

**COUNCIL
INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION**

**March 12, 2004
2:00 pm CT**

Conference Coordinator: Good afternoon, ladies and gentlemen, and welcome to the Interstate Commission for Adult Offender Supervision's Conference Call.

Today's conference is being recorded.

My name is (Tony) and I'll be the lead coordinator for this call.

If, at anytime, you need assistance during the program, please press the star and 0 on your touchtone telephone.

And now, I'd like to turn the conference over to Chairman David Guntharp. Go ahead, sir.

David Guntharp: Good afternoon, Commissioners.

Woman: Good afternoon.

Man: Good afternoon.

Man: Good afternoon.

Woman: Hey, David.

David Guntharp: Well, I want to welcome you all today. This is going to be a breaking ground for us, but I think it's a way that we can address some issues. It's real critical if we have to - in-between the annual meeting.

But, first, let me just caution you on something is that we were going to trying to do an open line. And it's not because we feel that anyone's first amendment right is being violated. It's just that - it's just something that I feel very strongly about is this Compact is all about commissioners, and this is your Compact.

(Plus) we have an obligation to all of our commissioners in terms that if we're not able to keep the noise down or able to keep this in terms so we can hear it, then we will have to mute the lines. And Don will explain to you about the process when he comes on of how we will go about being recognized in terms if have to mute it.

So, I would ask that if we try to go through this process today is that you be courteous in terms of keeping noise down. If you happen to have - put us on hold and you have music in the background, please don't do that because if you do, you're going to kill the whole conference call because we'll hear is music -- if you put us on hold and you have music in the background - on your phone.

If you have a mute button on your phone, you may want to go ahead and mute it if you have others that are in the room listening or on the - or there today for this meeting.

At this time, the - if we do have to - I'd like to say, if we can't keep the noise down, then we will go ahead and go into - we will have (Tony) to mute all the lines and then, of course, I'd like to say Don will explain in terms of how to go about being recognized. So, any and everyone will be recognized.

It will just be - you'll be in the sequence and you'll have to wait until we open the phone in order - before you start talking. And so it's going to be a little more difficult with all open phones at this time especially when people want to speak, and etcetera.

Now what I would like to do - as I understand, we have about 40 states. We did when we opened the conference call; we had 40 states that are on this call at this time. And what I'd like to do is to turn it over to Don for him to do a roll call to recognize the commissioners, and also to introduce some of the new commissioners that we have here today that will be on this call.

Don, at this time, I turn it over to you.

Donald Blackburn: Thank you, Mr. Chairman.

Good afternoon, Commissioners.

Man: Good afternoon.

Woman: Good afternoon.

Man: Good afternoon.

Woman: Good afternoon.

Donald Blackburn: We're taking a roll call now; what I would appreciate you doing is giving the - your name. One thing that David did not cover was that every time you speak during this conference - because it's recorded - it will be very important for you to state your name and the name of the state that you are representing.

So I'll go ahead. If we have to mute the call at that time, we will give you directions on how you - the moderator will tell you how to push the buttons on that to be placed in rotation to be able to get the attention of the Chair.

David Guntharp: Don...

Donald Blackburn: Yes.

David Guntharp: ...if I may, you might make sure - as you do a roll call - to make sure that everyone is able to bring up that screen - and if they do have this on their computer - the rule.

Donald Blackburn: All right. Will do.

Alabama.

Alaska.

Arizona.

Mary Schamer: Mary Schamer here.

Donald Blackburn: Mary, are you able to bring up the computer?

Mary Schamer: I'm going to do that right now.

Donald Blackburn: Okay.

Arkansas?

David Guntharp: Here. And we have it up.

Donald Blackburn: California.

Sharon Jackson: Sharon Jackson for California.

Donald Blackburn: Colorado?

Sally Skiver: Sally Skiver.

Donald Blackburn: Welcome, Sally. Sally is the acting Commissioner today.

Connecticut?

Delaware?

District of Columbia?

Paul Quander: Paul Quander here.

Donald Blackburn: Welcome, Paul. Were you able to get the computer screen up?

Paul Quander: Yes.

Donald Blackburn: And Mary - let's see. I've asked Mary, didn't I?

Sally, how - what about you? Were you able to get it up?

Sally Skiver: Which screen are you talking about?

Donald Blackburn: Okay. If you have problems with looking at the screen just call (859) 244-8229 and Diane will help you. Okay?

Sally Skiver: Okay.

Man: Say that number again, please.

Donald Blackburn: (Eight-five-nine) 244-8229. If you have trouble getting the screen up, Diane will help everyone. Okay?

David Guntharp: Hey, Don?

Donald Blackburn: Yes.

David Guntharp: What you may want to do is to send out - to send out that email and just let them click on it. They should go straight into it.

Donald Blackburn: Well, we already sent it out but (Scully) - Sally, we probably sent it to Jeaneene Miller instead of you. And so I apologize for that.

Sally Skiver: Okay.

Donald Blackburn: We'll send one to you right now.

Sally Skiver: All right.

Donald Blackburn: Georgia? Oh, wait. Excuse me. Florida?

Barry Groves: Barry Groves, Florida.

Donald Blackburn: Barry is the new Commissioner for the State of Florida.

Woman: (Welcome).

Donald Blackburn: Welcome, Barry.

Man: Barry again?

Donald Blackburn: Georgia?

Joe Kuebler: Joe Kuebler, Georgia, and, Don I got it on the screen.

Donald Blackburn: All right. Thank you.

Man: Have you called (859) 244...

Donald Blackburn: Someone is talking, and we can hear a background noise, please.

Hawaii?

Ron Hajime: Ron Hajime.

Donald Blackburn: Ron, welcome.

Ron Hajime: I have the screen on.

Donald Blackburn: Thank you.

Ron Hajime: Thank you.

Donald Blackburn: Idaho?

Dave Nelsen: Dave Nelsen and the screen is up.

Donald Blackburn: Thank you.

Illinois?

Vivian Williams: Vivian Williams and I'm different. I don't have access for a terminal today,
but I do have that rule in front of me.

Donald Blackburn: All right, Vivian, very good.

Indiana?

Jane Siegel: Jane Siegel and I have it in front of me.

Donald Blackburn: Okay, Jane.

Iowa?

Lowell Brandt: Lowell Brandt. I have the screen up.

Donald Blackburn: Okay, thank you.

Kansas?

Robert Sanders: Robert Sanders and I have the screen up as well.

Donald Blackburn: Thank you.

Kentucky. John Rees?

John Rees: I have the screen up.

Donald Blackburn: Welcome, John. John is the new acting Commissioner for the State of Kentucky.

Louisiana.

Genie Powers: Genie Powers and I have the screen up.

Donald Blackburn: Very good.

Maine?

Wayne Theriault: Wayne Theriault and I have the screen up.

Donald Blackburn: Genie, I heard a lot of background noise when you came on.

Maryland.

Judith Sachwald: Judith Sachwald, State of Maryland and I have the screen up.

Donald Blackburn: Thank you.

Michigan?

Dennis Schrantz: Dennis Schrantz. I'm online.

Donald Blackburn: Minnesota.

Ken Merz: Ken Merz, Minnesota, and I have the screen up.

Donald Blackburn: Thank you.

Missouri?

Denis Agniel: Denis Agniel. I have the screen up.

Donald Blackburn: Thank you.

Montana?

Mike Ferriter: Mike Ferriter. I have the screen up.

Donald Blackburn: Okay. Nebraska.

Nebraska?

Nevada?

Amy Wright Amy Wright and I have the screen.

Donald Blackburn: Somebody is on speakerphone; we can hear background noise.

New Hampshire?

Kathleen McCormack: Kathleen McCormack and I have the screen up.

Donald Blackburn: New Jersey?

John D'Amico: John D'Amico. I'm all set.

Donald Blackburn: New Mexico?

Edward Gonzales: Edward Gonzales. I have the screen up.

Donald Blackburn: New York?

Ed Mruczek: Ed Mruczek and I have the screen up.

Donald Blackburn: North Carolina?

Sherry Pilkington: Sherry Pilkington and the screen's up.

Donald Blackburn: Okay. North Dakota.

Warren Emmer: Warren Emmer. The screen is up.

Donald Blackburn: Ohio.

Harry Hageman: Harry Hageman, Vice Chair, Ohio. I have the screen.

Donald Blackburn: Welcome, Harry.

Oklahoma.

Milton Gilliam: Milt Gilliam and my screen is active.

Donald Blackburn: Oregon.

Ginger Martin: Ginger Martin. I have the screen up.

Donald Blackburn: Pennsylvania.

Benjamin Martinez: Ben Martinez and I have the screen.

Donald Blackburn: Rhode Island.

Ashbel Wall: A.T Wall. I do not have the screen up, because I am not at my desk. I'm at a remote location talking to you on a cell phone.

Donald Blackburn: Okay, A.T. You have good reception right now.

Ashbel Wall: Great. Thank you.

Donald Blackburn: South Carolina.

Ann Hyde: Ann Hyde and we're go, Don.

Donald Blackburn: Okay. South Dakota?

Ed Ligtenberg: Ed Ligtenberg. The screen is up.

Donald Blackburn: Tennessee?

Jim Cosby: Jim Cosby. I have the screen up.

Donald Blackburn: Texas?

Kathie Winckler: Kathie Winckler and I have the screen up.

Donald Blackburn: Utah?

Leo Lucey: Leo Lucey. Good to go.

Donald Blackburn: Vermont?

Jacqueline Kotkin: Jackie Kotkin and the screen is up.

Donald Blackburn: Washington?

Doreen Geiger: Doreen Geiger and we have the screen.

Donald Blackburn: West Virginia.

Henry Lowery: Henry Lowery and I have the screen.

Donald Blackburn: Wisconsin.

William Rankin: Bill Rankin. I have the screen.

Donald Blackburn: And Wyoming.

Les Pozsgi: Les Pozsgi. We have the screen.

Donald Blackburn: And let's welcome - Les is the new Commissioner from the State of Wyoming.

Mr. Chair, we have 43 states present. We do have a quorum.

Alan Grinstead: Excuse me.

Donald Blackburn: Yes.

Alan Grinstead: This is Alan Grinstead from Delaware. I got in late.

Donald Blackburn: Okay.

All right very good. Were you able to bring the screen up?

Alan Grinstead: Yes, I'm fine.

Donald Blackburn: Okay. We have 44 states now, Mr. Chairman. We do have a quorum.

David Guntharp: Okay. Thank you, Don.

Let me just advise you first is that, Virginia has passed the legislation. The - from the House and Senate is (as good) for signature. They are not on today. We did not - Don did not receive official notification that they had a commissioner appointed. So, that will only leave two states that are not in the Compact at this time.

Let me just kind of give - set some - establish some rules of what we would like to do today and hope to accomplish is that, first of all, as you know, the Ad Hoc Committee was appointed because we had a split in terms that - on our Misdemeanor Rule. And it is a real concern in terms of getting a rule in place that states can comply with.

Now, I'm a very - I guess, I'm a stickler in terms that if you've got a rule, you need to comply with it. If you don't, you need to get rid of the rule because if you don't do that then it's going to be hard to understand why you have one rule that you're not complying with, but yet you're required to comply with the other rules -- if you have states that do not want to follow that.

So, I think, keeping that in mind is very important that we try to come up with something or all rules that we can comply with as close as possible. And if it's not, then we need to look at changing. And we know that we will have to tweak some of these other rules and may even - even if this rule pass this day, it maybe necessary to even tweak this rule even at the next conference.

But we do know that approximately half the states or more will not comply with this Misdemeanor Rule as it is today. So, I think, keeping that in mind, what we will do, I will let Jim come on first to explain in terms of Ad Hoc Committee -- the work that they did -- and ask Commissioner Cosby from Tennessee. And then I would like for Commissioner Martinez to explain - there was a minority report. It has been posted to have an opportunity to explain his position.

Then, what I would like to do at that time to have Kathie Winckler out of - the Commissioner from Texas to - in my mind just - it left me what we were going to have Kathie. But it will come.

But anyway, then, at that point in time, I will ask Commissioner Winckler, then, from Texas as Chair of the Rules Committee to introduce the rule. We will ask for a motion then for that rule and then a second, and then we will open it up for discussion.

Now, what I would hope that we accomplish out here today, we can amend this thing today as if - or we can either - we need to either come out of here of either passing the rule with the understanding that we can tweak it in the fall, or we can postpone the rule until the fall in terms to deal with the issue or, of course, the third option would be to table. And if you table this, then you're almost surely trying to kill the rule.

So, the three options would be - is to, at least, to try to come out with this rule, or to postpone it, or to table it. And the issue is, I think, this is a very critical issue; this is not a rule that just affects a few states. This affects several of it in terms of having overall effect.

So, at this time, Commissioner Cosby, I would ask that if you would get your - identify your committees and served on your - on the Ad Hoc Committee, and also then to any comments that you would like to make about the rule. But it will not be unnecessary that you introduce the rule. Commissioner Winckler will do that.

Harry Hageman: Mr. Chairman, Ohio. I'd like to be recognized.

David Guntharp: Yes, go ahead.

Harry Hageman: I'd like to put a motion out that the debate on the amendment would be limited to 30 minutes.

David Guntharp: That's - once the motion is made is that we have a 30-minute debate. We have a motion that there is a 30-minute debate on the rule. Do I have a second?

Judith Sachwald: State of Maryland seconds.

David Guntharp: All right. We have a motion, we have a second. Is there any discussion?

