



**INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION  
ANNUAL BUSINESS MEETING MINUTES**

**November 4, 2009  
Grand Sierra Resort,  
Reno, NV**

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**Call to Order**

The meeting was called to order by Chairman K. Merz (MN) at 8:06 a.m. PST. Chairman K. Merz (MN) gave welcoming remarks.

**Roll Call**

Roll was called by Executive Director H. Hageman. Forty-seven out of fifty-three members were present, thereby constituting a quorum.

1. Alabama	Chris Norman
2. Alaska	Donna White
3. Arizona	Dori Ege
4. Arkansas	David Eberhard
5. Colorado	Jeaneene Miller
6. Connecticut	Tracy Johnson
7. Delaware	Alan Grinstead
8. District of Columbia	Adrienne Poteat
9. Florida	Jenny Nimer
10. Georgia	David Morrison
11. Hawaii	Janice Yamada
12. Idaho	Kevin Kempf
13. Illinois	Michelle Buscher
14. Indiana	Jane Seigel
15. Iowa	Charles Lauterbach
16. Kansas	Keven Pellant
17. Kentucky	Angela Tolley
18. Maine	Wayne Theriault

Approved on 10/13/2010.B.S.

19. Maryland	Patrick McGee
20. Michigan	John Rubitschun
21. Minnesota	Ken Merz
22. Mississippi	Lora Cole
23. Missouri	Brian Jamison
24. Montana	Pam Bunke
25. Nebraska	Sally Steward
26. Nevada	Bernard Curtis
27. New Hampshire	Mike McAlister
28. New Jersey	Yolette Ross
29. New Mexico	Edward Gonzales
30. New York	Andrea Evans
31. North Carolina	Anne Precythe
32. North Dakota	Warren Emmer
33. Ohio	Linda Janes
34. Oklahoma	Milton Gilliam
35. Oregon	Mark Cadotte
36. Pennsylvania	Benjamin Martinez
37. Rhode Island	Kevin Dunphy
38. South Carolina	Samuel Glover
39. South Dakota	Nancy Allard
40. Tennessee	Gary Tullock
41. Texas	Kathie Winckler
42. Utah	Brent Butcher
43. Virgin Islands	Arline Swan
44. Washington	Lin Miller
45. West Virginia	Henry Lowery
46. Wisconsin	William Rankin
47. Wyoming	Les Pozsgi

### **Welcome & Overview**

Commissioner B. Curtis (NV) and Chief Justice of the Nevada Supreme Court J. Hardesty welcomed participants to Reno, Nevada.

Chairman K. Merz (MN) instructed the Commission on the rules and procedures for the meeting.

### **Training, Education and Public Relations Committee Report**

Commissioner D. Ege (AZ), the Training Committee Chair, expressed her gratitude towards the Committee members and the National Office staff.

Commissioner D. Ege (AZ) reported on the on-site trainings delivered by the Committee members and the National Office staff: Judicial Workshop (Sun Valley, Idaho and Oklahoma City, Oklahoma); ICAOS Workshops (Oklahoma City, Oklahoma and

Anaheim, California), Victim's Workshop (Boston, Massachusetts); State Council Workshop (Mesa, Arizona) and ICOTS Training (Virginia, Maryland and District of Columbia).

The Committee members and the National Office staff provided the following WebEx trainings: ICAOS Rules Trainings and ICOTS Trainings (Compact Office Users, Compact Workload, Manage Caseload and 6.0 Code Release).

Commissioner D. Ege (AZ) informed the Commission that the Training Committee received continuing Legal Education accreditation for on-demand modules from Alabama, Alaska, California, Colorado, Florida, Kentucky, Louisiana, New York, North Carolina, Texas, Vermont, Washington and Wyoming.

Commissioner D. Ege (AZ) presented an overview of the on-demand usage statistics from March 2006 until September 2009.

Commissioner D. Ege (AZ) informed the Commission that throughout the year, the Training Committee revised and updated the Rules training curriculum, On-Demand Modules (New ICOTS Privacy Policy Module added), Commissioner Handbook and ICOTS Training curriculum. The Training Committee released nine training bulletins in the past year.

