Minutes of the Joint Legislative Oversight Committee

January 31, 1995

House Majority Caucus Room

Boise, Idaho

The meeting was called to order at 3:20 p.m. by Co-chair Representative Bruce Newcomb. Members present were Co-chair Senator Bruce Sweeney; Senators Atwell Parry, Sue Reents and Grant Ipsen, and Representatives Kitty Gurnsey, Marvin Vandenberg and John Alexander. Staff members present were Nancy Van Maren, Dan Medenblik, and Margaret Campbell.

Senator Ipsen moved to accept the 1/06/95 minutes as written. The motion, seconded by Senator Reents, was passed by unanimous voice vote.

PROGRESS REPORT ON 1/06/95 MEETING REQUESTS

Contracted Performance Evaluation of the Department of Fish and Game

Ms. Van Maren said she wanted to report on two requests the committee had made of the OPE at the last meeting. The first request was to follow the release of a performance evaluation contracted by the Department of Fish and Game. The report was released on January 19, 1995. The executive summary, introduction, and summary of the recommendations were included in committee member's notebooks. In general, the scope of the study was determined by the Wildlife Councils. The methodology largely entailed surveys and interviews. As part of the evaluation, the team evaluated a long-standing, established program (elk feeding) and a younger, smaller program (wild trout) and developed a model for evaluating other programs within the Department of Fish and Game. They also conducted public opinion and department opinion surveys to gauge how well the department functioned. The cost of the evaluation was $30,000, plus some of the evaluators' staff time and resources which were not billed to the department.

Co-chair Newcomb said he attended the release of the report and noticed the emphasis placed on the effectiveness, rather than the efficiency of the programs. Ms. Van Maren said that she met with three of the contractors who conducted the report, and asked them specifically about this. They said they had not studied efficiency issues because it was not part of what had been requested. In the release to the Fish and Game Commission, the Commission expressed interest in using the evaluation models that had been developed to conduct further evaluations.

Co-chair Newcomb said that the report had described the department's organizational structure as a lot of supervisors without enough people to supervise. Representative Alexander said that the wild trout program and the elk feeding program were two of the most successful programs in the department; they should have looked at other programs, such as pheasants or deer feeding, to evaluate their effectiveness. He asked Ms. Van Maren whether she knew how many people had

responded to the public survey from each of the different regions. Ms. Van Maren said that she had not pursued those questions. Representative Alexander said that it would be important to know from where the sample was drawn, since certain areas of the state were satisfied with the evaluation, and others were not.

Representative Alexander moved that the OPE obtain more information about how the survey was conducted, and the distribution of respondents.

In discussion, Senator Sweeney said he would like to see what else the committee will be asking the OPE to do, and then prioritize topics.

Representative Alexander reported that Ms. Van Maren had asked the evaluators for some specific information about the survey, and they had not released the information due to concerns over confidentiality. However, it was not clear whether the information they had could be protected. He would like the committee to request the department to provide that information. He does not want it to take more than two phone calls, but was concerned that they had withheld the information.

Senator Sweeney seconded the motion. The motion was passed by unanimous voice vote.

Failed Attempt of Idaho's Central Motor Pool

Ms. Van Maren said the committee's second request was for additional information on the failed motor pool. She reported that she had spoken with a variety of individuals to gather this information, including former employees working with the motor pool, current employees of the Division of Purchasing, several legislative staff, and others. In addition, the Office of Performance Evaluations reviewed two reports on the motor pool that were released (in 1976 and 1978) by the precursor to the Division of Financial Management.

In general, it had been difficult for people to remember specifics. However, both DFM reports found that, although the calculations were incomplete (they had not looked at depreciation and expenses), the motor pool was operating efficiently compared to reimbursement for personal vehicle use. Both reports recommended that the Legislature provide more money for its operation. The motor pool had never been "specifically budgeted," and depended upon the Bureau of Supplies for capitalization. The motor pool generated its own funds through billings. At its peak, the motor pool had 30 vehicles, most of which were purchased used from cooperating state agencies. One individual reported that the motor pool may have failed because the Department of Health and Welfare never wanted to be part of it, and did not turn over its vehicles to the motor pool. However, a former employee said that Health and Welfare used vehicles from the pool when the department did not have its own available.

