

Minutes of the Joint Legislative Oversight Committee

March 16, 2021

Room EW42, Capitol, Boise, Idaho



Cochair Representative Ilana Rubel called the meeting to order at 5:10 p.m. Attending the meeting were Senators Mark Harris (cochair), Dave Lent, David Nelson, Representatives Caroline Nilsson Troy, Paul Amador, and Steve Berch. Also present were Rakesh Mohan, director and other staff from the Office of Performance Evaluations (OPE). Audience members included Senators Abby Lee, Grant Burgoyne, Representatives Lauren Necochea, Colin Nash, and Rod Furniss.

Approval of minutes from February 18, 2021

Senator Harris moved to approve the minutes from February 18th, 2021. Senator Lent seconded the motion, and it passed by voice vote.

Presentation of proposals

In response to an invitation from Cochair Rubel, Rakesh Mohan reviewed the handouts given to each committee member regarding the eight evaluation requests and guidelines for selecting a report. Rakesh explained that OPE has the expertise to conduct each of the evaluations. Among the requesters were 14 senators, 10 representatives, and the Joint Millennium Fund Committee.

Court representation for children

Cochair Rubel invited Representative Necochea and Senator Lee to present their request on court representation for children.

Representative Necochea said that Idaho is required by the state and federal governments to appoint guardian ad litem for children going through certain court proceedings. Idaho relies on volunteer programs that operate at the local level. There is little knowledge about the funding and appointment of guardians across the state. The evaluation request proposes that OPE study models to help the Legislature ensure the effective and equal administration of guardian ad litem programs in Idaho.

Senator Lee expanded by saying that there is a study led by the judiciary, efforts that an evaluation by OPE could help support. Senator Lee explained that there is reason to believe that services are not meeting their statutory obligation of providing equal access to guardian ad litem across the state.

Cochair Rubel asked for further detail on the shortcomings of the current guardian ad litem program in Idaho.

Senator Lee responded that some judicial districts do not provide representation for children over the age of 12. Senator Lee referenced inconsistencies in program administration across the state, and questions about the accuracy of currently available data. A study would inform the Legislature and help determine whether statutory changes are needed.

Representative Berch asked about the level of legislative interest in follow-up action for this study should it be chosen by the committee.

Senator Lee said that the legislative response to previous OPE reports on the guardian ad litem program indicate there is excitement for the topic. Senator Lee also said that, as cochair of the Child Welfare Oversight Committee, she would also be excited about this.

Representative Troy recalled that the guardian ad litem program having a funding crisis in the past. Representative Troy asked if that continued to be true.

Senator Lee responded that the funding requests are inconsistent and that programs are expected to find additional funding elsewhere. Local programs without outside funding are struggling to meet their statutory requirements.

Medicaid provider payments

Cochair Rubel asked Senator Lee to remain at the podium to present the request on Medicaid provider payments.

Senator Lee explained that Idaho continues to struggle with how to appropriately reimburse providers for services they have provided through Medicaid. As a previous member of the Joint Finance and Appropriations Committee, Senator Lee recounted times when Medicaid reimbursements were not increased until providers were in financial crisis or at risk of closure. Senator Lee said that the previous OPE study on emergency medical services (EMS) helped provide some information on this topic. Senator Lee said that an OPE report could strengthen a current provider payment review being conducted by the Department of Health and Welfare.

Representative Berch asked when the Department of Health and Welfare anticipated completing their review.

Senator Lee responded that a review was expected this year. The department's current workload has precluded a review in part because of the COVID-19 pandemic. There has not been a systematic review in many years.

Death investigations

Cochair Rubel called on Representative Colin Nash to present the proposal on funding death investigations.

Representative Nash began by explaining the recent scrutiny Idaho received from Utah regarding autopsy regulations. Idaho does not have a state medical examiner's office, has few statutory qualifications for coroners, and has no comprehensive or uniform standards across the state for death investigations. Representative Nash continued that budgets for coroners' offices differ dramatically. Most counties are under resourced and must deliver bodies to Ada County for death investigations. These challenges may be disincentivizing death investigations that could help Idaho better understand issues of substance abuse, suicide, and suspicious death. Representative Nash concluded that the request asks for more information on budget challenges and uniform standards across the state.

Representative Berch asked Representative Nash about the level of interest to pursue changes following the release of a report should this topic be chosen.

Representative Nash said he would be motivated to action if a report found a need to change state policy.