**Commissioner D. Ege (AZ) motioned to accept the Training, Education and Public Relations Committee report. Commissioner G. Tullock (TN) seconded and the Commission voted to accept.**

#### **Approval of Agenda**

**Commissioner H. Lowery (WV) moved to approve the agenda. Commissioner E. Gonzales (NM) seconded.**

Commissioner W. Rankin (WI) noted that during the Rules Committee report, the Commission will consider the final actions for the proposed rules amendments.

**Approved as drafted.**

#### **Approval Minutes**

**Commissioner H. Lowery (WV) motioned to approve the 2008 Annual Business Meeting minutes. Commissioner L. Janes (OH) seconded.**

Official Designee S. Steward requested to change the date on p. 11 from *November 2-4, 2008 in Reno, NV* to *November 2-4, 2009 in Reno, NV*.

**Approved as amended.**

### **Compliance Committee Report**

Commissioner M. McAlister (NH), Chair of the Compliance Committee, presented the report.

Commissioner M. McAlister (NH) reported that the states reported four incidents in the past year; however, as the result of open communication and hard work, all were resolved without formal complaints. The reports are tracked by the National Office who uses the information to identify training needs.

In the past year the Compliance Committee examined two issues. (1) a deadline for providing Appriss, Inc. with the required legacy data and (2) Puerto Rico's non-payment of dues. Both issues were referred to the Executive Committee and have since been resolved. The Compliance Committee also revised the ICAOS Dues Enforcement Policy based on their recent experience with Puerto Rico.

The Committee is scheduled to meet again in December 2009 to review the draft Audit Standards and Policy.

**Commissioner M McAlister (NH) motioned to accept the Compliance Committee report. Commissioner J. Miller (CO) seconded. Report accepted.**

### **DCA Liaison Committee Report**

Commissioner W. Emmer (ND), Chair of the DCA Liaison Committee, thanked the Committee members for their hard work throughout the past year.

Commissioner W. Emmer (ND) summarized the Committee's objectives and achievements which includes the appointment of a DCA regional chair for each region. During the year each region chair held meetings to discuss the work of the committee.

Compact Administrator C. Placek (ND) along with other Committee members developed a DCA survey designed to learn more about how ICOTS is being used and to find ways for implementing the Committee goals. The Committee presented the results of the survey at the DCA Meeting on November 3, 2009.

Commissioner W. Emmer (ND) notified the Commission that the Executive Committee approved the establishment of the first biennial DCA Training Institute that is scheduled for August 2010.

**Commissioner W. Emmer (ND) motioned to accept the DCA Liaison Committee report. Commissioner K. Pellant (KS) seconded. Report accepted.**

### **Legal Counsel Report**

Legal Counsel R. Masters presented his report to the Commission.

Throughout the year, Legal Counsel R. Masters assisted the Commission with interpretation, application and enforcement of the Compact provision and Rules as well as provided judicial trainings.

Legal Counsel R. Masters informed the Commission that the Dana County Circuit Court dismissed the Commission from the Stanton lawsuit.

**Commissioner H. Lowery (WV) motioned to accept the Legal Counsel Report. Commissioner B. Martinez (PA) seconded. Report accepted.**

### **Victims' Advocate Report**

Chairman K. Merz (MN) notified the Commission that due to a personal injury Victims' Advocate P. Tuthill (FL) was not able to attend the meeting. The Commission received P. Tuthill's comments regarding the proposed rule amendments via email prior to the meeting.

### **Rules Committee Report**

Commissioner W. Rankin (WI), the Rules Committee Chair, presented his report to the Commission. He also provided an overview of the Committee goals and accomplishments in the past two years.

The Committee took into consideration the rules referred by the Commission at the previous business meetings, issues identified in ICAOS dispute resolutions and advisory opinions, rule amendments that were proposed by the regions and standing committees as well as proposals that were originated by the Rules Committee.

The Commission reviewed the proposed amendment to Rule 1.101 referred by the West Region.

Commissioner W. Rankin (WI) informed the Commission that the proposed amendment had no effect on other Rules, Advisory Opinions or Dispute Resolutions and had no ICOTS impact. The Rules Committee recommended this rule amendment in favor of adoption by 7 to 0 vote.

**Motion to accept the proposed definition of "supervision" by Commissioner W. Rankin (WI) seconded by Commissioner D. Ege (AZ).**

Commissioner K. Winckler (TX) spoke against the proposal due to its ambiguity.