In general, reports and individuals seemed to conclude that the motor pool did not work because it was not promoted. It wasn't given money to purchase vehicles, and had to obtain used vehicles from state agencies, depending upon agencies to decide that it was a good idea. Eventually (1981) it was terminated, and a 1991 housekeeping bill took it off the records.

Office of Performance Evaluation Letterhead

Ms. Van Maren invited feedback on new letterhead that lists committee members' names. She said that listing the names would help to answer questions that arise.

DISTRIBUTION OF INFORMATION ABOUT WHISTLEBLOWER LAW TO STATE EMPLOYEES

Senator Ipsen said that at the last meeting the committee had been concerned about whether state employees were made aware of the whistleblower statute. He called the Personnel Commission and learned that they had sent out a notification written by the Attorney General's Office to each department's personnel office for posting. They had also included information in the *Pay and Personnel Facts* brochure that went out to state employees. The Personnel Commission also said that information could be sent with paychecks for a cost.

Co-chair Newcomb asked what the cost would be, and Senator Ipsen said he had a letter with the cost information that he could provide after the meeting. He thought the costs varied according to paper measurements and number of pages, and seemed to be somewhat expensive. Senator Reents said she could not remember receiving the *Pay and Personnel Facts* brochure, and asked the rest of the committee whether they had received a copy. No one remembered receiving one, but were not sure whether legislators received the same information as other state employees. Co-chair Newcomb said the committee could consider the matter further when the cost of distribution was known. Ms. Van Maren said she would find out the cost and send a memo to committee members.

COMMITTEE MATTERS

Committee Rules

Ms. Van Maren reminded the committee that after reviewing a draft of committee rules at the last meeting, they had requested that the rules be reviewed by the Attorney General's Office. This was done and several recommendations were made. Changes were marked by strike-outs and underlining. Ms. Van Maren then went through the changes. She clarified that the rules were written to agree with proposed changes to the statute.

Ms. Van Maren said the statute provides for the Governor's review of the final draft of a report and his written response to be printed with the report. She wondered whether the committee also wanted to provide the Governor an opportunity to respond with oral or written testimony at the release of a report (Section IV, Part 3). Co-chair Newcomb said that the Governor should be included because he is the CEO of the corporation. Senator Parry said phrases like "if the Governor so desires," or "at the request of the Governor" should be added.

Senator Ipsen said that the whole section was written to reflect an invitation by the words "shall have the opportunity to respond." He suggested adding a sentence at the end of the rule for clarification. Senator Reents questioned why the rule in Section IV, Part 2, Sub (3) regarding

testimony for additional written response also would include the Governor when his response is included in the report itself. Ms. Van Maren said that agencies sometimes complete additional information for the committee in the time delay while a report is being printed. Their appearance before the committee is the opportunity to provide that information. Senator Sweeney said that it was not appropriate to exclude the Governor. Senator Parry agreed that the Sub (3) needed to include the Governor's office and make it clear that he may also respond in person. Representative Alexander made another suggestion for how to include the Governor. Ms. Van Maren said she would work on the appropriate language.

Ms. Van Maren said that the greatest change occurred in Section IV, Part 6, Sub (b). At the recommendation of the individual from the Attorney General's Office, this language was repeated verbatim from the proposed changes to the statute. The section added under Sub (b) covered two primary issues: (1) data the director reasonably believes will result in litigation or information related to litigation under way that will be protected from release until the case is closed; (2) the identity of an individual providing information to the office. She said the second may be the missing link in the whistleblower's statute. If an individual with pertinent information comes to the OPE, but will not provide the information unless his or her identity is protected, then the rule would allow the director to extend confidentiality to the individual.