Representative Rubel asked who is filling the coroner needs of northern Idaho.

Representative Nash responded that he was unsure, but that it seems as though the work is running through Ada County.

Infants and toddlers

Cochair Rubel asked Representative Necochea to present the request on infants and toddlers.

Representative Necochea said that children ages 3 and under are experiencing a crucial time of development. Many Idaho children face barriers to meeting developmental benchmarks. Although Idaho has supportive programs, there is little comprehensive information about services available and how well they are reaching infants and toddlers.

Senator Nelson asked Representative Necochea how this report would complement other early childhood grants.

Representative Necochea responded that a report could help inform program capacities and funding needs. Early intervention is critical for children with the highest needs.

Criminal justice

Cochair Rubel asked Representative Nechochea to remain at the podium to present the request on criminal justice.

Representative Necochea commented that the request's co-sponsors, Representative Erickson and Representative Cannon, were unable to attend the meeting. Idaho's prison expenditure growth has outpaced almost every other state and threatens other funding needs of the state. A few years ago the state projected that an additional \$500 million investment would be needed. Representative Necochea said that an OPE study may help respond to this troubling trend in prison costs. Idaho passed the Justice Reinvestment Act several years ago making now a good time to determine the level of investment still needed. An OPE study could provide information on preventive measures, post incarceration transitions, and effective funding.

Representative Berch asked if there is an expectation that a report could be used to justify not having to invest in a new prison.

Representative Necochea said that the question is not a specific part of the request but could be added. The hope is that information from the report will provide a menu of alternatives.

Volunteer EMS and fire responders

Cochair Rubel asked Representative Troy to present the request on volunteer EMS and fire responders.

Representative Troy explained challenges facing Moscow's volunteer EMS and fire department. Volunteer EMS providers in rural Idaho are running out of steam. The study would provide an update since the last OPE study and obtain new ideas to recruit and retain volunteers.

Cochair Harris expressed support for the study and said that some EMS volunteers are also hospital workers. Cochair Harris agreed that burnout is present in rural Idaho's emergency response system.

Senator Nelson added that providers from his district reached out to legislators about this evaluation because they are so overwhelmed. Coverage is so sparse that losing even one volunteer can create crises in some areas. Providers said they need affordable health insurance. The COVID-19 pandemic has highlighted these challenges.

Representative Rubel asked what the population threshold is for a community to have a full-time EMS program that is paid.

Representative Troy said that there is not a formal threshold. Volunteer EMS providers raise their own money where they can. For example one EMS provider has a crab feed to raise money for their work. Representative Troy provided other examples of strain across rural Idaho before concluding that we ask too much of our volunteers.

Representative Berch asked whether the request study should ask how much it would cost to pay EMS providers across the state.

Representative Troy explained that local governments have very strained budgets. Even Moscow does not have a paid full-time EMS program.

Public k-12 facilities

Cochair Rubel called on Senator Nelson to present the request on public k-12 facilities.

Senator Nelson said that Idaho's school facility funding system is breaking down. K-12 facility funding depends on supplemental bond levies that require a super majority to pass. This system is challenging and leads to different levels of funding for school facilities across the state. Senator Nelson worked with several legislators, including the chair of the Senate Education Committee and the Senate President Pro Tempore to develop this proposal. An OPE report would help provide information on the scope of the problem in Idaho, to what degree our current property tax system presents challenges, whether supplemental levies crowd out Idaho's ability to bond, and determine best practices from other states.

Senator Lent added that 92 out of 115 districts passed supplemental levies this year. This creates disproportionate impacts across the state depending on school district sizes and is creating voter fatigue.

Nicotine

Cochair Rubel asked Representative Troy to present the nicotine request on behalf of the Joint Millennium Fund Committee.

Representative Troy said there is not data on smoking cessation efforts in Idaho. Representative Troy said that there is little information on the location of tobacco sales, policies across the state, and effective intervention efforts. The Department of Health and Welfare is hiring a position to develop a plan on smoking cessation, but the Joint Millennium Fund Committee would like more information to support the development of a state plan.

Representative Troy added that Senator Burgoyne had planned to co-present with her but had to leave the meeting.

Representative Berch and Representative Troy discussed the scope of the EMS project, concluding that the project could include an evaluation of the cost of paying EMS providers across the state if OPE capacity allows, before moving on to topic selection.