Commissioner L. Miller (WA) informed the Commission that the proposal provided clarity for Washington State that has statutory complications.

**Motion passed by vote of 43 to 4.**

**RULE 1.101 Definitions**

“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 time the offender is required to report to or be monitored by supervising authorities, ~~and includes any condition, qualification, special condition or requirement~~ and to comply with regulations and conditions, other than monetary conditions, imposed on the offender at the time of the offender’s release to the community or during the period of supervision in the community.

**PASSED: effective date March 1, 2010**

The Commission reviewed an amendment to Rule 2.104 submitted by the Rules Committee.

Commissioner W. Rankin (WI) informed the Commission that the rule amendment had no effect on other Rules, Advisory Opinions or Dispute Resolutions and had no ICOTS impact. By a vote of 7 to 0, the Rules Committee recommended adoption of this rule amendment.

**Motion to accept the proposed amendment to Rule 2.104 by Commissioner W. Rankin (WI) seconded by Commissioner D. Ege (AZ). Motion passed by vote of 45 to 0.**

**RULE 2.104 Forms**

(a) States shall use the forms or electronic information system authorized by the commission ~~for all communication regarding offenders between or among states.~~

(b) The sending state shall retain the original forms containing the offender’s signature until the termination of the offender’s term of compact supervision.

(c) Section (a) shall not be construed to prohibit written, electronic or oral communication between compact offices.

**PASSED: effective date March 1, 2010**

The Commission reviewed an amendment to Rule 2.106 submitted by the South Region.

Commissioner W. Rankin (WI) informed the Commission that the rule amendment was consistent with Advisory Opinion 6-2005 and had no ICOTS impact. The Rules Committee recommended against adoption of this rule amendment, by vote of 4 to 3.

**Motion to accept the proposed amendment to Rule 2.106 by Commissioner W. Rankin (WI) seconded by Commissioner D. Ege (AZ). Motion passed by vote of 26 to 21.**

#### **RULE 2.106 Offenders subject to deferred sentences**

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

Persons subject to supervision pursuant to a pre-trial release intervention program, bail, or similar program are not eligible for transfer under the terms and conditions of this compact.

**PASSED: effective date March 1, 2010**

The Commission reviewed an amendment to Rule 2.110 submitted by the Rules Committee.

Commissioner W. Rankin (WI) informed the Commission that the rule amendment did not have effect on other Rules, Advisory Opinions or Dispute Resolutions and had no ICOTS impact. By a vote of 7 to 0, the Rules Committee recommended adoption of this rule amendment.

**Motion to accept the proposed amendment to Rule 2.110 by Commissioner W. Rankin (WI) seconded by Commissioner D. Ege (AZ).**

Commissioner D. Ege (AZ) stated that the proposed amendment was a necessary addition to ensure the public safety.

**Motion passed by vote of 43 to 2.**

#### **RULE 2.110 Transfer of offenders under this compact**

(a) No state shall permit an offender who is eligible for transfer under this compact to relocate to another state except as provided by the Compact and these rules.

(b) An offender who is not eligible for transfer under this Compact is not subject to these rules and remains subject to the laws and regulations of the state responsible for the offender's supervision.

(c) Upon violation of section (a), the sending state shall direct the offender to return to the sending state within 15 calendar days of receiving such notice. If the offender does not return to the sending state as ordered, the sending state shall issue a warrant that is effective in all compact member states, without limitation as to specific geographic area, no later than 10 calendar days following the offender's failure to appear in the sending state.

**PASSED: effective date March 1, 2010**

The Commission reviewed an amendment to Rule 3.101 submitted by the West Region.

Commissioner W. Rankin (WI) informed the Commission that the rule amendment did not have effect on other Rules, Advisory Opinions or Dispute Resolutions and had no ICOTS impact.

The Rules Committee amended the language clarifying that all three violations and returns must occur from the same receiving state. The Rules Committee recommended against adopting this rule amendment, by 7 to 0 vote.

