

**MINUTES**  
**Approved by Council**  
**Legislative Council**  
**Friday, November 06, 2020**  
**8:30 A.M.**  
**Room WW02**  
**Boise, Idaho**

Pro Tem Hill called the meeting to order at 8:33 a.m.; roll call was taken.

Legislative Council (Council) members in attendance: Pro Tem Brent Hill, Speaker Scott Bedke; Senators Chuck Winder, Carl Crabtree, Michelle Stennett; Representatives Mike Moyle, Clark Kauffman, Wendy Horman, Ilana Rubel, John McCrostie, Sally Toone. Members participating remotely: Senators Abby Lee and Grant Burgoyne. Absent: Senator Cherie Buckner-Webb. Legislative Services Office staff present: Director Eric Milstead, Deputy Director Terri Kondeff, and Shelley Sheridan.

Pro Tem Hill called for a motion to approve meeting minutes. **Representative Horman made a motion to approve the June 5, 2020 minutes; Speaker Bedke seconded the motion. The motion passed by voice vote.**

**DIRECTOR'S REPORT - Eric Milstead, Director, Legislative Services Office (LSO)**

Approval of FY 2022 LSO Budget Request

Director Milstead reviewed LSO's fiscal year 2022 budget and noted the base request of \$7.9 million. Adding to the request were benefit costs, replacement items - \$15,400 for laptops in the Audit Division, statewide cost allocation - increase and decrease in various state-wide fees, and a 1 percent placeholder for change in employee compensation (CEC). He noted that all agency budgets will include a 1 percent CEC placeholder. Director Milstead reviewed the budget request for the redistricting program of \$171,800, which included money for GIS specialists and per diem for commissioners and staff. He also reviewed the supplemental request of \$27,000 to hire part-time staff to assist with virtual meetings during the legislative session.

Senator Burgoyne commented that the staff request in the maintenance budget was not sufficient and that three to five positions would better service the Legislature, nevertheless, **Senator Burgoyne made a motion to approve the FY 2022 LSO Budget Request as presented; Representative Kauffman seconded the motion. The motion passed by voice vote.**

Representative Horman noted concern with the number of LSO staff and that her motion would be a modest request for one additional staff member. She stated that since 1993 when LSO was consolidated to include 64 FTPs, there has been a 61 percent increase in statewide employees, while LSO remained at less than a 1.0 percent increase. Representative Horman noted that the Legislature became acutely aware of the staffing shortage during the pandemic crisis.

**Representative Horman made a motion for \$105,000 from the general fund and one FTP for a drafting attorney in LSO, which would be the first since 1993. The amount reflected \$100,000 in salary and \$5,000 in office equipment and training, the position would require a law degree and provide professional, independent, and nonpartisan staff support to the Legislature and could perform legal research, staff interim committees, and review administrative rules; Speaker Bedke seconded the motion.** Senator Lee supported the motion but believed one position was not enough to provide year-round support. She suggested LSO work with the Legislature to find additional resources. Senator Stennett asked if the one position could complete all tasks mentioned. Director Milstead responded that those tasks were the principal tasks of the current drafting attorneys. Senator Stennett noted that LSO could use more than one additional staff and asked if there were urgent staff constraints. Director Milstead responded that LSO was working on a comprehensive review of staffing. He stated that staffing is driven by the needs of the Legislature, which is

increasing, and that LSO is running at maximum. Speaker Bedke supported the motion, and added that the Legislature was not a full time Legislature, but in some aspects, it was. He noted Director Milstead's can-do attitude and ability to juggle, which the Legislature takes for granted and asks for more. He reminded the Council that the motion was for a bill drafter, not a researcher, and that there were interim committees dedicated to researching the "what-ifs." Speaker Bedke concluded that the Legislature needs a dose of reality regarding legislative needs. Senator Winder agreed that more than one position was needed, but without additional analysis of what that number was, he could not support the motion. Pro Tem Hill reminded the Council of its role to make recommendations and that JFAC and the Legislature could make adjustments. Representative Moyle supported the motion and noted concerns of drafting legislation with limited staff. He proposed that LSO prioritize the drafting of bills so that legislator bills come first then bills from constitutional officers. Speaker Bedke challenged the Council and other legislators to consider legislative needs when making a permanent decision on staffing. Senator Burgoyne expressed support for the motion, but a process to evaluate additional positions was warranted. He noted that LSO staff is working full time and on weekends to support a part-time Legislature and that an adequate staff was needed. Senator Burgoyne noted the need for additional staffing in the LSO Audit division, which is a core function of government, and interim tax committees. He added that additional staff resources would be required to efficiently manage the state's money, and that the suggestion of four to five additional positions was not an exaggeration. Senator Winder expressed support for the motion but requested LSO staff to advise of its needs. He stated that prioritizing the drafting of legislation could reduce the demands on LSO. Pro Tem Hill recommended LSO work with Representative Horman and Senator Burgoyne to study the legitimate needs of LSO. Speaker Bedke suggested LSO consider the recommendations from the Property Taxes and Revenue Expenditures interim committee, which may impact the audit function and other areas of LSO. **Representative Horman's motion passed by voice vote.**

