MINUTES

JOINT FINANCE-APPROPRIATIONS COMMITTEE

DATE: Thursday, March 03, 2022
TIME: 8:00 A.M.
PLACE: Room C310
MEMBERS PRESENT: Senators Co-chairman Agenbroad, Crabtree, VanOrden (Bair), Grow, Woodward, Lent, Riggs, Cook, Ward-Engelking, and Nye
Representatives Co-chairman Youngblood, Seegmiller (Troy), Horman, Amador, Syme, Bundy, Giddings, Nate, Green, and Nash
ABSENT/EXCUSED: None
CONVENED: Co-Chairman Agenbroad called the meeting of the Joint Finance-Appropriations Committee (Committee) to order at 8:01 a.m.

LSO STAFF PRESENTATION: LEGISLATIVE BRANCH - FY 2023 ORIGINALS; Keith Bybee, Legislative Services Office (LSO) Division Manager

Mr. Bybee reviewed that the State Controller transfers payments quarterly to the legislative account with the current budget’s fiscal year (FY) 2023 being $8,511,000, pointing out the removal of one time expenditures of $250,000. He stated subsequent action for reappropriation authority was appropriated to the legislative branch to study payments in lieu of taxes, and subsequent budgets would allow the Legislature to carry over that amount to continue working on some of the federal issues that they’ve been studying over the past two years.

LSO STAFF PRESENTATION: LEGISLATIVE BRANCH - FY 2023 ORIGINAL - LEGISLATIVE TECHNOLOGY; Keith Bybee, LSO Division Manager

Mr. Bybee reviewed in 2008, the Legislature appropriated funds for technology updates and upgrades through a separately budgeted program to fund laptop replacements and backend technology. Since the recession, budgeted technology has gone through LSO. He offered that due to a United States Department of Treasury rule, State Fiscal Recovery Funds from the American Rescue Plan Act can be used for technology upgrades and updates. The proposed budget will include upgrading the systems for bill drafting, creating and posting agendas, real-time tracking of action on the Senate and House floors, and developing and supporting the Legislature’s websites, among other things. The estimated cost for the five-year plan is $3,053,000.

MOTION: Moved by Representative Amador for FY 2023 for $3,053,000 from federal funds. This motion includes exemptions from Section 67–3511(1) and (3), Idaho Code, allowing transfers between object codes for July 1, 2022 through June 30, 2023; seconded by Senator Ward-Engelking.
CARRIED: AYES: 19
Senators Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden, Ward-Engelking, and Nye
Representatives Youngblood, Troy, Horman, Amador, Syme, Bundy, Giddings, Green, and Nash

NAYS: 1
Representative Nate

ABSENT/EXCUSED: 0

The majority having voted in the affirmative, the motion passed and without objection carried a DO PASS recommendation. Having heard no objection, it was so ordered by Co-Chairman Agenbroad.

UNANIMOUS CONSENT: Requested by Representative Amador, granted by unanimous consent, the following intent language was adopted:

INTENT LANGUAGE:
REAPPROPRIATION AUTHORITY: There is hereby reappropriated to the Legislature any unexpended and unencumbered balances appropriated from the General Fund for the Federalism Committee to study payment in lieu of taxes for FY 2022, an amount not to exceed $250,000, to be used for nonrecurring expenditures for the period July 1, 2022 through June 20, 2023 for the purpose of studying payment in lieu of taxes. The office of the State Controller shall confirm the reappropriation amount, by fund and expense class, with the Legislative Services Office prior to processing the reappropriation authorized herein.

LSO STAFF PRESENTATION: LEGISLATIVE BRANCH - FY 2023 ORIGINAL - LEGISLATIVE SERVICES OFFICE; Keith Bybee, LSO Division Manager

Mr. Bybee explained due to last year’s session ending in November, Legislative Council was not able to transmit its budget timely, resulting in the difference in current numbers versus those found in the Legislative Budget Book. The differences are for replacement items for staff and a software maintenance package for the audit work paper software. Mr. Bybee reviewed that the Redistricting Commission completed its work and therefore most of its budget will be reverting, and there will be no budget request for that Commission the next ten years.

