

Minutes of the Joint Legislative Oversight Committee  
March 14, 2013  
Lincoln Auditorium  
Boise, Idaho

Cochair Representative Shirley Ringo called the meeting to order at 4:30 p.m. Attending the meeting were Senators Dean Mortimer (cochair), Cliff Bayer, Elliot Werk, and Les Bock, and Representatives Maxine Bell, Gayle Batt, and Elaine Smith. Also present were Rakesh Mohan, director, Margaret Campbell, administrative coordinator, and other OPE staff. Audience members included the following:

Senators Curt McKenzie, Monty Pearce, Bert Brackett, and Dan Schmidt  
Representatives Christy Perry, John Rusche, Eric Anderson, Sue Chew, and Doug Hancey  
Brent Reinke, director, Department of Correction  
Curt Fransen, director, Department of Environmental Quality  
Sharon Haringfeld, director, Department of Juvenile Corrections  
Luci Willits, chief of staff, Department of Education  
David Taylor, deputy director of support services, Department of Health and Welfare  
Mollie McCarty, governmental affairs program manager, Idaho Transportation Department

### **MINUTES FROM JANUARY 30, 2013**

**Representative Smith moved to approve the JLOC minutes of January 30, 2013. Senator Werk seconded the motion, and the motion passed unanimously by voice vote.**

### **REQUESTS FOR EVALUATION**

Cochair Ringo said the decision on the number of requests to select would depend on the resources of the office and the number and types of requests. She asked Mr. Mohan to recap the workload. Mr. Mohan said the office was assigned five studies last year. By Monday, all will have been released except for a study on tax policy for businesses, the release of which would be delayed until June because of fewer staff resources (departure of one evaluator and maternity leave of another). At the same time, the office would release several follow-up reviews.

The committee had 12 requests before them from 20 legislators who either requested or cosponsored the request. All projects were large as compared with those from last year when two were considered smaller. Mr. Mohan said he would be bold and ask for five studies and direction for which studies were priority in the event one or two needed to be delayed.

#### **Request 1: Water Quality Program in the Department of Environmental Quality**

Cochair Ringo called on Senator Monty Pearce, chairman of the Resources and Environmental Committee, who cosponsored a request with Representatives Lawrence Denny, chairman of the Resources and Conservation Committee, and Dell Raybould, chairman of the Environment, Energy and Technology Committee. Senator Pearce requested a study on setting appropriate

water quality standards for Idaho water bodies and implementing water quality trading for use in Idaho watersheds. Under rule 38, Representative Batt said her husband's clients were involved with the request.

Senator Mortimer asked whether a study would require technical knowledge. As requested by Senator Pearce, Cochair Ringo invited Mr. Daniel Steenson, Sawtooth Law Office, to answer the question. Mr. Steenson said the request would not require scientific research but an evaluation of the process. Senator Werk asked whether Mr. Steenson had inquired of DEQ and EPA for why the processes were not working as they should. Mr. Steenson said that preparing and moving through the process was difficult, and in the case of pollutant trading, decisions included tens of millions of dollars. A study could help identify known and unknown hindrances. Senator Werk said that a set of requirements must likely be met; whatever a study revealed, legislators must remove the roadblocks first.

### **Request 2: Reducing Confinement Rates of Juveniles**

Cochair Ringo, who cosponsored a request with Representatives Maxine Bell, chairman of the Appropriations Committee, and Carolyn Meline, said confinement rates in Idaho were high and requested a study to identify services and programs for reducing confinement. She said the request was not a criticism of the Department of Juvenile Corrections, but rather a preventative measure for juveniles in custody. She presented statistics on costs and rates of custody in Idaho and other states.

### **Request 3: Impact of Student Achievement from Funding and Teacher Experience**

Cochair Ringo spoke for Representative Phylis King, who was unexpectedly delayed from attending the meeting. She said Representative King requested a study of how money and experienced teachers in the Idaho public education system affect student achievement and whether more experienced teachers or teachers with advanced degrees were more likely to teach in higher paying districts.

### **Request 4: Barriers to Providing High-End Professional-Technical Education in Rural Idaho**

Cochair Ringo called on Representative Sue Chew, who cosponsored a request with Representatives Frank Henderson, chairman of the Business Committee, and Paul Romrell. Representative Chew requested a study of the challenges and barriers to secondary professional-technical programs (PTE) in the rural areas of Idaho across a spectrum of careers, including health occupations. She said that rural schools may not have the ability to secure additional funding because the requirement involved serving two attendance zones, which could be difficult in less populous areas.