Selection of topics

Cochair Rubel directed the committee to complete their ballots using the topic selection guide. OPE staff tallied the ballots.

After ballots were tallied, the four topics with the highest support were Medicaid provider payments, criminal justice, volunteer EMS and fire responders, and public k-12 facilities. Cochair Rubel invited Rakesh to discuss the topics. Rakesh commented that the k-12 facilities evaluation is the largest among the topics selected. OPE has the capacity to pursue four projects based on the current number of needed follow-up reports.

Cochair Harris moved to conduct an evaluation of Medicaid provider payments, criminal justice, volunteer EMS and fire responders, and public k-12 facilities. Cochair Rubel seconded the motion, and it passed by voice vote.

Other committee business

Rakesh responded that the tax preferences report will likely be released next week. The higher education report is currently undergoing technical review and may be ready for release before the end of the session. The child neglect report will likely be released after the end of the session.

The meeting adjourned at 6:25 p.m.



Idaho State Senate

SENATOR ABBY LEE

March 8, 2021

Joint Legislative Oversight Committee
Senator Mark Harris, Co-Chair
Representative Illana Rubel, Co-Chair

Dear Co-Chairs,

The Child Abuse Prevention and Treatment Act is a federal program that partners with states to establish and support service programs for abused children and families. This Act created a grant program for states to develop and maintain child abuse prevention and treatment programs. To receive these funds, states have to meet ten requirements, including: " ... *that in every case involving an abused or neglected child, which results in a judicial proceeding, a guardian ad litem should be appointed to represent the child.* "

Idaho's Child Protection Act includes the requirement that a guardian ad litem (GAL) be appointed, but communities are free to use whatever method of GAL representation they wish. The interpretation of the responsibilities of the GAL thus varies among communities, judges, and even GALs themselves. There is also little knowledge on what constitutes effective representation and what the duties and responsibilities of the GAL should be or the most effective program model for representation of the child.

Independent, not-for-profit GAL organizations have been established throughout Idaho, and there is currently at least one in each of the seven judicial districts. Although GAL appointment is statutorily required, there is no state-wide oversight to this program. Instead, state funding for the GAL program is simply a pass-through grant appropriated by the legislature to the Idaho Supreme Court which serves as a grantor agency.

We ask that OPE conduct a study on various GAL program models to help the legislature make structural changes to ensure a consistent and effective GAL program in Idaho.

We propose that the specific study questions include:

- How are court representatives selected and assigned to youth in foster care?
- How much funding would be required to ensure that every child in foster care had a GAL and/or qualified attorney appointed to their case?

Additionally, we propose an audit of GAL finances and operations to answer the following questions:

- How are GAL programs in Idaho using their funding and what is the state of their finances?
 - A fiscal year 2020 financial review would ensure each GAL Program underwent either a Financial Review (revenues between \$250-\$500,000 annually) or an Audit (income greater than \$500,000.00) by an Independent CPA of their financials for the year. Additionally, this review should confirm that each GAL Program also produced an FY2020 Annual Report and Internal Revenue Service (IRS) Form 990. These documents indicate how well the programs are each doing financially.

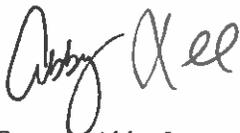
- Can the GAL programs verify the numbers they reported in FY2020 regarding children served by an active volunteer **and** staff?
 - Fiscal year 2020 Child Data: Each program must maintain the following data for each child 'served' by their program during the year in question. These steps would verify the number of children served by each program in FY2020: full (first and last) name of the child, legal (first and last) name of the volunteer, date the volunteer/program was appointed by the Court, date case closed, Court reports, which were filed before each of the following (as required by Idaho Code 16-1633 (2): Adjudicatory, Review, or Permanency Hearing), proof of GAL Child Visitation occurring at a minimum of every 30 days.
- Can the GAL programs verify each active GAL volunteer in Idaho?
 - FY2020 Volunteer Data: Per ICAR 47, each GAL program volunteer must have an active Criminal History Check on file with the Idaho Supreme Court to serve children. The GAL programs would need to provide additional data points to answer this question. A compilation of data could then verify the number of active volunteers for each program in FY2020.

This report would allow the Legislature to:

- Ensure appropriate levels of funding for CASA programs, public defenders, and attorney training in child protection law;
- Consider whether a change in statute is needed to ensure that children of all ages have adequate representation and advocacy in their court proceedings;
- Understand the cost to the state of guaranteeing court adequate representation for children of all ages.