Benjamin Martinez: Mr. Chairman, Martinez from Pennsylvania. Can I be recognized?

David Guntharp: Yes, you may.

Benjamin Martinez: I'm opposed to the motion; I don't see the purpose of it. I think it could possibly inhibit proper deliberation and proper discussion of such a monumental rule. For that purpose, I don't think there should be any time restraints on the discussions involved.

I am opposed to the motion.

David Guntharp: All right. One state for the motion.

Man: Yeah.

Doreen Geiger: Doreen Geiger, Washington State.

David Guntharp: You're recognized.

Doreen Geiger: I know we spent a lot of time at the last commission meeting discussing this, and as far as the Ad Hoc Committee, we had numerous hours of conversation with those on the committee, as well as other commissioners state-wide.

And one of the things, I think, we need to be cautious about is that we tend - we - the conversation tends to go in a very circular process in which nothing moves forward, but it becomes a form in which to vent our personal issues. And I therefore support that we limit it to 30 minutes, so we can move this forward into some conclusion.

David Guntharp: Does anyone else want to state against the motion?

Benjamin Martinez: This is Martinez again from Pennsylvania. Can I be recognized one more time?

David Guntharp: Okay, Ben, but we're going to have to limit because we need to allow all commissioners to have the opportunity to speak either for or against. But go ahead this time.

Benjamin Martinez: I would...

Harry Hageman: Mr. Chairman?

David Guntharp: Yes.

Harry Hageman: Ohio. Pennsylvania is out of order.

David Guntharp: Okay. Rick?

Rick Masters: Okay.

Within the discretion of the Chair, you can ask for all other comments from other commissioners before returning to Commissioner Martinez.

David Guntharp: All right. So, is there any other - anyone else that would like to speak against the motion?

Ed Mruczek: Ed Mruczek, New York.

David Guntharp: Yes.

Ed Mruczek: I speak again to the motion. I don't think that's fair at all. This is too controversial and sensitive an issue. And it would be basically unfair and unethical to limit discussion to only 30 minutes.

David Guntharp: Okay.

Does anyone want to speak? Anyone else wants to speak for the motion?

Dennis Schrantz: Michigan. I'd like to speak for the motion simply from the standpoint that I've got about two inches of email; let's hear it from everybody.

I understand it's controversial. If we can't get these issues discussed intelligently in 30 minutes, then we need to make a motion to take another approach.

I certainly don't want to spend all day here hearing stuff what we've already heard, and going through it again.

Thank you.

David Guntharp: Thank you.

John Rees: Mr. Chairman, Kentucky.

David Guntharp: Yes.

John Rees: I agree with the motion, and second the sentiment just to put forward.

David Guntharp: All right.

Anyone else wants to speak against the motion?

Then you're recognized at this time, since we have no one else.

Donald Blackburn: Okay. I think the concerns expressed by Washington are legitimate. But, I think, as Chair and Moderator of this process, I think, you can determine if we're string far-off field, or getting circular in the arguments, or even crossing into personal bounds.

So I - again, I'm opposed to it. And with the understanding that the Chairman can use his discretion to limit the discussion if he thinks it's getting repetitive or even on a personal nature.

David Guntharp: Anyone else wants to speak for the motion? Anyone?

Vivian Williams: Chairman, Illinois.

David Guntharp: Yes.

Vivian Williams: Illinois supports the amendment for the 30-minute limitation.

David Guntharp: Okay.

Anyone else wants speak against the motion? Anyone?

Hearing none at this time, we got a proper motion on the floor.

Rick Masters: Mr. Chairman, Rick Masters here. This will take a two-third vote of the majority to adopt.

David Guntharp: All right, we will do.

At this time, I will ask the - Mr. Blackburn to do a roll call.

Donald Blackburn: All right.

David Guntharp: Voting on the motion, do we need to state the motion again at it - the (error)? Let me go ahead and state it -- that the debate - once the motion is read and is seconded, is that there'll be a 30-minute debate...

Man: Minimal.

David Guntharp: ...in terms of the motion. And we will allow 15 minutes on each side -- for and against.

All right. So at this time, Blackburn, would you do a roll call?

Donald Blackburn: I will, Mr. Chair.

Alaska?

As I call your name, tell me either yes or no, okay. How you vote.

Alaska? Okay, it's still not - was Alaska present now?

Okay.

Arizona?

Mary Schamer: No.

Donald Blackburn: Arkansas?

David Guntharp: Yes, on the debate.

Donald Blackburn: California?

Sharon Jackson: Jackson. Yes on - is it yes to limit the time period to 30 minutes?

Donald Blackburn: That is the motion on the floor. Yeah.

Man: That's correct.

Sharon Jackson: Well, it's yes.

Donald Blackburn: Colorado?

Connecticut?

Delaware?

Alan Grinstead: No.

Donald Blackburn: District of Columbia?

Paul Quander: Yes.

Donald Blackburn: Florida?

Barry Groves: Yes.

Donald Blackburn: Georgia?

Joe Kuebler: Yes.

Donald Blackburn: Hawaii?

Hawaii?

Ron Hajime: Yes.

Donald Blackburn: Idaho?

Dave Nelson: Yes.

Donald Blackburn: Illinois?

Vivian Williams: Yes.

Donald Blackburn: Indiana?

Jane Seigel: Yeah.

Donald Blackburn: Iowa?

Lowell Brandt: Yes.

Donald Blackburn: Kansas?

Robert Sanders: Yes.

Donald Blackburn: Kentucky?

John Rees: Yes.

Donald Blackburn: Louisiana?

Genie Powers: Yes.

Donald Blackburn: Maine?

Man: No.

Donald Blackburn: Maryland?

Judith Sachwald: Yes.

Donald Blackburn: Massachusetts - oh, excuse me - Michigan?

Dennis Schrantz: Yes.

Donald Blackburn: Minnesota?

Ken Merz: Yes.

Donald Blackburn: Mississippi - oh, excuse me again - Missouri?

Denis Agniel: Yes.

Donald Blackburn: Montana?

Mike Ferriter: Yes.

Donald Blackburn: Nebraska?

Ed Birkel: Yes.

Donald Blackburn: Nevada?

Amy Wright: Yes.

Donald Blackburn: New Hampshire?

Kathleen McCormack: Yes.

Donald Blackburn: New Jersey?

John D'Amico: No.

Donald Blackburn: New Mexico?

Edward Gonzales: No.

Donald Blackburn: New York?

Edward Mruczek: No.

Donald Blackburn: North Carolina?

Sherry Pilkington: Yes.

Donald Blackburn: North Dakota?

Warren Emmer: Yes.

Donald Blackburn: Ohio?

Harry Hageman: Yes.

Donald Blackburn: Oklahoma?

Milton Gilliam: Yes.

Donald Blackburn: Oregon?

Ginger Martin: Yes.

Donald Blackburn: Pennsylvania?

Benjamin Martinez: No.

Donald Blackburn: Rhode Island?

Ashbel Wall: Yes.

Donald Blackburn: South Carolina?

Ann Hyde: Yes.

Donald Blackburn: South Dakota?

Ed Ligtenberg: Yes.

Donald Blackburn: Tennessee?

Jim Cosby: Yes.

Donald Blackburn: Texas?

Kathy Winckler: No.

Donald Blackburn: Utah?

Leo Lucey: Yes.

Donald Blackburn: Vermont?

Jacqueline Kotkin: Yes.

Donald Blackburn: Was that a yes, Vermont?

Jacqueline Kotkin: Yes, it was a yes.

Donald Blackburn: Thank you.

Virginia?

Man: No, in the minute. No.

Donald Blackburn: Excuse me. Excuse me. Washington?

Doreen Geiger: Yes.

Donald Blackburn: West Virginia?

Henry Lowery: No.

Donald Blackburn: Wisconsin?

William Rankin Yes.

Donald Blackburn: And Wyoming?

Man: No.

Donald Blackburn: Wyoming was yes.

Wyoming, yes?

Lez Pozsgo: Correct.

Donald Blackburn: Okay.

Man: (Let me go). (Let me go).

Donald Blackburn: I'm going to count it.

David Guntharp: How many did you get?

Donald Blackburn: One moment, Mr. Chair?

David Guntharp: Yes.

Someone has a radio that comes in; sounds like in - maybe an institution where there's a radio in the background or speaker - so that they'd be attended to that because when they come on, it really kind of (tests it) on the sound quality.

Woman: Thirty-five.

Man: Thirty-five, for you?

Man: Yeah, (Carrie).

Woman: I got 35 "Yes."

Man: Yes.

Man: How many "No's" have we got?

Woman: Nine "No's"

Man: We got nine “No’s.”

Man: What?

Rick Masters: We have 36, “Yes” and nine “No’s.” The motion carries, Mr. Chair.

David Guntharp: Okay. All right.

With that - at this time, I would like to recognize Commissioner Cosby from Tennessee, and at this time to explain what the Ad Hoc Committee has done up to this point.

Kathie Winckler: Mr. Chairman, this is Kathie Winckler from Texas. May I just ask a point of clarification?

David Guntharp: All right.

Kathie Winckler: Was the gentleman’s motion to limit debate - total debate to 30 minutes or just limit debate on each issue to 30 minutes?

David Guntharp: For the motion, it was 30 minutes. I put 15 minutes in there. And I’ll - if it starts getting one-sided then - if it’s a reasonable debate, the Chair will make a decision on what - how far to let it go.

Kathie Winckler: Thank you.

David Guntharp: Yeah.

Commissioner Cosby?

Jim Cosby: Okay, David. Thank you.

The Ad Hoc Committee was pointed again by the Chair at our last meeting. We met three times in December the 9th, January the 8th, and January, the 14th to kind of produce the compromise language for this “misdemeanor rule” as everyone has already stated. It’s so important that we try to get a compromise worked out on this because it does affect, not just a few states, but many, many states.

In addition to that, we conducted a survey and made those survey results available on the Web Compact site.

Ad Hoc Committee also discussed the compliance issues regarding the misdemeanor rule. And then it was unanimous agreement that among the committee members that the Executive Committee should adopt the position that includes individual states efforts to comply misdemeanor rule. And that should be taken into consideration when those compliance issues are discussed, or when those issues are raised.

The committee also approved and recommended that the Executive Committee use an expedited action to take on this proposed rule. I think that refers back to the bylaw that was passed at the November meeting - that passed over the meeting.

And in summary what we did, to sum this up very quickly, was to make a concerted effort to reach a compromise on this “misdemeanor rule” that could be - and give us a working definition of correctional supervision, as well as misdemeanor rule that was passed that could be workable and could be in compliance with a vast majority of the States.

I think we've worked very diligently. I don't think we're going to have something that's going to be acceptable to every commissioner. However, we've had work in good faith and put forth a good compromise that, I believe, everyone can live with.

We also feel like that to postpone this vote would simply be crippling to this Compact.

There are going to be more issues than this issue that are going to come up that will need to be addressed in this fashion. And to try to tell you what this motion order try to limit the vote or postpone the vote, I think, it's simply a vote to cripple this commission in being able to act in-between commission meetings.

And having said that Mr. Chairman that would be my report, and be submitted.

David Guntharp: Okay. There were five on the committee, and there was a man ought to report, and Commissioner Martinez wrote a minority report, so at this time, I will recognize him for any comments that he may have.

Benjamin Martinez: Thank you.

And I'll give a brief synopsis of the minority report. We've already submitted it in writing, so everyone should have had an availability to it.

It's Pennsylvania's position that convening the Commission body for the promulgation of one general provision is both impractical and could establish dangers and unintended precedent.

One other concern was that the recommendation that came out of the Ad Hoc Committee was basically gleaned from the Misdemeanor survey results.

And comparing some of the state votes, “Yes” or “No” votes, together with the respective comments, it is yet a minority opinion that in some instances, a “No” vote may have been interpreted as a vote against the proposed amendment. It was obvious that the data was not accurate - was not an accurate reflection of the states’ positions in adapting the Misdemeanor rule.

The minority reports’ main opposition is to the process by which we are going about this amendment. Rather than attempting to amend a rule, a rule that is so contentious and so controversial, prior to the next scheduled meeting, as I said, sets a very dangerous precedent.

Rather than going about this process, the alternative recommendation stated in the minority report is that the states who are unable to meet the rule as passed work earnestly toward complying with that rule with the oversight and assistance of the Commission including the Training Committee, if necessary. And that the rule and any potential amendments can be taken up in its proper form at the full Commission meeting in October.

For all practical purposes, we’re talking about a rule that would be in effect for less than three months where no one will be sanctioned as long there’s a good faith effort to comply. And we can take it up in its proper form and give it proper deliberation in October.

And that is a basic synopsis of the minority position from the Ad Hoc Committee.

David Guntharp: Thank you, Commissioner Martinez.

Commissioner Winckler, at this time, I would like for you to - the public hearing was yesterday, if you would give a synopsis of any comments from the public hearing.

Kathie Winckler: Thank you, Mr. Chairman.

The public hearing was held yesterday in Lexington, Kentucky. And I presided over that hearing by telephone from Houston.

The hearing had no speakers at it. We had no comments received - or no persons appeared in person to make any comments. We convened the meeting at 12 o'clock Eastern, and I adjourned the hearing at 12:15 Eastern without having had anyone come to speak.

In addition to the public hearing, we solicited - the Commission solicited public comments -- that is public comments from the public in general and from all individuals who wished to speak.

The - I would like to now summarize those comments that have had been received and that have been posted on the Web site - on the Interstate Commission Web site and just give a brief synopsis of those.