### **Request 5: Disparity in Tuition Among Idaho's Technical Colleges**

Cochair Ringo called on Senator Mortimer, who cosponsored a request with Representative Sue Chew. Senator Mortimer requested a study of the disparity of fees and tuition among Idaho's six technical colleges for PTE, and how these fees, in addition to funds provided by the Legislature were used to pay for maintenance and operations costs for facilities. Representative Batt asked whether requests 4 and 5 could be rolled together into one study. Senator Mortimer said request

4 would look at PTE in K–12 and request 5 would look at PTE at higher institutions. Senator Werk said each institution structured its PTE program differently. He asked Mr. Mohan how a study would be able to compare different structures. Mr. Mohan indicated that, at that time, he did not know.

**Request 6: Unintended Consequences of Medicaid Cuts**

Cochair Ringo called on Representative Sue Chew. Representative Chew said she wanted to withdraw the request and possibly resubmit it next year.

**Request 7: Foster Care Program at the Department of Health and Welfare**

Cochair Ringo called on Representative Christy Perry, vice chairman of the Health and Welfare Committee. Representative Perry said 75 percent of foster children in Idaho were being adjudicated. She requested a study of the foster care program and the costs associated with placement, including Medicaid and daycare. She said her request paralleled with request 2 to reduce confinement rates for juveniles in custody. The state tended to silo these programs, but looking at them as a flowchart would help policymakers see the impact that these programs had on children as they grew up.

**Request 8: Sustaining the Behavioral Health Workforce**

Cochair Ringo called on Representative John Rusche, minority leader, who cosponsored a request with Representative Sue Chew. Representative Rusche requested a study of the mental health services workforce. A study could determine whether Idaho had the needed workforce, whether its workforce was well distributed across the state and meeting needs throughout each region, and whether it had a workforce system that was renewable and sustainable. In a clarifying question from Representative Batt, Representative Rusche said behavioral health included substance abuse.

**Request 9: Organizational and Operational Structure of the Department of Health and Welfare**

Cochair Ringo called on Senator Dan Schmidt. Senator Schmidt requested a study of the organizational and operational structure of Health and Welfare. A study would look at the effectiveness and efficiency of internal services, the benefits of a centralized administrative structure, and whether that structure aligned with best practices. He said he wanted to understand the appropriate balance between transparency and functionality.

**Request 10: Assessment of a Taxpayer Advocacy Office**

Cochair Ringo called on Senator Bert Brackett, who cosponsored the request with President Pro Tem Brent Hill and Senator Les Bock. The request was also signed by Chairman Richard Jackson of the Idaho State Tax Commission. Senator Brackett requested a study to assess the need for a taxpayer advocacy office in Idaho. A study would include examples of and information about taxpayer assistance offices in other states, a comparison of Idaho's tax collection practices with other states, and options for the design and implementation of a taxpayer advocacy office. He said the advocacy office would be in addition to a board of appeals. Senator Bock said that he had used the IRS advocacy office in his law practice for intractable problems and had seen the need for an advocacy program at the state level. Senator Werk asked

about the involvement of the Tax Commission chairman in the request. Senator Brackett said the chairman's signature on the request represented full disclosure to the Tax Commission, but the request was sponsored by the three senators.

### **Request 11: Idaho's Death Penalty System**

Cochair Ringo called on Senator Werk, who cosponsored the request with Senator Bayer. Senator Werk requested a study of Idaho's death penalty system. A study would look at the structure, workings, costs, and effectiveness of the system and compare it with best practices. Senator Bayer said he and Senator Werk had worked on many projects together and he appreciated Senator Werk's efforts to put together a valid proposal. The request did not ask for a study on philosophical issues.

### **Request 12: ITD Practices in Winter Road Maintenance**

Cochair Ringo called on Representative Eric Anderson. Representative Anderson requested a study of ITD's practices for winter road maintenance, particularly in northern Idaho where salt was used on snowy roads. He said ITD had no standard practice for the appropriate amount of salt used on roads. Salt was damaging vehicles, killing vegetation, degrading rivers and streams, and negatively affecting businesses with equipment along the roads.

