



INTERSTATE COMMISSION FOR JUVENILES

*Serving Juveniles While Protecting Communities*

# ICJ Rule Proposal Guide

2018 – 2019 Rules Cycle

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# ICJ Rule Proposal Guide

The Interstate Commission for Juveniles is authorized to promulgate rules to govern the implementation of the Interstate Compact for Juveniles (ICJ). This guide provides general instructions for submitting rule proposals to be considered for adoption. It is intended to help individuals draft proposals, committee/region chairs in referring proposals, and the Rules Committee in preparing final proposals for vote. *For more comprehensive guidelines, see ICJ Rule 2-103.*

## OVERVIEW

The ICJ rulemaking process operates on a 2-year cycle. Proposed amendments or new rules must be submitted to the Rules Committee, which makes referrals for final approval by the full Commission at Annual Business Meetings in odd-numbered years.

Proposals are vetted through an extensive review process, which includes posting and comment periods for Commission Members and the public. In order to be fully vetted, proposals must be submitted at least eight (8) months before the vote at an Annual Business Meeting. The Rules Committee establishes the deadline, which is posted on the ICJ website and announced at various meetings.

*The deadline for proposals to be submitted to the Rules Committee for consideration at the 2019 Annual Business Meeting is January 15, 2019.*

## DEVELOPING & SUBMITTING PROPOSALS

Proposed new rules or amendments must be submitted as follows:

1. Standing Committees may propose rules or amendments by a majority vote;
2. Regions may propose rules or amendments by a majority vote; or
3. During an Annual Business Meeting, any Commissioner may submit a proposal for referral to the Rules Committee for future consideration.

### Recommendation of Issue to Rules Committee for Review

If a Region/Committee has concerns regarding a rules-related issue, the Region/Committee may vote to recommend the Rules Committee review the issue to determine what, if any, further action should be taken. It is not necessary for the Region/Committee to draft a proposal if this type recommendation is made.

### Initial Draft

Initial drafts are commonly developed by the Rules Committee based on recommendations from other committees or regions, but can be developed by any region, committee, commissioner or designee. *A template is attached.*

## Region/Committee Approval

To be considered by a Region/Committee, the proposal must be submitted electronically to the Region/Committee Chair and/or National Office staff. The proposal must be submitted as a Microsoft Word document at least two (2) weeks prior to the meeting. If approved by a majority vote of a Region/Committee, the National Office will forward the proposal to the Rules Committee Chair.

## RULES COMMITTEE REVIEW

The Rules Committee reviews all proposals, taking into consideration the following:

- Proposed language;
- Need/justification for the proposal;
- Impact to other Rules;
- Formatting changes (requires notification to referring Region/Committee Chair);
- Impact on ICJ Forms;
- Legal issues (if applicable); and
- JIDS data and/or impact (if applicable).

## RULES COMMITTEE ACTIONS

After discussing a recommendation or proposal, the Rules Committee will determine whether to develop a proposal, support a proposal as submitted, or recommend changes.

### Rules Committee Proposals

The Rules Committee may develop proposals based on recommendations received from other Committees, Regions Commissioners, or Designees.

### Recommend Substantive Changes to Proposals from Region/Committee

If the Rules Committee determines substantive changes are needed, the proposal will be returned to the referring Region/Committee with reasoning and justification for the suggested changes. The Region/Committee may:

- approve the Rules Committee's changes,
- proceed with its original submission, or
- withdraw its original submission.

Any adjustments made to a proposal must be approved by majority vote of that Region/Committee. A proposal may be withdrawn at any time by the Region/Committee who initially submitted it.

### Recommend Formatting Changes to Proposals

Formatting or technical modifications may be made prior to posting proposals for comment. This may include grammar, numbering (Rule and subsections) and language modifications that do not affect the intent of the proposal or the justification. Any formatting changes are conveyed to the referring Region/Committee Chair, who can dispute the format change for context.

## POSTING AND COMMENTS

### Initial Commission Comment Period

The Rules Committee posts all proposals publicly, allowing Commission Members to submit comments. All comments are posted on the Commission's website. These comments are critical in preparing the final proposal drafts. Referring Regions/Committees should discuss comments prior to the proposal's final drafting and posting. The comment period typically lasts thirty (30) days.

### Final Drafting and Posting

After the initial comment period, the Rules Committee meets to discuss and consider the comments to determine if any changes are needed. According to Rule 2-103, the Rules Committee must post final rule proposals no later than thirty (30) days prior to the scheduled vote at the Annual Business Meeting.

### Public Hearing

Prior to the Commission voting, a Public Hearing is held to allow public input regarding any proposed rule changes. Public comments may also be submitted in writing and read at the Public Hearing. The Public Hearing is typically held in conjunction with the Annual Business Meeting.

## FINAL VOTE AT ANNUAL BUSINESS MEETING

The Rules Committee may present information to educate Commission Members on the proposals prior to vote through a designated training session or through Rules Committee representation at region meetings.

During the General Session, the Commission takes final action by a vote of "yes" or "no." No additional rules or amendments may be made at this time. A rule or amendment may be referred back to the Rules Committee for further action, either prior to or subsequent to final action on the proposed rule or amendment. The Commission also votes to establish the effective date of the rules.

# ICJ RULE PROPOSAL (TEMPLATE)

**Section 1:** *To be completed by the Region Committee or Commissioner submitting the proposal.*

Proposed by: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

## **Proposed New Rule or Amendment:**

*How to format a proposed amendment to a current rule:*

- **Enter** the full rule as it currently exists.
- **Strikethrough** any proposed deleted language.
- **Add** new proposed language in **red** and **underline**.

*How to format a proposed **new** rule:*

- **Present** new rule proposal text all in **red and underline**.
- You may suggest the section of the ICJ Rules where the proposed rule could be added.

## **Justification:**

*Describe why the proposed new rule or amendment is needed; impact to public safety; how it meets goals of the Compact; and case examples.*

**Section 2:** *To be completed by the Rules Committee or National Office; however, initial drafters are welcome to include relevant information.*

## **Effect on Other Rules, Advisory Opinions or Dispute Resolutions:**

*Whether the proposal affects/addresses/conflicts with any other rules, etc.*

## **JIDS Impact:**

*Any impact to JIDS users and whether the proposal can be implemented without modification to JIDS.*

## **Forms Impact:**

*Any impact to specific ICJ Forms and whether the proposal can be implemented without modification to forms.*

## **Fiscal Impact:**

*The National Office will obtain a quote related to JIDS/ICJ Forms enhancements.*

## **Rules Committee Action:**

*The history of the proposal, including all Rules Committee motions, will be documented here.*

## **Effective Date:**

*Date the proposal should be effective, typically March 1 of the year following adoption.*