MOTION: Moved by Representative Horman beginning with the FY 2023 base of $9,309,800, add $35,400 for benefit costs, $339,000 for replacement items, a reduction of $2,500 for statewide cost allocation, and $424,900 for the change in employee compensation. Also included is the following line item: line item 1, which provides $13,400. The totals for this motion for FY 2023 are 72.00 FTP, $7,475,600 from the General Fund, $2,320,600 from dedicated funds, and $323,800 from federal funds for a grand total of $10,120,000; seconded by Senator Grow.
CARRIED: AYES: 20
Senators Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden, Ward-Engelking, and Nye
Representatives Youngblood, Troy,orman, Amador, Syme, Bundy, Giddings, Nate, Green, and Nash

NAYS: 0

ABSENT/EXCUSED: 0

The majority having voted in the affirmative, the motion passed and without objection carried a DO PASS recommendation. Having heard no objection, it was so ordered by Co-Chairman Agenbroad.

LSO STAFF PRESENTATION: LEGISLATIVE BRANCH - FY 2023 ORIGINAL - OFFICE OF PERFORMANCE EVALUATIONS; Keith Bybee, LSO Division Manager

Mr. Bybee stated this was a maintenance of current operations budget with the addition of the change in employee compensation.

MOTION: Moved by Senator Ward-Engelking beginning with the FY 2023 base add $4,200 for benefit costs, a reduction of $800 for statewide cost allocation, and $48,900 for the change in employee compensation. The totals for this motion for FY 2023, are 8.00 FTP and $1,030,000 from the General Fund. This motion includes an exemption to budget laws to allow funds to be transferred among object codes and no FTP cap; seconded by Representative Amador.

CARRIED: AYES: 20
Senators Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden, Ward-Engelking, and Nye
Representatives Youngblood, Troy, Horman, Amador, Syme, Bundy, Giddings, Nate, Green, and Nash

NAYS: 0

ABSENT/EXCUSED: 0

The majority having voted in the affirmative, the motion passed and without objection carried a DO PASS recommendation. Having heard no objection, it was so ordered by Co-Chairman Agenbroad.

LSO STAFF PRESENTATION: SELF-GOVERNING AGENCIES - COMMISSION ON HISPANIC AFFAIRS FY 2022 SUPPLEMENTAL - GRANT FUNDING INCREASE; Nathan Osborne, LSO Budget and Policy Analyst

Mr. Osborne explained the supplemental request for a $75,000 grant funding increase for operating expenditures out of the agency's Miscellaneous Revenue Fund, to cover expenses for events. Fund sources for this fund include private donations, miscellaneous receipts, and non-federal grants.

UNANIMOUS CONSENT: Requested by Representative Nash, granted by unanimous consent, the FY 2022 budget for the Commission on Hispanic Affairs was reopened.
MOTION: Moved by Representative Nash for FY 2022, for the Commission on Hispanic Affairs, an additional $75,000 in operating expenditures from the Miscellaneous Revenue Fund for the purpose of carrying out events planned in FY 2022; seconded by Senator Lent.

CARRIED: AYES: 18
Senators Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden, Ward-Engelking, and Nye
Representatives Youngblood, Troy, Horman, Amador, Syme, Bundy, Green, and Nash

NAYS: 2
Representatives Giddings and Nate

ABSENT/EXCUSED: 0

The majority having voted in the affirmative, the motion passed and without objection carried a DO PASS recommendation. Having heard no objection, it was so ordered by Co-Chairman Agenbroad.