**Representative Moyle made a motion that LSO prioritize the preparation of bills and resolutions putting legislative bills first before others; Senator Crabtree seconded the motion.** Senator Stennett asked if the motion would apply year round. Representative Moyle confirmed that prioritizing would occur year round. Senator Burgoyne stated he would not support the motion because it could interfere with the Legislature's relationship and cooperation with executive branch agencies. Speaker Bedke commented that he would support the motion and that the motion may force agencies to approach legislators and create those relationships ahead of time. **Motion passed by majority voice vote; Senator Burgoyne voted Nay.**

Director Milstead reviewed a supplemental fiscal year 2021 budget request that would include closed captioning in committee meetings. He stated that funding was previously approved for closed captioning of floor sessions in compliance of ADA requirements. Director Milstead reported that funding was requested and approved by Coronavirus Financial Advisory Committee (CFAC) to upgrade audio and visual capabilities during the interm. Funding also included closed captioning of all interim committee work. He stated that closed captioning worked well and that the need has spiked over that last six months, therefore a contract providing the service was recommended. Pro Tem Hill asked how closed captioning worked in meetings with audio only streaming. Director Milstead responded that a tile would appear on the screen with scrolling comments. Pro Tem Hill asked if there was a way to know how many viewers were using closed captioning. Director Milstead replied that IdahoPTV and the Commission for Deaf and Hard of Hearing may have numbers. **Senator Crabtree made a motion to approve a fiscal year 2021 supplemental allocating up to \$250,000 for closed captioning of the 2021 legislative session and interim committees. Senator Winder seconded. Motion passed by voice vote.** Representative Rubel supported the motion and added that closed captioning was very important and helpful to everyone, including legislators. Speaker Bedke reminded the Council that closed captioning would not constitute as an official transcript. Senator Crabtree noted that closed captioning was a legal requirement.

Approval of FY 2021 Strategic Plan

Director Milstead reported that the only change in the Strategic Plan were the dates. **Representative Kauffman made a motion to approve the FY 2021 Strategic Plan; Senator Stennett seconded. The motion carried by voice vote.**

### **ELECTION UPDATE AND ORGANIZATIONAL SESSION- Speaker Bedke**

Speaker Bedke referenced the list of new legislators; 3 Senators, 14 Representatives, and 4 former members returning to the House. He stated that the organizational session includes chairman training for the House and Senate on Friday, December 4, 2020. He noted the importance of committee security matters and that the session will conform with social distancing requirements. Pro Tem Hill added that the organizational session is an actual session and will start at approximately 9:00 a.m. on December 3, 2020; however, the start time will be at the discretion of the Pro Tem, Speaker, and Leadership.

