

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Wednesday, January 19, 2022

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Chaney, Vice Chairman Hartgen, Representatives Kerby, Amador, Ehardt, Scott, Marshall, Troy, Young, Nate, Cannon, Erickson, Skaug, Gannon, McCrostie(Coberly), Ruchti, Nash

**ABSENT/
EXCUSED:** Rep. Ehardt

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Chaney called the meeting to order at 1:30 p.m.

Chairman Chaney welcomed everyone and explained that those who would like to participate in public testimony, whether in person or remotely, need to register online to testify.

Director Monty Prow provided an agency update for the Idaho Dept. of Juvenile Corrections (DJC) identifying all the partners and philosophies that collaborate to support their work. As established by the Juvenile Justice Act, juvenile justice in Idaho is a bifurcated system, meaning the State and the Counties are partners in working with youth and their families. About 96% of juveniles involved with the justice system have their cases managed locally and never see the inside of a juvenile correctional facility. This is extremely positive for youth and their families, as research indicates that children develop better if they are never in a long term care facility, no matter how well run it is. Director Prow answered committee questions regarding staffing, commitments, populations, and juvenile trauma scores.

RS 29061C1: **Rep. Erickson (33)** presented **RS 29061C1** and explained this proposed legislation adds an additional pathway to the review of a youth's custody and treatment progress, by offering a hearing in front of the Custody Review Board (CRB) at 18 months and repeated every 6 months thereafter allowing for technical corrections. This change better aligns Idaho with the Juvenile Corrections Act.

MOTION: **Rep. Kerby** made a motion to introduce **RS 29061C1**.

Rep. Erickson answered committee questions, speaking to why there is no fiscal impact he explained the quarterly review committee members who conduct the reviews are volunteers and the bulk of juveniles do not stay in the system longer than 18 months.

**VOTE ON
MOTION:** **Motion carried by voice vote.**

RS 29070C1: **Rep. Erickson** presented **RS 29070C1** and explained this proposed legislation expands protections regarding sight and sound separation, and jail removal, for juveniles, and it better defines when a juvenile can legally be held in an adult jail or lockup. **RS 29070C1** better aligns Idaho with national research and the Juvenile Justice and Delinquency Prevention Act (JJJPA) standards which stipulate the separation of juveniles from adults. Responding to committee questions Rep. Erickson explained JJJPA's role is to set national standards connected to best practices concerning juvenile commitments, and juvenile corrections align with these standards because they have proven to be good for Idaho.

MOTION: **Rep. Hartgen** made a motion to introduce **RS 29070C1**. **Motion carried by voice vote.**

RS 29072C1: **Rep. Erickson** presented **RS 29072C1** and explained that this proposed legislation relocates the description of the informal adjustment diversion process from Code 20-511 to Code 20-520, placing it nearer to other post-petition options in Code, and thus creating greater clarity regarding diversion processes.

MOTION: **Rep. Hartgen** made a motion to introduce **RS 29072C1**. **Motion carried by voice vote.**

H 443: **Rep. Furniss (35)** presented **H 443** and explained this bill has involved significant effort and collaboration, and it just creates an account, which does include parameters; however, the actual funding comes from the Appropriation Committee. It also repeals a section of Code called leadership premiums which are expected to result in significant savings, almost 20 million dollars, which can then be put toward the future funding of this change. This bill is the product of a task force that was assigned to assist Idaho teachers and education staff to be more effective and efficient with their health insurance. Currently, it is legal for schools to enter into the State employee insurance pool. When any agency goes into the employee pool there is a pool requirement where a similar contribution to a self funded reserve account is made, and this keeps health insurance claims pooled and funded. This bill creates the account needed to hold a teacher and education staff reserve. Rep. Furniss further explained why a reserve account is necessary and how a reserve account works to cover Idaho's uncapped liability in this area. Additionally, this bill establishes limits for the amount that can be allocated per school district and outlines how to handle situations in which the demand exceeds available funds. This bill sunsets in two years.

Rep. Furniss responded to committee questions, explaining that the entire State Employee Insurance plan will have an RFP in one year and insurance carriers will be able to submit bids at that time in a competitive bid process.

Rep. Furniss declared a Rule 80.