Ms. Van Maren said this imitated language in Minnesota's statute. Essentially, there are only four limitations to data access. The first is on data that is part of a performance evaluation currently under way. The second is if the data is protected by the public writings act. The third would be if the information is associated with potential or ongoing litigation, and the fourth would be the identity of the individual providing information under a condition of confidentiality. The last exception is needed because an individual's identity is not currently protected once a report is released. In addition, the language helps to clarify that once a file is closed, the documents associated with it become public. That, in Minnesota's experience over several years, is the best way to make sure that the most information is available to the public.

Co-chair Newcomb asked if these changes were approved by the Attorney General's Office. Ms. Van Maren said they had been partially drafted and were approved by Mike Gilmore of the Attorney General's Office. Senator Sweeney said that these changes to issues of confidentiality were actually part of the changes to the statute, and it was a good time to voice agreement or disagreement.

In Section II, Part 1, Senator Ipsen asked why the rules lasted only through the end of each Legislature. Co-chair Newcomb said this was so that each new Legislature may amend or adopt these rules. Ms. Van Maren indicated that they should be re-adopted because, by tradition and pursuant to Mason's Manual, no Legislature may bind future Legislatures.

Senator Sweeney said that the changes were important so that the committee would know what may be discussed and what should be made public, so they did not go against the statute. Because the rules rested on changes to the statute, the committee moved on to discuss the statute before deciding whether to adopt the rules.

Enabling Statute

Senator Sweeney introduced several proposed changes to the enabling statute.

In § 67–460 (3), the RFP requirement was deleted, but still operates: "to contract with private individuals or entities for the conduct of performance evaluations, or portions thereof." He said that this way the committee could make the decision whether to contract for any part or all of an evaluation based on what is most cost effective. He said that he and Representative Newcomb had discussed the contracting issue with Governor Batt . The Governor had asked whether the function was cost effective. Their answer to him was that if performance evaluations were not cost effective, they better fold. The committee needs to be as cost effective as possible in what they do and how they get there. Other states had learned that RFP's were not necessarily cost effective. This change gives flexibility, and Governor Batt said he did not have a problem with that.

The subpoena power added in § 67–460 (7) would provide the ability, if necessary, to obtain the information required for a report. The statute must be very clear that this particular committee has the ability to get the information necessary to do the work. Representative Newcomb said that all standing committees and the Legislature have subpoena power.

Senator Reents wondered how the subpoena power in § 67–460 (3), which references § 67–407, was different from § 67–460 (7). Ms. Van Maren said that it referenced the subpoena power provided to other committees of the Legislature. However, the Attorney General's Office had recommended expanding this power to the district court level. She thought the rationale was that the power in § 67–407 required Senate or House action. Section 67–460 (7) just required the signature of either co-chairs, so that the committee did not need to wait for the Legislature to convene to enforce the subpoena.

Senator Sweeney continued discussing the changes. Section § 67–461 (4) states how the committee may meet in executive session. This language resulted from consultation with the Attorney General's Office.

Senator Ipsen wanted to clarify § 67–461 (3) regarding report delivery to JLOC members and evaluated agencies one day before release. He wanted clarification of the last line, and whether the timeframes could be met. Ms. Van Maren said that the previous version did not make the report available to the agencies one day prior to the release, even though it was understood that members of the committee would receive it one day prior to release. She said she thought the evaluated agency, which would have already seen and written a response to the final report, should have a bound copy in hand before coming to the committee meeting to verbally respond. The words "make available" were used to cut back on the amount of paper many Legislators receive. Senator Ipsen said he wondered whether the timeframe was sufficient to make reports available to Legislators one day following the release. Ms. Van Maren said that when a report is printed, there are sufficient copies for all Legislators available in the OPE. By using the words "made available," the OPE should be able to distribute reports on the day they are released.

