

MINUTES
JOINT FINANCE-APPROPRIATIONS COMMITTEE

DATE: Tuesday, March 22, 2022

TIME: 1:30 P.M.

PLACE: Room C310

MEMBERS: Senators Co-chairman Agenbroad, Crabtree, VanOrden (Bair), Grow, Woodward, Lent, Riggs, Cook, Ward-Engelking, Nye
Representatives Co-chairman Youngblood, Troy, Horman, Amador, Syme, Bundy, Giddings, Nate, Green, Nash

**ABSENT/
EXCUSED:** Representative Giddings

Co-Chairman Youngblood called the meeting to order at 1:32 p.m.

Ms. Christine Otto, Senior Analyst, LSO Budget & Policy Analysis, presented the FY 2023 trailer appropriation for **S 1378** for the Idaho State Police. This bill creates an endangered missing person alert (EMPA). The cost of the new alert system would total just over \$1.3M. The ongoing portion of this program will be addressed next year.

MOTION: **Rep. Syme** made a motion, seconded by **Sen. Grow**, for FY 2023, for the Idaho State Police, in the Support Services Program, \$1,316,500 onetime from the General Fund for the purpose of implementing an endangered missing person alert.

**VOTE ON
MOTION:** **Motion carried by a vote of 19 AYES, 0 NAYS, 1 ABSENT/EXCUSED. AYES: 19.** Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden (Bair), Ward-Engelking, Nye, Youngblood, Troy, Horman, Amador, Syme, Bundy, Nate, Green, Nash. **NAYS: 0. ABSENT/EXCUSED: 1.** Giddings.

The majority having voted in the affirmative and without objection the legislation will carry a **DO PASS** recommendation. There being no objection, it was so ordered by **Chairman Youngblood**.

Ms. Jill Randolph, Senior Analyst, LSO Budget & Policy Analysis, presented the FY 2023 trailer appropriation for **S 1327** for the Community Hospitalization program in the Psychiatric Hospitalization Division of the Department of Health & Welfare. This bill changes civil commitment statutes, which change the assignment of financial responsibility for pre-commitment holds and post-commitment costs based on the passage of **H 316** of 2021. **H 316** moved the responsibility for certain costs from the counties to the state. Those costs include senior designated examinations, court-required expert witness fees, pre-commitment psychiatric hospitalization, pre-commitment usual and customary medical, and post-commitment transportation. The implementation of **H 316** is March 1, 2022, therefore a FY 2022 supplemental appropriation is needed.

**UNANIMOUS
CONSENT
REQUEST:** **Sen. Riggs** requested and it was granted by unanimous consent, the FY 2022 budget for the Division of Psychiatric Hospitalization within the Department of Health and Welfare was reopened.

MOTION: **Sen. Riggs** made a motion, seconded by **Rep. Nash**, for FY 2022, for the Community Hospitalization Program, an additional \$1,298,300 onetime from the Cooperative Welfare (General) Fund.

VOTE ON MOTION: **Motion carried by a vote of 19 AYES, 0 NAYS, 1 ABSENT/EXCUSED. AYES: 19.** Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden (Bair), Ward-Engelking, Nye, Youngblood, Troy, Horman, Amador, Syme, Bundy, Nate, Green, Nash. **NAYS: 0. ABSENT/EXCUSED: 1.** Giddings.

The majority having voted in the affirmative and without objection the legislation will carry a **DO PASS** recommendation. There being no objection, it was so ordered by **Chairman Youngblood**.

MOTION: **Sen. Riggs** made a motion, seconded by **Rep. Nash**, for FY 2023, for the Community Hospitalization Program, an additional \$3,895,000 from the Cooperative Welfare (General) Fund.

VOTE ON MOTION: **Motion carried by a vote of 19 AYES, 0 NAYS, 1 ABSENT/EXCUSED. AYES: 19.** Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden (Bair), Ward-Engelking, Nye, Youngblood, Troy, Horman, Amador, Syme, Bundy, Nate, Green, Nash. **NAYS: 0. ABSENT/EXCUSED: 1.** Giddings.

The majority having voted in the affirmative and without objection the legislation will carry a **DO PASS** recommendation. There being no objection, it was so ordered by **Chairman Youngblood**.

Ms. Randolph presented a FY 2023 trailer appropriation for **S 1399** for the Department of Health & Welfare. **S 1399** passed the Senate on March 17, 2022, and unanimously out of the House Health and Welfare Committee on March 21, 2022. The bill moves the Extended Employment Services Program from the Division of Vocational Rehabilitation and places it within the Department of Health and Welfare.