Continuing in response to questions **Rep. Furniss** explained that the money appropriated for this purpose does not go to the schools, it goes directly to the claims fund when the school enters into the state employee pool.

MOTION: **Rep. Kerby** made a motion to send **H 443** to the floor with a **DO PASS** recommendation.

Rep. Furnis responded to additional Committee questions of a very specific technical financial nature.

Tara Harrison, Government Affairs Director at Regency Shield of Idaho spoke **in opposition** to **H 443** and stated her organization supports increasing the quality of health insurance benefits for teachers and educational employees. However, if the bill is passed, Regency Shield who currently provides insurance services in some of the school districts, will not be afforded an opportunity to compete in continuing to provide services initially and so she is requesting more time to develop the bill.

Paul Stark, Executive Director of the Idaho Education Association spoke **in support of H 443** saying that currently, 50% of the educator workforce is actively considering leaving employment in the districts. The costs of health care are part of the problem and it is particularly onerous in the rural districts that lack the economy of scale. This bill will help attract and retain qualified educators in all the districts.

Fred Birnbaum testified **in opposition to H 443** saying the fiscal note does not correctly reflect the actual costs associated with this change, and the speed in which it's been presented has excluded proper input.

Andy Grover, Ex. Director of Idaho Association of School Administrators (ISA), spoke **in support of H 443**, saying it is a unique opportunity for school districts and charter schools to access funding for buy-in to the State insurance plan. It is a much needed boost to the morale of the Idaho education community where districts across the state are struggling, sometimes even closing due to lack of labor.

Brody Aston, contact lobbyist with Westerberg Associates and representing Select Health spoke **in opposition to H 443**. He said he cannot support a 75 million dollar fund being created to support one plan administered by one insurer. His client supports improving insurance for Idaho educators but through open markets and competition adding that more time needs to be invested in this bill to find better solutions.

MOTION: **Rep. Troy** made a motion to amend the agenda and extend adjournment to 5:00 p.m.

SUBSTITUTE MOTION: **Rep. Skaug** made a substitute motion to hold **H 443** to a time certain, specifically to the next meeting of the JRA Committee.

ROLL CALL VOTE ON MOTION: Chairman Chaney clarified the vote is on the motion to extend the meeting to 5:00 p.m. **Motion carried with a vote of 9 AYES and 7 NAYES. Voting in favor of the motion: Rep. Hartgen, Kerby, Marshall, Troy, Gannon, McCrostie(Coberly), Ruchti, Nash, Chaney. Voting in opposition to the motion: Rep. Amador, Scott, Young, Nate, Cannon, Erickson, Skaug.**

Blake Youde testified on behalf of the Idaho Charter School Network **in support of H 443** saying it provides the options for them to choose a health insurance plan that they believe best serves their teachers and other educational employees.

Quinn Perry, Deputy Director of the Idaho School Board Association spoke **in support of H 443** saying it gives Districts and Charter Schools the choice to buy into the State plan and it will benefit many educational employees.

Rep. Furniss responded to committee questions stating that conversations with other insurance providers has occurred prior to the introduction of **H 443** and that allowing more time to develop and digest this bill will not improve this legislation.

SUBSTITUTE MOTION: **Rep. Skaug**, again made a substitute motion to hold the bill to a time certain, specifically to the next JRA Committee (01/25/22) meeting.

ROLL CALL VOTE: **The motion failed by a vote of 4 AYE and 12 NAY. Voting in favor of the motion: Rep. Scott, Young, Nate, Skaug. Voting in opposition of the motion: Rep. Hartgen, Kerby, Amador, Marshall, Troy, Cannon, Erickson, Gannon, McCrostie(Coberly), Ruchti, Nash, Chaney.**

Chairman Chaney re-stated that the original motion to send **H 443** to the floor with a **DO PASS** recommendation is now before the Committee.

VOTE ON MOTION: **Motion carried by voice vote. Rep. Scott and Nate** requested they be recorded as voting **NAY**. **Rep. Furniss** to sponsor the bill on the floor.

ADJOURN: There being no further business to come before the Committee, the meeting adjourned at 3:38 p.m.

Representative Chaney
Chair

Andrea Blades
Secretary