Co-chair Newcomb said he wanted to acknowledge that these changes were made as a result of the inquiry of the Associated Press reporter, which had prompted the committee to go the Attorney General's Office for a review of the statute. The changes resulted from recommendations by Mike Gilmore under Jack McMahon's instructions, and were made to ensure that operations were well-defined and legal.

Senator Ipsen moved to accept the amended statute as written. Representative Vandenberg seconded the motion, and it passed unanimously by voice vote.

Representative Alexander moved to adopt the committee rules as recommended, and the motion was seconded by Senator Reents. The motion passed unanimously by voice vote.

TOPIC SELECTION

Current Topics for Evaluation and Research

Ms. Van Maren included in the notebooks an update on topics for evaluation and research in the form of a handout. She said she will update this handout for each meeting, so that committee members will know where work products stand. When a performance evaluation is requested based on a background paper, it is moved to the "Performance Evaluations in Progress" category.

Medicaid Background Paper

Ms. Van Maren said there were a number of difficult issues to grapple with in addressing Medicaid. The background paper includes a general explanation of how the program operates and some data on costs, expenditures, and trends nationally and in Idaho. Following the general introduction, the paper summarizes some of the current issues as taken from Legislative intent language in a supplemental appropriation in 1993. To compile this information, the OPE had spoken with Legislative and departmental staff. A draft of the paper was reviewed by the Director of Health and Welfare, and three other DHW staff and a legislative employee. The OPE also spoke with concerned physicians and reviewed numerous reports.

The paper covers reimbursement rates, especially as associated with physicians and access to health care, and three programs: Pregnant Women and Children, Healthy Connections, and Personal Care Services. Evaluation issues that may be worth pursuing are grouped into five bullets under that section. Ms. Van Maren said that any Medicaid study undertaken should be carefully scoped. There are two other major issues related to Medicaid that are not covered in the background paper. One relates to intermediate care facilities for the mentally retarded (ICFs-MR). These facilities are expensive and constitute a significant part of the costs included in the $211 million spent in FY 1994 on the aged, blind, or disabled. Second, "Katie Beckett" children are not discussed in this paper. In addition, there are many other aspects to reimbursement that have not been covered, such as issues related to the process for reimbursement, which services are or should be covered, and how quickly reimbursements are received from the federal government.

Senator Ipsen referred to the two graphs on page three. He noted that it looked like Idaho had increased in spending faster than the U.S. and wondered why. Ms. Van Maren said that a number of factors contributed to this effect, including expanded eligibility criteria and programmatic decisions. Representative Gurnsey said that issue had been discussed earlier the day during budget hearings for Health and Welfare. She said it was primarily a matter of demographics: so much of our population is older than average, and caseloads are higher in those ages than in the blind and disabled categories. For those who are AFDC eligible, the use of Medicaid is one of the lowest in the nation. Also, use by pregnant women and children has increased. Ms. Van Maren said that the federal government is expanding the age limit of the children that can be covered under Pregnant Women and Children, which is making more and more families eligible.

Senator Ipsen said that we are going to have a continued increase until the first children who are born to AFDC parents reach the age of eighteen. Then we should see a leveling off. Ms. Van Maren said that the Department of Health and Welfare reported that 14% of Medicaid spending goes to AFDC eligible individuals. The greatest percentage goes to the aged, blind, or disabled.

Representative Gurnsey said that she appreciated the work of the OPE staff. The background information puts the committee in a position to understand the problems in general. She noted that she was concerned about federal rules and regulations that change from month to month, making it even harder to know what is going on. She said she would like, at this point in time, to see whether there are specific waivers from the federal level that are not being taken advantage of. Would use of waivers require specific language that could be put into our appropriation bills? What about language to control the Medicaid costs for services that are not really doing anybody any good? She noted that it was a problem when Medicaid clients go from one ER to another to get the service they want, especially when they could go to a clinic or a doctor down the street for a fraction of the cost. How do we get control?