**Motion to accept the proposed amendment to Rule 3.101 by Commissioner W. Rankin (WI) seconded by Commissioner D. Ege (AZ).**

**Motion failed by vote of 19 to 28.**

### **RULE 3.101 Mandatory transfer of supervision**

At the discretion of the sending state, an offender shall be eligible for transfer of supervision to a receiving state under the compact, and the receiving state shall accept transfer, if the offender:

(a) has more than 90 days or an indefinite period of supervision remaining at the time the sending state transmits the transfer request; and

(b) has a valid plan of supervision; and

(c) is in substantial compliance with the terms of supervision in the sending state; and

(d) is a resident of the receiving state; or

(e)

(1) has resident family in the receiving state who have indicated a willingness and ability to assist as specified in the plan of supervision; and

(2) can obtain employment in the receiving state or has means of support.

(f) Upon 3 returns from the same receiving state for violations and closures within five years of a specific offender to the sending state under the terms of this rule, any future applications for transfer to the same receiving state shall be considered under Rule 3.101-2.

## **FAILED**

The Commission reviewed an amendment to Rule 3.101-1 submitted by the West Region.

Commissioner W. Rankin (WI) informed the Commission that the rule amendment did not have effect on other Rules, Advisory Opinions or Dispute Resolutions. Based on Appriss' calculation, the impact on ICOTS may be significant, requiring changes to code, menus, screens, forms and reports. The estimated development cost is \$11,360.

Based on the received website comments, the Rules Committee replaced some of the language in the proposal and justification without materially altering the intent of the proposal. By a vote of 7 to 0, the Rules Committee recommended adoption of this rule amendment.

**Motion to accept the proposed amendment to Rule 3.101-1 by Commissioner W. Rankin (WI) seconded by Commissioner D. Ege (AZ).**

Commissioner D. Morrison (GA) spoke in favor of proposal noting that the proposed amendment helped an offender with his transition to the society.

Commissioner H. Lowery (WV) spoke against the proposal stating that there was always a possibility that the offender may lose his job and support.

Commission G. Tullock (TN) spoke in favor of the proposal.

Commissioner D. Ege (AZ) spoke against the adoption of the proposal noting that the Rule did not exclude sex offenders and that *two business days* was not enough time to issue the reporting instructions.

**Motion passed by vote of 33 to 14.**

**RULE 3.101-1 Mandatory transfers of military, families of military, and family members employed, and employment transfer.**

(a) Transfers of military members- An offender who is a member of the military and has been deployed by the military to another state, shall be eligible for reporting instructions and transfer of supervision. The

receiving state shall issue reporting instructions no later than two business days following receipt of such a request from the sending state.

(b) Transfer of offenders who live with family who are members of the military- An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and (e)(2) and who lives with a family member who has been deployed to another state, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the military member in the receiving state. The receiving state shall issue reporting instructions no later than two business days following receipt of such a request from the sending state.

(c) Employment transfer of family member to another state- An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and (e)(2) and whose family member, with whom he or she resides, is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment, shall be eligible for reporting instructions and transfer of supervision, provided that the offender will live with the family member in the receiving state. The receiving state shall issue reporting instructions no later than two business days following receipt of such a request from the sending state.

(d) Employment transfer of the offender to another state – An offender who meets the criteria specified in Rules 3.101 (a), (b), & (c) and is transferred to another state by their full-time employer, at the direction of the employer and as a condition of maintaining employment shall be eligible for reporting instructions and transfer of supervision. The receiving state shall issue reporting instructions no later than two business days following receipt of such a request from the sending state.

**PASSED: effective date March 1, 2010**

The Commission reviewed an amendment to Rule 3.101-3 submitted by the Midwest Region.

Commissioner W. Rankin (WI) informed the Commission that the rule amendment did not have effect on other Rules, Advisory Opinions or Dispute Resolutions and had no ICOTS impact. In response to the Commission comments on the website, the Rules Committee removed the language *have been* with *are* placed on probation.

The Rules Committee recommended against adopting this rule amendment, by 4 to 3 vote.

**Motion to accept the proposed amendment to Rule 3.101-3 by Commissioner W. Rankin (WI) seconded by Commissioner D. Ege (AZ).**

Commissioner G. Tullock (TN) spoke against the proposed amendment noting that the rule amendment needs revision.

Commissioner K. Pellant (KS) spoke in favor of the proposed amendment stating that the opposite action could create a public safety issue and create financial burden on a state agency.

Commissioner D. Ege (AZ) concurred with Commissioner Tullock.