By the way, those comments can be found at the Interstate Commission Web site, right at the top of the Home page, under the title, Public Comments.

First, let me say that we received five comments that are posted there - or that is from five different individuals or entities.

The first was received from the PPCAA President which was more in the line of an explanatory letter to the Compact Administrators and Deputy Compact Administrators.

The PPCAA letters asks that - or informs that the proposed change would exclude a significant number of those currently eligible misdemeanants that the upcoming vote would also modify the definition of supervision and - which may lead to the exclusion of felony cases from Compact authority.

Further, Rule 3.101 of the rules passed by the Commission in November 2003 even makes this a little change or a definition change inconsistent with that rule. And he warns that this may have an unanticipated result of excluding felony cases.

Further, he says that offenders are not covered by Compact rules - may be able to loc - relocate to any state at the discretion of the (sending) state. He urges the attention of all Commission - all Compact Administrators to this matter.

The next comment was received from Mary Achilles who is the Victim's Advocate for the Commonwealth of Pennsylvania.

Achilles makes the following point. She requests that we reconsider moving this consideration of this amendment to the Commission's regularly scheduled October meeting in 2004.

She further says that this would exclude the - because this amendment would exclude a significant population of offenders from Compact Supervision that more discussion and debate should be had.

Further, the new Compact has its functions under this new rule - under its adopted rules; therefore, she says, it would be prudent to allow as much time to see how the rule impacts the operation of the Compact. Further, the rule is fundamental to the foundation of the Compact and there - we should therefore ample time for in-person discussion and deliberative debate.

Further, Ms. Achilles says that Compact is entitled - is titled the "Interstate Compact for Adults Offenders Supervision" and not the "Interstate Compact for the Supervision of Felon and High-grade Misdemeanants."

This proposed rule change changes the purpose of Compact, and further eliminating eligibility criteria for this group of misdemeanants -- that is misdemeanants who are characterized as minor ignores the necessity of supervision for domestic violent offenders who permeate the population of offenders under the Criminal Justice Supervision.

Finally, under the proposed rule, Ms. Achilles states an offender's sentence for less than a year of probation for offenses such as harassment by communications or bad checks would not be eligible for Compact Supervision. And the (sending) state is likely to allow the offender to relocate to his or her home; they're essential unsupervised.

That concludes Ms. Achilles remarks.

The next remarks were received from Ben Martinez speaking for the State Council of the Commonwealth of Pennsylvania.

In Mr. Martinez letter, he states he's making comments and recommendations. The first comment is that the - that - he recommends record - that the commissioners' votes be recorded.

The second comment is that, the public notice is not - that was given, is not consistent with the government's Sunshine Act; that this meeting's notice is not consistent with the Interstate Compact or the Commission's rules and bylaws.

Further, that the manner in which the Commission announced this at the March 11th hearing and the March 12th meeting on the misdemeanor rule does not comply with Article 7 of the Compact. He also says that the meeting notice is not sufficient to - so as to be consistent with the Sunshine Act.

He says that the public hearing posting provided no notice that persons may submit written comments; and further, that the posting for the March 12th meeting does not advise the public that this meeting maybe accessed by calling a specific toll-free number.

Mr. Martinez further urges that we implement the commission's rules adopted in November of 2003. He says that this would establish a precedent which allows the (sending) state to complain for the rewrite of previously adopted Compact rules, and says that the minority of the states fails to recognize that the Compact does not provide for the nominal exclusion of a population of offenders and that they should make the necessary efforts to affect compliance before trying to change - asking for the rules to changed.

He further says that the muting of the commissioner's lines during the March 12 -- this teleconference meeting -- inhibits the free exchange of ideas and (slides) in the phase of first - face the First Amendment Right.

Further, that any proposed amendment to the rule - to the Commission's rules would be most appropriately acted on in October of 2004. And that - further,

that this would exclude a population of misdemeanor (offenders) that some States always - have been refusing to - that the issue of States refusing to accept their supervised misdemeanor offender was the - lead to the passage of this new Compact.

And that further, Pennsylvania misdemeanors - misdemeanor-graded offenses (to) all possible terms of imprisonment which are equivalent to felony sentences, and that this rule change would compromise public safety, and asked that the Commission frame its decisions and actions in accordance with Article I of the Compact.

He says that Amendment 2.105 hinders the progress of the Compact. He says that it's difficult to understand and subject to varying interpretation, that the enumerated criteria or narrowing content; and therefore, subject to different interpretations, and that this - the rule should be clearly understandable to Compact office personnel.

He says the rule fails to give - the proposed rule fails to give the receiving State any voice in the supervision of a misdemeanor in their State. As a result, he says or he further says that this amendment is inconsistent with Rule 3.101A, which refers to the duration of time the offender has to remain in under supervision.

In sum, he says that the State Council of Pennsylvania serves the proposed amendment contradicts the purpose of the Compact.

The final comment is from the Victim's Representative to the Interstate Commission that - and that is Pat Tuthill.

Ms. Tuthill says in her comments that the proposed changes represents sweeping changes to the intent of the Compact and significant implications for protecting victims in promoting public safety.

She believes that the vote on the current proposed changes should be deferred until October 2004. And that deferral is necessary to provide adequate preparation and discussion of the issue by all States.

She says that when she participated in the passage of the new Compact. It was clear that an undetermined number of offenders were in other States without having gone through the existing Interstate Compact -- the then existing Interstate Compact -- without anyone's knowledge or supervision. The proposed changes will allow those practices to continue, she says.

The court will be able to circumvent the Compact, she says, by placing offenders on benched supervision or unsupervised probation and be able to offend anyone anywhere. Ms. Tuthill believed that this was a major cause of the murder of her daughter in 1999.

She further states that she wanted to change that practice when she became involved in - with adopting a new Compact that would no longer allow transfer of offenders between States without proper notification, acceptance, uniformity, supervision, reporting, education, and enforcement, and accountability.

She explains that the offender who murdered her daughter was placed on probation and ordered by a court to be released in Maryland. The offender was directed to go to - by that court to Colorado without any Interstate Compact supervision, and (then) only four months later murdered Peyton Tuthill.

Ms. Tuthill concludes by saying that she cannot recommend proceeding with the proposed amendment to the Compact without very careful considerations on impacts they will have on public statement. She believes that more time is needed to consider the consequences of this - of the action - this action (will have on) our mission.

Finally, Mr. Chairman...

David Guntharp: We got - someone is breathing off heavy into the mic.

Kathie Winckler: Yeah.

David Guntharp: ...or getting out their phone out in the wind.

Go ahead, go ahead.

Kathie Winckler: Finally, Mr. Chairman, I misspoke at the top actually. The fifth comment was - or the fifth thing I've got (unintelligible) Michigan recommended amendment to the rules that are proposed for amendment here today, not a comment.

I will conclude my remark by saying that I think that the proper time for this - for Michigan's amendment would be if Michigan wishes to raise.

And that concludes my report Mr. Chairman.

David Guntharp: Okay, thank you, Commissioner Winckler.

Let me say that someone needs to be very attentive that is either breathing heavy end of the mic or something and it was just about bleeding out - or Commissioner Winckler while she was reading, so be very attentive to that (now).

Hey, I just want to say one thing before we get started is that all the issues that were addressed have been posted about whatever we're doing this illegal or wrong -- all those issues have been addressed. But you can see that, the First Amendment Issue has been addressed to open the mics.

Warren Emmer: Mr. Chairman, Warren Emmer from North Dakota.

David Guntharp: Someone to pay attention of what's going on because we've got someone as to either wind or heavy breathing and we need ...

Warren Emmer: Mr. Chairman, Warren Emmer from North Dakota.

David Guntharp: Yes.

Warren Emmer: I make a motion that we close the mics and follow the procedures that we first planned to do.

David Guntharp: We - yeah, because they were either getting...

Man: Oh, I will second the motion.

David Guntharp: Second, is there any discussion.

Man: (None).

David Guntharp: (Are there any) no discussion.

Benjamin Martinez: Pennsylvania has a comment if I could quick.

David Guntharp: All right.

Benjamin Martinez: In mute - muted, how do we get access then to come back on or request.

David Guntharp: Don, before we mute your lines, would you explain the rules as far - after the lines are muted, would you explain the rules for getting notifications so we can get back on?

Donald Blackburn: Yes, David.

David Guntharp: All right, could you do that, please.

Donald Blackburn: Once the lines are muted, then only the person that is recognized by the Chair will be able to heard - be heard by everyone.

The moderator, at the time that David asks for a motion or asks for a second or allows for discussion, the moderator will tell you to push star, 1 to get the attention of the Chair. At that point, the moderator will tell David that for example, Ben Martinez from Pennsylvania is waiting to get the attention of the Chair. David will then recognize Ben Martinez from Pennsylvania and your line will be unmuted, and you'll be able to talk to the entire Commission without interruption.

If we take a vote why - during the vote, we will unmute all the lines and I will do a roll call just like I've done in the past. But each time that we allow people for discussion or we ask for seconds, you'll be told to push a certain

number on your phone and that will place you in order. We will know all the time exactly who is there, what's your name, and in what State is, and I'll be able to tell David, all the time, how many people are waiting to comment and to be recognized by the Chair.

Any questions, Ben?

Benjamin Martinez: My only concern, I think that the purpose of muting the line would - because of some technical difficulty. It seems to have cleared up. Do we still have to be muted if we don't have the technical problem that we had previously?

I don't have a problem with muting the line if it continued the way it was. But it seems to have been remedied.

David Guntharp: Yeah.

Well, we've got a motion on the floor. We need to bring it to a vote at this time. And let somebody withdraw (her) motion.

Benjamin Martinez: Can I make - Pennsylvania, again, can I have - make a friendly amendment that we mute the line if we continue to have the technical difficulties we had.

David Guntharp: Who make the motion?

Donald Blackburn: Warren Emmer.

Warren Emmer: North Dakota made the motion and I don't accept that as a friendly - I just personally take it's just going to be a matter of time before another pager goes

off, we hear a page up in the ceiling at somebody's room or if somebody's breathing heavy in the phone or talking to somebody else. I just - I - the motion, as I made it, stands.

David Guntharp: I'd say let's bring it to a vote to see where we stand on it, so we can move on this afternoon.

All right, (Mr. Chairman), would you call the roll?

Woman: Okay.

Donald Blackburn: Yes, Arizona? Yes or no?

Mary Schamer: No.

Donald Blackburn: Arkansas?

David Guntharp: All right, let me make sure I understand. Yes is to mute and no is to not mute it.

Donald Blackburn: Yes, the motion is to mute the lines.

David Guntharp: Okay, I vote no on it.

Donald Blackburn: California? California?

Sharon Jackson: California, yes.

Donald Blackburn: Delaware?

California is yes?

Sharon Jackson: Yes.

Donald Blackburn: Delaware?

Alan Grinstead: Yes.

Donald Blackburn: District of Colombia?

Paul Quander: No.

Donald Blackburn: Florida?

Barry Groves: Yes.

Donald Blackburn: Georgia?

Joe Kuebler: No.

Donald Blackburn: Hawaii?

Ron Hajime: Yes.

Donald Blackburn: Idaho?

Dave Nelson: Yes.

Donald Blackburn: Illinois?

Vivian Williams: No.

Donald Blackburn: Indiana?

Jane Seigel: No.

Donald Blackburn: Iowa?

Lowell Brandt: No.

Donald Blackburn: Kansas?

Robert Sanders: (Unintelligible).

Donald Blackburn: Kentucky?

John Rees: Yes.

Donald Blackburn: Louisiana?

Genie Powers: Yes.

Donald Blackburn: Maine?

Wayne Theriault: No.

Donald Blackburn: Maryland?

Judith Sachwald: Yes.

Donald Blackburn: Michigan?

Dennis Schrantz: Absolutely.

Donald Blackburn: Minnesota?

Ken Merz: Yes.

Donald Blackburn: Missouri?

Denis Agniel: No.

Donald Blackburn: Montana?

Mike Ferriter: No.

Donald Blackburn: No, Montana?

Mike Ferriter: No.

Donald Blackburn: Nebraska?

Ed Birkel: Yes.

Donald Blackburn: Nevada?

Amy Wright: Yes.

Donald Blackburn: New Hampshire?

Cathleen McCormack: No.

Donald Blackburn: New Jersey?

John D'Amico: No.

Donald Blackburn: New Mexico?

Edward Gonzalez: No.

Donald Blackburn: New York?

Edward Mruczek: No.

Donald Blackburn: North Carolina?

Sherry Pilkington: No.

Donald Blackburn: North Dakota?

Warren Emmer: Yes.

Donald Blackburn: Ohio?

Harry Hageman: Yes.

Donald Blackburn: Oklahoma?

Milton Gilliam: Yes.

Donald Blackburn: Oregon?

Ginger Martin: Yes.

Donald Blackburn: Pennsylvania?

Benjamin Martinez: No.

Donald Blackburn: Rhode Island?

Ashbel Wall: No.

Donald Blackburn: South Carolina?

D Ann Hyde: No.

Donald Blackburn: South Dakota?

Ed Ligtenberg: Yes.

Donald Blackburn: Tennessee?

Jim Cosby: Yes.

Donald Blackburn: Texas?

Kathie Winckler: Yes.

Donald Blackburn: Utah?

Leo Lucey: No.

Donald Blackburn: Vermont? Vermont?

Washington?

Doreen Geiger: Yes.

Donald Blackburn: West Virginia?

Henry Lowery: No.

Donald Blackburn: Wisconsin?

William Rankin: Yes.