## **TOPIC SELECTION**

Cochair Ringo asked the members to fill out a ballot and rank the requests in order of priority. When results were tallied, the requests fell in the following rank:

1. Reducing Confinement Rates of Juveniles
2. Water Quality Programs
3. Foster Care Program
4. Providing Access to High-End PTE in Rural Idaho
5. Idaho's Death Penalty System
6. Organizational and Operational Structure of DHW
7. Disparity in Tuition Among Idaho's Technical Colleges
8. Assessment of a Taxpayer Advocacy Office
9. Sustaining the Behavioral Health Workforce
10. Impact of Student Achievement from Funding and Teacher Experience
11. Practices in Winter Road Maintenance

**Senator Werk moved to conduct evaluations of the top five requests: (1) Reducing Confinement Rates of Juveniles, (2) Water Quality Program, (3) Foster Care Program, (4) Providing Access to High-End PTE in Rural Idaho, and (5) Death Penalty System. Senator Bock seconded the motion.**

Senator Mortimer asked whether some requests were different in time and effort. Mr. Mohan said he was unsure which studies might take more work than others. Looking at the ranking of requests, Senator Mortimer asked whether the office could realistically conduct more or less than the five top requests, giving Mr. Mohan a chance to look at the requests before committing

resources. Mr. Mohan said he would not be able to conduct six studies—when he asked for five studies, he knew he was requesting more than the office might be able to do, but four studies might leave the office some time to do more. He asked for five studies knowing they would push office resources. Senator Mortimer said that because the first ballot had a voting error (one member had ranked the withdrawn request), he questioned whether the committee had truly picked their top five.

**Senator Mortimer moved for a substitute motion to eliminate the three lowest ranked requests and complete a second ballot with the top eight requests. Senator Bayer seconded the motion.**

Representative Batt said the committee had already chosen the top five. If members cast a second ballot, they could potentially lose one of the top five. Senator Mortimer said he was seeking the true will of the committee and was willing to go through the ballot ranking one more time.

**The motion to eliminate the three lowest ranked requests and complete a second ballot with the top eight requests passed by a majority of roll call votes.** Senator Werk and Representative Bell were recorded as voting no.

Cochair Ringo asked the members to fill out a second ballot and rank the top eight requests in order of priority. When results were tallied, the requests fell in the following rank:

1. Water Quality Program
2. Reducing Confinement Rates of Juveniles
3. Idaho's Death Penalty System
4. Organizational and Operational Structure of DHW
5. Assessment of a Taxpayer Advocacy Office
6. Foster Care Program
7. Disparity in Tuition Among Idaho's Technical Colleges
8. Providing Access to High-End PTE in Rural Idaho

**Senator Werk moved to conduct evaluations of the top five requests: (1) Water Quality Program, (2) Reducing Confinement Rates of Juveniles, (3) Death Penalty System, (4) Organizational and Operational Structure of DHW, and (5) Assessment of a Taxpayer Advocacy Office. Senator Bock seconded the motion, and the motion passed unanimously by voice vote.**

*The meeting adjourned at 6:00 p.m.*



## House of Representatives State of Idaho

March 8, 2013

Joint Legislative Oversight Committee  
Idaho State Capitol  
700 W. Jefferson  
Boise, ID 83720

Re: Request for Water Quality Program Evaluation

Dear Committee:

The Environmental Protection Agency (EPA), the Idaho Department of Environmental Quality (IDEQ), local governments and communities and stakeholders each have a role to play in establishing, implementing and complying with water quality programs in Idaho. We request that the Joint Legislative Oversight Committee (JLOC) direct the Idaho Office of Performance Evaluation (OPE) to identify and evaluate opportunities to optimize state, local and stakeholder determination and implementation of water quality programs in the State of Idaho. We would like this evaluation to include analysis of our premise that Idaho's waters are most cost-effectively protected by state and local officials working collaboratively with local communities and stakeholders who have the greatest knowledge, interest and concern about Idaho's water resources.

We are specifically interested in an evaluation of the following issues:

1. Setting appropriate water quality standards for Idaho water bodies. Correctly identifying the uses a water body can reasonably be expected to support is essential to proper water quality planning and administration. Inappropriate designation of uses for water bodies can lead to unattainable water quality objectives and programs that impose unnecessary and costly restrictions on water users. Natural and manmade conditions, and limited available funding, may prevent the attainment of certain uses. Desert streams, for example, should not be expected to reach unnaturally cold temperatures.

When water quality monitoring and analysis indicate that a use designated for an Idaho water body is inappropriate, IDEQ has the authority and responsibility to perform a Use Attainability Analysis (UAA) to determine whether the use should be modified or removed from the water body, and the water quality standard revised accordingly.

However, UAAs are rarely prepared by IDEQ or approved by EPA. We are aware that stakeholders have been discouraged from pursuing water quality standard revisions, even when they have been willing to participate in the preparation of UAAs.

We therefore request an evaluation of the impediments to the revision of Idaho Water Quality Standards through the preparation and approval of UAAs.