**Motion failed by vote of 21 to 26.**

### **RULE 3.101-3 Transfer of supervision of sex offenders**

(a) Eligibility for Transfer-At the discretion of the sending state a sex offender shall be eligible for transfer to a receiving state under the Compact rules. A sex offender shall not be allowed to leave the sending state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued, by the receiving state. In addition to the other provisions of Chapter 3 of these rules, the following criteria will apply.

(b) Application for Transfer-In addition to the information required in an application for transfer pursuant to Rule 3.107, in an application for transfer of supervision of a sex offender the sending state shall provide the following information, if available, to assist the receiving state in supervising the offender:

- (1) assessment information, including sex offender specific assessments;
- (2) social history;
- (3) information relevant to the sex offender's criminal sexual behavior;
- (4) law enforcement report that provides specific details of sex offense;
- (5) victim information
  - (A) the name, sex, age and relationship to the offender;
  - (B) the statement of the victim or victim's representative;
- (6) the sending state's current or recommended supervision and treatment plan.

(c) *Reporting instructions for sex offenders living in the receiving state at the time of sentencing*-Rule 3.103 applies to the transfer of sex offenders, who are placed on probation for a sex

offense requiring registration in the sending or receiving states except for the following:

- (1) The receiving state shall have five business days to review the proposed residence to ensure compliance with local policies or laws prior to issuing reporting instruction. If the proposed residence is invalid due to existing state law or policy, the receiving state may deny reporting instructions.
- (2) No travel permit shall be granted by the sending state until reporting instructions are issued by the receiving state.

## **FAILED**

The Commission reviewed an amendment to Rule 3.102 submitted by the Rules Committee.

Commissioner W. Rankin (WI) informed the Commission that the rule amendment did not have effect on other Rules, Advisory Opinions or Dispute Resolutions and had no ICOTS impact. By a vote of 6 to 1, the Rules Committee recommended adoption of this rule amendment, with the effective date March 1, 2010.

**Motion to accept the proposed amendment to Rule 3.102 by Commissioner W. Rankin (WI) seconded by Commissioner D. Ege (AZ). Motion passed by vote of 4 to 5.**

### **RULE 3.102 Submission of transfer request to a receiving state**

- (a) Except as provided in section (c), and Subject to the exceptions in Rule 3.103 and 3.106, a sending state seeking to transfer supervision of an offender to another state shall submit a completed transfer request with all required information to the receiving state prior to allowing the offender to leave the sending state.
- (b) Except as provided in section (c), and Subject to the exceptions in Rule 3.103 and 3.106, the sending state shall not allow the offender to travel to the receiving state until the receiving state has replied to the transfer request.
- (c) An offender who is employed in the receiving state at the time the transfer request is submitted and has been permitted to travel to the receiving state for the employment may be permitted to continue to travel to the receiving state for the employment while the transfer request is being investigated, provided that the following conditions are met:

- 1) Travel is limited to what is necessary to report to work, perform the duties of the job and return to the sending state.
- 2) The offender shall return to the sending state daily during non-working hours, and
- 3) The Transfer Request shall include notice that the offender has permission to travel to and from the receiving state, pursuant to this rule, while the transfer request is investigated.

**PASSED: effective date March 1, 2010**

The Commission reviewed an amendment to Rule 3.104 submitted by the Rules Committee.

Commissioner W. Rankin (WI) informed the Commission that the rule amendment did not have effect on other Rules, Advisory Opinions or Dispute Resolutions. Appriss estimated \$2,600 development cost to make the appropriate changes to ICOTS.

By a vote of 6 to 1, the Rules Committee recommended adoption of this rule amendment.

**Motion to accept the proposed amendment to Rule 3.104 by Commissioner W. Rankin (WI) seconded by Commissioner Y. Ross (NJ). Motion passed by vote of 45 to 2.**

**RULE 3.104 Time allowed for investigation by receiving state**

- (a) A receiving state shall complete investigation and respond to a sending state's request for an offender's transfer of supervision no later than the 45<sup>th</sup> calendar day following receipt of a completed transfer request in the receiving state's compact office.
- (b) If a receiving state determines that an offender transfer request is incomplete the receiving state shall notify the sending state by rejecting the transfer request with the specific reason(s) for the rejection. If the offender is in the receiving state with reporting instructions, those instructions shall remain in effect provided that the sending state submits a completed transfer request within 15 calendar days following the rejection.

