

Minutes of the Joint Legislative Oversight Committee
January 16, 2001
House Majority Caucus Room
Boise, Idaho

Co-chair Representative Debbie Field called the meeting to order at 2:35 p.m. Committee members, Co-chair Lin Whitworth, Senators Grant Ipsen, Stan Hawkins, and Betsy Dunklin and Representatives Maxine Bell, Margaret Henbest, and Donna Boe attended. Staff members Nancy Van Maren, Ned Parrish, Jim Henderson, Leslie Clement, and Margaret Campbell also were present. Staff members Lewissa Swanson, Eric Milstead, and Paul Headlee also attended the meeting in part.

ADOPTION OF JLOC COMMITTEE RULES

Co-chair Field welcomed new members to the committee and Senator Lin Whitworth as the new co-chair, replacing Senator McLaughlin. She discussed the uniqueness and function of the committee, and said that the first item of business was the adoption of committee rules, as one Legislature could not bind another.

After verifying there were no new amendments to the rules, **Senator Ipsen moved to accept the current committee rules. Senator Whitworth seconded the motion, and it passed unanimously by voice vote.**

REPORT RELEASE: *INMATE COLLECT CALL RATES AND TELEPHONE ACCESS: OPPORTUNITIES TO ADDRESS HIGH PHONE RATES*

Ms. Van Maren recalled for the committee that the evaluative review was requested to respond to concerns about the alleged high cost of inmate calls and inmate access to telephones. **Senator Whitworth moved to receive/release the report, and Senator Ipsen seconded the motion. The motion passed unanimously by voice vote.**

Ms. Leslie Clement, Performance Evaluator, presented a summary of the findings and recommendations of the report and responded to questions from the committee.

Co-chair Field called on Mr. James Spalding, Director, Department of Correction, to respond to the report. Director Spalding said the Board of Correction discussed the report and was pleased it had found that the department was in compliance with the law and had rates comparable to other states. He said that after reviewing the report, the board had taken no action to change phone rates. The major concern, he said, had to do with revenues from phone commissions. The bottom line was that if inmate telephone commission revenues were taken away (currently funding primarily inmate services), there should be a similar commitment from the general fund; otherwise, the inmates would lose.

Representative Boe asked if there was any reason inmates did not use phone cards. Director Spalding said the department had not examined this option. (Later in the meeting Ms. Clement clarified that, although phone cards were an option, other states had decided not to use them because of potential security compromises.) Representative Boe then asked if the department could replace the current commission arrangement with a franchise fee similar to Oregon. Director Spalding said he could look at it, and that they would be looking at the whole report and taking care of the recommendations.

Senator Whitworth provided background to the request for this evaluation and asked Director Spalding if he had given any thought as to where these revenues came from. Director Spalding said he had heard complaints, but felt inmates and their families needed to show responsibility as well. Again, he said the question was: "Did taxpayers in Idaho want to subsidize inmate phone calls?" Senator Whitworth asked if, given the opportunity, the department would renegotiate a new contract. Director Spalding said this got back to the same question: How far was the state willing to go in reducing rates if revenues would be reduced? At this point, he did not think he had any direction on this from the Board of Correction or from the Legislature.

Representative Bell asked why the policy of inmate access to phones was so generous. Director Spalding said the department believed that open access was best. Most phones were in common areas where the department did not restrict calls. However, the department restricted the length of a call to 30 minutes so all inmates had the opportunity to make a call.

Senator Hawkins asked how OPE had concluded that the Department of Correction's rate averages were fairly typical of other states when the report showed that inmates in Southern Idaho were paying considerably more for an instate long distance call than the comparison states. Ms. Clement responded that Senator Hawkins was correct in his understanding of the table. However, rates were highly complicated and there were some exceptions to what was shown. For comparability, the report had kept rate comparison as global as possible. The systems of other states were similar and rate structures were similar.

