

UPDATE ON NEW HOUSE OFFICE SPACE

Speaker Bedke stated that a reallocation of space within the Capitol was compromised during the initial two-story wing approach to the remodel. He stated that the garden level, first, third and fourth floors would be allocated for legislative use; however, nothing would be done until the end of the current Treasurer's tenure, who is located on the first floor. He stated that the House needs offices with more privacy, security, and space for support staff. A work group was formed, and the decision was made to convert the Treasurer's Office and LSO Audit space into offices for the House and prepare adequate space for the Treasurer's Office and LSO Audit staff. Speaker Bedke stated that the work group went through an exhaustive process and hired an architect to decide where and how it would look. Representative Monks stated that the remodel was in the planning phase and would not be complete in time for the 2020 Legislative Session. He encouraged House staff to submit their "wish list" and special needs soon. Senator Stennett asked where the LSO Audit staff and Treasurer's Office would be moved and what was the cost. Speaker Bedke responded that the supplemental budget request includes the cost of the remodel and that phase one is estimated at \$3 million and phase two at \$4 million. Director Milstead added that the current first-floor conference room and copy center would be reconfigured into six offices for the LSO Audit staff and the copy center relocated to the Garden Level. Representative Erpelding asked if a staffing plan was in place and expressed the need for space for constituent services. Representative Monks responded that space for staffing needs is envisioned. Representative Monks referenced a draft layout and noted the need for 49 additional office spaces. Senator Bair asked where the Treasurer's Office was going. Speaker Bedke responded that it has not been decided, but will be adequate space, and added that the historical part of the Treasurer's Office would not move. Representative Monks confirmed that the Treasurer's Office has been part of the discussions. **Representative Erpelding motioned to approve the proposal, seconded by Senator Buckner-Webb. The motion passed by voice vote.**

MISCELLANEOUS ANNOUNCEMENTS AND ADJOURNMENT

Representative Erpelding acknowledged Representative King and her last formal committee before retirement. He thanked her for her service and wished her well. Speaker Bedke added that it has been a pleasure working with Representative King over the years.

A motion was made to adjourn and was seconded. The motion passed by voice vote. The council adjourned at 3:30 p.m.