LSO STAFF PRESENTATION: SELF-GOVERNING AGENCIES - COMMISSION ON HISPANIC AFFAIRS FY 2023 ORIGINAL; Nathan Osborne, LSO Budget and Policy Analyst

Mr. Osborne explained this Commission was established by the Legislature in 1987, and provides various services to the Hispanic community, serving as a liaison between the community and government entities.

MOTION: Moved by Senator Ward-Engelking beginning with the FY 2023 base of $493,400, add $2,200 for benefit costs, $3,200 for replacement items, reduce $1,900 for statewide cost allocation, and add $15,100 for the change in employee compensation. The totals for this motion for FY 2023 are 3.00 FTP, $262,100 from the General Fund, $229,900 from dedicated funds, and $20,000 from federal funds for a grand total of $512,000; seconded by Representative Nash.

CARRIED: AYES: 18
Senators Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden, Ward-Engelking, and Nye
Representatives Youngblood, Troy, Horman, Amador, Syme, Bundy, Green, and Nash

NAYS: 2
Representatives Giddings and Nate

ABSENT/EXCUSED: 0

The majority having voted in the affirmative, the motion passed and without objection carried a DO PASS recommendation. Having heard no objection, it was so ordered by Co-Chairman Agenbroad.
PRESENT: LSO MOTION: CONSENT UNANIMOUS CARRIED: LSO MOTION: PRESENT LSO MOTION: AFF ORIGINAL; Nathan Osborne, LSO Budget and Policy Analyst

Mr. Osborne explained this $766,000 supplemental is a one time increase in trustee and benefit payments to disburse American Rescue Plan Funds received from the National Endowment for the Arts. These funds are intended to be passed through the agency to various eligible arts organizations for approved purposes for specific operating costs based on federal guidelines, such as salary support fees, stipends for artists, facility costs, health and safety supplies, and marketing costs.

UNANIMOUS CONSENT: Requested by Representative Horman, granted by unanimous consent, the FY 2022 budget for the Commission on the Arts was reopened.

MOTION: Moved by Representative Horman for FY 2022 for the Commission on the Arts, an additional $766,000 in one time trustee and benefit payments from the American Rescue Plan Fund for the purpose of disbursing grant money; seconded by Senator Ward-Engelking.


NAYS: 2 Representatives Giddings and Nate

ABSENT/EXCUSED: 1 Representative Nash

The majority having voted in the affirmative, the motion passed and without objection carried a DO PASS recommendation. Having heard no objection, it was so ordered by Co-Chairman Agenbroad.

LSO STAFF PRESENTATION: OFFICE OF THE GOVERNOR - COMMISSION ON THE ARTS FY 2023 ORIGINAL; Nathan Osborne, LSO Budget and Policy Analyst

Mr. Osborne explained the Commission on the Arts encourages the study and presentation of the arts, public interest and participation therein, and encourages and assists freedom of artistic expression.

MOTION: Moved by Representative Horman beginning with the FY 2023 base of $2,088,600, add $5,000 for benefit costs, $1,300 for inflationary adjustments, reduce $4,100 for statewide cost allocation, and add $50,000 for the change in employee compensation. The totals for this motion for FY 2023 are 10.00 FTP, $905,700 from the General Fund, $106,300 from dedicated funds, and $1,128,800 from federal funds for a grand total of $2,140,800; seconded by Senator Ward-Engelking.
CARRIED: AYES: 17
Senators Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden, Ward-Engelking, and Nye
Representatives Youngblood, Troy, Horman, Amador, Syme, Bundy, and Green

NAYS: 2
Representatives Giddings and Nate

ABSENT/EXCUSED: 1
Representative Nash

The majority having voted in the affirmative, the motion passed and without objection carried a DO PASS recommendation. Having heard no objection, it was so ordered by Co-Chairman Agenbroad.