Senator Ipsen said that in Twin Falls for nearly a year now, there has been a private program with a "gatekeeper" physician. If a person on Medicaid went to an emergency room without being referred there by the "gatekeeper" physician, they were required to pay for it themselves. He said that he doubted that people on Medicaid would pay for it themselves, but at least it seemed to be working relatively well. It is a voluntary program. Those that sign up for it are guaranteed 24 hour access to a physician, who guarantees that he will be available anytime day or night to make the referrals. In a life threatening situation, the client can go to the ER and be treated. Otherwise he or she must go through the gatekeeper physician.

Ms. Van Maren said that this managed care program was covered briefly on the bottom of page five. The Healthy Connections Program began in late 1993 and the department hopes it will be statewide by the end of 1995. The department believes it is going well, is cost effective, and is improving access. In a meeting the day before, Linda Caballero, Director of Health and Welfare, said that the department would appreciate having an independent look at Healthy Connections to see whether the results are as positive as they think. Senator Ipsen said that at this point it is working very well from all reports he has seen. Maybe we should look at it to see if it is as good as it appears.

Senator Reents said that evaluating the Healthy Connections Program seemed to provide a unique opportunity because it was not yet statewide. Comparative analysis between counties with the program and those without it might be possible to see whether there is a difference in use of emergency rooms. Also, we could see how much Medicaid money is being used for emergency room services. She said that it seemed like this would be a smart thing to do because it would give us information about whether it makes sense to expand to a statewide program.

Senator Parry said that the problems on page five were also important. How could we make Medicaid clients accountable for appointments they do not keep? Doctors lose productive time. He said it would be worth checking to see whether the federal guidelines would allow the use of incentives or penalties to encourage clients to keep their appointments. Representative Newcomb said that about two years ago a co-pay system had been discussed. He thought that under the plan, clients had to make some sort of sacrifice if they went to the emergency room versus going to a regular clinic, unless it was a dire emergency. He did not know if it was dropped because we could not get a waiver at the federal level.

Representative Gurnsey asked for more information about a footnote on the Healthy Connection Program. Had we looked at waivers? How does the state get a waiver? Ms. Van Maren said that the OPE did not look specifically at waivers. Concerning the footnote, the department was conducting an evaluation because it had to prove to the federal government that the program was cost effective as one of the conditions of the waiver. She requested of the co-chair that Dan Medenblik take the floor to answer questions in greater detail.

Mr. Medenblik said he did not have much more information regarding federal waivers. In general, the federal government had a number of requirements which they were willing to waive under a number of conditions. The state had to agree to implement a cost effective alternative or in some other way increase access for low income people in Idaho.

Senator Ipsen said that to apply for a waiver, the state must outline to the federal government what they intended to do, that it would be cost effective, and that it would not compromise treatments that were considered important. Then there was a period of time when the waiver was active. During that period of time the agency had to keep records to show that its assumptions were right. In answer to Senator Parry, every time co-payments or some kind of penalty for not showing up for an appointment are discussed, the federal government says the children must be cared for and that you cannot discourage pregnant women from getting care. You have to prove to them that there is an overriding reason for a penalty in order to be able to do it.

Senator Parry said that he certainly agreed, but that there were many more office calls other than prenatal or postnatal calls that were made—for example, what about dentists who treated adults? He would like to see more information on this to see how big the problem really is.

Co-chair Newcomb said that at Cassia Memorial Hospital contract doctors complain that Medicaid patients without children show up for emergency treatment when all they need is an aspirin. They come because they know they can be treated without having to wait in the doctor's

office. As another issue, if you are a physical therapist you have to bill either through a long-term care facility or the hospital, where customarily 40% is added to the cost before Medicaid pays it. Hospitals and doctors complain about not getting reimbursed enough, but it seems that hospitals do rather well when sending in a bill for a contracted individual. Senator Sweeney said that he was not sure all hospitals wanted to discourage people from using the emergency room. It is a source of revenue, perhaps twice as much as going to a clinic.