Thank you for your consideration of this request.

Sincerely,



Senator Abby Lee



Representative Lauren Necochea



Idaho State Senate

SENATOR ABBY LEE

March 8, 2021

Senator Mark Harris, Co-Chair, Joint Legislative Oversight Committee
Representative Illana Rubel, Co-Chair, Joint Legislative Oversight Committee

Dear Co-Chairs,

The Idaho Department of Health & Welfare, Division of Medicaid, has conducted provider payment studies over the past few years. Although some of these rate reviews have been completed, the Medicaid Division is continually challenged in its ability to provide a systemic and systemic plan for provider payment review. The following chart was provided last year by the Medicaid Division as an outline of available and planned studies:

Proposed Rate Review

<u>Provider Type</u>	<u>Last Rate Adjustment</u>	<u>Rate/ Methodology Review</u>
Medicaid Only Providers (Yearly)	2013	Methodology Creation SFY2020
Rural Services	2007	Methodology Creation SFY2020
Intermediate Care Facilities (ICF)	7/1/2019	Methodology Review in SFY2021
Nursing Facilities (NF)	7/1/2019	Methodology Review in SFY2021
Hospitals	10/1/2019	Methodology Review in SFY2021
Private Duty Nursing (PDN)	7/1/2019	Rate Review SFY2021
Home Delivered Meals	2006	Rate Review SFY2021
Developmental Disability Agencies (DDA - Adult)	7/1/2013	Cost Survey in SFY2021
Targeted Service Coordination Agency (TSC)	4/1/2013	Cost Survey in SFY2022
Personal Assistance Agencies (PAA)	1/1/2018	Cost Survey in SFY2023
Residential Habilitation Agency (ResHab)	7/1/2018	Cost Survey in SFY2023

(graphic emailed by Idaho Medicaid Division Director Matt Wimmer to Senator Abby Lee, Feb. 2020)

Although the Department is currently planning its own review and methodology development, a concurrent study by the Office of Performance & Evaluation could ultimately assist the Department in developing a sustainable rubric and evaluation method to consistently evaluate, predict, and more adequately plan for provider rate reviews. Therefore, I request JLOC approve an OPE study to examine how the Division of Medicaid conducts provider rate reviews, which may include the following:

- Review of existing provider payment studies within the Division of Medicaid
- Evaluation of the current/ proposed methodology the Division of Medicaid uses/will use to review provider payment adjustments
- Recommendations on best practices and/or methodology for provider payment review

Developing a systemic and systematic method, as well as an annual schedule for provider rate reviews, would also be beneficial in assisting the Joint Finance Legislative Committee in budgeting for provider rate adjustments. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Abby Lee".

Senator Abby Lee



House of Representatives State of Idaho

Joint Legislative Oversight Committee
Co-Chair Senator Mark Harris
Co-Chair Representative Ilana Rubel

Dear Joint Legislative Oversight Committee,

Death investigations are a critical public function, but coroners' offices across the state are facing challenges related to funding, staffing, training, and lack of uniform standards. A growing population and better public understanding for the importance of quality death investigations is further stressing Idaho's fragmented and inconsistent approach. Improving the quality of death investigations in Idaho could help us solve crimes, better understand public health issues like suicide and substance abuse and provide families with necessary closure following the death of a loved one.

To better understand the issues facing Idaho's death investigation system we request the Office of Performance Evaluation investigate the issue and provide information and make recommendations based on the following questions:

1. What is your assessment of the state of Idaho's death investigation system?
2. What is the current role of the state government in regulating county coroners and death investigations?
3. Are our statewide standards for death investigations, death investigators, and county coroner's sufficient?
4. What financial challenges do counties and their coroners face related to death investigations?
5. How could the quality of Idaho's death investigation system be improved and what role could the state play in this?

A report from OPE answering these questions could educate the stakeholders on the issues surrounding Idaho's death investigation system and help inform policy decisions for how state government can assist counties in improving death investigations statewide.

Thank you for your consideration,



Representative Colin Nash

Rep. Ron Nate (34)
Rep. Rod Furniss (35)
Rep. Karey Hanks (35)



House of Representatives State of Idaho

March 5, 2021

Joint Legislative Oversight Committee Chairs

Dear Senator Harris and Representative Rubel:

I write to propose an Office of Performance Evaluations study of the supports and systems that support infants and toddlers, age three and under.

