

MINUTES
JOINT FINANCE-APPROPRIATIONS COMMITTEE

DATE: Tuesday, January 28, 2020

TIME: 8:00 A.M.

PLACE: Room C310

MEMBERS PRESENT: Senators Co-chairman Bair, Johnson, Lee, Agenbroad, Crabtree, Grow, Burtenshaw, Woodward, Ward-Engelking, Nye

Representatives Co-chairman Youngblood, Horman, Anderson, Amador, Raybould, Syme, Troy, Wintrow, Toone

**ABSENT/
EXCUSED:** Kauffman

CONVENED: **Chairman Youngblood** called the Joint Finance-Appropriations Committee (JFAC) (Committee) to order at 8:00 a.m.

AGENCY PRESENTATION: **STATE APPELLATE PUBLIC DEFENDER (SAPD), Eric Fredericksen, State Appellate Public Defender; Jared Hoskins, Principal Budget & Policy Analyst, LSO**

The division is charged with providing representation to indigent persons in various types of appellate proceedings, including post conviction relief proceedings in capital cases. The services of the State Appellate Public Defender (SAPD) are only available to those counties participating in the Capital Crimes Defense Fund (CCDF) established pursuant to Section 19-863A, Idaho Code. Currently all 44 counties participate in the CCDF. Two budgeted programs are housed in this division: SAPD and Capital and Conflict Representation.

Performance Measures: **Mr. Fredericksen** reviewed specific measures and projects accomplished in 2019. The SAPD opened 600 new cases and filed 521 appellant briefs. The division, which has a near 10 percent increase in cases, has developed a structure to identify the actual workload of each attorney. The number of new cases in FY 2019 is equivalent to the entire workload of one attorney. There were no audit findings where attorneys were deficient in the representation or prejudicial outcome of a case.

FY 2019 Actual Expenditures: **Jared Hoskins** detailed the divisions's net object transfers and reversions.

Comparative Summary: The outline illustrates a side-by-side analysis of the agency's request and the governor's recommendation. FY 2021 the governor recommends an appropriation of \$3,161,700, a 4.5 percent increase on the General Fund.

FY 2020: The legislature appropriated one line item that included funding for cybersecurity. Mid-year enhancements include onetime funding to pay for the extraordinary representation costs of its death penalty case load. Current year statewide adjustments recommended by governor include the sick leave rate reduction and 1 percent onetime General Fund reduction. The governor recommended removal of onetime funding for replacement items and ongoing rescissions restoration.

FY 2021: Statewide adjustments recommended by governor include benefit costs, statewide cost allocation, CEC, and the 2 percent ongoing General Fund reduction. Nonstandard adjustments include an increase for inflationary adjustments for state bar dues, software, IT services, and office space lease costs. Budget enhancements show the following line items: security software for \$1,100 in ongoing operating expenditures for the purchase of licensing of software that prevents external access to privileged data, one FTP and \$157,400 for a deputy SAPD to handle juvenile and misdemeanor appeals, and OITS cost sharing of \$400 for ongoing funding to pay the Office of Information Technology Services for security software and data center office space located at the Chinden Campus. See [Audio](#) and [Presentation](#).

AGENCY PRESENTATION: PUBLIC DEFENSE COMMISSION (Commission), Kathleen Elliot, Executive Director; Jared Hoskins, Principal Budget & Policy Analyst, LSO

The Commission consists of nine members and is charged with overseeing and financially supporting the delivery of public defense services to counties and defending attorneys. The Commission provides training for nearly 400 defending attorneys throughout Idaho, establishes and enforces standards, collects and reports data, and works with advisory groups in an effort to better understand local needs.

Performance Measures: **Executive Director Elliot** highlighted three areas from FY 2019. The agency gained more than 120 years of experienced personnel; developed Idaho's first public defense school and will offer intensive training for trial skills, client-centered advocacy, and interactive webinar training; and third, 34 additional attorneys were funded in Idaho, and adults and children now have counsel at their first appearances in court. Defendants will have the same attorney at all critical hearings throughout their case. Executive Director Elliot addressed a concern about child protection cases and training resources, particularly in rural regions. Local and national experts will cover the latest training techniques, and these presentations will be available in webinars previously mentioned.

FY 2019 Actual Expenditures: **Jared Hoskins** detailed net object transfers and reversions.

Comparative Summary: The outline illustrates a side-by-side analysis of the agency's request and the governor's recommendation. FY 2021 the governor recommends an appropriation of \$ \$11,273,900, a 1.9 percent decrease on the General Fund.

FY 2020: The legislature appropriated four line items that included funding for one FTP research analyst (\$83,100), workload standard compliance (\$5,560,000); county public defender training (\$15,000), and billing modernization (\$3,700). Current year adjustments show a request for a supplemental for a reversion correction, and current year statewide adjustments recommended by governor include the sick leave rate reduction and 1 percent onetime General Fund reduction.