UNANIMOUS CONSENT: Requested by Representative Horman, granted by unanimous consent, the following intent language was adopted:

LANGUAGE: PROVIDING REAPPROPRIATION AUTHORITY;

SECTION XX. REAPPROPRIATION AUTHORITY. There is hereby appropriated to the Commission on the Arts any unexpended and unencumbered balances appropriated to the Commission on the Arts from the American Rescue Plan Fund for the purpose of grants to art organizations for fiscal year 2022, in the amount not to exceed $766,000 from the American Rescue Plan Fund, to be used for nonrecurring expenditures related to grants for arts organizations for the period July 1, 2022, through June 30, 2023. The office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office.

LSO STAFF PRESENTATION: IDAHO TRANSPORTATION DEPARTMENT (ITD)- FY 2023 ORIGINAL - TRANSPORTATION SERVICES; Christine Otto, LSO Senior Budget and Policy Analyst

Ms. Otto explained this Department has four budgeted divisions, each will have its own separate motion, and all will be in one appropriation bill. The Transportation Services division’s requests reflects this Committee’s decisions and the governor's recommendations.

MOTION: Moved by Senator Grow beginning with the FY 2023 base, add $150,200 for benefit costs, $55,500 for inflationary adjustments, $1,937,400 for replacement items, reduce $1,500 for statewide cost allocation, and add $1,166,000 for the change in employee compensation. Also included are the following line items: line item 2, which provides $1,000,000 for software replacement; line item 4, which provides $381,000 for new equipment and a base increase; line item 6, which provides $19,000,000 of which $15,500,000 is one time for facility upgrades; line item 7, which provides $50,000 for air strip maintenance; line item 8, which provides $560,000 for Luma development costs; and line item 49, which provides $300,000 for federal transportation funding. The totals for this motion for FY 2023 are 209.00 FTP, $57,425,500 from dedicated funds, and $2,108,100 from federal funds for a grand total of $59,533,600; seconded by Representative Green.

DISCUSSION: Representatives Green and Youngblood declared a House Rule 80 for all Idaho Transportation Department budgets.
CARRIED: AYES: 19  
Senators Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden, Ward-Engelking, and Nye  
Representatives Youngblood, Troy, Horman, Amador, Syme, Bundy, Giddings, Nate, and Green  

NAYS: 0  

ABSENT/EXCUSED: 1  
Representative Nash  

The majority having voted in the affirmative, the motion passed and without objection carried a DO PASS recommendation. Having heard no objection, it was so ordered by Co-Chairman Agenbroad.  

UNANIMOUS CONSENT: Requested by Senator Grow, granted by unanimous consent, the following intent language was adopted:  

LANGUAGE:  
SECTION 1. REAPPROPRIATION AUTHORITY FOR AIRPORT DEVELOPMENT GRANTS AND CAPITAL IMPROVEMENTS. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances appropriated or reappropriated to the Idaho Transportation Department from the State Aeronautics Fund as trustee and benefit payments for Airport Development Grants and up to $1,500,000 from the State Aeronautics Fund for capital improvements for fiscal year 2022 to be used for nonrecurring expenditures related to Airport Development Grants and capital improvements for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.  

SECTION 1. REAPPROPRIATION AUTHORITY FOR THE CAPITAL FACILITIES PROGRAM. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances appropriated to the Idaho Transportation Department from the State Highway Fund and the State Aeronautics (Dedicated) Fund in the Capital Facilities Program for fiscal year 2022 to be used for nonrecurring expenditures for the Capital Facilities Program for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.  

LSO STAFF PRESENTATION: ITD - FY 2023 ORIGINAL - MOTOR VEHICLES; Christine Otto, LSO  
Senior Budget and Policy Analyst  
Ms. Otto explained this is a maintenance budget with no line item enhancements for FY 2023. It includes all Committee decisions and adds replacement items.  