Research has taught us that the first three years of life are crucial for brain development. There also exist huge disparities between the experiences of infants and toddlers in this age group, based on income, social networks, access to quality childcare, and other factors. For example, one study found that children from low-income families may hear roughly 30 million fewer words by age 3 than their more affluent peers. This has significant impacts on social and emotional development and early literacy and numeracy skills. Evidence-based programs can help bridge these gaps by building the skills and knowledge of parents and exposing young children to interactions that build a strong brain architecture.

Idaho has several programs that support parents with very young children, such as voluntary evidence-based home visitation services (largely provided by the local health department), the Infant Toddler Program for children with a developmental delay or other condition, and Early Head Start. We have little information on how well we are identifying and securing the participation of children and families who would benefit most from these programs and how many are left out because of limited space, lack of awareness about the services available, or other factors.

I propose that the specific study questions include:

- How many families with infants and toddlers are being served out of the number that are likely eligible for each type of infant and toddler programming?
- How are Idaho's young children and their families benefiting from this type of programming?
- What is the capacity of Idaho's current infant and toddlers programming to grow to meet the needs of every eligible family?
- What barriers do families face in participating in these services?
- How does Idaho rank in comparison to other states on infant and toddler program accessibility and utilization?
- What are the costs and benefits of programs targeting the healthy growth and development of infants and toddlers?

This report would allow the Legislature to:

- Understand the current landscape of programming available to families with infants and toddlers;
- Identify gaps in program accessibility for families with infants and toddlers;

- Identify opportunities for programs to better meet local needs of families with infants and toddlers.

I appreciate your consideration of this study topic.

Sincerely,

A handwritten signature in cursive script that reads "Lauren Necochea". The signature is written in a dark ink and is positioned above the printed name.

Lauren Necochea
Representative, District 19



House of Representatives State of Idaho

March 5, 2021

Joint Legislative Oversight Committee Chairs

Dear Senator Harris and Representative Rubel:

We write to propose an Office of Performance Evaluations study of ways Idaho can reduce costs in our criminal justice system, promote successful post-incarceration transitions, and undertake primary prevention of incarceration, all while protecting public safety.

For the past few decades, Idaho's prison spending has increased at an alarming rate. Until very recently our prison expenditure growth has outpaced most other states. This expenditure growth threatens other funding priorities for the state. Our current incarceration trends will also likely necessitate significant capital investment to increase prison capacity. In 2018 the cost was projected to be \$500 million.

It has been several years since Idaho passed the Justice Reinvestment Act with the goal of addressing these troubling trends. However, there remains work to do, especially at the front end and back end of the criminal justice system. This is an ideal moment to take stock of our current system and identify what future steps we should take as a state.

We propose that the specific study questions include:

- What measures or programming is Idaho currently undertaking during community supervision and beyond to improve the success of post-incarceration transitions? Are there measures we currently undertake that are less effective than alternatives? Are there new approaches or adjustments to our current programming that Idaho should consider?
- What front-end programs could Idaho begin to undertake to prevent initial incarceration, including more widely available problem-solving courts, diversionary programs, and other approaches?
- What evidenced-based primary prevention interventions should Idaho consider pre-arrest, pre-adjudication and at the misdemeanor level for adults and for youth?
- What is the return on investment for the measures explored in the questions above and how are they likely to impact recidivism and public safety?

This report would allow the Legislature to:

- evaluate the effectiveness of current approaches to post-incarceration transitions,
- assess the appropriateness of current levels of funding of community supervision and other reentry programs, and
- consider additional front-end and post-incarceration programming to address rising prison costs with knowledge about the likely costs and benefits.

We appreciate your consideration of this study topic.

Sincerely,

A handwritten signature in black ink, appearing to read "David Cannon".

David Cannon
Representative, District 31

A handwritten signature in blue ink, appearing to read "Marco Erickson".

Marco Erickson
Representative, District 33

A handwritten signature in black ink, appearing to read "Lauren Necochea".

Lauren Necochea
Representative, District 19



Idaho Senate & House of Representatives

March 5, 2021

Joint Legislative Oversight Committee

Dear Co-Chairs Senator Harris and Representative Rubel,

Idaho remains one of the fastest growing states in the nation, and not all of that growth is in urban areas. Rural communities are seeing increasing populations, increased tourism, increased traffic and increased pressure on volunteer first responders. New community members are often retirees, more in need of services than potential providers of volunteer services. Young community members are busy with full time jobs and raising families.