MOTION: **Sen. Cook** made a motion, seconded by **Rep. Horman**, for FY 2023, for the Division of Vocational Rehabilitation in the Extended Employment Services Program, the removal of 3.60 FTP and \$3,616,900 from the General Fund.

VOTE ON MOTION: **Motion carried by a vote of 19 AYES, 0 NAYS, 1 ABSENT/EXCUSED. AYES: 19.** Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden (Bair), Ward-Engelking, Nye, Youngblood, Troy, Horman, Amador, Syme, Bundy, Nate, Green, Nash. **NAYS: 0. ABSENT/EXCUSED: 1.** Giddings.

The majority having voted in the affirmative and without objection the legislation will carry a **DO PASS** recommendation. There being no objection, it was so ordered by **Chairman Youngblood**.

MOTION: **Sen. Cook** made a motion, seconded by **Rep. Horman**, for FY 2023, for the Division of Vocational Rehabilitation, in the Vocational Rehabilitation Program, an additional 0.60 FTP and \$107,800 from the General Fund.

VOTE ON MOTION: **Motion carried by a vote of 19 AYES, 0 NAYS, 1 ABSENT/EXCUSED. AYES: 19.** Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden (Bair), Ward-Engelking, Nye, Youngblood, Troy, Horman, Amador, Syme, Bundy, Nate, Green, Nash. **NAYS: 0. ABSENT/EXCUSED: 1.** Giddings.

The majority having voted in the affirmative and without objection the legislation will carry a **DO PASS** recommendation. There being no objection, it was so ordered by **Chairman Youngblood**.

MOTION: **Sen. Cook** made a motion, seconded by **Rep. Horman**, for FY 2023, the creation of the Extended Employment Services Program within the Division of Services for the Developmentally Disabled and the addition of 3.00 FTP and \$3,509,100 from the Cooperative Welfare (General) Fund.

VOTE ON MOTION: **Motion carried by a vote of 19 AYES, 0 NAYS, 1 ABSENT/EXCUSED. AYES: 19.** Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden (Bair), Ward-Engelking, Nye, Youngblood, Troy, Horman, Amador, Syme, Bundy, Nate, Green, Nash. **NAYS: 0. ABSENT/EXCUSED: 1.** Giddings.

The majority having voted in the affirmative and without objection the legislation will carry a **DO PASS** recommendation. There being no objection, it was so ordered by **Chairman Youngblood**.

UNANIMOUS CONSENT REQUEST: **Sen. Cook** requested and it was granted by unanimous consent, to accept the following intent language.

INTENT LANGUAGE: SECTION __. TRANSFER OF APPROPRIATIONS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds appropriated to the Extended Employment Services Program shall not be transferred to any other budgeted program within the Department of Health and Welfare during fiscal year 2023.

Ms. Janet Jessup, Senior Analyst, LSO Budget & Policy Analysis, presented a FY 2022 supplemental appropriation for the Office of the State Board of Education (OSBE).

UNANIMOUS CONSENT REQUEST: **Rep. Horman** requested and it was granted by unanimous consent, the FY 2022 budget for the Office of the State Board of Education was reopened.

MOTION: **Rep. Horman** made a motion, seconded by **Sen. Woodward**, for FY 2022, for the Office of the State Board of Education, an additional \$100,000 in onetime operating expenditures from the General Fund to develop a statewide graduate education plan for engineering education and to complete a needs assessment.

VOTE ON MOTION: **Motion carried by a vote of 15 AYES, 4 NAYS, 1 ABSENT/EXCUSED. AYES: 15.** Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden (Bair), Ward-Engelking, Nye, Youngblood, Horman, Amador, Bundy, Nash. **NAYS: 4.** Troy, Syme, Nate, Green. **ABSENT/EXCUSED: 1.** Giddings.

The majority having voted in the affirmative and without objection the legislation will carry a **DO PASS** recommendation. There being no objection, it was so ordered by **Chairman Youngblood**.

Ms. Janet Jessup presented a FY 2022 trailer appropriation for **S 1255**, the Empowering Parents Grant Program in the Office of the State Board of Education.

MOTION: **Rep. Horman** made a motion, seconded by **Sen. Woodward**, for FY 2022, for the Office of the State Board of Education, an additional 1.00 FTP and \$51,035,000 onetime from the American Rescue Plan State Fiscal Recovery Fund to facilitate grants that directly support learning for students and parents.