### **OFFICE OF PERFORMANCE EVALUATION (OPE) UPDATE - Rakesh Mohan, Director**

Director Mohan reported that OPE issued a report in August 2020 on the retirement preparedness of Idahoans and the state's role in facilitating retirement plans. The report was requested by Joint Legislative Oversight Committee (JLOC) co-chairs and ten legislators. The Office of the State Treasurer also provided research. He stated that the Legislature would need to decide on the state's role and what option would be best. Director Mohan reported that OPE was currently working on six reports, which should be issued by the end of February: (1) The State Response to Alzheimer's and Dementia report highlights the state's role in addressing and coordinating issues. Director Mohan thanked the Department of Health and Welfare and agencies on aging for their remarkable help to complete the studies. (2) The state's impact on county revenues report and how policy makers can make systemic changes relating to the data reported and collected. He noted that there would be limitations on reporting and consistency until those changes were made. (3) The Investigating Allegations of Child Neglect report, requested by Representative Luker, will be completed soon. (4) The driver authorization for unauthorized immigrants report, requested by Senator Guthrie and 13 legislators, discusses operations in other states, as well as state and federal limitations and requirements. He stated that policy decisions will need to be made by the Legislature. (5) The systematic study of tax preferences report, requested by Representatives Youngblood and Berch, would study and analyze tax exemptions. First, OPE will prepare a plan on how to complete a systematic review in order to do the study for the Legislature to consider. He added that the study would take multiple years to complete. (6) The Long-Term Planning for Postsecondary Education report, requested by Senator Brackett and Representative Troy, will also take multiple years to complete, a portion of which will be completed during the 2021 legislative session. Representative Rubel asked if the study on tax preferences would include fiscal impacts. Director Mohan responded that the plan will only outline how a systematic review of taxes would be performed and that eventually, OPE would review fiscal impacts.

### **INTERIM COMMITTEE UPDATES**

Property Taxes and Revenue Expenditures Study Committee. Kristin Ford, LSO Research and Legislation Division Manager reported that the committee had not concluded its work, but met four times with another meeting scheduled. The committee is considering all aspects of property tax relief, including local government expenditures and budgets, state mandates, and current and new property tax exemption.

State Affairs Working Group. Ms. Ford reported that several work groups' issues were to be considered in the special and regular sessions. She stated that the main topics included constitutional amendments to allow the Legislature to convene itself in a special session and statutes dealing with emergency declarations and modifications to elections. Draft legislation resulted with one passing in the special session. The other topics were submitted and posted on the work groups' website for further discussion in January. She added that legislation was currently being drafted.

Citizens' Committee on Legislative Compensation. Ms. Ford reported that compensation for legislators was set by the committee, which met on October 27, 2020, where testimony was taken from the public, legislative leadership, and Maggie Smith with the LSO Budget & Policy Analysis Division who presented a budget forecast. The committee decided on a 2.5 percent increase for legislators, a conservative number due to the revenue forecast. She stated that a 1.5 percent increase will be implemented in the first year and 1 percent the next year. Ms. Ford added that the committee made an allowance in the event legislators needed to recess and adjourn for more than three days due to an emergency. The per diem paid would be at the Speaker and Pro Tem's discretion. Representative Horman stated that per diem would be needed for legislators to make rental payments. Pro Tem Hill explained that the decision to use the Speaker and Pro Tem's discretion regarding per diem was to have the ability to contemplate, on a case by case basis, and to prevent drawing per diem when legislators were not working.

Natural Resources Interim Committee. Katharine Gerrity, LSO Research & Legislation Deputy Division Manager, reported that the committee met on October 15, 2020 with a full day of presentations from the Water Resources Board, Department of Water Resources, water users, Idaho Power, Department of Fish & Game, and the Department of Lands. The committee was updated on the Eastern Snake Plain Aquifer Management, Anderson Ranch Enlargement Project, Priest Lake Water Management Project, Lemhi River Water Use Settlement Discussions, Clark Fork-Pend Oreille River and Bear River Basins Adjudications, and Water Rights Program. No recommendations were made by the committee.

Occupational Licensing and Certification Laws Committee. Matt Drake, LSO Research & Legislation Drafting Attorney, reported that the committee has met twice with two upcoming meetings. The key topics are reviewing and preparing for the sunrise review process and the consideration of legislation to establish sunset review of existing occupational licensing laws. The committee will also consider existing military licensure by endorsement to ensure the process has been implemented as intended. He stated that draft legislation is being considered relating to apprenticeship and whether it is a good path to occupational licensure in Idaho. The final topic was telehealth and whether occupational licensing laws present a burden to telehealth. Mr. Drake stated that four pieces of legislation could result from the committee's work.

Idaho Council on Indian Affairs. Mr. Drake reported that the committee met on February 19, 2020 with tribes, legislative members, and the executive branch. The meeting discussed health & welfare and safety matters and did not produce draft legislation. He stated that the committee has not been able to meet due to the pandemic and could possibly meet during the 2021 legislative session.