FY 2021: Standard statewide adjustments recommended by the governor include benefit costs, statewide cost allocation, CEC, and the 2 percent ongoing General Fund reduction. A nonstandard adjustment was requested for inflationary adjustments for rentals and operating leases (office space). A salary supplement and a net zero transfer (in order to recruit and retain several positions) were requested. The governor recommends cost sharing of ongoing funding to pay the Office of Information Technology Services for security software and data center office space located at the Chinden Campus. See [Audio](#) and [Presentation](#).

AGENCY

ATTORNEY GENERAL (AG), Lawrence Wasden, Attorney General

PRESENTATION: Jared Hoskins, Principal Budget & Policy Analyst, LSO

The Office of the Attorney General (AG) has three budgeted programs: State Legal Services, Internet Crimes Against Children, and Special Litigation. The AG office adds value to state government by offering objective and accurate legal counsel to state agencies, officers, and the legislature expert legal counsel every day before they make a decision and advocate on their behalf after they make a decision.

Performance Measures: The AG office is not required to submit a performance report. However, **Attorney General Wasden** reported on several accomplishments. In FY 2019, the AG office recovered just under \$41 million. JFAC's appropriation was \$25.3 million. The Consumer Protection Division (CPD) obtained \$13 million in civil penalties and reimbursed fees and costs. Tobacco companies paid Idaho more than \$21 million in 2019 and the AG office expects another \$20 million in 2020, bringing Idaho's settlement to more than half a billion dollars. The CPD is engaged in two multi-state antitrust price fixing cases involving more than 20 generic drug manufacturers, and the division is actively litigating against America's largest opioid manufacturers. Attorneys assigned to Health and Welfare brought in nearly \$9 million in Medicaid estate recovery, a new record. Attorney General Wasden reported success in the ongoing cleanup at Idaho National Laboratory with support from other elected officials. The AG office has seen a substantial increase in its ability to investigate crimes against children, especially in regions previously underserved.

FY 2019 Actual Expenditures: **Jared Hoskins** detailed net object transfers and reversions.

Comparative Summary: The outline illustrates a side-by-side analysis of the agency's request and the governor's recommendation. FY 2021 the governor recommends an appropriation of \$27,026,200, a 2 percent increase on the General Fund.

FY 2020: The legislature appropriated six line items: e-discovery software, data backup, an increase in hours for an administrative assistant, a Criminal Disability Investigations Unit, an affiliate investigator in the Idaho Falls Police Department, and a net-zero transfer in federal funds in order to align the ICAC Taskforce Commander appropriation with the agency's budget structure. Two nonstandard adjustments include the removal of onetime expenditures and a request for replacement items.

FY 2021: Statewide adjustments recommended by the governor include benefit costs, statewide cost allocation, and CEC. The agency requested and the governor recommended the portion requested for the Internet Crimes Against Children Program, which includes \$24,700 for computer equipment, \$3,400 for IT licenses, \$10,000 for IT networking equipment, and \$90,000 for IT storage equipment. Four of the nine agency requests were recommended by the governor: Deputy AG for the Department of Labor; Deputy AG for the Department of Correction; Deputy AG for Civil Litigation; and Deputy AG for ITD, each funded at \$108,900. The governor recommends cost sharing of ongoing funding of \$3,100 to pay the Office of Information Technology Services for security software and data center office space located at the Chinden Campus. See [Audio](#) and [Presentation](#).

AGENCY **DEPARTMENT OF FISH AND GAME, Ed Schriever, Director**
PRESENTATION: **Rob Sepich, Senior Budget & Policy Analyst, LSO**

Director Schriever reviewed previous legislation (H230), which included a novel approach to pricing resident fishing and hunting licenses. This program rewards licensed buyers, residents of Idaho, who buy continually. After two years of implementation, Idaho is retaining 75 percent of those licensed buyers. The number of Idahoans who own hunting/fishing licenses is approaching 400,000 per year.

Among public priorities is finding additional capacity to support sportsmen access, which is reflected in agreements forged with corporate timber companies in Idaho. Fish and Game secured access on an agreement basis to over 900,000 acres. The opening of the Southwest Regional Office in Nampa meets the goal of consolidating Fish and Game operations in the Treasure Valley and provides increased space for critical services and enhanced customer accessibility. Fish and Game is required by law to preserve, protect, perpetuate, and manage the state's wildlife including the management of conflicts that wildlife has with private resources. Acquiring new technology and utilizing new ways to assess wildlife populations, the department will now be able to estimate the statewide abundance of Idaho's wolf population.

Performance Measures: Deer and elk populations continue to improve with measures that translate into growth. The volume of traffic on the Fish and Game website has grown substantially. There were no management review audits; however, the department and the Office of Species Conservation did have some single audit findings related to the Pacific Coast Salmon Recovery Fund.

FY 2019 Actual Expenditures: **Rob Sepich** detailed net object transfers and reversions.

Comparative Summary: The outline illustrates a side-by-side analysis of the agency's request and the governor's recommendation. FY 2021 the governor recommends an appropriation of \$123,582,100, a 3 percent decrease in all funds.