Background

At the heart of rural communities across Idaho are the local volunteer Fire and Ambulance Departments. They are held to the same training and response standards of their paid counterparts in urban areas, providing safety to our rural citizens on their property, in their homes, and to all travelers on the roads.

Idaho's reliance on volunteer EMS and Fire responders is in danger of collapsing under the weight of increased community need, challenges of recruiting and retaining volunteers, and scrambling every year to secure their own funding for their programs through grants, donations and events.

Over the past decade, numerous reviews, reports and studies have taken place regarding various aspects of emergency medical services (EMS) in Idaho. They focused on the governance of agencies, duplication of services, gaps in services, and challenges in recruitment and retention of volunteer EMS personnel. These include the following:

- 2010 Office of Performance Evaluation (OPE) award-winning report on the governance of EMS services in Idaho.
- 2012 Senate Concurrent Resolution 131 requesting the Department of Health and Welfare to conduct outreach town hall meetings throughout Idaho to

explore solutions to the challenges hindering the recruitment and retention of volunteer emergency medical services personnel.

- 2013 OPE follow up report on the governance of EMS services in Idaho.
- 2018 Senate Concurrent Resolution 135 requestion the Department of Health and Welfare for follow-up town hall meetings.

These reports have resulted in numerous changes in EMS education and training and support for continuing education. Unfortunately, the work has not resulted in significant policy changes addressing the most important issues: recruitment and retention of volunteer responders.

In rural communities, the volunteer fire fighters go hand-in-hand with the EMS team. The "Idaho Volunteer Fire and Emergency Services Association (IVFESA)" website states that they represent over 8,000 volunteer firefighters and emergency medical technicians across Idaho, which is over 75% volunteer." They provide recruitment and retention help, local training and a firefighter "training academy," and represent Idaho on the National Volunteer Firefighter Council (NVFC). They are funded through \$35 individual membership dues, direct donations or events.

There appears to be coordination between the local volunteer fire departments and the fire response by the Idaho Department of Lands, but the issues addressed in the initial OPE study for EMS including governance of agencies, duplication or gaps in services, coordination of efforts, and volunteer recruitment and retention have not be conducted.

In addition to grants and donations, EMS and fire response can be covered for local communities by property taxes collected by the county and distributed to the authorized ambulance and fire taxing districts.

Request

Idaho needs to determine ways to recruit and retain volunteer firefighters and EMT's. We would like this OPE study to focus on:

- Determining the scope of the problem (map location of departments and survey numbers of current and needed first responder volunteers),
- Review EMS administrative improvements and findings since the 2010 and 2013 OPE Evaluations and the 2012 and 2018 Town Hall sessions,
- Review of organizational structure and partnerships between Idaho's volunteer fire departments and other local and state agencies (Professional first responder units, Training Academies, Idaho Department of Lands, others),
- Identify best practices among rural states,
- Survey first responders to determine issues and outlook,

- Study and propose possible solutions to recruiting and retaining volunteers, including health benefits, retirement savings opportunities, and other options.

Thanks for your consideration.

Rep. Caroline Troy

Rep Brandon Mitchell

Rep Matt Bundy

Sen Carl Cutler

Sen Del Abel

Sen Mill-

Senator Zito



Idaho State Senate

State Capitol
P.O. Box 83720
Boise, Idaho 83720-0081

March 5th, 2021

Joint Legislative Oversight Committee
Idaho State Capitol
700 W. Jefferson St.
Boise, Idaho 82702

Dear Joint Legislative Oversight Committee,

Public K-12 school facilities in Idaho have long been primarily funded from local property taxes. These taxes are levied by citizens passing bond levies with a 2/3 super majority vote of the local taxpayers. This worked well for many years when Idaho had slow, but stable growth, and communities that consistently gave education a high priority.

Now, the ability to fund school facilities through bonds may be breaking down. Some communities are growing so fast that they are faced with the challenge of repeatedly going back to the taxpayers for more bonding authority. Other, often rural, communities with no or slow growth have very aged school facilities. Since 2006, significant and growing supplemental and plant facilities levies, have created voter fatigue and many communities struggle to pass a bond. Many communities also have multiple options where students can attend school (public, public charters or private), a situation which may dilute the communities' ability to pass a bond. Finally, citizens' tolerance for increased property taxes statewide is very low.