MOTION: Moved by Senator Crabtree beginning with the FY 2023 base, add $181,400 for benefit costs, $2,303,800 for replacement items, reduce $15,300 for statewide cost allocation, and add $1,148,100 for the change in employee compensation. The totals for this motion for FY 2023 are 240.00 FTP, $38,169,200 from dedicated funds, and $3,600,000 from federal funds for a grand total of $41,769,200; seconded by Representative Green.
CARRIED:  
AYES: 19  
Senators Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden, Ward-Engelking, and Nye  
Representatives Youngblood, Troy, Horman, Amador, Syme, Bundy, Giddings, Nate, and Green  

NAYS: 0  

ABSENT/EXCUSED: 1  
Representative Nash  

The majority having voted in the affirmative, the motion passed and without objection carried a DO PASS recommendation. Having heard no objection, it was so ordered by Co-Chairman Agenbroad.  

UNANIMOUS CONSENT:  
Requested by Senator Crabtree, granted by unanimous consent, the following intent language was adopted:  

LANGUAGE:  
SECTION _. REPORTING REQUIREMENTS. The Division of Motor Vehicles shall provide a report to the Legislative Services Office Budget and Policy Analysis Division and the Division of Financial Management which shall include an update on the compatibility of all software within the Division of Motor Vehicles. Additionally, the report shall include suggestions on how to resolve incompatibilities, including solutions that would allow the use of a single user name and password for all Division of Motor Vehicle online transactions. The format of the report and the information included therein shall be determined by the Legislative Services Office Budget and Policy Analysis Division and the report shall be submitted prior to October 1, 2022.  

LSO STAFF PRESENTATION:  
ITD - FY 2023 ORIGINAL - HIGHWAY OPERATIONS; Christine Otto, LSO Senior Budget and Policy Analyst  
Ms. Otto stated this budget includes this Committee’s statewide decisions and follows the agency’s request with one change for additional funds that ITD expects to receive from the Infrastructure Investment and Jobs Act.  

MOTION:  
Moved by Senator Crabtree beginning with the FY 2023 base, add $872,900 for benefit costs, $28,788,900 for replacement items, reduce $1,180,700 for statewide cost allocation, and add $6,271,100 for the change in employee compensation. Also included are the following line items: line item 3, which provides $10,325,000 for federal grants; line item 5, which provides $2,900,900 for new equipment; and line item 47 which provides $3,705,000 for federal transportation funding. The totals for this motion for FY 2023 are 1,199,00 FTP, $184,152,100 from dedicated funds, and $51,307,200 from federal funds for a grand total of $235,459,300; seconded by Representative Green.
CARRIED: AYES: 19
Senators Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden, Ward-Engelking, and Nye
Representatives Youngblood, Troy, Horman, Amador, Syme, Bundy, Giddings, Nate, and Green

NAYS: 0

ABSENT/EXCUSED: 1
Representative Nash

The majority having voted in the affirmative, the motion passed and without objection carried a DO PASS recommendation. Having heard no objection, it was so ordered by Co-Chairman Agenbroad.

LSO STAFF PRESENTATION: ITD - FY 2023 ORIGINAL - CONTACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION; Christine Otto, LSO Senior Budget and Policy Analyst

Ms. Otto explained this budget is the largest part of ITD’s overall budget requests since it entails new construction on roads and right-of-ways. In the Governor's recommendation is a $200 million cash transfer from the General Fund into two separate dedicated funds, which would need an appropriation for part of it. Ms. Otto summarized it would take three motions if the Committee chooses, with the first motion being the original appropriation, the second being a cash transfer, and the third being the second part of that cash transfer.

MOTION: Moved by Senator Woodward beginning with the FY 2023 base, add the following line items: line item 1, which provides $111,859,700 for excess revenue and receipts; line item 2, which provides $120,000,000 for roads and bridge maintenance in the Strategic Initiatives Program (Dedicated) Fund; add a line item to provide $210,000,000 in onetime trustee and benefit payments to the Strategic Initiative Program (Local) Fund; and line item 47, which provides $124,884,100 for federal construction funding. The totals for this motion for FY 2023, are $576,146,100 from dedicated funds, and $339,429,600 from federal funds for a grand total of $915,575,700; seconded by Representative Green.

