

Minutes of the Joint Legislative Oversight Committee  
December 16, 1997  
House Majority Caucus Room, Statehouse  
Boise, Idaho

Co-chair Representative Bruce Newcomb called the meeting to order at 8:40 a.m. Committee members Senators Bruce Sweeney, Atwell Parry, Grant Ipsen, and Lin Whitworth, and Representatives Robert C. Geddes, John Alexander, and June Judd were in attendance. Staff members Nancy Van Maren, Tom Gostas, Beth Harris, and Margaret Campbell also were present.

Co-chair Newcomb opened the meeting with a review of the minutes. **Representative Geddes moved to approve the minutes of the July 23 meeting and Senator Parry seconded the motion. The motion passed unanimously by voice vote.**

**REPORT RELEASE: *ALTERNATIVES TO INCARCERATION: OPPORTUNITIES AND COSTS***

Mr. Gostas and Ms. Harris, Performance Evaluators, reviewed the findings and recommendations of the report and responded to questions from the committee. Co-chair Newcomb called upon Mr. James Spalding, Director of the Department of Correction, to respond to the report and the committee's questions.

Mr. Spalding summarized the Board of Correction's response to the report, published with the report. The board felt that implementing OPE's recommendations regarding electronic monitoring would override the decisions of sentencing judges and the authority of the Commission of Pardons and Parole to determine when an offender should be released. Also, the department did not have immunity like the Commission of Pardons and Parole, from responsibility for offenses an offender may commit while furloughed onto electronic monitoring. When asked if this was a provision the department desired, Director Spalding restated that the decision to release rested with the Commission of Pardons and Parole.

The department would work to implement the recommendations to improve the risk and needs assessment process and adjust the program attendance tracking form to capture substance abuse program completion information. However, the board was not in favor of increasing the community supervision fee to \$35 per month. While Director Spalding acknowledged that the \$5 increase was not large in itself, the department feared the increase would unduly increase the overall financial burden on the offender, increasing the risk he would re-offend. In response to questions, he assured the committee that probation and parole officers did not violate an offender's probation or parole for failure to pay the cost of supervision.

According to Director Spalding, the department's management information system had greatly improved over the last few years. He said that, much like other state agencies, it was difficult to retain individuals with the needed information technology expertise; personnel were often lost to

higher paying jobs in the private sector. He said he felt the department needed more resources in the management information system arena.

Representative Geddes asked how changes being discussed would affect the agency's future budget requests. Director Spalding acknowledged that it would save money to put offenders in the community on electronic monitoring, but said it would require legislation to get the Board of Correction to agree to it.

The committee questioned whether the department was providing enough education and substance abuse programming to offenders. Senator Sweeney said the department should consider more rehabilitation programs to produce long-term financial gains. Representative Newcomb said the report's information on substance abuse programming needed to be taken a step further to determine what the costs would be to put a larger, effective program in place; then an estimate of overall savings could be made. He said he thought public policy needed to consider short-term investments for long-term gain.

Ms. Olivia Craven, Executive Director of the Commission of Pardons and Parole, responded to the report and committee questions. Ms. Craven reported on progress the commission had made to improve the process. She confirmed that parolees did not have their parole revoked based on non-payment of the supervision fee; usually this non-payment was a "symptom" of other problems the offender was experiencing. In response to committee questions, Ms. Craven said she thought providing more programs and treatment to offenders while incarcerated was the most important step that should be taken to help offenders on parole and it would help to reduce the rate of parole violation.

Ms. Patricia Tobias, Administrative Director of the Courts, declined an offer to respond to the report until judges could review it. She said she would distribute the report to the district judges for their review prior to their seminar in January. Co-chair Newcomb asked Ms. Tobias to ask the district judges to also consider the merits of a sentencing commission—a joint effort between the Judicial and Executive branches. Ms. Tobias said she would do so and report back to the committee on behalf of these judges.

*The committee took a brief break.*

After further discussion, **Senator Parry moved: to accept the report, with the correction of an erratum at the top of page 3; to forward the report to the Senate and House germane committees for further review; and to make OPE staff available to the germane committees as needed. Representative Newcomb seconded the motion.**

The committee discussed how to ensure the report was given thorough consideration by the germane legislative committees, so that issues raised could be adequately reviewed. Committee members felt policymakers needed sound data with which to make decisions, and they discussed the effectiveness of substance abuse treatment programs. Some committee members expressed concern that the different entities involved in sentencing, imprisoning, and releasing offenders were not working together to ensure the most equitable and least expensive system possible.