To help the legislature understand the nature and extent of the issues stated above, and to identify potential policy options, we propose that OPE research the following questions:

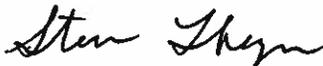
1. What is the scope of the problem?
 - a. Survey the school districts and charter schools to understand from their perspective the biggest barriers and challenges to adequately funding school facilities.
 - b. Review the kinds of facility planning and budgeting practices the school districts and charters employ.
 - c. Survey the school districts and charter schools concerning the age and replacement needs of their existing buildings, including forecasts for needed

new or remodeled schools over short, medium, and long-term planning horizons.

- d. To the extent possible, and given the availability of data, estimate on a state-wide summary level, the size of any gap between current and future facility needs, the magnitude of the cost of filling the gap, and the financial ability of the communities to address those needs.
2. To what degree do local supplemental levies tend to crowd out the ability of a district to pass a bond?
3. What funding mechanisms in Idaho might be used for facilities funding?
4. What strategies or best practices do other states use to efficiently design and fund facilities and would those strategies be effective in Idaho?

Thank you for your consideration.

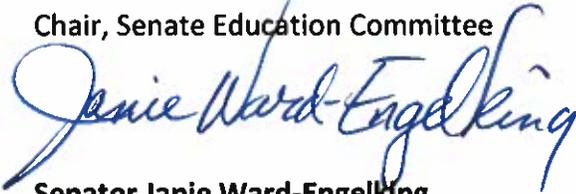
Sincerely,



Senator Steven Thayer
Chair, Senate Education Committee



Senator Chuck Winder
President Pro Tempore



Senator Janie Ward-Engelking
Senate Minority Caucus Chair



Senator Lori Den Hartog
Chair, Senate Transportation Committee



Senator Carl Crabtree
Vice Chair, Senate Education Committee



Senator Jim Woodward
Vice Chair, Senate Transportation Committee



Senator David Nelson



Senator Dave Lent



Senator Kevin Cook



Senator Dan Johnson

Attachment 1: Suggested data to gather in performing this study

To help look for policy solutions to this problem we propose that OPE research the following questions:

1. What is the scope of the problem?
 - a. Buildings
 - i. The age and replacement need of their existing buildings
 - i. Survey growth forecasts for needed new and remodeled schools over short, medium, and long-term planning horizons.
 - b. Current funding
 - i. Local
 1. Bonded debt
 2. Annual cost of debt service
 3. supplemental and plant facilities levies
 - a. Value of current supplemental and plant facilities levies
 - b. Bonding value of current supplemental levies (ie: if the override levy was used for debt service at typical terms how much bonded debt would that represent)
 - c. Override levy growth since 2006 (when school funding changed)
 - ii. State funds
 1. Charter school facilities funding that is currently appropriated to public charter schools.
 2. Other state funding for facilities
2. What strategies or best practices do other states use to efficiently design and fund facilities and would those strategies be effective in Idaho?
 - a. Fund facilities, if these mechanisms work, and what barriers there might be to implementing these mechanisms in Idaho.
 - b. Design school facilities. Are their design guidelines to build buildings at modest cost that are educationally appropriate
 - c. Utilize school facilities more efficiently. An example might be a year-around school model or shared use with a different organization during the summer



Joint
Legislative
Millennium
Fund
Committee

March 4, 2021

Idaho Legislature

JOINT LEGISLATIVE MILLENNIUM FUND COMMITTEE

State Capitol
Room C305
Boise, Idaho 83720

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www.legislature.idaho.gov

Dear Members of the Committee,

Request for OPE Study of Idaho Nicotine Issues

On behalf of the Joint Millennium Fund Committee, we request your approval of an Office of Performance Evaluation study on Idaho nicotine issues. Specifically, we request that the study determine

- the level nicotine products distributed to and used by Idahoans in Idaho by county and city; and
- what is being done at present and what does Idaho need to do in order to reduce and/or eliminate to the extent possible the use of nicotine products by Idahoans of all ages.

The Joint Millennium Fund Committee and the Idaho Millennium Income Fund

The Joint Millennium Fund Committee consists of five members of the Senate and five members of the House. Three of the five members of each body are from the majority party and two of the five members of each body are from the minority party. Idaho Code Section 67-1807.