Donald Blackburn: Wyoming?

Les Pozsgi: Yes.

Sally Skiver: Don, this is Sally from Colorado.

Donald Blackburn: Yes.

Sally Skiver: You passed me over.

Donald Blackburn: Yes, Sally, because I don't have a letter from you designating you as the commissioner.

Sally Skiver: I thought (Debbie) sent it to you?

Donald Blackburn: I do not have it.

Sally Skiver: Okay.

David Guntharp: Can you get it faxed to me?

Sally Skiver: Sure.

David Guntharp: All right, give me the fax.

Go and record the vote, Don, while the fact - the fax is coming in.

Donald Blackburn: Okay.

Sally Skiver: No.

Donald Blackburn: Yeah.

Sally Skiver: My vote's no.

Leitoni Tupou: Don, this is Lei from Alaska.

David Guntharp: Don, did you hear?

Donald Blackburn: Yes, Alaska. I have not yet recorded you into the conference call.

Are you here - obviously, you're here now.

Leitoni Tupou: Yes.

Donald Blackburn: Okay. How do you vote, Alaska?

Leitoni Tupou: No.

Donald Blackburn: All right.

David Guntharp: Thank you.

There's 45 states.

Man: Yes.

Donald Blackburn: Yeah.

Man: (You'll get a)...

Man: (All right)?

Man: (Well), (it looks like)...

Woman: (Unintelligible).

David Guntharp: All right. So, 45 states...

Donald Blackburn: How many "No"?

Conference Coordinator: Twenty-two.

Donald Blackburn: Did you count Alaska?

Conference Coordinator: I did, 22 to 23, yes.

Donald Blackburn: Mr. Chairman, we have 23 "Yes", 22 "No".

David Guntharp: Okay. We'll mute the lines.

Woman: Give me a break.

David Guntharp: That's the rule.

Man: Come on.

David Guntharp: All right. Let's go with the - let go with - Commissioner. Winckler, would you read the rule?

Benjamin Martinez: Point of clarification from Pennsylvania, if I can be recognized?

David Guntharp: All right, go ahead.

Benjamin Martinez: I don't understand why we needed two-thirds for the other motion and majority for this motion? It's just a point of clarification from council.

David Guntharp: Okay.

Woman: (Who do) votes...

Man: (Unintelligible) rules specified that the motion dilemma to debate requires a two-thirds majority. This is a manner in which the debate will be conducted, and there's no indication of a 2/3 majority.

David Guntharp: Okay.

Benjamin Martinez: Thank you.

David Guntharp: Everyone will be recognized before we - okay, at this time, Commissioner Winckler, would you read the rule.

Kathie Winckler: Thank you, Mr. Chairman.

At this time, I will read the rule. And I am reading from the...

Man: (Unintelligible).

Kathie Winckler: ...Web site - from the page that we were linked to on the ICAOS Web site.

The rule - this is Rule 2.105: Misdemeanants.

Man: Are we muted?

David Guntharp: No, not sure. Who is speaking?

Man: Oh.

David Guntharp: Go ahead, Commissioner.

Man: Well, whoever it was, he wasn't muted.

David Guntharp: Yeah.

Right, I think we get this rule ready and...

Benjamin Martinez: Pennsylvania, are we or we not muted?

David Guntharp: Ben, you're not.

Kathie Winckler: You're not.

David Guntharp: So, I guess you need to be quiet until - okay.

Kathie Winckler: So I just...

David Guntharp: Commissioner Winckler, would you go ahead?

Kathie Winckler: Yes.

This is Section 2.105: Misdemeanants: A) An offender who has been sentenced for a misdemeanor offense in the (sending) State shall be eligible for transfer under the Compact provided that all other criteria for transfer as specified in Section 3.101 have been satisfied. And provided further that the offender: one, is subject to one year or more supervision; two, is subject to a sentence greater than six months of incarceration upon revocation of probation or other community supervision; and three, has not been convicted of or placed under supervision for a minor offense.

B) In this section, minor offense does not include: 1) An offense in which a person - a victim has incurred bodily injury; 2) A second or a subsequent misdemeanor offense of driving while impaired by drug or alcohol; and 3) A sexual offense.

A - in this section, sexual offense means an offense which requires that a person register as a sex offender in a (sending) State.

Mr. Chairman, that is the Rule 2.105: Misdemeanants.

David Guntharp: Let me just - Don, I think (Tony) may have been waiting on a go from you on muting the line. That maybe on why they weren't muted. So, I'm not sure if everyone's still alive or if you're muted at this point.

Donald Blackburn: No, they're muted, Mr. Chairman.

David Guntharp: Okay.

At this time, I would ask for motion for the rule as the commissioner read it.

Donald Blackburn: Okay, (Tony), you're going to have to tell how to do that now.

Conference Coordinator: I'm sorry, could you repeat that?

Donald Blackburn: (Tony), you're going to have to tell them how to get the attention to the Chair.

David Guntharp: Yeah.

Conference Coordinator: You can do so by pressing the star and 1 on your touchtone telephone now, please.

David Guntharp: All right, Don...

Donald Blackburn: Who do we have on line, (Tony)?

Conference Coordinator: We have Mr. Ben Martinez from Pennsylvania.

David Guntharp: Okay.

Commissioner Martinez, you're recognized.

Benjamin Martinez: Some clarification, and in considering input, I believe that one of our ex-officio members, Pat Tuthill was instrumental in the passage of various rules, in helping shape...

Donald Blackburn: They don't have a...

Benjamin Martinez: ...the rules. And I'm wondering, does she or any of the other ex-officio members have an opportunity to provide verbal input during our meeting today?

David Guntharp: I'll talk to Pat yesterday. I don't know - is Pat on the line today?

Well, in the thing about it is, Ben, she's not a commissioner. She's not going to have an opportunity to do that. She did at the public hearing. She sent in writing. She talked to the Chair yesterday. Pat and I had a long conversation yesterday about this rule.

In appropriate time, I will give you a summation as to, at least, what I think I felt. So she has had input into it.

I'm looking for someone on the motion on this rule.

Donald Blackburn: (Tony), who else do you have in line?

Conference Coordinator: Right now, we do have North Dakota, Iowa, and Washington, D.C.

David Guntharp: I will recognize North Dakota. Please identify yourself, your State, and your name, please.

Warren Emmer: My name is Warren Emmer from North Dakota. I'm the Commissioner, and I make the motion to adopt this rule.

David Guntharp: All right, we have a motion from North Dakota. Do I have a second?

Who's - who else is on the - who is number two on the line?

Come on, talk to me.

Donald Blackburn: (Tony)?

Conference Coordinator: Iowa, go ahead.

David Guntharp: Iowa, you're recognized.

Lowell Brandt: Lowell Brandt from Iowa, and I eagerly second.

David Guntharp: Okay, we have a motion; we have a second.

Does anyone want to speak against or for the motion?

Donald Blackburn: Okay now, (Tony), you're going to have to tell them that the lines are cleared, and they're going to have to dial star, 1 again to speak for or against the amendment.

Conference Coordinator: And you can do that now by pressing star and 1.

David Guntharp: Okay, do we have someone on the line that wants to speak for it? We - probably, we're not going to be able to for and against is that we will just take you in order as you come online where do you speak either for or against amendment.

So, if you will just - (Tony), if you will just tell me who's on the line next and I'll recognize them.

Conference Coordinator: Okay, we do have Ginger Martin from Oregon.

David Guntharp: All right, you're recognized.

Conference Coordinator: And your line is open.

Ginger Martin: This is Ginger Martin, Oregon. I'd like to speak in favor of the amendment.

Oregon has just reduced funding for felons by 19% in the coming fiscal year. Misdemeanants are not funded, and they aren't going to be supervised. I realized that public safety is the reason for including misdemeanants but it is not the practical effect.

Unsupervised, Oregon misdemeanants will travel to other States because there's no supervision to transfer. Misdemeanants from other States will not be supervised here in Oregon. The only thing that's transferred is the liability.

So, I'm favor of the amendment because it limits the liability that's transferred.

David Guntharp: Okay. All right, thank you.

Who's next, (Tony), and please you all remember, we've had a lot of debate on this issue. Try to keep your - and I'm not saying it was too long. But just keep in mind that we may - there may be other Commissioners who want to talk. So we want to try to get everyone in.

Who's next, (Tony)?

Conference Coordinator: Next we have Ben Martinez, Pennsylvania. Go ahead, please.

David Guntharp: You're recognized.

Benjamin Martinez: Yeah, I want to - first of all, for the record, I have problems and if you want to formally call it an objection to not having not only Pat Tuthill available, one of our ex-officio member, but also the other ex-official members Judge - Chief Justice (Van Dewalt). I think, valuable to my consideration, and in deciding any rule is input from everyone that's part of this commission.

I think there's been some very meaningful input recently provided by Pat Tuthill. I personally would like to see if she had anything that she wanted to expound on.

It's certainly re-emphasized my view to postpone this, and lay it in its proper form. I, again, without going into repetition, seriously oppose the process that we're putting into place here.

If it comes to another closed vote, I would move to amend the amendment. I, again, would want to hear from Pat Tuthill today, I'd like to hear what Judge (Van Dewalt) has to say. And I am seriously opposed to this - the process that we are undergoing today.

David Guntharp: Okay. Mr. Martinez, do you know that would be in contrary to what we set the procedure up in Little Rock to have anyone that commissioners at the table at this time?

And who else do we have on the line?

Conference Coordinator: We have Vivian Williams, Illinois.

David Guntharp: Hey, Vivian. You're recognized, Commissioner?

Vivian Williams: Chairman, I'm giving further consideration. I'm withdrawing my request to speak at this moment.

David Guntharp: Okay. Who else, (Tony), do we have on the line?

Conference Coordinator: We have Ann Hyde, South Carolina.

David Guntharp: Okay. Commissioner Hyde) you're recognized.

Ann Hyde: Ann Hyde, South Carolina.

I've - a point of clarification of is - at what point we would be taking amendments?

David Guntharp: The...

Ann Hyde: Is this just to speak for or against or...

David Guntharp: Well, I guess amendments would be proper at this time. That's parliamentary. I guess they would be appropriate at this time, wouldn't they?

Man: As the discretion of the Chair, if an amendment - a secondary amendment is made or other inferior motion, this is appropriate for any member of the commission to do so.

David Guntharp: Okay.

And would - if anyone has got amendment, we would entertainment at this time.

Ann Hyde: All right. David, am I still on line?

David Guntharp: Yes.

Ann Hyde: Okay.

I think, we - at some point, we are going to have to compromise. This is going to be an issue that is never ever going to die. I hope in my next four years or whatever that, you know, we can reach something.

My concern, the concern of my state is there are victims out there; there are crimes with victims that are not going to be included in this rule. As this rule is currently written, I have big problems with - my state has big problems. Stalking is a big issue, and that, by way of how it's classified in the State of South Carolina, it would not be included in this rule.

Therefore, we would like to propose in the spirit of compromise that - I proposed an amendment, which I did email and faxed earlier today to Don Blackburn; is that we include in (b1) that we strike the two words, bodily injury, and insert direct or threaten to physical or psychological harm.

And in this instance, we'll have it - our - we're including is that there could be a possibility of direct or threatened. And it's not just physical, it's a mental-emotional kind of thing because we're going to have those types of offenses out there.

David Guntharp: Okay.

John Mountjoy: Mr. Chairman, this is John Mountjoy. I have just posted up South Carolina's language on to the Web site. (If you would)...

David Guntharp: All right, if the commissioners would push...

John Mountjoy: ...(push) "Refresh"...

David Guntharp: ...refresh F5 at the top of your keyboard. F5, and you'll get to proposed amendment.

Man: And we'll need a second...

John Mountjoy: And we'll need a second on that motion.

Man: Uh-uh.

David Guntharp: Okay. Do we have a second?

Who's on the line, (Nick)?

Conference Coordinator: We have Ed Mruczek from New York.

David Guntharp: Okay. You're recognized.

Edward Mruczek: Yeah, it's Ed Mruczek.

I am not seconding that motion. I had comments to make, so I will reserve my comments...

Donald Blackburn: Okay.

Edward Mruczek: ...until we finish with the motion.

Donald Blackburn: Okay. Thanks, Ed.

(Tony), you're going to have to tell everybody to - that anyone wishing to make a second on South Carolina's motion to hit star-1 now.

Conference Coordinator: And you can do that now, please.

We do have Judith Sachwald from - Sachwald...

David Guntharp: Commissioner Sachwald, go ahead.

Judith Sachwald: Though I think you said, Mr. Sachwald.

David Guntharp: Well, Miss - yes, I may have said Mister. (Unintelligible).

Judith Sachwald: Judith Sachwald, from the State of Maryland. I second the motion, the amendments from South Carolina.

David Guntharp: All right. We have a motion; we have second. Is there any - this is parliamentary. Do we take discussion on both at this time or do we go at Texas - well, I guess we take discussion on the amendment, and then we will bring that to a vote.

Man: That's correct.

David Guntharp: Okay. Anyone who want to speak forward against the - for or against amendment? At this time, if you want to speak on the amendment?

Donald Blackburn: Okay. (Tony), clear the lines and have them press star-1 again.

David Guntharp: Yeah.

All right. John, have you got the - do you have the amendment in there now?

John Mountjoy: Yes, sir. That language is up and live on the site.

David Guntharp: All right. Is it in red or is it?

John Mountjoy: It's that you'll see two sections. The top section is the rule as was brought forward by Jim Cosby and the Ad Hoc Group.