**The earlier motion passed unanimously by voice vote.**

After lengthy discussion, **Senator Parry moved that the co-chairs send a letter to the Board of Correction, copied to Director Spalding and others as necessary, to request the department improve its recordkeeping and the tracking of information necessary to determine the effectiveness of prison substance abuse treatment programs, and report back to the committee on progress in one year. Representative Geddes seconded the motion, and the motion passed unanimously by voice vote.** (The motion was later amended, as indicated on page 5 of the minutes.)

### **CONSIDERATION OF AMENDMENTS TO COMMITTEE RULES**

The committee discussed proposed amendments to the committee rules, including limiting the time a potential topic could be tabled to nine months, reviewing progress reports of evaluated agencies at six month intervals, and the handling of allegations reported to OPE. Members discussed alternative means of accomplishing the intent of proposed Section III.1.c. which provided that OPE could survey Legislators for input into the scope of an evaluation.

**Representative Alexander moved to adopt the rules as amended, excluding proposed Rule III.1.c. Senator Ipsen seconded the motion, and the motion passed unanimously by voice vote.** (Revised rules included as Attachment 1.)

**By unanimous consent, the committee asked OPE to send members a copy of each one-page summary of a project's intended scope as prepared for an agency at the beginning of an evaluation. Committee members would review the scope for consistency with the committee's request and convey any concerns to the office. The co-chairs would determine if any adjustments to the scope, if any, warranted further committee action.**

### **DIRECTOR'S REPORT**

Ms. Van Maren announced that OPE had hired a new evaluator, Eric Milstead, to begin work in February 1998. Mr. Milstead will be leaving a post as a fiscal analyst for the Kansas Legislature. Ms. Van Maren also reviewed the status of OPE's fiscal year 1998 budget. Funds were not available to contract for any portion of the evaluations requested for the remainder of the fiscal year. The committee asked for a summary of the cost savings per dollar invested in the office, and suggested that this report should also be included in the committee's presentation to JFAC.

### **REVIEW OF OPTIONS FOR WIRING LEGISLATIVE CHAMBERS TO OPE OFFICES**

The committee discussed the possibility of wiring the legislative chambers to OPE offices to allow monitoring of chamber proceedings. Ms. Van Maren had identified two options and received preliminary quotes; the least expensive link was estimated to cost \$610. Senator Sweeney said he was aware House member offices were being added near the OPE offices, so that wiring may be able to be combined to be less expensive.

**Senator Sweeney moved to move ahead with wiring the legislative chambers to OPE offices if it could be accomplished at a cost less than \$1,000. Senator Whitworth seconded the motion, and the motion passed unanimously by voice vote.**

## **TOPIC SELECTION**

Ms. Eileen Peterson, Director and Clerk to the Board of Tax Appeals, was invited to address the committee concerning a number of difficulties board members experienced in trying to complete their responsibilities. Ms. Peterson said that, given the “overwhelming” workload, it was difficult to find qualified individuals to fill board positions. Current board members were discouraged and had requested that Eileen ask for a performance evaluation to examine the board’s operations, organization, and the demands placed on them.

The committee discussed Ms. Peterson’s concerns and voiced their own interest in taxpayers receiving fair hearings. Ms. Peterson also expressed concern that the board’s budget hearing before JFAC occurred before the Governor’s budget address this year. She had been told there would be a proposal regarding the board, but would not know what it was before the budget hearing. The co-chairs of JFAC said they would notify Jeff Youtz of her concern and that she should contact him if she would like to reschedule the hearing.

**Representative Alexander moved that OPE do a background paper on the Board of Tax Appeals. Representative Geddes seconded the motion, and the motion passed unanimously by voice vote.**

Ms. Van Maren briefly outlined the other topics that had been requested for evaluation. She noted that an evaluation of Administrative Hearing Officers had been requested at the May meeting, and had been subsequently tabled. The committee could request OPE renew research on this topic, or decide to request another evaluation in its place.