Senator Dunklin asked if the department could negotiate better rates in Southern Idaho and limit inmate calls per month. Ms. Clement said the department, working with the Department of Administration, could negotiate rates. Further, under the department's current phone system capabilities, the department could already limit the number of calls per month and provide a number of other restrictions on inmate calling.

The committee discussed the impact of disconnects on the cost of a call. Representative Field added that the impact of "phone jumping" should be considered in further contract negotiations.

Senator Dunklin moved to request the Department of Correction work with the Department of Administration to negotiate the lowest rates possible, with special attention to rates in Southern Idaho, negotiate a process to limit charges against a single phone number per month, and report back to JLOC in six months on progress. Senator Whitworth seconded the motion.

Senator Whitworth thanked the staff for their work on the report. He said it was clear something needed to be done to reduce the burden of collect calls on some of the very poorest of the population. To insinuate that lower rates should not be pursued because of the impact on the general fund was close to immoral, he said.

The motion passed unanimously by voice vote.

REPORT RELEASE: IDAHO DEPARTMENT OF FISH AND GAME: OPPORTUNITIES EXIST TO IMPROVE LANDS PROGRAM AND STRENGTHEN PUBLIC PARTICIPATION EFFORTS

Ms. Van Maren provided the committee a background to the request for an evaluation on the lands program and public participation efforts, the last scheduled evaluation of the Department of Fish and Game. **Senator Whitworth moved to receive/release the report and Representative Henbest seconded the motion. The motion passed unanimously by voice vote.**

Mr. James Henderson, Senior Performance Evaluator, and Lewissa Swanson, Performance Evaluator, presented a summary of the findings and recommendations of the report and responded to questions from the committee.

Co-chair Field called on Mr. John Burns, Chairman, Fish and Game Commission, to address the committee. Mr. Burns introduced staff in attendance and apologized that the director, Mr. Rod Sando, was not able to attend. In regards to the lands issue, Mr. Burns explained that the department was aware the acquisition of state land was a sensitive matter. In 1996, the department prepared an inventory of Fish and Game lands, their value, and their use. As a result of this inventory, the department disposed of some parcels, while a few remained to be disposed of. The department will update the inventory in 2001 and continue to do so on a regular basis. As relates to fees-in-lieu-of taxes, he reported that the department had used an average as a means of accommodating counties because some were not equipped with all needed appraisals.

Regarding OPE's findings about public involvement, Mr. Burns said he thought the public was burned out on attending public meetings, which caused low overall participation. Yet, he recognized there had not been staff training in this area during the last two years. This plus staff responsibility for public involvement would be addressed. The greater dilemma, he felt, was how to use public input once it was received.

Senator Whitworth posed several questions of Mr. Burns and Mr. Marcus Gibbs, Fish and Game Commissioner, related to ownership and access to land in his region. Senator Whitworth further asked about alleged problems with a sharecropper's agreement in the Mud Lake Wildlife Management Area. Mr. Henderson said his review of the agreement showed that although the terms appeared quite favorable to the sharecropper, this agreement, unlike others, required the sharecropper to make a significant initial capital investment in a well and irrigation system that remained with the department at the agreement's termination. The agreement had recently expired and would not be renewed.

In response to Senator Ipsen's question, Mr. Henderson said the \$1.3 million for land that had been sold went into the Fish and Game license fund.

Senator Whitworth asked about the department's/commission's lack of responsiveness to majority opinion in public meetings. Mr. Burns acknowledged the difficulties in considering public input. He personally looked for information that surfaced from public input more than he used this information to count votes on a given policy matter. Ms. Van Maren said OPE had found the department was particularly weak in following up with those who had provided input. Improving in this area could help address Senator Whitworth's concerns.

Committee members also discussed OPE's survey methodology and response rate.

Representative Henbest moved to forward the report to the germane committees and request a follow-up report from the department in six months. Representative Boe seconded the motion, and it passed unanimously by voice vote.

Co-chair Field said another committee meeting would be scheduled for Thursday, January 18, at 3:30 to discuss remaining agenda items.

The committee adjourned at 4:35 p.m.