2. Implementation of Water Quality Pollutant Trading. IDEQ describes pollutant trading as “a business-like way of helping to improve water quality by focusing on cost-effective, local solutions to problems caused by discharges to surface waters.” “Pollutant trading is voluntary and generally involves a party facing relatively high pollutant reduction costs [such as a municipal discharger] who compensates another party [such as a farmer] to achieve an equivalent, though less costly, pollutant reduction.” Water quality pollutant trading is widely regarded as essential to meaningful improvement in many Idaho water bodies.

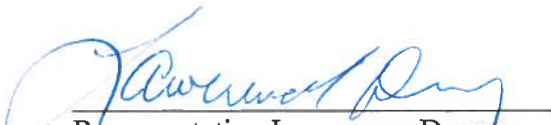
Water quality pollutant trading frameworks have been in development in Idaho for over a decade, yet the viability of trading in Idaho remains uncertain at a time when many dischargers, particularly municipalities, are facing increasingly strict permit requirements.

We therefore request an evaluation of the impediments to timely implementation of water quality trading for use in Idaho watersheds within the next three years.

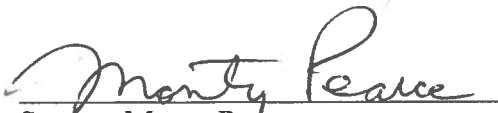
Thank you for your consideration.



Representative Dell Raybould  
Chairman, House Environment, Energy & Technology Committee



Representative Lawrence Denney  
Chairman, House Resources & Conservation Committee



Senator Monty Pearce,  
Chairman, Senate Resources & Environment Committee



## House of Representatives State of Idaho

To: Joint Legislative Oversight Committee  
From: Representative Shirley Ringo, Representative Maxine Bell, Representative Carolyn Meline  
Subject: Over-incarcerations of Juveniles  
Date: March 11, 2013

This proposal requests a study of community-based prevention and re-entry programs that could be introduced or expanded and result in a reduction of confinement rates in our Juvenile Corrections System.

Study the adequacy of community-based treatment and prevention programs such as: Preventive Health Services for Children, Functional Family Therapy, Multisystemic Therapy, Prevention Programs in Schools, Mental Health programs, Problem-Solving Courts, or programs in Idaho or other states that have proven to be successful.

Study the adequacy and effectiveness of re-entry programs such as: Serious and Violent Offender Re-entry Initiatives, Therapeutic Community with Aftercare, Vocational and Work Programs, Halfway House Programs, or programs in Idaho or other states that have proven to be successful for re-entry.

Information such as this could position decision-makers to chart a path forward to consider future investment in programs that provide more community-based services for troubled youth. Strong community programs will reduce confinement rates, help families and youth, and reduce state expenditures for juvenile corrections.

Nationally, the youth incarceration rate is declining and reached a 35-year low in 2010. However, in 2010 the confinement rate in Idaho showed an increase of 80% over the rate in 1997 – a growth rate that led the nation.

The number of juveniles in long-term secure placements in Idaho from a one-day census of public facilities by the Office of Juvenile Justice and Delinquency Prevention in 1997 was 171, and in 2007, 284. This represents a 25% increase.

The confinement rate (per 100,000 juvenile population in Idaho, on a one-day census) increased by 52% from 1997 to 1999. This was the largest increase in the United States at that time.



Between 1997 and 2007, there was a 115.5% increase. During the same time period, the arrest rate of juveniles for serious violent crimes decreased by 37.6%.

Information from the Idaho Department of Juvenile Corrections on December 31, 2012, indicated that 1% of juveniles incarcerated in long-term secure placements were assessed as “low risk,” and 29% were assessed as “moderate risk.” One might question whether this 30% of the 2011 population should have required long-term secure placements.

For fiscal year 2012, the average cost/day at level 4 in-state juvenile corrections placement was \$202. Not including out of state placements, the total cost of incarcerating low and moderate-risk juveniles for one year was \$12,000,000.

Following is a review of Juvenile Corrections Budgets (2008) and Confinement Rates (2007) for states of similar size to Idaho and contiguous Montana. (Unofficial estimates of budgets from the American Correctional Association – Source: Mendel, 2011)

State	Appropriation	Confinement Rate
Idaho	\$49,829,110	217
Maine	\$30,050,047	80
Montana	\$20,497,707	154
Nebraska	\$17,245,540	187
New Hampshire	\$28,600,421	135
Hawaii	\$10,628,046	not available

Research shows being incarcerated as a juvenile has long-term negative consequences for the individual and for society. One outcome is a lack of job stability in adulthood experienced by persons who had been incarcerated as juveniles and as a result more crime.