**PASSED: effective date March 1, 2010**

The Commission reviewed an amendment to Rule 3.104-1 submitted by the Rules Committee.

Commissioner W. Rankin (WI) informed the Commission that the rule amendment did not have effect on other Rules, Advisory Opinions or Dispute Resolutions and had no

ICOTS impact. By a vote of 7 to 0, the Rules Committee recommended adoption of this rule amendment.

**Motion to accept the proposed amendment to Rule 3.104-1 by Commissioner W. Rankin (WI) seconded by Commissioner D. Ege (AZ). Motion passed by vote of 45 to 2.**

**RULE 3.104-1 Acceptance of offender; issuance of reporting instructions**

- (a) If a receiving state accepts transfer of the offender, the receiving state's acceptance shall include reporting instructions.
- (b) Upon notice of acceptance of transfer by the receiving state, the sending state shall issue a travel permit to the offender and notify the receiving state of the offender's departure as required under Rule 4.105.
- (c) A receiving state shall assume responsibility for supervision of an offender upon the offender's arrival in the receiving state and shall submit notification of arrival as required under Rule 4.105.
- (d) An acceptance by the receiving state shall be valid for 120 calendar days. If the sending state has not sent a departure notice to the receiving state in that time frame, the receiving state may withdraw its acceptance and close interest in the case.

**PASSED: effective date March 1, 2010**

The Commission reviewed an amendment to Rule 3.107 submitted by the Rules Committee.

Commissioner W. Rankin (WI) informed the Commission that the rule amendment did not have effect on other Rules, Advisory Opinions or Dispute Resolutions. Appriss estimated \$1,000 cost to make the appropriate changes to ICOTS. By a vote of 7 to 0, the Rules Committee recommended adoption of this rule amendment.

**Motion to accept the proposed amendment to Rule 3.107 by Commissioner W. Rankin (WI) seconded by Commissioner D. Ege (AZ).**

Commissioner J. Seigel (IN) and Commissioner D. Ege (AZ) spoke in favor of this amendment.

**Motion passed by vote of 47 to 0.**

**RULE 3.107 Transfer Request**

- (a) A Transfer request for an offender shall be transmitted through the electronic information system authorized by the commission and shall contain—
  - 1. transfer request form;

2. instant offense in sufficient detail to describe the type and severity of offense and whether the charge has been reduced at the time of imposition of sentence;
3. photograph of offender;
4. conditions of supervision;
5. any orders restricting the offender's contact with victims or any other person;
6. any known orders protecting the offender from contact with any other person;
7. information as to whether the offender is subject to sex offender registry requirements in the sending state along with supportive documentation;
8. pre-sentence investigation report, if available;
9. supervision history, if available;
10. information relating to any court-ordered financial obligations, including but not limited to, fines, court costs, restitution, and family support; the balance that is owed by the offender on each; and the address of the office to which payment must be made.

(b) The original signed Offender Application for Interstate Compact Transfer shall be maintained in the sending state. A copy of the signed Offender Application for Interstate Compact Transfer shall be attached to the transfer request.

(c) Additional documents, such as the Judgment and Commitment, and any other information may be requested from the sending state following acceptance of the offender. The sending state shall provide the documents if available.

**PASSED: effective date March 1, 2010**

The Commission reviewed an amendment to Rule 4.106 submitted by the South Region.

Commissioner W. Rankin (WI) informed the Commission that the rule amendment did not have effect on other Rules, Advisory Opinions or Dispute Resolutions. Based on the Appriss' calculation, the estimated cost to make appropriate changes to ICOTS is \$7,360. By a vote of 7 to 0, the Rules Committee recommended adoption of this rule amendment.

**Motion to accept the proposed amendment to Rule 4.106 made by Commissioner W. Rankin (WI) seconded by Commissioner D. Ege (AZ).**

Commissioner D. Ege (AZ) spoke in favor of this amendment stating that the progress reports were vital to the Compact business.

**Motion passed by vote of 46 to 1**

**RULE 4.106 Progress reports**

- (a) A receiving state shall provide to the sending state a progress report annually, or more frequently, upon the request of the sending state, for good cause shown. The receiving state shall provide the progress report within thirty (30) calendar days of receiving the request.
- (b) A progress report shall include-
- (1) offender's name;
  - (2) offender's residence address;
  - (3) offender's telephone number and electronic mail address;
  - (4) name and address of offender's employer;
  - (5) supervising officer's summary of offender's conduct, progress and attitude, and compliance with conditions of supervision;
  - (6) programs of treatment attempted and completed by the offender;
  - (7) information about any sanctions that have been imposed on the offender since the previous progress report;
  - (8) supervising officer's recommendation;
  - (9) any other information requested by the sending state that is available in the receiving state.

