

Minutes of the Joint Legislative Oversight Committee
April 15, 2009
Lincoln Room, Basement, Supreme Court Building
Boise, Idaho

Co-chair Senator Elliot Werk called the meeting to order at 4:05 p.m. Attending the meeting were Senators Jim Hammond and Dick Sagness (substituting for Edgar Malepeai during session), and Representatives Cliff Bayer, Maxine Bell, Donna Boe, and Shirley Ringo. Also present were Rakesh Mohan, Director, Margaret Campbell, Administrative Coordinator, and other OPE staff.

Senator Werk welcomed the following individuals in the audience:

Representatives Phil Hart and Bill Killen

State Controller Donna Jones

Dan Goichoechea and Brandon Woolf, Office of the State Controller

Colonel Bill Shawver, Director of Bureau of Homeland Security

Director Toni Hardesty, Department of Environmental Quality

MINUTES FROM 3/16/09 MEETING

Representative Boe moved to approve the minutes from the March 16, 2009, meeting. Representative Bayer seconded the motion, and the motion unanimously passed by voice vote from the seven members present.

FOLLOW-UP REPORT RELEASE: GOVERNANCE OF INFORMATION TECHNOLOGY AND PUBLIC SAFETY COMMUNICATIONS

Representative Bayer moved to receive the follow-up report *Governance of Information Technology and Public Safety Communications*. Senator Hammond seconded the motion, and the motion unanimously passed by voice vote from the seven members present.

Amy Lorenzo, Principal Performance Evaluator served as the team lead. Performance evaluators Jared Tatro, Maureen Shea, and Hannah Crumrine summarized the report. Of the ten information technology recommendations, two had been implemented, seven had not been implemented, and one was open for legislative action. Of the 11 recommendations for public safety communications, four had been implemented, six were in process, and one was open for legislative action. Three recommendations were made for the coordination of information technology and public safety communications: one was in process and two had not been implemented.

Senator Sagness said these issues comprised a big train and asked where the train was headed and whether the cars were coordinated. Senator Werk asked agency heads to respond.

Colonel Bill Shawver, Director of Bureau of Homeland Security, thanked OPE staff for their professional and thorough work on the report. He said public safety communications had made great headway in the last 12 to 16 months. Bringing governance through the city and county

levels to the state level was a daunting, labor-intensive task, but it was moving forward. He said organization of the Statewide Interoperability Executive Council and the Emergency Communications Commission resided in statute and will require legislative action when the entities are due to sunset. Colonel Shawver also said the state had chosen to implement a hybrid radio system and will leverage federal money where possible to help with costs.

Greg Zickau, Chief Technology Officer in the Department of Administration, complimented OPE and said the department fully supported the recommendations. He said that some of the recommendations were more in process than the report reflected. The department had a chief information officer; it was just not formalized in statute. He said the department had progressed with making better use of systems in the state, particularly the messaging system.

Dan Goichoechea, Chief Deputy Controller in the Office of the State Controller, thanked the committee and OPE for their work. Communication was improving among the agencies. He said the State Controller alone could not implement recommendations 2.4 and 2.5; it did not have enforcement power to ensure state agencies were consistent in coding information technology expenditures in STARS. Mr. Goichoechea said he would work with the Division of Financial Management, which owned and defined STARS subobject codes and could more directly enforce consistent coding.

Mr. Mohan recommended a second follow-up review in one year. The Legislature had one recommendation to formalize—the function of the Chief Information Officer—so future coordination efforts would come from one authority.

Senator Hammond moved to conduct a follow-up review of *Governance of Information Technology and Public Safety Communications* in one year. Representative Bell seconded the motion, and the motion unanimously passed by voice vote from the seven members present.

REQUESTS FOR EVALUATION

Probation and Parole Process at the Department of Correction Requested by Representatives Bill Killen and Darrell Bolz

Under full disclosure, Senator Werk said he was involved in the drafting of this request. He asked Representative Killen to speak for the request. Representative Killen said trend lines from handouts of the Department of Correction showed that probation and parole were doing substantially better; however, underlining data did not appear to show why. A few years ago there was concern that inmates were being retained because programs did not have the capacity to handle the number of cases. He wanted to understand what had changed in the event another crunch occurred.