Intrastate Commercial Air Service Committee. Ryan Bush, LSO Research & Legislation Principal Legislative Drafting Attorney, reported that the committee met three times and discussed its charge for a long-term and sustainable strategy for intrastate service in Idaho and determined that a consultant was needed to assist its study. The consultant was authorized by SCR125 (2020). The committee solicited and hired Mead and Hunt, a Wisconsin engineering and architecture firm, who presented a road map of the data they plan to gather. The committee will meet in mid-December, with a final report by late December or early January.

Judiciary & Rules Working Group. Mr. Bush reported that the committee studied Covid-19 liability protection and legislation for consideration in the special session and heard from agencies and stakeholders. An RS was developed, amended, and approved by the committee and underwent further revisions during the special session.

Criminal Justice Reinvestment Oversight Committee. Mr. Bush reported that the committee met the previous week and heard from the Department of Correction's director who discussed planning during the pandemic, population trends, and use of Cares Act funds. The committee also heard from the Department of Pardons and Parole deputy director who discussed rates of violations and hearings and planning during Covid-19. The committee co-chairs were pleased with the trends.

Idaho Content Standards Study Committee. Elizabeth Bowen, LSO Research & Legislation Principal Legislative Drafting Attorney, reported that the committee met three times and discussed potential changes to the contents standards. The committee heard presentations from other states' experts and the Department of Education staffers. One additional meeting is anticipated, but is not scheduled, and no recommendations were made.

Education Working Group. Ms. Bowen reported that the committee met three times and discussed possible legislation to address the pandemic or other emergencies, especially when there are budget shortfalls in education funding. The committee recommended two RSs addressing school flexibility and the authority to open and close schools to stop the spread of infectious diseases. Ms. Bowen stated that neither RS was heard in the special session, but anticipates the RS addressing the authority to open or close schools to be heard in the 2021 legislative session.

#### **STATE BUDGET UPDATE AND UPDATE ON FINANCE/APPROPRIATIONS WORKING GROUP - Paul Headlee, LSO Budget & Policy Analysis Division Manager**

Mr. Headlee noted the Fiscal Facts booklet prepared by the division and staff assignments. He reviewed the monthly budget monitor showing revenues and appropriations. He stated that at sine die, the General Fund ending cash balance was estimated to be \$54.9 million at end of fiscal year 2021. Currently, the updated ending cash balance is at \$557.9 million, a difference of \$503 million ahead. An estimated beginning balance of \$55.6 million was anticipated to carry over, but \$186.3 was actually carried over, a difference of \$130.7 million, which was due to strong revenues and a reduction in spending. He stated that a year-end reversion from the Department of Health and Welfare of \$60 million allowed \$60 million to go forward. Mr. Headlee reported that at sine die, \$4.118 billion was forecasted in revenues; actual revenues were \$4.113 billion, a difference of \$6.5 million. He noted the significance of the revenues being the same at sine die, pre-Covid-19, and current, which was good news. Mr. Headlee reported that the state was tracking at \$123.4 million ahead of forecast. He stated that appropriations were at \$4.062 billion, which included reductions in spending and the governor's 5 percent holdback. This leaves the state with an ending balance of \$557.9 million. Mr. Headlee warned the Council to remain cautious as conditions could change quickly. Senator Stennett noted concern with the reduction in spending authority of the governor based on Idaho Code 67-3512a. Mr. Headlee responded that the executive order was issued before revenues were forecasted. He clarified that Idaho Code 67-3512a does not allow the governor to temporarily reduce expenditures in excess of what is required to make sure expenses do not exceed revenues. The statute does allow the governor to restore a holdback and a temporary reduction in spending. Representative Horman stated that it appeared that the budget was not out of balance on July 1, 2020 if \$186.3 million was carried over and asked if holdbacks were made based on forecast and not actuals. Mr. Headlee replied that the statute did not describe what was to be included in a determination. Senator Burgoyne asked if there was any basis to suggest any risks in the 2021 budget, if holdbacks must stop if the governor determines expenditures would not exceed revenues, and if the holdback stops prospectively or retroactively. He added that amendments to the statute may be needed if the statute is unclear. Mr. Headlee responded that revised revenue numbers will be available in January, which will allow a better determination. Senator Stennett asked how budgets could be augmented once it was known that more money was available. She stated that there was nothing in statute to provide a path forward if things were "out of whack." Mr. Headlee responded that the Legislature still had opportunities to adjust budgets. Senator Winder asked if \$98.7 million was restored using Covid-19 funds. Mr. Headlee responded that the \$98.7 was funding provided to school districts for Covid-19 related expenditures. Mr. Headlee noted that there was no precedent in holdbacks with revenues rebounding.