## **House of Representatives State of Idaho**

March 11, 2013

Dear JLOC members,

I would like to ask the Office of performance Evaluations to do an evaluation of student achievement vs. the cost of education in Idaho vs. seasoned teachers. I want to understand how money and experienced teachers in Idaho effect student achievement.

Student achievement would be based on parameters like SAT scores, ACT scores, Graduation Rates, the number of students who go on to college, National Merit scholars, and any other measurements of academic achievement. I'd also like to place achievement side by side with the cost of education in a district/school. I want to know if are students more likely to score better if the school or district has higher revenues per student. Please include charter schools in this analysis as much as is possible—perhaps with achievement scores.

I'd also like to know if the more seasoned teachers, teachers who have taught longer or have advanced education degrees, are more likely to teach in the districts that pay more and can this result in higher achievement too? Do rural areas pay less than urban areas? Can new teachers find jobs in urban as well as rural areas equally? Are new teachers more likely to find jobs in rural areas, but as they gain experience do they move to wealthier districts or do they stay in the rural areas?

Thanks.

Representative Phylis King



## House of Representatives State of Idaho

To: Joint Legislative Oversight Committee  
From: Representative Frank Henderson, Representative Sue Chew  
Subject: Barriers to Professional-Technical Education Programs in Rural Areas  
Date: March 11, 2013

What are the challenges and barriers to secondary Professional-Technical Education (PTE) programs in the rural areas of Idaho across the spectrum of careers, including health occupations? What could be done to decrease or eliminate those barriers?

The concern is over the plight of rural schools which may not have access or ability to create "high end" programs since they are not in an urban area which can more easily secure additional funding for Professional-Technical Schools (PTS). The separate funding for a PTS must meet the PTE component and four of five criteria, as noted in Idaho Code 33-1002G. Serving two attendance zones is quite possible in the Treasure Valley and more populated regions but much more difficult in less populous areas. A working group assembled by the Department of Professional-Technical Education (DPTE) to consider a strategic approach to distance programs may be unaware of other challenges specific to rural schools. A study would help inform the planning for providing access to high end PTE programs in rural Idaho.

Handwritten signature of Frank Henderson in blue ink.

Representative Frank Henderson

Handwritten signature of Sue Chew in black ink.

Representative Sue Chew

DISTRICT 32  
BONNEVILLE COUNTY

HOME ADDRESS  
7403 SOUTH 1ST EAST  
IDAHO FALLS, IDAHO 83404  
(208) 528-6377  
(208) 524-9000



STATE CAPITOL  
P.O. BOX 83720  
BOISE, IDAHO 83720-0081  
(208) 332-1300  
FAX: (208) 334-2320  
dmortimer@senate.idaho.gov

## Idaho State Senate

### SENATOR DEAN M. MORTIMER

March 13<sup>th</sup>, 2013

Rakesh Mohan  
Director, Office of Performance Evaluations  
Idaho State Legislature  
P.O. Box 83720  
Boise, Idaho 83720-0055

Dear Rakesh,

The State Board of Education has recently set a goal that 60 percent of Idahoans aged 25-34 years old will have a postsecondary degree or certificate by the year 2020. This goal was primarily driven by the fact that an increasing number of jobs in Idaho will require postsecondary education and training. A recent report by the Office of Performance Evaluations noted that a significant proportion of these jobs will require professional-technical education (PTE) and training. Ensuring professional-technical education is affordable is a priority in meeting the State's education goals of the future.

Concerns have been raised regarding the disparity in tuition/fees being charged by Idaho's six technical colleges for students participating in professional-technical education programs. Of Idaho's six technical colleges comprising the Idaho Technical College system, three are community colleges (College of Western Idaho, College of Southern Idaho, and North Idaho College), one standalone technical college (Eastern Idaho Technical College), a small 4-year college (Lewis-Clark State College), and the College of Technology within a university (Idaho State University).

This mix of institution types has possibly contributed to the inconsistency in tuition/fees among these institutions. There are also inconsistencies in how funds provided by the Legislature and collected through tuition/fees cover the maintenance and operations costs for facilities among institutions. We would like OPE to answer the following questions for each of Idaho's technical colleges:

1. What is the amount of revenue generated by the tuition or fees from PTE students?
2. What are the physical facilities, maintenance, and operations costs of the PTE programs?
3. To what degree are local general funds (e.g. property taxes, liquor funds, etc.) used by the institutions to support the operating expenses of PTE programs?