Representative Bell said the Department of Correction had released report that assessed ten years of the parole process.¹ She suggested reviewing the report for outstanding issues.

Senator John McGee arrived at the meeting.

¹ Carter Goble Lee, *A System Master Plan for the Idaho Department of Corrections*, January 2008.

**Operations and Capacity Planning at the Department of Correction
Requested by Representatives Darrell Bolz and Bill Killen**

Representative Boe said prison facilities were at a stage where the state was considering a privatized state-run prison, although she felt more community work centers were needed. A facilities study would be useful to the Legislature. Mr. Mohan said if he were instructed to develop a scope, he would not duplicate information provided in the 2008 Correction report. He said each of the Correction requests were big studies, particularly facilities, and OPE had resources to conduct two big studies with minimal help from consultants.

**Funding from Emissions Testing at the Department of Environment Quality
Requested by Representatives Kren, Hartgen, Collins, Nonini, and Harwood**

Senator Hammond said the request asked straight-forward questions that could be answered by Director Hardesty. He said he would rule out a study on this request.

Senator Werk called on Toni Hardesty, Director of the Department of Environmental Quality, to address the request. Ms. Hardesty said questions in the letter had been raised and answered in germane committees, and legislation had been passed that addressed some of the issues.

**Resources for the Legislative Branch
Requested by Representative Phil Hart**

Representative Hart spoke for his request. In addition to Dr. Gary Moncrief of Boise State University, he suggested asking Dr. Alan Rosenthal to conduct a study, free of charge, with OPE covering travel expenses estimated at \$5,000–\$10,000.²

Senator Werk clarified that Representative Hart was asking JLOC to approve a study for another entity to conduct and for OPE to reimburse expenses. Representative Hart indicated that OPE would also oversee the process by issuing a scope for the study and then releasing the study when it was completed.

Acknowledging Mr. Mohan's caution that this study would compromise OPE's objectivity, Representative Bayer hypothetically asked for the pros and cons of approving such a study. Mr. Mohan said the study represented a tight-rope walk. He wanted to be responsive to the Legislature and be objective and independent in his work.

Pros:

- Contract—OPE could effectively manage a contract for the study.
- Scope—OPE could develop a scope for the study.

² Dr. Gary Moncrief is a University Foundation Research Scholar and Professor of Political Science at Boise State University. He also serves as undergraduate political science Internship Director. Dr. Moncrief has published three books and more than 50 journal articles and book chapters on various aspects of state politics—especially state legislators (Boise State University Web site). Dr. Alan Rosenthal is Professor of Public Policy and Political Science at the Eagleton Institute of Politics, Rutgers University. He has collaborated in activities with the National Conference of State Legislatures (NCSL), the Council of State Governments (CSG), and the State Legislative Leaders Foundation (SLLF). He has supervised comprehensive studies of legislative organization and procedures in six states and has worked with legislatures in 30 other states (Northeast Public Radio Web site).

- End Process—OPE could ensure the end product answered the questions of the scope.

Cons:

- Perception of Independence—The performance audit function had been successful because it was independent. If independence was lost, the function may no longer be successful.
- Objectivity—Mr. Mohan said he was not willing to compromise on objectivity and would put a clear disclaimer on the cover page of a report with OPE's name.
- Quality Review—OPE would not be able to ensure the accuracy of data or findings if it did not have any control of the study.

Representative Bayer asked whether OPE could address the request as a 24-hour report.³ Mr. Mohan said he thought it might be possible. He noted that OPE had already provided Representative Hart with eight pages of background information which indicated that other states generally have more legislative staff. Noting that OPE's budget had been reduced for the next fiscal year, Representative Bell asked why the committee would want to further dilute OPE resources for conducting two big studies when the end product of a study on legislative resources would recommend additional funding the Legislature did not have. She said she would not approve of reimbursing travel for consultants on this project.

Senator Sagness said the request asked a good question: How much money was required for the Legislature to do its job? He wondered if legislators were willing to invest their scarce time into tracking legislative work for data to determine the amount of resources needed.