Mr. Headlee reported on fiscal year 2022 and noted the current \$4.062 billion base amount and the maintenance portion that includes benefit costs of \$17.6 million, including an increase in health insurance of \$12.4 million, inflationary items were normal, and replacement items were very low and as a result of DFM's communication to agencies to keep austere budgets. Mr. Headlee noted

the 1 percent CEC calculator of \$7.3 million and 1 percent for public schools and nondiscretionary funds at \$68.2 million for K-12 and \$94.8 million for Medicaid. Mr. Headlee stated that the maintenance budget was at 4.2 percent, an increase over last 4-5 years averaged, and line items were down from an average of 400 requests to 123 requests. He noted a reduction in line items in K-12 budget and the Department of Health and Welfare, where two of the proposals to reduce the \$30 million would require legislation. Mr. Headlee concluded that the fiscal year 2022 original appropriation was \$4.2 billion, a 3.4 percent increase in the general fund. Senator Winder asked for clarification of the endowment adjustments. Mr. Headlee responded that the adjustments were an offset on the general fund. Senator Lee suggested more transparent line items in health and human services and that the 3.4 percent budget will be tough to keep. Speaker Bedke asked if the \$12 million for employee health insurance included public school teachers. Mr. Headlee responded that it did not and was state employer costs. Speaker Bedke asked if school teachers would experience similar increases in health insurance and recognized that would have to be funded. Mr. Headlee responded that a positive request was included for school teachers. Speaker Bedke asked what was included in the \$62.8 million nondiscretionary. Mr. Headlee responded that there were a handful of nondiscretionary items, the largest being the career ladder and transportation. Speaker Bedke asked what was included in the \$91.4 for Medicaid. Mr. Headlee replied that the biggest drivers were case load and utilization increases. Speaker Bedke asked how much of the \$91.4 was driven by the pandemic. Mr. Headlee stated that traditional Medicaid was \$57 million and Medicaid expansion was \$43 million. He stated he would research the Covid-19 related percentages. Jill Randolph, LSO Budget & Policy Senior Analyst, reported that the expansion saw an increased utilization and offsets on the federal side. She noted that Medicaid was not disenrolling people who were otherwise not eligible. Ms. Randolph will provide a further breakout of the effects of the coronavirus on Medicaid. Representative Horman asked if the \$21 million for the career ladder represents a reinstatement of year one or anticipates year two. Mr. Headlee responded that the 5 percent reduction would be a one-time reduction and would be restored in 2022. Representative Moyle reminded the Council to remember that hospitals were closed for three to four months when considering the Medicaid numbers. Mr. Headlee reviewed the entire budget, highlighting the \$9.8 billion on all funds. He noted the major reserve balances of \$423 million.

Mr. Headlee provided an update on the noncognizable working group. He stated that \$1.25 billion in cares act money raised questions on how the process worked. The work group met twice and heard presentations from Mr. Headlee on the process and how it works, with presentations by Mr. Headlee and Alex Adams with Division of Financial Management (DFM). The work group was presented with information on states in the same situation as Idaho and information of the process from other states. Mr. Headlee anticipates committee action during the next session.

### **2019 LEGISLATIVE SESSION PLANS - Speaker Bedke and Pro Tem Hill**

Speaker Bedke advised that all legislators would benefit from the ethics program and that the calendar dates were provided to all members.

### **AUDIT FINDINGS UPDATE - April Renfro, LSO Audits Division Manager**

Ms. Renfro reported on the challenges faced by the division due to the pandemic. She stated that switching to remote auditing in March slowed the division down and complicated the audit process. She added that 21 of the 27 management reviews were completed. Ms. Renfro stated that additional programs related to CARES funding were identified that caused increased workload. Ms. Renfro reviewed a management review for the Department of Correction as an example of the audit process and follow-up procedures on findings and the agency's corrective action plan.