VOTE ON MOTION: **Motion carried by a vote of 17 AYES, 2 NAYS, 1 ABSENT/EXCUSED. AYES: 17.** Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden (Bair), Ward-Engelking, Nye, Youngblood, Troy, Horman, Amador, Bundy, Green, Nash. **NAYS: 2.** Syme, Nate. **ABSENT/EXCUSED: 1.** Giddings.

The majority having voted in the affirmative and without objection the legislation will carry a **DO PASS** recommendation. There being no objection, it was so ordered by **Chairman Youngblood**.

Earlier in the day, the House chamber failed to pass **S 1390**, the FY 2023 budget for the Office of the State Board of Education (OSBE) previously approved by the Joint Finance-Appropriations Committee (JFAC) on February 4, 2022. Ms. Jessup presented a revised FY 2023 budget for the Office of the State Board of Education.

MOTION: **Rep. Horman** made a motion, seconded by **Sen. Woodward**, to reconsider the FY 2023 budget for the Office of the State Board of Education.

VOTE ON MOTION: **Motion carried by a vote of 18 AYES, 1 NAY, 1 ABSENT/EXCUSED. AYES: 18.** Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden (Bair), Ward-Engelking, Nye, Youngblood, Troy, Horman, Amador, Bundy, Nate, Green, Nash. **NAYS: 1.** Syme. **ABSENT/EXCUSED: 1.** Giddings.

The majority having voted in the affirmative and without objection the legislation will carry a **DO PASS** recommendation. There being no objection, it was so ordered by **Chairman Youngblood**.

MOTION: **Rep. Horman** made a motion, seconded by **Sen. Woodward**, for FY 2023, for the Office of the State Board of Education, 61.25 FTP, \$9,428,100 from the General Fund, \$6,963,300 from dedicated funds, and \$17,650,500 from federal funds, for a grand total of \$34,041,900, which includes personnel benefit and replacements costs, change in employment compensation, nondiscretionary adjustments, and line items.

In response to committee questions, **Ms. Jessup** explained the differences between this motion and the one encompassed in **S 1390**. In this budget, all the funds will be appropriated in one round of funding, rather than \$25M in FY 2022 and \$25M in FY 2023; additionally, there were small corrections to FTP and expenses on line item seven.

VOTE ON MOTION: **Motion carried by a vote of 16 AYES, 3 NAYS, 1 ABSENT/EXCUSED. AYES: 16.** Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden (Bair), Ward-Engelking, Nye, Youngblood, Horman, Amador, Bundy, Green, Nash. **NAYS: 3.** Troy, Syme, Nate. **ABSENT/EXCUSED: 1.** Giddings.

The majority having voted in the affirmative and without objection the legislation will carry a **DO PASS** recommendation. There being no objection, it was so ordered by **Chairman Youngblood**.

UNANIMOUS CONSENT REQUEST: **Rep. Horman** requested and it was granted by unanimous consent, to accept the following intent language.

INTENT LANGUAGE: SECTION __. REAPPROPRIATION AUTHORITY FOR FEDERAL FUNDS. There is hereby reappropriated to the Office of the State Board of Education any unexpended and unencumbered balances appropriated to the Office of the State Board of Education from the American Rescue Plan State Fiscal Recovery Fund for grants that directly support learning for students and parents for fiscal year 2022, to be used for nonrecurring expenditures 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 __. REAPPROPRIATION AUTHORITY FOR GENERAL FUNDS. There is hereby reappropriated to the Office of the State Board of Education any unexpended and unencumbered balances appropriated to the Office of the State Board of Education from the General Fund for the engineering plan needs assessment for fiscal year 2022, in an amount not to exceed \$100,000 from the General Fund, to be used for nonrecurring expenditures 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.

Ms. Jessup presented the FY 2023 trailer appropriation for **S 1290**. **S 1290** establishes a rural educator incentive program for educators who work in high-need or rural school districts or charter schools. Unlike other programs that provide the same amount of funding or reimbursement over a fixed number of years, this program would provide a maximum amount of eligible funding that gradually increases for each year the educator stays in the high-need school district or charter school, up to the maximum number of years of eligibility. The funds could be used for education loan repayments, additional degrees, advanced degrees, or other educational costs.

MOTION: **Sen. Ward-Engelking** made a motion, seconded by **Rep. Nash**, for FY 2023, for the Division of Special Programs, Scholarships and Grants Program, an additional \$775,000 from the General Fund.

VOTE ON MOTION: **Motion carried by a vote of 18 AYES, 1 NAY, 1 ABSENT/EXCUSED. AYES: 18.** Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden (Bair), Ward-Engelking, Nye, Youngblood, Troy, Horman, Amador, Syme, Bundy, Green, Nash. **NAYS: 1.** Nate. **ABSENT/EXCUSED: 1.** Giddings.