Mr. Mohan reviewed the remaining requests, which were discussed in detail at the last meeting (see March 16, 2009 minutes).

Federal Funds for Education Requested by Representative Cliff Bayer

Representative Bayer handed out a letter he had written to the Superintendent of Public Instruction about a virtual charter school study in Idaho using possible federal grant money. Instead of OPE doing Senator John Geodde's request *Funding Formula for Virtual Schools*, the study would be conducted by the Northwest Regional Education Lab and would focus on the quality of virtual charter schools and related policy issues. He said Senator Geodde was excited about the proposal. Representative Bayer indicated that OPE could frame the product for submission.

Senator Sagness said virtual education issues cropped up frequently—framing and studying the topic was exactly what needed to be done. Representative Boe said she would like the focus to be on funding of virtual education.

³ Committee rule gives the director authority to respond to a legislator's request for relevant information. The provision depends on three criterion: (1) information is readily available and does not require detailed verification; (2) time resources to address the legislator's request will take no more than 24 working hours (three business days); and (3) staff resources are available to do the research.

Senator Werk said he did not know the nature of the grant and asked if policymakers were missing multiple opportunities. He said he was concerned whether funding was available outside the Northwest Regional Education Lab. Representative Bayer said funding was not guaranteed. He said he would work with the Superintendent of Public Instruction to see what opportunities exist.

TOPIC SELECTION

Senator Hammond said the new requests were either premature or too big to conduct with available resources. Referring to the notebook handout “Additional Studies for Consideration,” he said many of the following issues were in the hands of the federal government:

Feasibility of School District Services Consolidation (released February 2009)

- Employee Health Insurance
- Maintenance and Custodial Expenditures
- Pupil Transportation
- Special Education Support Services
- Administration Salary Expenditures

Public Education Funding in Idaho (released January 2009)

- Teacher Salaries
- Discretionary Funding
- Special Education Funding

Use of Average Daily Attendance in Public Education Funding (released February 2007)

- Funding Formula Review

Senator Hammond indicated the only request that would make a difference was the funding formula review. He said he did not think JLOC needed to assign two projects if the committee was not ready to do so.

Senator Sagness agreed that additional work on the funding formula was needed, as well as work on virtual education. Senator Hammond noted that virtual education was appropriate, but it could be done through the Northwest Regional Education Lab.

Representative Bell suggested looking at operations and capacity funding in the 2008 Correction report and identifying any gaps for a performance evaluation study. Senator Werk said he was interested in the cost-effectiveness of capacity. Mr. Mohan said JLOC could conditionally approve a study on the probation and parole process, and OPE could develop a scope after reviewing the Correction report rather than waiting for another meeting.

Representative Boe said she wanted to examine adequacy of the funding formula, including virtual education. Mr. Mohan said he could look at goals and intent reflected in the detailed mechanism of the formula. He said reviewing the funding formula would be a very big project.

Senator McGee moved to grant conditional approval to conduct a study on the probation and parole process, and to conduct a study on the funding formula review based on the

paragraph in the handout.⁴ Representative Ringo seconded the motion, and the motion unanimously passed by voice vote from all members of the committee.

OTHER BUSINESS

Citing problems with the current OPE office location, Senator Werk said that OPE would like to move into the LSO offices of the Annex after the Capitol was completed.

Senator Hammond moved to authorize the co-chairs to write a letter to seek better space for OPE in the Annex. Senator McGee seconded the motion, and the motion unanimously passed by voice vote from all members of the committee.

The meeting adjourned at 6:00 p.m.

⁴ Office of Performance Evaluations, Additional Studies for Consideration, *Use of Average Daily Attendance in Public Education Funding*, “Funding Formula Review,” (February 2007). Our original report concluded that given the relatively large role of state government in K–12 education, it is important that districts similar in terms of average daily attendance for grade divisions and special programs receive similar funding. If there are differences in funding, the differences should be due to deliberate policy choices and not to happenstance. It has been 15 years since the funding formula was last revised. None of the legislative, board, or department staff we spoke with were aware of any recent analysis of the tables and components used in the formula for calculating support units. The Legislature should consider authorizing a study to review the state’s funding formula to ensure its components are relevant and accurate in meeting current public education needs.