



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

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## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Judiciary & Rules Committee and the House Judiciary, Rules & Administration Committee

**FROM:** Principal Legislative Research Analyst - Brooke Brouman

**DATE:** June 04, 2014

**SUBJECT:** Board of Correction - Correctional Industries

IDAPA 06.01.02 - Rules of Correctional Industries (New Chapter) (Docket No. 06-0102-1401)

The Board of Correction submits Notice of Proclamation of Rulemaking at IDAPA 06.01.02, which constitutes a new chapter that was prompted by the passage of Senate Bill No. 1374a during the 2014 Legislative Session. Senate Bill No. 1374a establishes new Idaho Code Section 20-413A that permits the Board of Correction to enter into contracts with private agricultural employers for the use of inmate labor in the production, harvesting and processing of perishable agricultural food products. Section 20-413A, Idaho Code, also requires the board to establish, by rule, factors to be considered prior to entering such contracts and factors to be considered in dispersing inmate earnings. The purpose of the new rule chapter is to comply with this statutory mandate.

We make the following two observations with regard to the new rule chapter, both of which appear on page 47 of the rule docket:

- (1) In Section 013.01.a., reference to Section 20-413, Idaho Code, appears erroneous; and
- (2) In Section 013.01.b., the permissive language relating to the use of funds to offset certain costs, which is denoted by the word "may," is not consistent with the language in governing Section 20-413A, Idaho Code, which mandates that the deductions be made.

We spoke with Andrea Sprengel, Services Manager for Idaho Correctional Industries, who made two changes to the new chapter as follows:

- (1) In Section 013.01.a., reference to Section 20-413, Idaho Code, was changed to Section 20-416, Idaho Code; and
- (2) In Section 013.01.b., the word "may" was changed to "shall," which is consistent with the governing statute.

The effective date of this new rule chapter is July 4, 2014. The State Board of Correction is exempt from the provisions of Section 67-5220, Idaho Code, regarding negotiated rulemaking.

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The Board of Correction states that there is no fiscal impact on the general fund as a result of this rule-making.

The new chapter, with the stated changes, appears to be in compliance with Section 20-413A, Idaho Code.

cc: Board of Correction - Correctional Industries  
Andrea Sprengel