**PASSED: effective date March 1, 2010**

Commissioner W. Rankin (WI) extended his appreciation to the Committee members and the Executive Director and the National Office staff for their hard work.

**Commissioner W. Rankin (WI) motioned to accept the Rules Committee Report. Commissioner W. Emmer (ND) seconded. Report accepted.**

**Finance Committee Report**

Commissioner K. Kempf (ID), the Finance Committee Chair, presented his report to the Commission expressing his appreciation towards Committee members and the National Office staff hard work.

Commissioner K. Kempf (ID) informed the Commission that current dues formula was outdated and required modification. At the request of the Finance Committee, the Executive Committee agreed to appoint an ad hoc Committee to review the dues formula.

Commissioner K. Kempf (ID) stated that in 2007 the Commission voted to increase dues by 6% for three consecutive years to establish a 25% reserve fund. The recommended budget for FY 2011 does not include the 3<sup>rd</sup> year increase of 6%, because of the following accomplishments:

- The National Office substantially reduced spending
- The National Office consolidated duties with 25% reduction in staffing
- The Commission has a \$1.37M reserve fund
- In October of this year the Commission made the final payment on the original ICOTS development

- The Technology Committee is working with Appriss to develop a plan for enhancing ICOTS that will not exceed the current technology budget.

Commissioner K. Kempf (ID) presented FY 2009 Budget Summary to the Commission.

- \$314,752 (17.7%) below the approved budget
- \$230,755 (13.6%) below revenue
- \$1,377,631 fund balance

Commissioner K. Kempf (ID) also mentioned that the FY 2010 Budget was projected to finish 8-10% below the approved budget.

**Commissioner K. Kempf (ID) motioned to accept the proposed FY 11 budget and the Finance Committee report. Commissioner W. Emmer (ND) seconded. Budget approved and report accepted.**

Commissioner W. Emmer (ND) thanked Executive Director H. Hageman and the National Office staff for diligent and valuable work especially considering recent 25% reduction in staffing.

The states who are interested in serving on the Ad Hoc Dues Committee should contact Chairman K. Merz (MN) or the National Office.

Chairman K. Merz (MN) recognized Ex-Officio members: Senator D. Darrington with the National Conference of State Legislatures; C. Wicklund with the American Probation and Parole Association; S. Holewa with the Conference of State Court Administrators and T. Beauclair with the National Institute of Corrections.

### **Information & Technology Report**

Commissioner K. Winckler (TX), Technology Committee Chair, thanked the Technology Committee members for their service to the Committee.

Commissioner K. Winckler (TX) stated that in the last year the Technology Committee met eight times since the last Business Meeting in September, 2008. She encouraged all Commission members to attend monthly WebEx Technology Committee meetings.

Commissioner K. Winckler (TX) provided the Commission with an update on the ICOTS development and implementation.

Commissioner K. Winckler (TX) indicated that in the past six months, Appriss received 1,853 ICOTS support calls/emails inquiries and the National Office received 3,370 calls/emails. Calls are presently decreasing an average of 13.5% per month.

The Council of State Governments surveyed the states regarding satisfaction with the implementation and operation of ICOTS. The Survey's results indicate that 75% of the

users believe that ICOTS has improved the efficiency of the compact office operation in their state.

Commissioner K. Winckler (TX) informed the Commission that Rule 2.102(c) did not expire until the Electronic Information System was fully implemented and functional.

The Technology Committee recommends to the Commission to adopt a date for Rule 2.102 to expire defining **Implemented** and **Functional** as the following:

*Implemented: Every member state has put ICOTS into operation for their jurisdiction, including migrating legacy data, assigning users and establishing user accounts*

*Functional: The electronic system is serving the function for which it was designed. All interstate compact transfers are processed in ICOTS.*

**Commissioner K. Winckler (TX) motioned for the Commission to adopt the date of June 30, 2010 as the expiration date of Rule 2.102. Official Designee A. Precythe (NC) seconded.**

**Commissioner W. Theriault (ME) offered an amendment to change the expiration date to December 31, 2009.**

**Commissioner K. Winckler (TX) and Official Designee A. Precythe (NC) agreed to amend the motion.**

Commissioner G. Tullock (TN) informed the Commission that some states that were unable to attend the meeting may not be ready to rely on ICOTS completely.