David Guntharp: All right.

John Mountjoy: You'll see a line in the middle of the page, and below that is the proposed change as just made by Ann Hyde.

David Guntharp: All right, got it.

Okay. Okay.

So, all right, we have - anyone - do we have anyone on line who wants to speak for or against the amendment?

Conference Coordinator: We have South Carolina, Illinois, and New Jersey.

David Guntharp: Okay, recognized in that order. South Carolina?

Conference Coordinator: Go ahead, please.

Ann Hyde: May I?

I keep hitting refresh and never saw it but you've - John has explained where it is though.

David Guntharp: Yeah, scroll it out.

All right, is that - was that at South Carolina?

Ann Hyde: That was it.

David Guntharp: All right, who's next?

Man: Illinois.

David Guntharp: Illinois?

Vivian Williams: Chairman, thank you.

There are some of us on line who do not have the benefit of having it up on a screen because we're not in that position. Can you please read the amendment as proposed with Commissioner Hyde language?

John Mountjoy: I can go ahead and do that for you, right now.

David Guntharp: You do that, John.

John Mountjoy: The only change in the proposed language that the Ad Hoc Committee has made, it looks - and you may correct me if I'm wrong on this, but it is simply striking the language under Section (b1), "Striking Bodily Injury and Substituting Directly or Threatened Physical or Psychological Harm."

David Guntharp: Okay.

John Mountjoy: That's the - that is the proposed change.

David Guntharp: All right, does that clarify that?

Who else do we have on the line?

Do we have anyone else on the line to speak for or against the amendment?

Conference Coordinator: Next, we have New Jersey. Go ahead.

David Guntharp: Okay.

John D' Amico: Yeah, this is Judge D' Amico.

This makes a terrible rule somewhat less terrible. So, I support the amendment, but I also point out the - in terms of the syntax of the spelling, I think, instead of the word "directly", it should be the word "direct".

An offence for - in which a victim has incurred direct or threatened physical or psychological harm, and I would offer that as the technical amendment for the wording.

David Guntharp: John, can we clean that up?

John Mountjoy: We sure can.

David Guntharp: All right. Do we need to hit refresh again?

John Mountjoy: Go ahead, and hit refresh.

David Guntharp: All right. All right, you should have it.

All right. Is there anyone else who wants to speak for or against the amendment? Is there anyone else on the line?

Conference Coordinator: Next, we have South Carolina.

David Guntharp: All right. South Carolina, go ahead.

Ann Hyde: Actually, I just called in to correct you that it was “direct” and not “directly”, but someone beat me to the punch.

Thank you.

David Guntharp: Thank you, Ann.

All right, anyone else?

Conference Coordinator: And next we have Illinois.

David Guntharp: Illinois, you're recognized.

Vivian Williams: Thank you, Chairman.

As being an individual commissioner who was adamantly opposed to excluding any misdemeanor for supervision I have given this - we have given this serious consideration. And we support the amendment as proposed by Commissioner Hyde.

David Guntharp: Okay, thank you.

Anyone else who wants to speak for or against the amendment?

Conference Coordinator: Next, we have Michigan.

David Guntharp: Michigan, you're recognized.

Dennis Schrantz: “Call the Question.”

David Guntharp: All right, we have "Call the Question." And it's parliamentary, do we take that to a vote or we discuss?

Man: The body will have to vote on the question to see if they are ready to vote. There's no debate on this motion to "Call the Question," and if it's approved, then the second - then the amendment will be considered.

Donald Blackburn: Who made that motion?

Who made the motion to "Call the Question?"

Man: Michigan.

Man: And do we (use that)?

David Guntharp: Do we have a second?

We have a motion to "Call the Question." Do we have a second?

Conference Coordinator: At this time, you'll have to press star and 1 on your touchtone telephone.

First, we have South Dakota.

David Guntharp: South Dakota, you're recognized?

Ed Ligtenburg: Member South Dakota; I support the motion.

David Guntharp: All right. We have - okay. The - if non-debatable, as I understand, we will "Call the Question," and the vote is either that we're - we take it to a vote.

“Yes”, you're voting to go ahead and bring it to the vote. “No”, would be opposed.

So, at this time, we open all lines. And Mr. Blackburn, would you call the role?

Donald Blackburn: Yes.

(Tony), are the lines open?

Conference Coordinator: At this time, all lines are open.

Donald Blackburn: Okay. What we're voting on the - or we're voting on the secondary motion from South Carolina.

Man: To “Call the Question” on the amendment.

Man: We're voting to “Call the Question.”

David Guntharp: We're just voting the “Call the Question.” Bring it to vote, Don.

Donald Blackburn: That's right, we're voting to “Call the Question” to vote on the amendment from South Carolina.

Man: Okay. That's correct.

Donald Blackburn: Okay.

David Guntharp: With that, we'll go right in to vote on amendment.

Donald Blackburn: All right. Arizona, yes or no?

Mary Schamer: Yes.

Donald Blackburn: Arkansas?

David Guntharp: Yes.

Donald Blackburn: California?

Sharon Jackson: Yes.

Donald Blackburn: Colorado?

Sally Skiver: Yes.

Donald Blackburn: Delaware?

Alan Grinstead: Yes.

Donald Blackburn: District of Columbia?

Paul Quander: Yes.

Donald Blackburn: Florida?

Barry Groves: Yes.

Donald Blackburn: Georgia?

Joe Kuebler: Yes.

Donald Blackburn: Hawaii?

Ron Hajime: Yes.

Donald Blackburn: Idaho?

Dave Nelson: Yes.

Donald Blackburn: Illinois?

Vivian Williams: Yes.

Donald Blackburn: Indiana.

Jane Seigel: Yes.

Donald Blackburn: Iowa?

Lowell Brandt: Yes.

Donald Blackburn: Kansas?

Robert Sanders: Yes.

Donald Blackburn: Kentucky?

John Rees: Yes.

Donald Blackburn: Louisiana?

Genie Powers: Yes.

Donald Blackburn: Maine?

Wayne Theriault: Yes.

Donald Blackburn: Maryland?

Judith Sachwald: Yes.

Donald Blackburn: Michigan?

Dennis Schrantz: Yes.

Donald Blackburn: Minnesota?

Ken Merz: Yes.

Donald Blackburn: Missouri?

Denis Agniel: Yes.

Donald Blackburn: Montana?

Mike Ferriter: Yes.

Donald Blackburn: Nebraska?

Ed Birkel: Yes.

Donald Blackburn: Nevada?

Amy Wright: Yes.

Donald Blackburn: New Hampshire?

Kathleen McCormack: Yes.

Donald Blackburn: New Jersey?

John D'Amico: Yes.

Donald Blackburn: New Mexico?

Edward Gonzales: Yes.

Donald Blackburn: New York?

Edward Mruczek: Yes.

Donald Blackburn: North Carolina?

Sherry Pilkington: Yes.

Donald Blackburn: North Dakota?

Warren Emmer: Yes.

Donald Blackburn: Ohio?

Harry Hageman: Yes.

Donald Blackburn: Oklahoma?

Milton Gilliam: Yes.

Donald Blackburn: Oregon?

Ginger Martin: Yes.

Donald Blackburn: Pennsylvania?

Benjamin Martinez: Yes.

Donald Blackburn: Rhode Island?

Ashbel Wall: Yes.

Donald Blackburn: South Carolina?

Ann Hyde: Yes.

Donald Blackburn: South Dakota?

Ed Ligtenberg: Yes.

Donald Blackburn: Tennessee?

Jim Cosby: Yes.

Donald Blackburn: Texas?

Kathie Winckler: Yes.

Donald Blackburn: Utah?

Leo Lucey: Yes.

Donald Blackburn: Vermont?

Washington?

Doreen Geiger: Yes.

Donald Blackburn: West Virginia?

Henry Lowery: Yes.

Donald Blackburn: And Wisconsin?

William Rankin: Yes.

Donald Blackburn: Wyoming?

Les Pozsgi: It's unanimous, Mr. Chairman.

David Guntharp: All right, the - all right, we're voting on the amendment this time. So, would you call the - all the lines should be unmuted.

Does anyone need the - do they need the amendment (read), or we
(unintelligible)?

Hearing none.

Okay. Mr. Blackburn if you would call he role, voting on the amendments?

Donald Blackburn: This is the motion - the secondary motion amendment from South
Carolina we're voting on.

Donald Blackburn: Arizona?

Mary Schamer: Yes.

Arizona?

Mary Schamer: Yes.

Donald Blackburn: Arkansas?

David Guntharp: Yes.

Donald Blackburn: California?

Sharon Jackson: Yes.

Donald Blackburn: Colorado?

Sally Skiver: Yes.

Donald Blackburn: Delaware?

Alan Grinstead: Yes.

Donald Blackburn: District of Columbia?

Paul Quander: Yes.

Donald Blackburn: Florida?

Barry Groves: Yes.

Donald Blackburn: Georgia?

Joe Kuebler: Yes.

Donald Blackburn: Hawaii?

Ron Hajime: Yes.

Donald Blackburn: Idaho?

Dave Nelson: Yes.

Donald Blackburn: Illinois?

Vivian Williams: Yes.

Donald Blackburn: Indiana?

Jane Seigel: Yes.

Donald Blackburn: Iowa?

Lowell Brandt: Yes.

Donald Blackburn: Kansas?

Robert Sanders: Yes.

Donald Blackburn: Kentucky?

John Rees: Yes, and I move we accept this by acclamation.

Donald Blackburn: Louisiana?

Genie Powers: Yes. (Unintelligible).

Donald Blackburn: Maine?

Wayne Theriault: Yes.

Donald Blackburn: Maryland?

Judith Sachwald: Yes.

Donald Blackburn: Michigan?

Dennis Schrantz: Yes.

Donald Blackburn: Minnesota?

Ken Merz: Yes.

Donald Blackburn: Missouri?

Denis Agniel: Yes.

Donald Blackburn: Montana?

Mike Ferriter: Yes.

Donald Blackburn: Nebraska?

Ed Birkel: Yes.

Donald Blackburn: Nevada?

Amy Wright: Yes.

Donald Blackburn: New Hampshire.

Kathleen McCormack: Yes.

Donald Blackburn: New Jersey?

John D'Amico: Yes.

Donald Blackburn: New Mexico?

Edward Gonzales: Yes.

Donald Blackburn: New York?

Edward Mruczek: Yes.

Donald Blackburn: North Carolina?

Sherry Pilkington: Yes.

Donald Blackburn: North Dakota?

Warren Emmer: Yes.

Donald Blackburn: Ohio?

Harry Hageman: Yes.

Donald Blackburn: Oklahoma?

Milton Gilliam: Yes.

Donald Blackburn: Oregon?

Ginger Martin: Yes.

Donald Blackburn: Pennsylvania?

Benjamin Martinez: Yes.

Donald Blackburn: Rhode Island?

Ashbel Wall: Yes.

Donald Blackburn: South Carolina?

Ann Hyde: Yes.

Donald Blackburn: South Dakota?

Ed Ligtenberg: Yes.

Donald Blackburn: Tennessee?

Jim Cosby: Yes.

Donald Blackburn: Texas?

Kathie Winckler: Yes.

Donald Blackburn: Utah?

Leo Lucey: Yes.

Donald Blackburn: Vermont?

Washington?

West Virginia?

Henry Lowery: Yes.

Donald Blackburn: Wisconsin?

William Rankin: Yes.

Donald Blackburn: Wyoming?

Les Pozsgi: Yes.

Donald Blackburn: Amendment carries; you're back to the main motion.

David Guntharp: All right, (unintelligible)...

Leitoni Tupou: Hey, Don, this Lei. I have not heard Alaska being called twice.

Donald Blackburn: Okay, sorry, Lei. I won't do that again.

So, Alaska? How do you vote, Lei?

Leitoni Tupou: Yes, on both.

Donald Blackburn: Okay, thanks.

David Guntharp: We're back to it - now, if understand this correct in this (unintelligible), we're back to the motion. So we either open it up or either discussion on the motion now, which is the amended motion, if everyone's confused.

So, at this point in time, is there any other discussion on this motion?

Kathie Winckler: Mr. Chairman...

David Guntharp: Ms. Winckler, I've got your note here, and yes, you're recognized to - I think, it's probably appropriately to go ahead and read New York's on this.

Kathie Winckler: Yes, thank you Mr. Chairman. And I - Texas wishes to be recognized also to speak on the motion - on the main motion, but thank you for recognizing me.

I need to rectify an error I made. The State of New York submitted comments to the Commission, and I neglected, somehow, to read those comments. And I think, that it is important to not neglect to read New York State's comments, since they are extremely articulate and well put forth.

New York State opposes the proposed rule change, and it says that the change is the though or indirect contravention to the spirit and intent of the language of the new Compact at - that was to ensure improved tracking offenders and that - and to address enforcement issues experienced with the old Compact.

They go on - New York goes on to say that the - there were series of frequently asked questions, which were used by the proponents of the new Compact when they were talking to legislatures about this. And they cite as one of the qualities of the new Compact, that greater number of offenders would be included in - under this new Compact.

And cites specifically, and was in the frequently asked questions that the proponents had. They specifically cited the - if the situation were a misdemeanor is placed on probation, and is not transferred to that receiving state. And to cite that as a problem with the former Compact, they cite problems, and I should say Mr. Mruczek, speaking from New York, who has

cite the problem with the case of the (label) of minor offence. And he says that it would be aesthetical to propose Compact rule amendments that dilute Compact eligibility for a count and allowing many misdemeanors to bypass the Compact.