One of the duties of the Committee is “[t]o present recommendations to the legislature for the use of the moneys in the Idaho millennium income fund.” Idaho Code Section 67-1808.

The funds originate from a master settlement agreement between the State of Idaho and tobacco product manufacturers to resolve the manufacturers’ liability for harms done by their products. The amount available for distribution by the Idaho Millennium Income Fund for FY ’22 is close to \$19.9 Million. Although use of the money is not restricted by Idaho law, the Committee’s portion of the legislative website indicates that its purpose is in line with “help[ing] individuals to never start, to quit, or to receive treatment for, tobacco or substance use.” To this end, the Committee has recommended \$2,706,700 in FY ’22 funding for Project Filter, an anti-tobacco program of the Division of Public Health of the Idaho Department of Health and Welfare, and \$779,100 for public health district tobacco

cessation programs. The Committee recommended the balance of the available funds for FY '22 be devoted primarily to Medicaid expansion and other Medicaid related matters. The committee has, however, given notice that it will, beginning with FY '23, be considering recommendations targeted to substantially reducing and/or eliminating nicotine use by Idahoans to the extent possible.

Idaho Has a Serious Nicotine Problem

On March 1, 2020, Project Filter reported to the Joint Millennium Fund Committee that:

- [Idaho] [s]moking rates are up from 14.7% to 15.3%;
- 50% of adult vapers have no desire to quit, 60% of smokers have tried to quit versus 30% of vapers;
- Average age of first vape – 14;
- 48% or nearly half of Idaho High School students reported vaping at least once;
- Parents report 20% of children aged 9-12 vape, 31% aged 13-17 and 50% aged 18+ ;
- 87% of users reported it was “Normal” for people their age to vape, 59% of non-users;
- 74% of Idaho Teens tried vaping as their first use of a nicotine delivery product;
- 53% of Youth who have never vaped reported being susceptible to vaping in the future;
- 81% report vaping Fruit or Candy flavors;
- Borrowing or sharing vapes are the most common ways to get vaping products;
- 21% believe vaping products sold in stores are safe; and
- Adults believe we need comprehensive anti-youth vaping programs in elementary schools.

In August 2020, Boise State University's Center for Health Policy put out its study of the *Public Health District Millennium Tobacco Cessation Program* in which it reported, among other things, the following:

[N]ine out of 10 daily smokers start[] tobacco by the age of 18. Report, p. 6. 53.3% of high school students and 24.3% of middle school students in the U.S. have tried tobacco products. A little over a third of high school students report[] using tobacco products (e-cigs, cigs, pipe tobacco, etc.). E-cigarette use among high school youth has increased from 3.6 million in 2018 to 5.4 million in 2019 [Report, p. 6.]

According to the 2019 Youth risk Behavior survey, 48.1% of Idaho students reported ever using an e-cigarette or electronic vapor product. Use of these products over the past 30 days was reported at 22.8%. additionally, 57% of tobacco or e-cigarette users among Idaho students have attempted to quit in the past year. [Report, p. 7.]

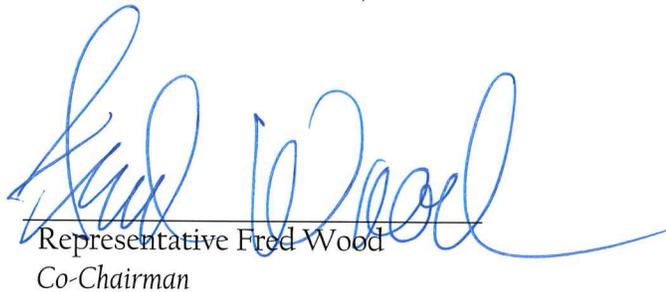
In addition to this statistical evidence, the Joint Millennium Fund Committee has also received anecdotal evidence that vaping is growing dramatically among public school students. Project Filter states that these students receive nicotine for vaping from friends and other students, older siblings, and even parents and grandparents who believe vaping is safe because of its flavorings, colored smoke and child like packaging (including such images as unicorns). Idaho's tobacco prevention and cessation efforts have long been outmaneuvered by the tobacco industry which is relentless in marketing its products to our children, and which has succeeded in reversing our previous gains in reducing tobacco use.

Thank you for your consideration of this request.

Respectfully submitted on behalf of the Joint Millennium Fund Committee,



Senator Patti Anne Lodge
Co-Chairman



Representative Fred Wood
Co-Chairman