Representative Alexander said this was important, but that the committee should be careful to narrow its focus and get the "best bang for the buck." Based on what he had heard so far, Healthy Connections seemed to provide the opportunity to show real costs savings and give enough information to look into some of these other areas a little more definitively later. Representative Gurnsey said that it was a good idea, but we should first check with Health and Welfare to make sure they are not already doing the same thing. She thought they might be.

Senator Ipsen said that he thought we would find excellent record keeping with Healthy Connections because they had to justify their waiver. His question, however, was whether they had correctly assessed costs and included all costs in their calculations.

Representative Alexander said that he understood the department head to be interested in our help. If she was interested, our work could benefit the department and us. If the resources are available, then we could head that direction. How many resources would this require?

Ms. Van Maren said that if the committee decided to pursue Healthy Connections, then the first thing to do would be to sit down with the department and find out just exactly what they are collecting. It did present a nice opportunity, as Senator Reents had mentioned, because it was early in the process. However, the program was young and the data very preliminary. Often evaluations occur when data is a little older so you have a broader perspective and are able to understand "blips" that may be in the data. This does not mean that we cannot scope our work to look at elements from which we could draw conclusions.

Co-chair Newcomb asked if it would be fair to ask Ms. Van Maren to pursue the Healthy Connections recommendation and Representative Gurnsey's questions about areas they are not presently pursuing when it comes to Medicaid waivers. He thought Ms. Van Maren could broaden the scope when looking at Healthy Connections, to take in access to emergency rooms and cost containment. Then she could return to the committee with a recommendation for a report and have the committee look again at this before deciding to do this full bore.

Representative Gurnsey said she thought that was fair. In addition, she had read a report on Personal Care Services that Idaho State University did and would like to know whether it had been done well. It would be nice if Ms. Van Maren had a chance to look over that report to see if she thought it was good information.

Ms. Van Maren said that there were several reports about the PCS program. One possibility would be for the OPE to evaluate the quality of what has already been done. It could be done as

a separate report, or, as with the Fish and Game report, as a verbal report back to the committee after a cursory review.

Representative Gurnsey said that she would like this. And she would like some accurate information about PCS costs. Perhaps they were available through the department, but she was unable to get them. She had heard that it cost $25/hour for PCS, but the actual attendant only received $8/hour. Where did the money go?

Representative Gurnsey moved that Ms. Van Maren and her staff continue to evaluate the Healthy Connections Program, review the report from ISU on Personal Care Services, and see if they could get definitive costs on Personal Care Services. Senator Reents seconded the motion.

Senator Sweeney said that he would like to know what costs really were. It was frustrating to hear so much about costs and not know whether they were accurate or had been inflated.

Ms. Van Maren cautioned that accurate information about costs was difficult to get. In addition, there had been a change in departmental personnel dealing with Medicaid, and the individual with the most information about data was out with a serious illness. As a result, it could take time.

Co-chair Newcomb said the committee should decide when it would like to meet again to discuss the subject. Senator Sweeney said he hoped the committee could meet again before leaving town, because that would be most cost effective. Representative Gurnsey said it would be even better if the information were available before the Health and Welfare budget is set.

The motion was passed unanimously by voice vote.

MISCELLANOUS ISSUES

Co-chair Newcomb asked Carl Bianchi, Director of Legislative Services, to address the committee regarding a program that was passed last year which requires an interim and comprehensive evaluation.

Mr. Bianchi said that a copy of the pertinent statute was in the committee's binders. As members could see, the statutory responsibility to conduct an interim and comprehensive evaluation related to the Idaho Education Technology Initiative was given to the Legislative Services Office. However, the legislation was passed before the OPE was created and he thought the intent of the legislation had been to require a performance evaluation. He suggested that a portion of the responsibility attributed to the LSO be undertaken by the performance evaluation function. Mr. Bianchi provided two handouts for committee members.