The majority having voted in the affirmative and without objection the legislation will carry a **DO PASS** recommendation. There being no objection, it was so ordered by **Chairman Youngblood**.

Mr. Jared Tatro, Deputy Division Manager, LSO Budget & Policy Analysis, presented the FY 2022 and FY 2023 trailer appropriations for **H 656** for the Career Ladder Placement Program in the Teachers Division in the Public School Support Program. **H 656** changes the methods for how instructional and pupil service staff are placed on the professional or advanced professional rung of the career ladder when they are first hired. Highly experienced staff hired from out-of-state, returning to teaching in Idaho, or administrators returning to teaching can be placed on the correct rung based on their experience and the career ladder's performance criteria. The career ladder is an allocation formula to the school districts, so this change ensures schools are allocated the correct amount of funding to pay school staff.

MOTION: **Rep. Bundy** made a motion, seconded by **Sen. Woodward**, for FY 2023, for the Public School Support Program's Division of Teachers, an additional \$2,086,500 from the General Fund.

VOTE ON MOTION: **Motion carried by a vote of 19 AYES, 0 NAYS, 1 ABSENT/EXCUSED. AYES: 19.** Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden (Bair), Ward-Engelking, Nye, Youngblood, Troy, Horman, Amador, Syme, Bundy, Nate, Green, Nash. **NAYS: 0.** **ABSENT/EXCUSED: 1.** Giddings.

The majority having voted in the affirmative and without objection the legislation will carry a **DO PASS** recommendation. There being no objection, it was so ordered by **Chairman Youngblood**.

Mr. Tatro presented the FY 2023 trailer appropriation for **H 723aaS** for enrollment-based funding for the Division of Administrators and Division of Operations in the Public School Support Program. **H 723aaS** changes the methodology for counting students using enrollment instead of average daily attendance (ADA) for the next two school years.

MOTION: **Sen. Woodward** made a motion, seconded by **Rep. Bundy**, for FY 2023, for the Public School Support Program's Division of Administrators, an additional \$3,000,000 ongoing from the General Fund and for the Division of Operations, an additional \$20,500,000 ongoing from the General Fund.

VOTE ON MOTION: **Motion carried by a vote of 18 AYES, 1 NAY, 1 ABSENT/EXCUSED. AYES: 18.** Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden (Bair), Ward-Engelking, Nye, Youngblood, Troy, Horman, Amador, Syme, Bundy, Green, Nash. **NAYS: 1.** Nate. **ABSENT/EXCUSED: 1.** Giddings.

The majority having voted in the affirmative and without objection the legislation will carry a **DO PASS** recommendation. There being no objection, it was so ordered by **Chairman Youngblood**.

MOTION: **Sen. Woodward** made a motion, seconded by **Rep. Bundy**, for FY 2023, for the Idaho Legislature, \$100,000 onetime from the General Fund for the purpose of establishing an interim committee to review the public school funding formula as provided in **H 723aaS**.

VOTE ON MOTION: **Motion carried by a vote of 17 AYES, 2 NAYS, 1 ABSENT/EXCUSED. AYES: 17.** Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden (Bair), Ward-Engelking, Nye, Youngblood, Troy, Horman, Amador, Bundy, Green, Nash. **NAYS: 2.** Syme, Nate. **ABSENT/EXCUSED: 1.** Giddings.

The majority having voted in the affirmative and without objection the legislation will carry a **DO PASS** recommendation. There being no objection, it was so ordered by **Chairman Youngblood**.

Mr. Tatro presented the FY 2023 trailer appropriation for **H 716** for Public Schools Content Standards in the Department of Education. **H 716** directs the Idaho State Board of Education to adopt and incorporate by reference into its administrative rules, the draft Idaho Content Standards for English Language, Arts, Mathematics and Science. These draft documents (dated July 13, 2021) were recommended by the Standards Review committees of 2020 and 2021. After several years of deliberations by the House and Senate Germane Education Committees, letters from the committees were submitted to the Idaho Governor, Idaho State Board of Education and the Idaho Department of Education requesting that the Idaho Content Standards be reviewed and replaced. These requests in 2020 and 2021 initiated various subcommittees of legislators, educators, school administrators, and state department staff. Their work culminated in draft standards dated July 13, 2021. This new section further provides that school districts shall have until June 30, 2024, to adopt curricular materials pursuant to changes provided for in this bill or adopted through the subsequent negotiated administrative rule process. The state requires each content standard to be reviewed on a five-year cycle. The English Language Arts and Mathematics Content Standards were scheduled for 2021, while the Science Standards would be up for review in 2022.