Representative Geddes said that of immediate concern to JFAC were agency plans for and the anticipated costs of Year 2000 (Y2K) conversions. Representative Alexander reported that the Information Technology Council (ITRMC) had been addressing the Y2K issue for some time. He suggested the committee obtain and review that information before requesting anything further in terms of a performance evaluation. After further discussion:

**By unanimous consent, the committee asked Ms. Van Maren to gather information about the state’s efforts to prepare for Y2K from the Department of Administration, Legislative Audits, and other available sources and report back in a letter to the committee in January.**

Co-chair Newcomb suggested the committee consider an evaluation of how the Department of Health and Welfare has dealt with the decline in welfare rolls, in terms of department staff and organization. Were unneeded personnel being transferred to other areas? If so, which areas? Were new jobs being created? The committee decided this topic could be reconsidered in the future.

Members discussed the request for an evaluation of funding for Idaho’s childcare program. Concerns had been raised that the department had allowed unused federal child care funds to revert

rather than using them to assist individuals who needed the support. However, it appeared these funds had to revert if unused for the intended purpose. Members discussed differences in their regional needs for and the availability of childcare. After discussion, the committee decided an evaluation of the program could be premature given recent changes in welfare. Some members said they thought other studies of the program may be underway.

Senator Parry said supported the evaluation of state motor vehicles. Each year, JFAC received agency requests for vehicles, and yet had little information from which to make funding decisions. How many miles do agencies put on state vehicles each year? At what point should vehicles be replaced? What is the ratio of state vehicles to employees in agencies? How are maintenance needs and expenses dealt with? Other members agreed that this should be looked into.

**Senator Sweeney moved that OPE conduct an evaluation of state motor vehicles. Senator Parry seconded the motion, and the motion passed unanimously by voice vote.**

The committee discussed a request for an evaluation of North Idaho Correctional Institution's 180-day boot camp. Members thought this evaluation may not be timely, as the Department of Correction was moving quickly to reduce the program to 120 days at the Governor's direction. After discussion, the committee decided to ask the Department of Correction to maintain the data needed to evaluate the impact of the program, particularly as related to the effectiveness of the new 120-day program.

**Senator Parry moved to include with the letter to the Board of Correction a request that the department maintain data on the 180-day boot camp program at NICI and its participants, so that the program's impact relative to the new 120-day program could be evaluated at a future date. Senator Sweeney seconded the motion, and the motion passed unanimously by voice vote.**

## **STATUS REPORTS ON PREVIOUSLY RELEASED REPORTS**

Mr. Tom Gostas, Performance Evaluator, updated the committee on implementation of the recommendation in the report *License Plate Design Royalties Paid to the Idaho Heritage Trust*, released in May 1997. He reported that the Office of the Attorney General had drafted a proposed agreement, which had been reviewed by OPE and the Heritage Trust. The Attorney General had not yet found an agency to sign the agreement on behalf of the state. However, Mr. Gostas understood that the goal of the parties involved was to have the agreement in place prior to the session.

Ms. Van Maren updated the committee on implementation of the recommendations in the report *State-Owned Dwellings*, released in October 1996. The proposed rules for the acquisition and use of state-owned dwellings addressed the two open report recommendations. The two recommendations would be resolved if the Legislature adopted the rules during the forthcoming session. OPE believed the rules largely accomplished the intent of the report's recommendations.

Ms. Beth Harris, Performance Evaluator, updated the committee on implementation of the five open recommendations in the report *Estimating and Reducing the Tax Gap in Idaho*, released in December 1996. One of the five recommendations remained in progress. The Tax Commission had

incorporated many of the others into legislative budget requests for consideration during the forthcoming session. Co-chair Newcomb added that, at the request of the Governor, he had been working on proposals to implement most of the report recommendations. He said he felt the committee had finally “turned the corner” in the development of the office, given the interest that has been taken in this and other recent reports.

#### **USE OF OPE REPORTS DURING THE LEGISLATIVE SESSION**

The committee discussed the need to provide as much information as possible to the germane committees about OPE’s reports in their policy areas. **By unanimous consent, the committee asked that OPE send a summary of each of the last year’s report findings and recommendations to the appropriate germane committee chairmen, copied to the germane committee members, early in the session. OPE should seek the Pro Tem and Speaker’s determination of the appropriate germane committees. Furthermore: The committee asked Ms. Van Maren to schedule a meeting with leadership early in the session, providing the implementation summaries, including cost-saving information, at that time.**

The committee recognized the work and efforts of OPE staff, and complimented them on the quality of the work.

The meeting adjourned at 3:45 p.m.