

MINUTES
HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE
BOLZ SUBCOMMITTEE
Administrative Rules Review

DATE: Wednesday, January 23, 2013

TIME: Upon Adjournment of the Full Committee

PLACE: Room EW42

MEMBERS: Chairman Bolz, Representatives McMillan, Horman, Patterson, Ringo

**ABSENT/
EXCUSED:** None.

GUESTS: Henry Atencio & Lorenzo Washington, Idaho Department of Corrections (IDOC)

Chairman Bolz called the meeting to order at 2:53 p.m.

DOCKET NO. 11-0201-1201: **Larry Hayhurst**, Idaho State Brand Board, presented **Docket No. 11-0201-1201**. He explained that because the Brand Board has had to eliminate eight positions in recent years they decided there was a need for fee changes, he outlined fee changes. He said the staggered system for renewal is less burdensome to permittees and saves the Brand Board money as well. More specifically he said the brand renewal fee was changed from \$75.00 to \$100.00 which is comparable to what other state brand boards require.

In response to committee questions, **Mr. Hayhurst** said no negotiated rulemaking is required to change these fees because the Idaho Brand Board works for the industry and the Brand Board receives industry support before it goes forward with a change in fees.

MOTION: **Rep. Ringo** made a motion to recommend approval of **Docket No. 11-0201-1201** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 11-1202-1201: **Mr. Hayhurst** presented **Docket No. 11-1202-1201**. He said this is not a brand law and rather he was placed in charge of administering the Idaho Livestock Dealers Licensing. He explained that the license fee increased from \$40.00 to \$100.00 because that amount is more in sync with what the licensing inspections cost and with what other states are charging.

In regards to committee questions, **Mr. Hayhurst** explained he thinks he already has the authority to promulgate rules. In regards to the burdens of maintaining inspection service, he said there are instances where an inspector will have a large area to inspect regardless of how many head of cattle/horses are there; inspectors are still required to go to all owners. He concluded that he believes the industry supports this rule.

MOTION: **Rep. McMillan** made a motion to recommend approval of **Docket No 11-1202-1201** to the full committee. **Motion was carried by voice vote.**

DOCKET NO. 06-0101-1202 **Lorenzo Washington & Director Brent Reinke**, Idaho Department of Corrections (IDOC), presented **Docket No. 06-0101-1202**. Dir. Reinke explained the IDOC rulemaking process and said this rule has been in effect since November 2012. He also introduced **Mark Kubinski**, Attorney General for IDOC. Dir. Reinke noted the purpose for these fees is to promote community safety.

Mr. Washington outlined the main changes to the rules this year. He said some of them are changes to fees used to assess services that are provided to offenders and the rules also establish restrictive areas in the district and clarify management of these areas. A department fee structure was added that more clearly describes service fees charged to offenders. He explained further that these are fees that have always been charged, but have never previously been codified. Another change provides a procedure for more effective identification for department visitors and defines restricted visitation areas. He pointed to Section 312, which is a change to a rule regarding disposition of property of offenders who have died. He next spoke about Section 511 which makes bringing contraband into correctional facilities a crime. He then explained the IDOC rulemaking process which is done via proclamation because I.C. § 20-212, exempts IDOC from the Idaho Administrative Procedure Act (IDAPA) in two ways: no public meetings and no negotiated rulemaking is required. He further explained the purpose to allow IDOC to meet day to day safety and security changes.

In response to committee questions, **Dir. Reinke** explained the fee charged to offenders who are in a work-release program has always existed and this rule is a codification of that fee. He also said the same fee structure is used for misdemeanor probation. In regards to the change to the notification date to persons receiving a deceased inmate's belongings, **Mr. Washington** said that in cases where the IDOC has difficulty locating these people, the change in the rule allows IDOC to hold that inmates belongings for up to 180 days, rather than the previous 30. **Mr. Washington** also clarified that if an inmate is indigent they would not be required to pay the fees contained in this rule. If the offender has money in their Offender Trust Account then money would be deducted from that account. **Henry Atensio**, IDOC, said the PSI supervision fees is a one-time fee that probably has about a 15% collection rate. He said the maintenance fees will impact inmates housed at the community work centers and there is a 100% collection rate for these fees. He then referenced the handout and said the remaining fees have community support and in regards to the percentage the inmate would have taken out, about 35% of the offenders hourly wage is going into the maintenance account.

In regards to question about IDOC rulemaking, **Mr. Washington** said the exemption from saves IDOC 60 days in the rulemaking process when compared to the more standard IDAPA rules.

MOTION: **Rep. Horman** made a motion to recommend approval of **Docket No. 06-0101-1202** to the full committee. **Motion was carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:34 p.m.

Representative Bolz
Chair

Stephanie Nemore
Secretary