Ms. Renfro reviewed two noncompliant local governmental entities. The City of Lapwai was noncompliant for not submitting audits for fiscal years 2017-2019. Fiscal year 2015 and 2016 audits included five serious findings that went uncorrected and an investigation is underway for misuse of public funds. The findings included critical weaknesses in internal control and were repeated in

2016. She noted the importance of oversight and communication with management to make sure corrective action plans are in place. Ms. Renfro reported that the Hayden Lake Recreation Water and Sewer District reported annual expenditures averaging \$2.9 million, was noncompliant for not submitting audits for fiscal years 2016-2019, and that the auditor retained to complete its fiscal year 2016 audit disengaged due to a lack of communication and cooperation by the district. Ms. Renfro noted that internal controls were critical to ensure accurate financial statements and safeguard entity assets. She emphasized the importance of verifying corrective actions are taken to reduce the risk of allowing the opportunity of fraud. She reminded the Council that when the division works with agencies to resolve findings, hoping to avoid these types of instances. Pro Tem Hill stated that the reason for audits was to safeguard the public's assets, to protect the entity from being falsely accused, and to make sure that internal controls are in place. He added that no one was above the law, including local governments. Senator Burgoyne asked if the division had any enforcement powers to compel an audit by the division or the ability to refer it to law enforcement. Ms. Renfro responded that the division did not have any power to force agencies or local governments to correct findings. She added that the statutes require the division to notify the Governor's Office or Attorney General's Office with regard to state agency audits, but not for local governmental audits.

**Speaker Bedke made a motion for the Council to move to executive session in accordance with Senate Rule 20e and House Rule 26(2) and Idaho Code 74-105(4)(b) to discuss Statehouse Security and related information exempt from public disclosure; Senator Winder seconded the motion. The motion carried by voice vote.**

**Speaker Bedke made a motion for the Council to move out of executive session. The motion passed by voice vote.**

The Council recessed for lunch at 11:59 a.m. and reconvened at 1:07 p.m.

#### **NEW LEGISLATOR ORIENTATION PROGRAM - Terri Kondeff, LSO Deputy Director**

Ms. Kondeff reviewed the agenda for the new legislator orientation taking place November 30 through December 2. She stated that 17 new members and 4 newly re-elected members would be participating.

#### **REDISTRICTING EFFORTS UPDATE - Keith Bybee, LSO Budget & Policy Analysis Deputy Division Manager; Elizabeth Bowen, LSO Research & Legislation Division Principal Legislative Drafting Attorney**

Mr. Bybee reported that the Redistricting Commission was currently interviewing software companies and working with a GIS specialist. Mr. Bybee reviewed the Commission's operating budget of \$616,700, with current expenditures at \$73,000. He stated that a place for the Commission to meet was still needed. Mr. Bybee reminded the Council that commissioners needed to be assigned so they could attend the NCSL conference in April or May 2021. He added that a 12-part series of webinars through NCSL was also an option. Pro Tem Hill asked what the process was for training commissioners. Mr. Bybee responded that the commissioners would hear presentations from subject-matter experts from across the country and through NCSL training. Pro Tem Hill asked how much of the process was subject to open meeting laws. Mr. Bybee responded that all meetings with a quorum were subject to open meeting laws.

Ms. Bowen reported on key dates: April 1, 2021, when redistricting data should be received by the Census Bureau; and June 1, 2021, when the Secretary of State's Office will send letters to form the redistricting commission, allowing appointments to the commission and meetings to begin. Ms. Bowen reviewed the national self-response rates, Idaho ranking 19th at 67 percent. Speaker Bedke asked if the census was done. Ms. Bowen confirmed that the Census Bureau believes that 99.9 percent of Idaho's population is accounted for.

#### **STATEHOUSE FACILITY UPDATE - Barry Miller, Department of Administration, Public Works Division (DPW)**

Mr. Miller reported that a settlement agreement was reached relating to the Capitol windows. The state's responsibility is to purchase new glass, installation of which is expected to occur by November 2021. Speaker Bedke asked how negotiations went. Mr. Miller responded that the agreement stated that each of the four parties would contribute financially to the repairs, the state's portion being the purchase of the glass. Senator Burgoyne asked what was the state's amount and proportion of cost was. Mr. Miller replied that the estimated total replacement cost was \$1.2 million. The state's contribution was \$320,000 plus \$60,000 to purchase the glass. Senator Burgoyne asked if the state agreed that it was one-third responsible or was it an agreement to settle. Mr. Miller responded that he was unsure he could respond, but that in addition to the replacement of glass, the settlement included additional work in the rotunda. He stated that the Capitol Commission and Idaho's Deputy Attorney General believed the settlement was the best the state could do. Senator Winder noted that negotiations took longer than expected, but the settlement was good. Pro Tem Hill asked if the glass would be different. Mr. Berry stated that options were still being explored.