4. Do the institutions collect course fees specific to PTE programs to provide additional support for the program? If so, to what degree?
5. Do the institutions charge PTE students different amounts for tuition or fees depending on the student's PTE program? ? If so, what are the justifications for these differences?
6. Are there any access barriers for PTE students at any of the institutions?
7. What are the differences in PTE programs and courses offered at each institution and cost of facilities for each program?

It will be important to consider the views of stakeholders in this study, including the Division of Professional-Technical Education, the State Board of Education, business and industry representatives, the Education committees in the Legislature, and students in PTE programs at the different institutions.

Sincerely,



Senator Dean Mortimer



Representative Susan B. "Sue" Chew

DM/tc

## Rakesh Mohan

---

**From:** Representative Paul Romrell  
**Sent:** Wednesday, March 13, 2013 4:50 PM  
**To:** Rakesh Mohan  
**Subject:** study on pte barriers

Please add my name to the sponsor list. Rep. Romrell

**SUE CHEW**  
DISTRICT 17-B  
ADA COUNTY



HOME ADDRESS  
1304 LINCOLN AVENUE  
BOISE, IDAHO 83706  
(208) 344-0098  
EMAIL: [schew@house.idaho.gov](mailto:schew@house.idaho.gov)

## House of Representatives State of Idaho

To: Joint Legislative Oversight Committee  
From: Representative Sue Chew  
Subject: Impacts of 2011 Policy  
Date: March 11, 2013

What are the impacts of the HB260 2011 cuts made in Medicaid services for adults with developmental disabilities, mental illness, or other disabilities? Were there unintended consequences, a shift in costs, and other impacts that resulted from these cuts?

Representative Sue Chew

Christy Perry

DISTRICT 11,  
Canyon County

HOME ADDRESS  
8791 Elkhorn Lane  
Nampa, ID  
83686  
(208) 880-9720



**COMMITTEES**

Vice Chairman - Health & Welfare

Judiciary, Rules, & Administration

Local Government

## House of Representatives State of Idaho

EMAIL: cperry@house.idaho.gov

TO: Joint Legislative Oversight Committee  
FROM: Representative Christy Perry  
DATE: March 12, 2013  
RE: Department of Health & Welfare

I would like to make a request of the Joint Legislative Oversight Committee to investigate certain aspects within the Idaho Department of Health and Welfare. There have been reported cases of severe difficulties associated with the Idaho Foster Care Program.

Specifically, the manner and reasons children are being placed into foster care, as well as the manner and reasons they are removed from foster care and entered into the adoption process.

The focus of the evaluation should be on the uniformity of process and decision making hierarchy, including a comparison of best practice models. Additional questions to be answered may include:

- 1) Reasons as to why children (foster and natural) are being taken into custody and are they in line with federal regulations regarding the use of imminent danger?
- 2) Are case plans being accurately followed?
- 3) Are parents being sufficiently informed of their parental rights?
- 4) Are parents and family members being informed of the legal options?
- 5) Are those children being presented for adoption being protected by a Guardian Ad Litem?
- 6) What is the hearing process when and if a conflict exists?

Thank you for your time and consideration of this very important matter.

scf





# House of Representatives State of Idaho

**MINORITY LEADER**

March 11, 2013

Rakesh Mohan, Director  
Office of Performance Evaluations  
954 W. Jefferson Street  
10<sup>th</sup> Street Entrance, 2<sup>nd</sup> Flr.  
Boise, ID 83702

Dear Director Mohan,

Idaho's behavioral health system faces many existing challenges and even greater challenges in the future. Both the Division of Behavioral Health and Medicaid Mental Health Services have seen significant cuts since 2008. The Division of Behavior Health data shows that there has been significant increase in mental health holds and commitments, 19-2524 Court Orders, community hospitalizations and increase in state hospital admissions. These increasing trends indicate there are unmet needs in the area of early treatment and intervention. Moving forward, the Division of Behavioral Health has proposed a redesign of behavioral health services redefining the roles and responsibilities of the Division of Behavioral Health, Medicaid and Regional Behavioral Health Boards which will change the demands on the behavioral health workforce. In addition, is considerable uncertainty related to Medicaid Managed Care for Behavioral Health which is schedule to be implemented July 1, 2013, as well as health care reform brought about by the Affordable Care Act.

It has been identified that Idaho has an ongoing behavioral health professional shortage which will only get worse. Idaho is one of the many western states projected to have fewer people entering the workforce than leaving it. (Idaho Behavioral Health System Redesign: Findings and Recommendations for the Idaho State Legislature, WICHE 2008). It is imperative that Idaho has the workforce capacity to handle the current and future challenges of its behavioral health system.