Commissioner D. Ege (AZ) spoke in favor of the June 30<sup>th</sup>, 2010 expiration date.

Commissioner W. Rankin (WI) clarified to the Commission that states have time to clean their data prior to any re-calculation of the dues.

**Commissioner J. Seigel (IN) called for the question. Commissioner M. Gilliam (OK) seconded. The motion passed by vote 41 to 6.**

The Commission voted on the Commissioner Winckler's amended motion. **The motion passed by vote 32 to 15.**

Commissioner K. Winckler (TX) encouraged Commissioners and their staff to read an essay *ICOTS: Our Shared Vehicle* written by Commissioner W. Rankin (WI), the Rules Committee Chair. The essay provides a good analogy between operation of ICOTS and a car.

Since the Commission passed rule proposals that would require ICOTS enhancements, Commissioner K. Winckler (TX) recommended authorizing the expenditure on these enhancements.

**Commissioner D. Ege (AZ) motioned for the Commission to approve no more than \$25,000 expenditure required by the four approved rule amendments (3.101, 3.104, 3.107 and 4.106) that impact ICOTS. Commissioner W. Theriault (ME) seconded. The motion passed.**

Commissioner K. Winckler (TX) informed the Commission that Appriss Representative B. Oldham was present to answer any questions the Commission had in regards to ICOTS.

**Commissioner K. Winckler (TX) motioned to approve the Technology Committee report. Commissioner K. Pellant (KS) seconded. Report accepted.**

Commissioner D. Ege (AZ) brought to the Commission's attention an issue of closed cases that remain active due to the sending state.

### **Old Business**

None

### **New Business**

R. Maccarone, State Director of New York State Division of Probation and Correctional Alternatives, suggested an alternative approach to state transfer which he calls the complete transfer.

### **Award Presentations**

- *Executive Chair Award* presented to Commissioner K. Winckler (TX) by Chairman K. Merz (MN).
- *Executive Director Award* presented to R. Bisch (MN) by Executive Director H. Hageman.
- *Peyton Tuthill Award* presented to Victims' Advocate J. Marsh (KS) by Commissioner K. Pellant (KS).

Executive Director H. Hageman presented a plaque to past Assistant Director A. Lippert in recognition of her leadership and service to the Commission.

Chairman K. Merz (MN) recognized the achievements of past Chairman and Commissioner of North Dakota, W. Emmer. Commissioner Emmer announced he is retiring on December 31, 2009.

Chairman K. Merz (MN) recognized those who preserve the *Spirit of the Compact* and expressed his appreciation for their work: D. Sherman (Colorado); K. Goodard (Colorado); R. Grimes (Texas); K. Tucker (Florida); C. Lauterbach (Iowa); R. Goines (Illinois); R. Cohen (New Mexico); W. LaCour (Texas); D. Schmidt (Colorado); P. McCracken (Colorado); G. Grable (Nebraska); J. Gusz (New Jersey); K. Luth (Alaska); J. Sisk (Virginia) and J. Reed (Tennessee).

### **Region Chair Recognition**

Region Chairs recognized for their service and dedication include:

Commissioner W. Theriault (ME), East Region  
Commissioner L. Janes (OH), Midwest Region  
Commissioner G. Tullock (TN), South Region  
Commissioner E. Gonzales (NM), West Region

### **Oath of Officers**

Senator D. Darrington (ID) delivered the Oath of Officers to the newly elected Region Chairs: Commissioner E. Gonzales (West Region), Commissioner W. Theriault (East Region), Commissioner L. Janes (Midwest Region) and Commissioner C. Norman (South Region).

### **New Business**

Chairman K. Merz (MN) announced that the next Annual Business Meeting would take place on October 11-13, 2010 in San Antonio, Texas.

### **Adjourn**

**Commissioner G. Tullock (TN) made a motion to adjourn. Commissioner E. Gonzales (NM) seconded. The motion passed.**

The Commission adjourned at 3:07 pm PDT.