DISCUSSION: Senator Woodward summarized the budget requires a longer term perspective regarding carry over authority due to the time frame of these large, multi-year construction projects. He informed the last few years, the Committee authorized $250 million in carry over and this FY ITD will be taking on significantly more projects. To ensure efficient appropriation, reappropriation authority, in addition to the carryover authority, was added.

CARRIED: AYES: 19
Senators Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden, Ward-Engelking, and Nye
Representatives Youngblood, Troy, Horman, Amador, Syme, Bundy, Giddings, Nate, and Green

NAYS: 0

ABSENT/EXCUSED: 1
Representative Nash
The majority having voted in the affirmative, the motion passed and without objection carried a DO PASS recommendation. Having heard no objection, it was so ordered by Co-Chairman Agenbroad.

MOTION: Moved by Senator Woodward for FY 2023, for the ITD in the Contract Construction and Right-of-Way Acquisition Program, the appropriation and transfer of $120,000,000 from the General Fund to the Strategic Initiatives Program (Dedicated) Fund; seconded by Representative Green.

CARRIED: AYES: 19
Senators Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden, Ward-Engelking, and Nye
Representatives Youngblood, Troy, Horman, Amador, Syme, Bundy, Giddings, Nate, and Green

NAYS: 0

ABSENT/EXCUSED: 1
Representative Nash

The majority having voted in the affirmative, the motion passed and without objection carried a DO PASS recommendation. Having heard no objection, it was so ordered by Co-Chairman Agenbroad.

MOTION: Moved by Senator Woodward for FY 2023, for the ITD in the Contract Construction and Right-of-Way Acquisition Program, the appropriation and transfer of $80,000,000 from the General Fund to the Local Highway Distribution Fund; seconded by Representative Green.

CARRIED: AYES: 19
Senators Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden, Ward-Engelking, and Nye
Representatives Youngblood, Troy, Horman, Amador, Syme, Bundy, Giddings, Nate, and Green

NAYS: 0

ABSENT/EXCUSED: 1
Representative Nash

The majority having voted in the affirmative, the motion passed and without objection carried a DO PASS recommendation. Having heard no objection, it was so ordered by Co-Chairman Agenbroad.

UNANIMOUS CONSENT: Requested by Senator Woodward, granted by unanimous consent, the following intent language was adopted:
SECTION_. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances appropriated or reappropriated to the Idaho Transportation Department from the State Highway Fund, Strategic Initiatives Program Fund, and the Transportation Expansion and Congestion Mitigation Fund for the Contract Construction and Right-of-Way Acquisition Division for fiscal year 2022, in a total amount not to exceed $250,000,000 from the State Highway Fund, Strategic Initiatives Program Fund, and/or the Transportation Expansion and Congestion Mitigation Fund, to be used for nonrecurring expenditures for the Contract Construction and Right-of-Way Acquisition Division for the period July 1, 2022, through June 30, 2023. The Office of the State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION_. CONTINUOUSLY APPROPRIATED MONEYS. All moneys transferred to the Local Bridge Inspection Fund and to the Railroad Grade Crossing Protection Fund, as provided in Section 63-2412, Idaho Code, are hereby continuously appropriated to the Idaho Transportation Department for the stated purpose of those funds.

SECTION_. BOND PAYMENT AUTHORIZATION. The federal GARVEE bond payment for fiscal year 2023 is approximately $65,100,000. It is hereby appropriated and the Idaho Transportation Board is hereby authorized to transfer up to $4,800,000 from within the State Highway (Dedicated) Fund to the GARVEE Debt Service Fund to pay the state match as required for federal funds committed to pay the annual scheduled debt service for fiscal year 2023.

ADJOURNED: There being no further business before the Committee, Co-Chairman Agenbroad adjourned the meeting at 8:57 a.m.

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Senator Agenbroad             Erin Miller
Chair                           Secretary