He goes on to say that the proposed amendments are subsequently and technically flawed, and will lead to varying and subjective interpretation of key provisions.

He cites the definition of supervision as being unclear. And he says that there will be many much confusion over what exactly that means. And there - it's unclear whether a court can transfer an offender or not.

He goes on to say that Compact amendments for the misdemeanor rule are unclear, and are subject to many different interpretations. And cites that a punctuation problem that leads to confusion.

He further states that the category of offenders are too limited, and excludes weapons, drugs, domestic violence involving threat, stalking, first time DUI and certain sex offenders.

He further states that it's unreasonable and unsound to vote on these amendments telephonically. And at the last meeting, he said there was difficulty in understanding what had been proposed when we're all together in one room, and that the teleconference doesn't lend itself the meaningful debate.

He says in that in conclusion that physical consideration should be not a determining factor as to excluding cases that have historically met Compact eligibility requirements and have compromised public safety.

That concludes the remark of - or, the comments received by the commission from Edward Mruczek from New York State.

And once again, I apologize for having only to look those previously.

Thank you, Mr. Chairman, for recognizing me.

David Guntharp: Thank you.

John, the - if they hit the F5 then they got the amendment that we're looking at now that we'll be voting on, is that correct?

John Mountjoy: That is correct, Mr. Chairman.

David Guntharp: Okay.

Is there anyone who wants to speak for or against the motion?

Kathie Winckler: Yeah, Mr. Chairman...

David Guntharp: Yes?

Kathie Winckler: ...Texas wishes to be recognized.

David Guntharp: You're recognized.

Kathie Winckler: Mr. Chairman, Texas speaks against the motion.

Mr. Chairman, in the past months, I have been in-touch with chief probation officers from across the State of Texas, and have sought their guidance on this.

I have also spoken frequently with the Compact Administrator Rape (unintelligible), and it is the opinion of the majority of the chief and of the Compact administrator that Texas should support the supervision of all misdemeanants without exclusion.

Further, the misdemeanants that are excluded under the proposed rule do offer - it is troubling that there may be misdemeanants who are domestic violence offenders or who have had previous, for instance, DWIs that were not noted. And so, you have someone who is actually a subsequent DWI, who is not noted.

And that also, the persons who have DWIs or relatively - or other offenses, which may be prosecuted these misdemeanors, may have started out with an offense which is greater than that, that is a felony, and been prod down. So you have the possibility of not having under supervision people who are inherently dangerous and should be under supervision.

Further, there is a problem in that. And jurisdiction has a right to know which offenders - whether offenders are in its jurisdiction. And the only way for us to know that is for the transfer to come through the Interstate Compact Office.

Texas is very sympathetic, and wants to work with the other commissioners to coming to a rule that better reflects the desire that completely minor offenses not to be subject to this. And I believe that we have such a rule before we amended it in November in Little Rock, and that we should try further on amending the rule. And therefore Texas will vote against this rule.

Thank you, Mr. Chairman.

David Guntharp: Anyone else want to speak for or against the amendment?

Jim Cosby: Mr. Chairman, this is Jim Cosby. May I be recognized please in Tennessee?

David Guntharp: You are recognized.

Jim Cosby: I think that what we have to consider here is the actual ability of this Compact to function. We have to put something in place that a majority of states can live with and can comply with.

We saw the controversy that was caused by the rule as it was adopted. And I understand the concerns about public safety. And I promote public safety in every opportunity that we have here in Tennessee.

But we've got to do something that is workable. And we've got to put something in place that a majority of states can comply with.

I think the amendment made by South Carolina is an effective amendment. And I simply think that we need to vote on this rule, and we need to vote on it within the timeframe that we set up.

Harry Hageman: Mr. Chairman, Ohio.

David Guntharp: Yes. You are recognized.

Harry Hageman: I agree with the gentleman from Tennessee. Those who oppose this amendment have stated their case in the strongest possible way, and I can

imagine there's anybody in the Compact that doesn't understand their opposition.

And that is also true for those who are in favor of the amendment. This is one of those amendments that has been debated for many years. Those that would lead us to believe that we need more discussion on this issue have not been paying attention to the issue for many years because this is not a new debate.

I agree with the gentleman at Tennessee; it's time to vote and move on.

Jim Cosby: Good.

David Guntharp: Are you making a motion to call for the question?

Harry Hageman: No, I'm not. I'm willing to - you know, I made an earlier motion to limit the debate to 30 minutes, which is about to be up, so I will stick by that.

Donald Blackburn: Mr. Chairman.

David Guntharp: We have five more minutes to debate the issue.

Donald Blackburn: You may have more lines parked there. You might ask (Tony), if he has more people parked there.

David Guntharp: (Unintelligible) parked.

Donald Blackburn: (Tony), do you have anyone else waiting?

Conference Coordinator: All lines are open right now; that's what I was instructed to do so.

David Guntharp: Okay. So all the - is there anyone else...

Edward Mruczek: Chairman, I'm Ed Mruczek, can I speak?

David Guntharp: Yes, you've got - we've got five minutes.

Woman: Hello.

David Guntharp: Yes. Commissioner from New York, go ahead.

Edward Mruczek: Yes. I would like to thank Commissioner Winckler for correcting the over cite. And - but I do want to remind the other commissioners that they ought to take into consideration that certain media - certain misdemeanor cases become media cases. And if your state is willing to deal with those, I think, you would be in the much better position having an individual under supervision, and exercising some control over these cases, rather than allowing them in your state where a receiving state has no choice but to allow that to happen.

I don't believe that that is in the best interest of public safety; and I think you're going to leave a lot of victims in the lurch.

David Guntharp: The - as I understand, Pat Tuthill is on the line, and she's asking to speak. We will recognize her at this time.

Woman: (Unintelligible).

Pat Tuthill: Thank you, Mr. Chair. I've had trouble. I was on since the beginning but was not able to access.

I appreciate and understand everyone's comments in favor of and opposed to. I understand the issue of compliance very well, budget and financial constraint. I think it's important on behalf of public safety and victims of crime to pass a (bill) that is responsible.

Not one that...

David Guntharp: They were - Pat, excuse me (unintelligible).

Everyone needs to realize your lines are open. They have not been muted, but Don, go ahead and mute the lines while Pat speaks.

Donald Blackburn: (Tony), mute the lines.

David Guntharp: Go ahead, Pat. I'm sorry.

Pat?

Did we mute her line, (Tony)?

Donald Blackburn: (As for that one).

David Guntharp (Tony)? (Tony)?

Donald Blackburn: Pat, could you hit star-1?

Now, you should - Pat, can you talk now?

(Tony)?

Pat Tuthill: Can you hear me?

David Guntharp: Yeah. Go ahead, Pat.

Donald Blackburn: (Unintelligible).

Pat Tuthill: Okay. Let me back up for a moment with all that confusion there.

I appreciate, on behalf of systems and public safety and crime victims, all the effort that have gone into the Compact and the rules in promulgation. I think safety system and public safety and protection victims have currently been the foundation for that.

The rule - this rule on misdemeanors, as we all know, is one that has been very contemptuous and debatable. I know that we have to pass something that all states can work with, so they can protect victims from crime.

I feel that the rule we have right now that we're proposing does not meet the (insensitive) Compact that the insurance providing more protection (unintelligible) and to include and not exclude certain victims.

I certainly would like to express the sentiment of - the position by Chairman - Ms. Winckler, from Texas, Martinez from the State of Pennsylvania, that we've had many victims that - or - and many offenders who are not going to be included and many potential victims as the result of this.

I strongly believe that it is worth waiting until October. And so, we can come up - that's the rule, meet and have the meeting and full discussions to - we're going to have to raise the bar. If we let everything remain as is or substandard, we don't challenge ourselves to get any better, and do more.

I realize and the kind of budget constraints that becomes difficult. But to put the rule that's in place now on the floor, it's plain to open up more opportunities for more Peyton Tuthills, and other victims. And I'm not speaking just only of homicide victims, but of victims in all categories.

Liabilities to state for having knowledge and not doing anything about it, or should have had knowledge and not done anything about it.

I - as I have gone through the fifth year anniversary, and looking at all the events that has happened, all the work that has been done, I strongly urge commissioners to consider several consideration of not voting at this time. I believe the rule that we proposed - that was proposed to commissioners at the November meeting, is a better rule to have and safe at the time than the currently proposed rule.

I thank you all for your time, and would have pleased - I know I don't have to say this, but I feel I need to be redundant. The decisions that are made here today have far reaching repercussions for all of us.

Thank you.

David Guntharp: Thank you. Thank you, Pat.

We've got - it took Commissioner Winckler six minutes to read New York which was not part of the discussion or debate that should have been written in front.

We've got five more minutes for anyone who wants to speak for or against the rule before we bring it to the vote.

Conference Coordinator: And you can do so by pressing star and 1, please.

Woman: Hello.

David Guntharp: Do we have any other - anyone else who wants to speak for or against?

I think, we're about beaten to death.

Donald Blackburn: Any one there, (Tony)?

Conference Coordinator: We have Mr. Martinez from Pennsylvania.

David Guntharp: Okay. Ben, you are recognized.

Benjamin Martinez: I can hear the collective groan throughout the nation, but that - I just have one final point of clarification. The rule as proposed to be amended only includes the instant offense, is that correct? And does not take into consideration any prior arrest history, is that correct?

David Guntharp: I'll have to defer to in Council or someone.

Commissioner Hyde, who offered the amendment, have an answer for that question.

Donald Blackburn: (Tony), unmute Commissioner Hyde from South Carolina's line.

Conference Coordinator: Could - Mr. Hyde, could you just press star and 1, please?

Donald Blackburn: Ms. Hyde.

Conference Coordinator: Ms. Hyde, excuse me.

David Guntharp: Press star-1, Ann.

Conference Coordinator: Thank you. Your line is open, Ms. Hyde.

Ann Hyde: Okay, thank you.

At the time that I offered the amendment, I was working under the assumption that we were talking of the instant offense.

Donald Blackburn: Mr. Chair.

Man: Mr. Chair.

Conference Coordinator: And Pennsylvania, could you press star and 1 please? Just a minute.

Benjamin Martinez: Hello.

Donald Blackburn: Yeah, go ahead, Ben.

Benjamin Martinez: Hi there. Yeah, again, another reason why we need to further deliberate this, that's all I have.

David Guntharp: All right. Thank you.

Anyone else who want to speak for or against?

Donald Blackburn: Anybody else on line, (Tony)?

Conference Coordinator: Not at this time. You can do so by pressing star and 1 now.

We still have no one in the queue.

David Guntharp: All right. Let's bring it to the vote. Just have - let's open all lines. You're voting on the amendment.

Man: No.

Man: No, you're voting on the primary motion.

Man: Voting on the primary motion.

Man: On the motion - which in...

Man: Oh, I'm sorry. But would you...

Man: ...which includes the amendment.

Man: ...which is the amendment to the rule. That's correct. I'm sorry.

Man: Okay.

Conference Coordinator: At this time, all lines are open.

David Guntharp: All right. Lines are open. Would you call the roll?

Jim Cosby: David, this is Jim Cosby.

David Guntharp: Sure.

Jim Cosby: Can I be recognized, please?

David Guntharp: Okay, Jim, you are recognized.

Jim Cosby: Just further clarification only sure that everyone understands what we're voting on right now, at this moment.

David Guntharp: All right. Go ahead.

Oh, we're voting on the rule as it was amendment. If it's a yes vote, then the rule will pass.

Jim Cosby: Okay.

Man: And David, might I add that if people will refresh their computer screens one more time, they will be able to see exactly what they are voting to approve, because I have already made the - I've incorporated the South Carolina language.

Man: Let's give a few minutes for that to happen, huh, David. Mr. Chair.

David Guntharp: We'll call a roll.

Man: Amended.

David Guntharp: If I look at it.

Man: (Bring it). (Bring it).

David Guntharp: All right.

(Here).

Man: Got it. (Brilliant). (Brilliant).

David Guntharp: Don.

Donald Blackburn: Yes, are you ready, Mr. Chairman?

Okay. Alaska, how do you vote?

Leitoni Tupou: (Yes).

David Guntharp: I - no, read it - read the rule - read the - voting out before we call or do roll call.

Donald Blackburn: Do you want me to read the rule?

Man: David, you're going to have to repeat yourself.

Donald Blackburn: (Tony).

Conference Coordinator: Yes, sir.

Donald Blackburn: (Tony), are all the lines open?

Conference Coordinator: All lines are open at this time.

Man: Okay, David, you're going to have to repeat yourself please.

David Guntharp: Someone has asked that the rule be read before we vote on it, and I'm okay with that.

Man: Okay. Someone asked that. Okay.

All right, the language of the rule which is proposed, 2.105: Misdemeanants. An offender who has been sentenced for a misdemeanor offense in the sending state shall be eligible for transfer under the Compact, provided that all criteria for transfer as specified in Section 3.101 have been satisfied, and provided further that the offender: 1) Is subject to one year or more of supervision; 2) Is subject to a sentence greater than six months of incarceration upon revocation of probation or after - or other community supervision; and 3) Has not been convicted of or placed under supervision for a minor offense.

In this section, minor offense does not include: 1) An offense in which a victim has incurred direct or threatens physical or psychological harm; 2) A second or subsequent misdemeanor offense of driving while impaired by drugs or alcohol; and 3) A sexual offense.

In this section, sexual offense means an offense which requires that a person register as a sex offender in the sending state.