FY 2020: The legislature funded 17 line items: appropriation for endangered species habitat projects, Albeni Falls Dam mitigation projects, Boise headquarters building lease, access for anglers and fish screen construction, biosecurity updates at the Hagerman Hatchery, increased trout production, testing at the Eagle Fish Genetics Lab, a process to conduct hunter surveys and research for a water control structure on the Fort Boise Wildlife Management Area, Black Lake Ranch and Coeur d'Alene River WMAs restoration, mule deer habitat projects, Black Canyon Dam remediation, a Payette River WMA Shop, Payment Card Industry compliance, asbestos remediation, a department-wide net zero shift of costs to eliminate the Engineering Program, and consolidation and modernization.

The department was authorized through S1200 (2019) to reappropriate and carryover up to \$500,000 of any unencumbered and unexpended appropriation balance for the new headquarters feasibility study. Current year standard statewide adjustments recommended by governor include the sick leave rate reduction. Nonstandard mid-year adjustments remove amounts for replacement items, legislative carryover, and line items funded on a onetime basis in FY 2020.

FY 2021: A series of requested base adjustments were listed in order to realign the base budget, and the governor recommends restoration of the sick leave rate reduction. Statewide adjustments recommended by the governor include benefit costs, statewide cost allocation, and CEC. The governor recommended \$5.26 million for replacement items. The governor's recommendation also included the following line items: wolf population estimation, pheasant stocking program, Albeni Falls Mitigation Project Phase 2, Hayspur Hatchery Residence, Black Lake Ranch Remediation, Coeur d'Alene restoration partnership, Smolt Transportation Costs, Habitat Restoration & Population Eval, Black Canyon Dam Mitigation Phase 3, and Equipment Storage Buildings. The governor recommends cost sharing of ongoing funding to pay the Office of Information Technology Services for security software and data center office space located at the Chinden Campus.

Mr. Schriever answered questions about wolf depredation and methods of calculating reimbursement. Fish and Game works with land owners to prevent depredations. Mr. Schriever indicated that the number of out-of-state licenses are limited so once they are sold, there are no more. One item that Fish and Game wants to manage is the ability to limit nonresidents at zone or unit levels. See [Audio](#) and [Presentation](#).

AGENCY **OFFICE OF SPECIES CONSERVATION, Scott Pugrud, Administrator**
PRESENTATION: Rob Sepich, Senior Budget & Policy Analyst, LSO

This agency works closely with the state's other natural resource agencies to negotiate agreements with federal natural resource agencies to ensure that Idaho's economic vitality and values are incorporated into the decision-making process as well as effectively allocate funding and resources. The agency offers constituent services to state, federal, and private stakeholders seeking assistance.

Performance Measures: **Administrator Pugrud** reviewed specific measures and projects accomplished in 2019.

FY 2019 Actual Expenditures: **Rob Sepich** detailed net object transfers and reversions.

Comparative Summary: The outline illustrates a side-by-side analysis of the agency's request and the governor's recommendation. FY 2021 the governor recommends an additional appropriation of \$196,000, a 1.3 percent overall increase.

FY 2020: The legislature appropriated two line items that included funding for federal salmon habitat grants and for technology consolidation and modernization. Current year standard statewide adjustments recommended by the governor include the sick leave rate reduction and 1 percent onetime General Fund reduction.

FY 2021: **Rob Sepich** highlighted inflationary adjustments. Current year statewide adjustments recommended by the governor include benefit costs, statewide cost allocation, CEC, and 2 percent ongoing General Fund reduction. The line items as recommended by the governor include \$15,000 funding for Idaho's Roadless Commission administrative costs and travel support to cover a federal grant the agency no longer receives; continued sage grouse study for \$75,000 (the study is expected to continue for three to five years); 1.00 FTP federal lands coordinator for \$95,000 to respond to federal lands-related policy questions and project proposals; and OITS operating costs for \$200 and servers and licensing costs for a \$2,400. See [Audio](#) and [Presentation](#).

**UNANIMOUS
CONSENT:**

Rep. Anderson requested unanimous consent to reopen the FY 2020 budget for the Department of Administration. **Chairman Youngblood** called for any objections; hearing no objections, it was so ordered.

MOTION:

Original Motion

Rep. Anderson made a motion for the fiscal year 2020 budget for the Department of Administration's Division of Public Works, an increase of \$63,000 ongoing in personnel costs and an increase of \$3,500 onetime from operating expenditures for a total increase of \$66,500 from the Administration and Accounting Services Fund. Motion seconded by **Senator Burtenshaw**.

CARRIED:

AYES: 18

Bair, Johnson, Lee, Agenbroad, Crabtree, Grow, Burtenshaw, Woodward, Ward-Engelking, Nye, Youngblood, Horman, Anderson, Amador, Raybould, Syme, Troy, Wintrow, Toone

NAYS: 0

ABSENT/EXCUSED: 2

Kauffman, Wintrow

The majority having voted in the affirmative, the **motion carried**, without objection, and will carry a **DO PASS** recommendation. There being no objection, it was so ordered by **Chairman Youngblood**. See [Audio](#) and [Supplemental Motion](#) and [Ballots](#).

ADJOURN:

There being no further business to come before the Committee, **Chairman Youngblood** adjourned the meeting at 10:23 p.m.

Representative Youngblood
Chair

Jenny Miller
Secretary