To better plan for the current and future challenges it is important that the Legislature understand the extent that Idaho has the workforce capacity. To that end, we pose the following questions:

- Does Idaho have the workforce to meet its growing demands with the right professional skills, training and experience?



## **House of Representatives State of Idaho**

### **MINORITY LEADER**

- Is the Idaho workforce distributed though out the State to be able to meet the needs of every region?
- Does Idaho have a system in place that will renew and sustain it behavioral health workforce?
- Does Idaho law prepare Idaho to meet the mental health workforce shortage?

Thank you in advance for your time and consideration. Should you have any questions, please do not hesitate to contact us.

Best regards,

Handwritten signature of John Rusche in black ink.

Representative John Rusche  
House Minority Leader

Handwritten signature of Sue Chew in black ink.

Representative Sue Chew  
District 17

JR/jm

DAN J SCHMIDT  
DISTRICT 5  
LATAH AND BENEWAH  
COUNTIES

HOME ADDRESS  
267 CIRCLE DRIVE  
MOSCOW, IDAHO 83843  
schmidt.danj@gmail.com



OFFICE ADDRESS  
STATE CAPITOL  
P.O. BOX 83720  
BOISE, IDAHO 83720-0081  
(208) 332-1405  
FAX: (208) 334-1423  
dschmidt@senate.idaho.gov

## Idaho State Senate SENATOR DAN J SCHMIDT

March 12, 2013

Senator Mortimer  
Representative Ringo  
Co-Chairs, JLOC

Dear Sen. Mortimer and Rep. Ringo,

Idaho legislators set budgets and direct policy for the Department of Health and Welfare. But Department programs and operations can be difficult to understand due to organizational size and structure. I request a study from the Office of Performance Evaluation to evaluate department organizational and operational structure to better understand and improve legislative ability to make budgetary recommendations and appropriations.

To this end, I request these questions be addressed:

1. Given the size and scope of the different divisions, are the internal services used within the department structured and aligned for efficiency and effectiveness?
2. Is our state organization and funding of the Department currently in line with the best practices of similar states or organizations?
3. What benefits come with the Departments centralized administrative structure?
4. Are there metrics for programs or funding used in other states or organizations that may better serve our state?

I would like to have this completed by December 2013. Thank you for your consideration.

Respectfully,

A handwritten signature in cursive script that reads "Dan J Schmidt".

Sen. Dan J Schmidt



## Idaho State Senate

### SENATOR BERT BRACKETT

March 13, 2013

Senator Dean Mortimer  
Representative Shirley Ringo  
Co-Chairs, Joint Legislative Oversight Committee  
STATEHOUSE MAIL

#### Re: Tax Advocacy Office

Dear Senator Mortimer and Representative Ringo,

In response to the concerns recently expressed that the State Tax Commission's treatment of taxpayers is unnecessarily harsh and rigid, we would like to request that the Office of Performance Evaluations (OPE) conduct an evaluation to assess the need for a tax advocacy office in Idaho.

A number of states have tax advocacy offices that serve as independent resources to balance taxpayer assistance against tax collection efforts. Advocacy offices generally work to resolve complex or special tax problems that are unable to be resolved through tax commissions' taxpayer service divisions. Assistance is given to taxpayers whose livelihood is threatened or who are otherwise in need of special assistance to meet their tax obligations. Examples of such circumstances are those who have experienced loss from disaster, severe medical conditions, the loss of a family member, or have experienced severe financial problems.

We ask that OPE conduct an evaluation that would include at least the following pieces of information to help policymakers determine if the creation of a tax advocacy office would help balance the State Tax Commission's obligation to collect taxes in accordance with policy against the livelihood and welfare of Idaho's taxpayers:

- examples of and information about taxpayer assistance offices in other states
- a comparison of Idaho's tax collection practices to those in other states
- an assessment of the need for a tax advocacy office in Idaho
- options for the design and implementation of a tax advocacy office

We have met with Chairman Jackson and Commissioner Langhorst. They have been extremely open about the Commission's processes, and they welcome an objective analysis and suggestions for improvement.

Sincerely,

Handwritten signature of Bert Brackett in blue ink.

Senator Bert Brackett

Handwritten signature of Brent Hill in blue ink.

President Pro Tem Brent Hill

Handwritten signature of Richard W. Jackson in blue ink.

Chairman Richard W. Jackson  
Idaho State Tax Commission

Handwritten signature of Les Bock in black ink.