David Guntharp: All right. Do roll call.

Man: Sure.

Donald Blackburn: All right. Alaska, how do you vote?

Leitoni Tupou: Yes.

Donald Blackburn: Arizona?

Mary Schamer: No.

Donald Blackburn: Alaska - excuse me - Arkansas. Arkansas, how do you vote?

California, how do you vote?

(Tony), are all the lines unmuted?

Conference Coordinator: Yes, sir. All lines are open.

Donald Blackburn: Oh, no one's talking to me still.

Conference Coordinator: Oh.

Sharon Jackson: California votes yes.

Man: Okay.

Donald Blackburn: California votes yes.

So Arkansas, how did you vote?

Colorado, how did you vote?

Sally Skiver: No.

Donald Blackburn: Delaware?

Alan Grinstead: No.

Donald Blackburn: District of Columbia?

Paul Quander: Yes.

Donald Blackburn: Florida?

Barry Groves: Yes.

Donald Blackburn: Georgia?

Joe Kuebler: Yes.

Donald Blackburn: Hawaii?

Ron Hajime: Yes.

Donald Blackburn: Idaho?

Dave Nelson: Yes.

Donald Blackburn: Is that a yes, Idaho?

Dave Nelson: Yes.

Donald Blackburn: Illinois?

Vivian Williams: Yes.

Donald Blackburn: Indiana?

Jane Seigel: Yes.

Donald Blackburn: Is that a yes, Indiana?

Jane Seigel: Yes.

Donald Blackburn: Iowa? Iowa?

Lowell Brandt: Yes.

Donald Blackburn: Kansas?

Robert Sanders: No.

Donald Blackburn: Kentucky? Kentucky?

John Rees: Yes.

Donald Blackburn: Louisiana?

Genie Powers: Yes.

Donald Blackburn: Maine?

Wayne Theriault: No.

Donald Blackburn: Maryland?

Judith Sachwald: Yes.

Donald Blackburn: Michigan?

Dennis Schrantz: Yes.

Donald Blackburn: Minnesota?

Ken Merz: No.

Donald Blackburn: Missouri? Missouri?

Montana?

Mike Ferriter: Yes.

Donald Blackburn: Nebraska?

Ed Birkel: No.

Donald Blackburn: Nevada?

Amy Wright: Yes.

Donald Blackburn: Nevada?

Amy Wright: Yes.

Donald Blackburn: New Hampshire?

Kathleen McCormack: No.

Donald Blackburn: New Jersey?

John D'Amico: Yeah - no.

Donald Blackburn: New Jersey is no?

John D'Amico: No.

Donald Blackburn: New Mexico?

Edward Gonzales: No.

Donald Blackburn: New York?

Edward Mruczek: No.

Donald Blackburn: North Carolina?

Sherry Pilkington: No.

Donald Blackburn: North Dakota?

Warren Emmer: Yes.

Donald Blackburn: Ohio?

Harry Hageman: Yes.

Donald Blackburn: Oklahoma? Oklahoma?

Oregon?

Ginger Martin: Yes.

Donald Blackburn: Pennsylvania?

Benjamin Martinez: No.

Donald Blackburn: Rhode Island?

Ashbel Wall: Yes.

Donald Blackburn: South Carolina?

Ann Hyde: Yes.

Donald Blackburn: South Dakota?

Ed Ligtenberg: Yes.

Donald Blackburn: Tennessee?

Jim Cosby: Yes.

Donald Blackburn: Texas.

Kathie Winckler: No.

Donald Blackburn: Utah?

Leo Lucey: Yes.

Donald Blackburn: Vermont? Vermont?

Washington?

West Virginia?

Henry Lowery: Yes.

Donald Blackburn: Wisconsin?

William Rankin: No.

Donald Blackburn: Wyoming?

Les Pozsgi: Just a moment, Mr. Chairman.

Man: Motion carries 25 to 15, Mr. Chairman.

David Guntharp: Okay, rule passed.

Is there - is the supervision issue on the table today?

Man: No.

Man: Or resolve it?

Woman: Not (unintelligible).

Man: It is a (unintelligible).

Man: It is not yet, Mr. Chairman.

David Guntharp: Ms. Winckler?

Kathie Winckler: Yes.

David Guntharp: Do you have the supervision issue (rule)?

Kathie Winckler: Sorry, could you say again?

David Guntharp: The supervision, was that to be brought up today also?

Kathie Winckler: There are three amendments to rule to be brought up today.

David Guntharp: I'm talking about the supervision.

Kathie Winckler: Yes.

David Guntharp: Okay. We need to read that rule in.

Kathie Winckler: Okay.

David Guntharp: Twenty-five only - 25-15. (Here) on the amendment. So, we're down to the provision rule.

Man: (Provision three).

Man: (Unintelligible).

Kathie Winckler: Mr. Chairman.

David Guntharp: Yes.

Kathie Winckler: This is Section 1.101: Definitions.

David Guntharp: All right. Go ahead.

Kathie Winckler: As used in these rules, unless the context clearly requires a different construction. (Double A) supervision, means the authority or oversight exercised by supervising authorities of a sending or receiving state over an offender for a period of time determined by a court or releasing authority, during which the offender is required to report to or be monitored by supervising authorities, and includes any condition, qualification, special condition or requirement imposed on the offender at the time of the offender's release to the community or during the period of supervision in the community.

That concludes the amendment, Mr. Chairman.

David Guntharp: We get someone to make the motion or is that a motion?

Kathie Winckler: That is not a motion.

David Guntharp: All right. Do I have someone to make a motion on the supervision?

Conference Coordinator: You can do so by pressing star and 1, please.

Kathie Winckler: And is that going to be put up on the screens?

Man: Since we have a copy, I guess, we'll put it up.

Conference Coordinator: We do have Maryland.

Donald Blackburn: All right, Maryland, you're recognized.

Judith Sachwald: Maryland wishes to second this.

Everyone may recall that this was an issue I raised at the close of the meeting in November. We have serious concerns about the definition we have just been acted and I think that these proposed changes address all of our concerns and the concerns that I heard from some of the other commissioner.

Donald Blackburn: Hey, would that be a motion?

Man: No motion's been made yet.

Kathie Winckler: I said so moved.

David Guntharp: Well, okay that's a motion from Maryland.

All right do we have a second?

(Tony)?

Conference Coordinator: We have North Dakota.

David Guntharp: All right, North Dakota, you're recognized.

Warren Emmer: North Dakota second's Maryland's motion.

David Guntharp: All right we have a motion, we have a second. Is there any discussion?

Conference Coordinator: You can do so by pressing star and 1.

We have no one in the queue, sir.

David Guntharp: All right call for the question.

(Tony), would you unmute all of the lines and at this time we'll call a roll on the motion. And this is for the supervision - Definition of Supervision.

Conference Coordinator: All lines are open and interactive.

David Guntharp: And they can refresh their monitors now to see it.

Donald Blackburn: Okay, we're taking a vote on the motion of the supervision rule definition.

Alaska?

Leitoni Tupou: Yes.

Donald Blackburn: Arizona?

Mary Schamer: No.

Donald Blackburn: Arkansas?

California?

Sharon Jackson: California, yes.

Donald Blackburn: Colorado?

Sally Skiver: Yes.

Donald Blackburn: Delaware?

Alan Grinstead: Yes.

Donald Blackburn: District of Columbia?

Paul Quander: Yes.

Donald Blackburn: District of Columbia again?

Paul Quander: Yes.

Donald Blackburn: Florida?

Barry Groves: Yes.

Donald Blackburn: Georgia?

Joe Kuebler: Georgia, yes.

Donald Blackburn: Hawaii?

Ron Hajime: Hawaii, yes.

Donald Blackburn: Idaho?

Dave Nelson: Yes.

Donald Blackburn: Illinois?

Vivian Williams: Yes.

Donald Blackburn: Indiana?

Jane Seigel: Yes.

Donald Blackburn: Iowa?

Lowell Brandt: Yes.

Donald Blackburn: Kansas?

Robert Sanders: Yes.

Donald Blackburn: Kentucky?

John Rees: Yes.

Donald Blackburn: Louisiana?

Genie Powers: Yes.

Donald Blackburn: Maine?

Wayne Theriault: Yes.

Donald Blackburn: Maryland?

Judith Sachwald: Yes.

Donald Blackburn: Michigan?

Dennis Schrantz: Yes.

Donald Blackburn: Minnesota?

Ken Merz: Yes.

Donald Blackburn: Missouri?

Montana?

Mike Ferriter: Yes.

Donald Blackburn: Nebraska?

Ed Birkel: Yes.

Donald Blackburn: Nevada?

New Hampshire?

Kathleen McCormack: Yes.

Donald Blackburn: New Jersey?

John D'Amico: No.

Donald Blackburn: New Mexico?

Edward Gonzales: Yes.

Donald Blackburn: New York?

Edward Mruczek: No.

Donald Blackburn: North Carolina?

Sherry Pilkington: Yes.

Donald Blackburn: North Dakota?

Warren Emmer: Yes.

Donald Blackburn: Ohio?

Oklahoma?

Harry Hageman: Ohio is yes.

Donald Blackburn: Oklahoma?

Milton Gilliam: Yes.

Donald Blackburn: Oregon?

Ginger Martin: Yes.

Donald Blackburn: Did Oklahoma respond?

Man: Yes. They did not necessary...

Man: They said yes.

Milton Gilliam: Oklahoma is a yes.

Donald Blackburn: Okay, Pennsylvania? Thank you.

Benjamin Martinez: No.

Donald Blackburn: Rhode Island?

South Carolina?

Ann Hyde: Yes.

Donald Blackburn: South Dakota?

Ed Ligtenberg: Yes.

Donald Blackburn: Tennessee?

Jim Cosby: Yes.

Donald Blackburn: Texas?

Kathie Winckler: No.

Donald Blackburn: Utah?

Leo Lucey: Yes.

Donald Blackburn: Vermont?

Washington State?

Doreen Geiger: Yes.

Donald Blackburn: West Virginia?

Henry Lowery: Yes.

Donald Blackburn: Wisconsin?

William Rankin: Yes.

Donald Blackburn: Wyoming?

Hello, Mr. Chair.

David Guntharp: Wow.

Donald Blackburn: Thirty-five to five.

Man: (Two three).

Man: (It's passed).

Man: Thirty-five yes's.

Man: We got five no's.

Donald Blackburn: Five no's.

David, are you there? Mr. Chairman?

(Tony), can you tell us what's wrong with the Chairman's line?

Conference Coordinator: I could not; I'm not quite sure why he's not responding.

Man: Oh, here he is.

Donald Blackburn: Mr. Chairman?

David Guntharp: Yes.

Donald Blackburn: Okay.

David Guntharp: I'm not sure what's that (answer). The sound quality is going way down.

Can we mute the lines just a minute and then we'll open it backup?

Conference Coordinator: All lines are muted.

David Guntharp: Okay.

Donald Blackburn: Is that better, David?

Man: Yeah, we got - okay.

Woman: (Unintelligible) in the background.

Man: I believe we got rid of the background there.

Woman: But I'm getting a huge hum in the background.

David Guntharp: Well, I was and it just - it left.

Man: Not hearing that here.

David Guntharp: All right, I guess, all we need at this time is just entertain a motion to dismiss, is that right, parliamentary?

Man: To adjourn?

David Guntharp: Yes.

Man: Don't we have one more motion?

Man: We - I think, we have one more.

Kathie Winckler: Mr. Chairman?

David Guntharp: Yes, what's the other motion?

Kathie Winckler: There is one more item to be voted on.

David Guntharp: Okay. At this time, Commissioner Winckler, would you read it?

Kathie Winckler: Section 2.106: Offenders Subject to Deferred Sentences.

Offenders subject to deferred sentences are eligible for transfer of supervision under the same eligibility requirement, terms and conditions applicable to all other offenders under this Compact.

Person subject to supervision pursuant to a pre-trial intervention program, bail or similar program or who are under supervision for a minor misdemeanor offense as defined in Section 2.105B are not eligible for transfer under the terms and conditions of this Compact.

That concludes the amendment.

David Guntharp: Okay. We open it now as a motion. Do I need to get a motion?

Kathie Winckler: Why not. You need to get a motion.

David Guntharp: All right. Do I have - anyone who wants to make a motion - what is it - star-1.

Conference Coordinator: Yes, sir, and we do have William Rankin from Wisconsin.

David Guntharp: All right, he's ready.

William Rankin: I move approval of the amendment or of the motion.

David Guntharp: All right, we have a motion. Do we have a second?

Man: (Tony)?

Man: Star-1.

Man: Star-1 - push star-1.

Conference Coordinator: That's correct. And we do have Barry Groves, Florida.

David Guntharp: Okay. Commissioner Groves, you're recognized.

Barry Groves: Florida second's.

David Guntharp: All right, we have a motion, we have a second.

Is there anyone who wants to speak for or against the amendment - I mean, the motion?

Conference Coordinator: Once again, star-1.

David Guntharp: Star-1, okay.

Conference Coordinator: And we have...

David Guntharp: Do we have anyone who wants to speak for it? Yes.

Conference Coordinator: We do have, let's see, Maryland. Go ahead.

David Guntharp: Okay, Judith, you're recognized.

Judith Sachwald: (Unintelligible).

Conference Coordinator: We'll move on to Maine.

David Guntharp: All right.

Wayne Theriault: Yes, I would just like to see the language up on the screen please.

David Guntharp: All right.

Man: It's already there, so hit "Refresh".

Man: Click "Refresh".