Mr. Miller reported on the railings in both chambers. He stated that options included installation of a 32-inch bronze rail. He noted that the Historical Society was initially against this approach, but ultimately agreed with installing a bronze railing to match other bronze throughout the Capitol. Mr. Miller stated that adequate support for the railing was imperative. Pro Tem Hill asked if great care was taken to safeguard the historical door knobs. Mr. Miller responded that the door knobs were being packaged, boxed, catalogued, and provided to the Historical Society. Representative Horman praised the work done to repair the outside Capitol graffiti. Pro Tem Hill agreed and added that an amazing job was done. Mr. Miller replied that the solution was difficult but good.

#### **LEGISLATIVE AUDIO/VIDEO TECHNOLOGY UPDATE - Soren Jacobsen, LSO Sr. IT Specialist, Information Technology Division**

Mr. Jacobsen reported that efforts were made to "pandemic proof" the building so the Legislature could conduct business. Improvements included a rebuild of audio/visual infrastructure, added cameras to all committee rooms (possible exception of WW17), adding the ability to bridge audio and video across rooms within each garden wing and bridge "five major rooms" across the entire building, developing procedures for incorporating Video Teleconferencing technology (current VTC solution, Zoom) into all audio visual enabled rooms, automation of these processes are in process, adding a second display board in the House chamber and replacing an existing display with a larger model, and adding new phones in the Senate Chamber. Pro Tem Hill asked if cameras were voice activated. Mr. Jacobsen confirmed that after three seconds, the camera would move from one microphone to another. Senator Winder asked if all cameras and projectors were upgraded. Mr. Jacobsen replied no and that money was shifted to media. He added that IT will work on upgrading cameras once out of the pandemic environment. Representative Horman thanked Mr. Jacobsen and the IT staff, and acknowledged the long hours and hard work involved in making it all possible.

#### **UPDATE ON ADMINISTRATIVE RULES - Kristin Ford, LSO Research & Legislation Division Manager**

Ms. Ford reminded the Council that last spring, the Legislature adjourned without extending fee rules and that all fee rules were implemented as temporary rules. She reported that the division reviewed 133 rules dockets, totaling 3,145 pages; 75 were omnibus dockets. She stated that the division's workload was above normal, but the rules were reviewed to make sure they were statutorily authorized. Pro Tem Hill asked how the rules process will differ from last year. Ms. Ford responded that changes were suggested, but none were agreed to, so the old system was still in place. Speaker Bedke asked how the statutory review went. Ms. Ford responded that there were no findings outside of agencies' statutory authority. Pro Tem Hill thanked the division for its work on the review. Senator Winder noted that the Senate and House would need to coordinate on potential rule adoption during the organizational session to prepare for the 2021 legislative session.

#### **UPDATE ON NEW HOUSE OFFICE SPACE - Speaker Bedke**

Speaker Bedke reported that oral arguments to relocate the State Treasurer's Office from the Capitol building will be held on January 13, 2021 at the Supreme Court. The House made a motion to expedite the process, the Supreme Court sided with the House, while the State Treasurer's Office opposed the House's motion. Pro Tem Hill asked for a report on the relocation of the LSO Audit Division. Speaker Bedke stated that the division moved to the JRW building and seemed to be well adapted, this allowed 12 additional offices for the House. He added that very little money would be expended to move legislators and that the move would free up space at the garden level. Speaker Bedke noted that the addition of 12 offices was not enough.

#### **MISCELLANEOUS ANNOUNCEMENTS AND ADJOURNMENT - Speaker Bedke**

Speaker Bedke praised the Fiscal Facts book published by the Budget & Policy Analysis division and encouraged all legislators to review it. Speaker Bedke recognized Pro Tem Hill's retirement and this being his final Council meeting. He thanked Pro Tem Hill, on behalf of the Council, for his years of service and his calm and steady demeanor. He stated that Pro Tem Hill made his job easier with his presence and knowledge, and he will be missed. Pro Tem Hill expressed thanks and will miss the Legislature.

There being no additional business, the Council adjourned at 1:59 p.m.