Senator Les Bock

## **Memorandum**

To: Joint Legislative Oversight Committee  
From: Senators Elliot Werk and Clifford Bayer  
Date: March 11, 2013  
Subject: Request for an Evaluation of Idaho's Death Penalty System

---

Idaho's death penalty system is fragmented and inefficient. To better understand the death penalty system this proposal asks OPE to study the structure, workings, costs, and effectiveness of the death penalty system in Idaho and to compare Idaho's system to best practices across the country. It's hoped that this study will provide the legislature with important information that can be used to make informed public policy decisions about Idaho's death penalty system.

### **Background**

According to Idaho statute (19-2512), "a person convicted of murder in the first degree shall be liable for the imposition of the penalty of death if such person killed, intended a killing, or acted with reckless indifference to human life, irrespective of whether such person directly committed the acts that caused death." The death penalty in Idaho is administered by lethal injection (19-2716).

According to the Death Penalty Information Center, Idaho is one of 34 states with a death penalty. Idaho currently has 14 offenders on death row (13 men and one woman). Since 1864, Idaho has executed 30 people with the most recent execution occurring in June 2012. Before an execution in November of 2011 no person was executed in Idaho for a period of 18 years.

In 2001, after almost 18 years on Idaho's death row, Charles Fain was exonerated by DNA evidence. In addition, two people have been released from Idaho's death row. These include Donald Paradis convicted in 1981 and released from prison in 2001 after spending 14 years on death row. And Mark Landford's death sentence was recently vacated and his sentence reduced to life in prison.

According to information provided by the Idaho Department of Correction, the direct cost of the last execution was \$53,411. This total only reflects the cost of the execution and does not take into account the cost of prosecution, incarceration or legal fees associated with appeals. Questions have been raised about the costs associated with a death penalty sentence and how those costs compare to a sentence of life in prison. In addition, questions arise from the fragmented nature of the death penalty system in Idaho and whether Idaho follows best practices that minimize costs and ensure that justice is fairly administered.

Idaho's death penalty system is fragmented with counties making the decision to seek the death penalty. Costs for death penalty prosecutions are shared between 43 of 44 counties in Idaho (the exception being Jefferson County) through the Capitol Crimes Defense Fund. Appeal costs are split depending on where the appeal is heard with the county involved only in post-conviction relief.

### **Proposal**

A performance evaluation seeking to analyze the structure, workings, costs, and effectiveness of the death penalty system in Idaho as well as comparing Idaho's system to best practices across the country will, for the first time, allow the legislature to fully evaluate the death penalty system. This will allow the legislature to make informed policy decisions that could save the state millions of dollars in a time of great budgetary stress and competition. In addition, the evaluation could help policymakers develop a less fragmented and more effective system that helps lessen the number of improper convictions.

This request is particularly timely since the state recently began carrying out executions after an 18 year hiatus. This has focused attention on the issue and raised questions about the costs and benefits of the current system. In addition, an evaluation of the costs of the death penalty system in Idaho is particularly timely given the fast rising demands of the corrections system and the strain this system places on other budgetary priorities.

### **Necessity**

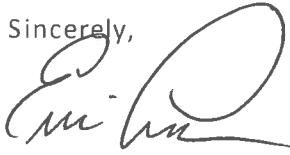
The need to eliminate unnecessary expenses and waste in government operations has never been greater. It's clear that Idaho's death penalty system is fragmented and inefficient. Developing objective and current information will allow policymakers to make the system more efficient and effective while allowing precious resources to be put to better use in higher priority areas of state and local government.

In addition, with a spate of recent exonerations and reduced sentences it's clear that our system of justice for death penalty cases is flawed. The people of Idaho expect and deserve a system that ensures that justice is properly, thoroughly, and efficiently implemented. To reach this standard, data is needed and changes are required. This can only be done if policymakers at all levels of government have the objective data that this evaluation will provide.

One of the biggest concerns from my constituents is the damage caused to their cars and trucks by the volume of salt that is laid down on the roads during the winter months by the ITD. Dead vegetation up to 200 yards from the center line of our roads has created much discussion about the increased fire hazard and degradation to our rivers and streams running along these roads. Many of these streams are vital spawning habitat for many different fish species including some that are under the ESA. I can personally identify two independent contractors that close their business in these months for one reason, damage to their equipment caused by salt on the roads.

This issue has been discussed, it is time to determine the cost of safety versus the cost to our citizens and the cost to our environment by this policy of salt to keep our roads free of ice.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Anderson". The signature is fluid and cursive, with a large, prominent loop at the end.

Representative Eric Anderson