According to the statute, on or before July 1, 1995, his office had to initiate an interim evaluation that looks at impact costs and benefits of each of the programs conducted pursuant to the appropriations made by the Idaho Education Technology Initiative during the 1994 session. The

interim report is due on or before January 1, 1996. The next step is the initiation of a comprehensive evaluation on or before July 1, 1996, of the impact and costs and benefits of each of the programs conducted as a result of the appropriations. This report had to be submitted on or before July 1, 1997.

Mr. Bianchi said his reason for suggesting the performance evaluation group take on the comprehensive evaluation responsibilities was that this kind of evaluation was more performance-oriented, and his office did not have the skills or the staffing for this kind of analysis. In addition, this evaluation could serve as a prototype for other types of grants and actions that the Legislature may take.

He said that he had assigned Gordon Fisher, through Jeff Youtz, to develop the basic information for the interim evaluation after the 1995 Legislative session concludes. Reading from one of his handouts, he said that he had requested that the evaluation consider a number of items, including organizational phases of the initiative, activities for the State Council of Technology, procedures in place for administering grants, detailed descriptions of how the appropriation money was distributed, types of equipment purchased, and distributions of money around the state. This information was due back to Mr. Bianchi September 1, 1995. He said that if his office gathered the information for the report, it would provide a strong basis for the OPE to conduct the comprehensive evaluation to determine effectiveness. He thought the statute would not need to be changed to do this, as it only asked Mr. Bianchi's office to initiate an evaluation, not necessarily to be the ones to complete it.

Representative Alexander asked what the anticipation of staffing requirements would be? Mr. Bianchi said that Ms. Van Maren would be the best one to determine the scope.

Representative Gurnsey said that she thought Mr. Fisher was competent to do this evaluation, and was concerned about duplication of effort. She said that this committee tried to go beyond complying with a mandate in legislation and was trying to help state government become more efficient. If Mr. Fisher felt that he needed help, and other members of the staff could not give it to him, perhaps maybe the committee could consider assigning help. She did not want to assign the OPE the job at this point. Senator Parry said he agreed with Representative Gurnsey; he thought Mr. Fisher was competent and in a good position to do the tracking from the interim to the final evaluation.

Representative Newcomb suggested that Mr. Fisher do the interim evaluation with Ms. Van Maren's input on data collection. Later a decision could be made whether the OPE would help with the comprehensive evaluation.

Representative Alexander said it would be good for Ms. Van Maren to be involved in the process if the OPE does the comprehensive evaluation in fifteen or sixteen months, so that the data would be in the necessary order . However, he did not want her staff consumed by this work if Mr. Fisher seemed to be the most appropriate person. Perhaps Ms. Van Maren could give him guidance on data to collect so that when staffing a final evaluation is needed, the data is available.

Ms. Van Maren said that she thought the legislation required a comprehensive evaluation, but did not specify a performance evaluation. She said there were many forms of evaluations. A potential solution would be for her to act as a consultant to Mr. Fisher as he developed the information. The committee could decide later whether to select this as a topic. If not, Mr. Fisher could complete it knowing that he had consulted with others in the process.

Representative Gurnsey asked Senator Reents what kind of staff her committee had, to see whether there were others who could help with the evaluation. Senator Reents said that it had been staffed by the committee members themselves and a Department of Education employee, with some assistance by the State Board of Education

Representative Gurnsey moved that Ms. Van Maren become a consultant to Gordon Fisher and help him in his efforts to track the use of technology dollars and determine the scope [of the evaluation]. Co-chair Newcomb asked if there were any objections. Hearing none, he granted it by unanimous consent.

Representative Alexander asked whether there was any way to use the Internet to access Mr. Bianchi and Ms. Van Maren after legislators had gone home. Mr. Bianchi responded that that would not be possible until the Legislative Services Office got hooked up to CMFONI. In order to do that, they had to receive funds for a firewall to protect the legislative network, software, and computers from people who could come in from outside. Representative Alexander asked about existing firewalls and Mr. Bianchi said that he hoped to have it by next year.

Senator Reents motioned to adjourn the meeting. Representative Gurnsey seconded the motion. The co-chair adjourned the meeting.