Wayne Theriault: Okay.

Man: (Unintelligible).

Wayne Theriault: Thank you.

David Guntharp: Okay. All right, anyone wants to speak for or against the motion?

Then with Offenders Subject to Deferred Sentences, (Tony), do we have anyone waiting?

Conference Coordinator: We do have John Rees, Kentucky.

David Guntharp: All right, Mr. Rees, you're recognized.

John Rees: Yes, we'd like the wordings modified to say "or", "similar" because our wordings is a little bit different and we're afraid that there would be confusion over definition.

David Guntharp: All right.

Man: Is that a secondary motion, Mr. Chairman?

Man: Yes.

David Guntharp: Okay, we've got - we got to a motion to amend it. Do I have a second?

Conference Coordinator: Please press-1 now.

David Guntharp: Do we have it?

Conference Coordinator: We have no one in the queue. Oh, excuse me, we have Lowell Brandt, Iowa.

David Guntharp: Okay, you're recognized, Mr. Brandt.

Lowell Brandt: And before I do, point of clarification, where does that amendment go?

David Guntharp: Don, can you get it in to where we could put in on the screen?

Donald Blackburn: I do not know...

Lowell Brandt: We didn't understand where...

Donald Blackburn: ...where we'll put it. He'll need to specific.

Man: We need Commissioner Rees to clarify.

David Guntharp: Mr. Rees, can you come back on the line please. If you'll hit star-1.

John Rees: Offender subject to deferred or similar sentences.

Donald Blackburn: Okay, refresh now please.

David Guntharp: All right, refresh, you should have it too. Give it a second.

Conference Coordinator: Please press star-1 now.

Lowell Brandt, Iowa.

David Guntharp: Yeah, you're recognized.

Lowell Brandt: I'll second.

David Guntharp: Okay. All right.

All right, we have a motion, we have a second. Is there anyone who would like to speak for or against the motion? If you do, this time, you will hit star-1.

Kathie Winckler: Mr. Chairman?

David Guntharp: Yes.

Kathie Winckler: Texas wishes to speak again to the amendment to the main motion.

David Guntharp: You're recognized. I guess, the main - oh, yes, this one okay.

Kathie Winckler: Yeah.

Man: Just the amendment.

David Guntharp: So, we got the amendment first, we need to get this amendment out of the way.

Kathie Winckler: That's what I want to speak - you have a motion right now on the amendment, right?

David Guntharp: That's right. We have a motion, got the second on the amendment.

Kathie Winckler: Yeah, and Texas wishes to speak against the amendment.

David Guntharp: Okay, you're recognized.

Kathie Winckler: The addition of the word "similar", I believe, does not offer a lot to clear up this subject here. We found in the process of drafting and passing the rules

that the deferred sentences are - means something different in many different state. I believe that it would be a bad idea at this point to entertain a change like this that wasn't fully thought through to see how it fits in with other terminologies.

We have a definition of deferred sentence. In our Definition section -- and I think that we should leave this alone for now -- if an amendment needs to be made to deferred, the term deferred sentence, I think, we should do it through the usual process and amend the definition.

Thank you, Mr. Chairman.

David Guntharp: Okay. Anyone else going to speak for or against the amendment?

Conference Coordinator: You can do so by pressing star and 1 now.

We have Maryland. Go ahead.

David Guntharp: Okay, you're recognized.

Judith Sachwald: Thank you. This is Judith Sachwald.

I have more of a question than anything else. As a member of the compliance committee -- and I'm surprised our Chair didn't raise this -- I'm not sure how we would be able to enforce the language, "or", "similar", and I would ask Mr. (Master) whether he can interpret that for all of us.

Man: (Follow the file), Mr. Chair.

David Guntharp: Okay.

Okay, one here to comment. Is there anyone else want to speak for or against the amendment?

Conference Coordinator: We do have Warren Emmer from North Dakota.

David Guntharp: Okay, you're recognized, Warren.

Warren Emmer: Mr. Chair, I agree with my companion on the compliance committee. And I'm sorry I surprised you, but I do support her position that "similar" - what does that mean? I think deferred has a legal standing wherein "similar" does not.

David Guntharp: Okay.

Is there anyone else who want to speak for or against the amendment? Is there anyone else waiting?

Conference Coordinator: No, sir.

David Guntharp: All right.

(Plans) and (sure), let's vote on the amendment - I mean, Mr. Blackburn.

Donald Blackburn: Okay, the lines are all open. (Tony)?

Man: We're voting on...

Conference Coordinator: Yes, sir.

Man: ...Commissioner Rees' addition of the words "or", "similar".

David Guntharp: Yeah. Voting on the amendment only.

Donald Blackburn: We're voting on Mr. Rees' amendment of adding the words "or", "similar". That's what we're voting on. A "Yes" means that you adopt that language into...

Man: Yes.

Donald Blackburn: ...the rule. And a "No" would mean that you do not adopt the language of Mr. Rees, "or", "similar" into the rule. So let's begin the vote, Arizona?

Mary Schamer: No.

Donald Blackburn: Alaska?

Leitoni Tupou: No.

Donald Blackburn: Arkansas?

David Guntharp: No.

Donald Blackburn: California?

Colorado?

Sally Skiver: No.

Donald Blackburn: Delaware?

Alan Grinstead: No.

Donald Blackburn: District of Columbia?

Paul Quander: No.

Donald Blackburn: Florida?

Barry Groves: No.

Donald Blackburn: Georgia?

Joe Kuebler: Georgia, no.

Donald Blackburn: Hawaii?

Ron Hajime: No.

Donald Blackburn: Idaho?

Dave Nelson: No.

Donald Blackburn: Illinois?

Vivian Williams: No.

Donald Blackburn: Indiana?

Jane Seigel: No.

Donald Blackburn: Iowa?

Lowell Brandt: No.

Donald Blackburn: Kansas?

Robert Sanders: No.

Donald Blackburn: Kentucky? Kentucky?

John Rees: Yes.

Donald Blackburn: Louisiana?

Genie Powers: No.

Donald Blackburn: Maine?

Wayne Theriault: No.

Donald Blackburn: Maryland?

Judith Sachwald: No.

Donald Blackburn: Michigan?

Dennis Schrantz: No.

Donald Blackburn: Minnesota?

Ken Merz: No.

Donald Blackburn: Missouri?

Montana?

Mike Ferriter: No.

Donald Blackburn: Nebraska?

Ed Birkel: No.

Donald Blackburn: Nevada?

Amy Wright: No.

Donald Blackburn: New Hampshire?

Kathleen McCormack: No.

Donald Blackburn: New Jersey?

John D'Amico: No.

Donald Blackburn: New Mexico?

Edward Gonzales: No.

Donald Blackburn: New York?

Edward Mruczek: No.

Man: There's a vote.

Donald Blackburn: North Carolina?

Sherry Pilkington: No.

Donald Blackburn: North Dakota?

Warren Emmer: No.

Donald Blackburn: Ohio?

Harry Hageman: No.

Donald Blackburn: Oklahoma?

Milton Gilliam: No.

Donald Blackburn: Oregon?

Ginger Martin: No.

Donald Blackburn: Pennsylvania?

Benjamin Martinez: No.

Donald Blackburn: Rhode Island?

Ashbel Wall: No.

Donald Blackburn: South Carolina?

Ann Hyde: No.

Donald Blackburn: South Dakota?

Ed Ligtenberg: No.

Donald Blackburn: Tennessee?

Jim Cosby: No.

Donald Blackburn: Texas?

Kathie Winckler: No.

Donald Blackburn: Utah?

Leo Lucey: No.

Donald Blackburn: Vermont? Vermont?

Washington?

West Virginia?

Henry Lowery: No.

Donald Blackburn: Wisconsin?

William Rankin: No.

Donald Blackburn: Wyoming?

Les Pozsgo: No.

Man: Motion (is finished).

Donald Blackburn: Mr. Chair, the motion is lost.

David Guntharp: I see. Give me the vote.

Man: Forty-one to one.

Donald Blackburn: Forty-one to one.

David Guntharp: Yeah. Is there any other discussion on the motion, on the original motion?

Okay, I guess, I can hit star and 1 at this time, as I do.

Donald Blackburn: That's right.

David Guntharp: Are there anyone waiting?

Conference Coordinator: No, sir, none at this time.

David Guntharp: Fine. Let's now go to motion. At this time, let's unmute all the lines and, Mr. Blackburn, if you would do a roll call on the motion on the offender subject to deferred sentences.

Conference Coordinator: All lines are open, sir.

Donald Blackburn: Okay, Arizona?

Mary Schamer: No.

Donald Blackburn: Alaska?

Leitoni Tupou: Yes.

Donald Blackburn: Arkansas?

David Guntharp: Yes.

Donald Blackburn: California?

Colorado?

Sally Skiver: No.

Donald Blackburn: Delaware?

Alan Grinstead: Yes.

Donald Blackburn: District of Columbia?

Paul Quander: Yes.

Donald Blackburn: Florida?

Barry Groves: Yes.

Donald Blackburn: Georgia?

Hawaii?

Ron Hajime: Yes.

Donald Blackburn: Idaho?

Dave Nelson: Yes.

Donald Blackburn: Illinois?

Vivian Williams: Yes.

Donald Blackburn: Indiana?

Jane Siegel: Yes.

Donald Blackburn: Iowa?

Lowell Brandt: Yes.

Donald Blackburn: Kansas?

Robert Sanders: No.

Donald Blackburn: Kentucky?

John Rees: No.

Donald Blackburn: Louisiana?

Genie Powers: Yes.

Donald Blackburn: Maine?

Wayne Theriault: Yes.

Donald Blackburn: Maryland?

Judith Sachwald: Yes.

Donald Blackburn: Michigan?

Dennis Schrandtz: Yes.

Donald Blackburn: Minnesota?

Ken Merz: No.

Donald Blackburn: Missouri?

Montana?

Mike Ferriter: Yes.

Donald Blackburn: Nebraska?

Ed Birkel: No.

Donald Blackburn: Nevada?

Amy Wright: Yes.

Donald Blackburn: New Hampshire?

Kathleen McCormack: Yes.

Donald Blackburn: New Jersey?

John D'Amico: No.

Donald Blackburn: New Mexico?

Edward Gonzales: No.

Donald Blackburn: New York?

Edward Mruczek: No.

Donald Blackburn: North Carolina?

Sherry Pilkington: No.

Donald Blackburn: North Dakota?

Warren Emmer: Yes.

Donald Blackburn: Ohio?

Harry Hageman: Yes.

Donald Blackburn: Oklahoma?

Milton Gilliam Yes.

Donald Blackburn: Oregon?

Ginger Martin: Yes.

Donald Blackburn: Pennsylvania?

Benjamin Martinez: No.

Donald Blackburn: Rhode Island?

Ashbel Wall: Yes.

Donald Blackburn: South Carolina?

Ann Hyde: No.

Donald Blackburn: South Dakota?

Ed Ligtenberg: Yes.

Donald Blackburn: Tennessee?

Jim Cosby: Yes.

Donald Blackburn: Texas?

Kathie Winckler: Yes.

Donald Blackburn: Utah?

Leo Lucey: No.

Donald Blackburn: Vermont?

Washington State?

West Virginia?

Henry Lowery: Yes.

Donald Blackburn: Wisconsin?

William Rankin: Yes.

Donald Blackburn: Wyoming?

Les Pozsgy: Yes.

Joe Kuebler: Hey, Don, Georgia here. I had it on mute, and I was a “Yes”. I don’t know if I could still can count or not.

Donald Blackburn: Yes. Thank you.

Woman: Who was that?

Man: Georgia. Georgia.

Man: Motion carried 29 to 13.

David Guntharp: Motion carried.

Is there any other business we need to bring forth to the commission? (That’s just to make sure).

Business we need to bring up?

Man: I make motion we adjourn.

David Guntharp: Motion in second. Before I entertain a second, I just want to thank everyone for the outstanding job you did here today. It was pretty tedious from a standpoint of doing over the phone, but I think it was a good process. Everyone was very courteous. They work very hard as we did in Little Rock. And I want to thank you for your time and patience and for your participation.

This fall, I will see you in Atlanta, and you can vote me out of office.

I have a second.

Kathie Winckler: So move.

Man: I have officer in turn.

David Guntharp: All in favor say so and say "Aye".

Woman: Aye.

Man: Aye.

Woman: Aye.

Man: Aye.

Man: Aye.

David Guntharp: Thank you very much. You all have a good weekend.

Man: Yeah, yeah.

Woman: Thank you, David.

David Guntharp: Yes, thank you.

Donald Blackburn: (Tony)? (Tony)?

Conference Coordinator: Yes, sir. I'm here.

Donald Blackburn: You keep David. Can you close the moderator line to David and all of us again?

Conference Coordinator: Yes. Just one moment please.

Donald Blackburn: David, are you there?

David Guntharp: Yes, I'm here.

Donald Blackburn: Okay.

Who else do we have there?

David Guntharp: Anyone else on the line?

Donald Blackburn: Tony, do we have anyone else on the line?

Conference Coordinator: No, sir.

David Guntharp: Okay. All right.

Man: I am amazed they didn't bring up a motion to...

Man: To postpone.

Man: ...to postpone. Absolutely amazed.

David Guntharp: Give me a take. I thought it went great to - under the standpoint.

Man: Well somebody did a lot of lobbying, which was very effective. That's the only explanation.

David Guntharp: I think the people were really started to seeing the concern of what the true impact would be and start acting like commissioners and not as Compact administrators...

END