MOTION: **Rep. Amador** made a motion, seconded by **Sen. Lent**, for FY 2023, for the Department of Education, an additional \$375,000 onetime from the General Fund for operating expenditures.

In response to a committee question, **Mr. Gideon Tolman**, Chief Financial Officer of the State Board of Education, explained this funding would allow the Department to make an assessment of revising content standards in testing. After the assessment, the Department would be better able to estimate the costs of making actual revisions to content standards.

VOTE ON MOTION:

Motion carried by a vote of 16 AYES, 2 NAYS, 2 ABSENT/EXCUSED. AYES: 16. Agenbroad, Crabtree, Grow, Woodward, Lent, Riggs, Cook, VanOrden (Bair), Nye, Youngblood, Troy, Horman, Amador, Syme, Bundy, Green. **NAYS: 2.** Nate, Nash. **ABSENT/EXCUSED: 2.** Ward-Engelking, Giddings.

The majority having voted in the affirmative and without objection the legislation will carry a **DO PASS** recommendation. There being no objection, it was so ordered by **Chairman Youngblood**.

Mr. Tatro explained the clarification motion necessary for **H 792** and **H 797**. On March 7, 2022, JFAC approved the budgets for the Administrators and Operations Divisions of the Public School Support Program. In those motions, JFAC provided a 7% change in employee compensation (CEC) and changed the starting distribution salary for administrators and classified staff in Section 33-1004E (6) and (7). This motion provides clarification through a trailer bill by inserting the effective date into Section 33-1004E (6) and (7).

UNANIMOUS CONSENT REQUEST:

Rep. Horman requested and it was granted by unanimous consent, to accept the addition of an effective date of July 1, 2022 for the amendments to Section 33-1004E (6) and (7) as provided in **H 792** and **H 797**.

Mr. Tatro explained the technical correction needed for the FY 2023 budget for the Public Schools Support Operations Division.

UNANIMOUS CONSENT REQUEST:

Rep. Horman requested and it was granted by unanimous consent, to reopen the budget for the Public Schools Support Program for FY 2023.

UNANIMOUS CONSENT REQUEST:

Rep. Horman requested and it was granted by unanimous consent, to accept the following intent language.

INTENT LANGUAGE:

CLASSROOM TECHNOLOGY. Notwithstanding the provisions of Section 7 of House Bill 797, as enacted by the Second Regular Session of the Sixty-Sixth Idaho Legislature, and any other provision of law to the contrary, of the moneys appropriated in Section 1 of said bill, \$26,500,000 from the Public School Income Fund shall be distributed for classroom technology, classroom technology infrastructure, wireless technology infrastructure, and learning management systems that assist teachers and students in effective and efficient instruction or learning. Funding shall be distributed based on a formula prescribed by the State Department of Education. Moneys so distributed shall be used to implement and operate a learning management system of each school district's or public charter school's choice. A learning management system shall include integration with a school district's or public charter school's Student Information System (SIS) and shall administer, monitor, and document student and classroom levels of learning. The State Department of Education shall verify that school districts and public charter schools are using funds to purchase a learning management system that is compliant with these standards.

Mr. Keith Bybee, Division Manager, LSO Budget & Policy, explained the Office of Administrative Hearings was created by **H 629**. This new Office is part of the executive branch residing in the Department of Self-Governing Agencies. The Office is created to provide for independent and impartial administrative hearing officers under the Administrative Hearing Act for contested case proceedings.

MOTION: **Rep. Troy** made a motion, seconded by **Sen. Crabtree**, for FY 2023, for the Office of Administrative Hearings, 4.00 FTP and \$605,700 from the General Fund.

Rep. Troy stated this new Office will allow Idaho citizens to have a fair and unbiased hearing if they have a disagreement with a state agency.

VOTE ON MOTION: **Motion carried by a vote of 15 AYES, 2 NAYS, 3 ABSENT/EXCUSED.**

AYES: 15. Agenbroad, Crabtree, Woodward, Lent, Cook, VanOrden (Bair), Nye, Youngblood, Troy, Horman, Amador, Syme, Bundy, Green, Nash. **NAYS: 2.** Grow, Nate. **ABSENT/EXCUSED: 3.** Riggs, Ward-Engelking, Giddings.

The majority having voted in the affirmative and without objection the legislation will carry a **DO PASS** recommendation. There being no objection, it was so ordered by **Chairman Youngblood**.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:34 p.m.

Representative Youngblood
Chair

Alyson Jackson
Secretary