

ICJ Rule Proposal Guide



Published May 18, 2023

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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 and Commissioners/Designees 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 discussion and analysis by Rules Committee members, posting and comment periods for Commission Members, and a public hearing. In order to be fully vetted, proposals must be submitted in accordance with the deadlines established by the Rules Committee which develops and approves each 2-year cycle calendar. The deadline for proposals to be submitted to the Rules Committee for consideration at the Annual Business Meeting will be determined by the Rules Committee calendar. Dates will be announced by the Commission on the website and in e-Newsletters.

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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. Any Commissioner/Designee 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.

Submitting Proposals of New Rules or Amendments to Rules Committee

Alternately, Standing Committees, Regions, and Commissioners/Designees may submit proposed rules or amendments to the Rules Committee. If a committee or region submits a proposal, it must first be approved by a majority vote.

Drafting Proposals of Amendments or New Rules

Initial drafts are commonly developed by the Standing Committee, Region, or Commissioner/Designee according to the template described in this guide. All Rule proposals submitted to the Rules Committee should include a justification which explains the reasoning for the proposed change or new rule. A Microsoft Word template is available from the National Office upon request. See [past rule proposals](#) for an example. *A template is attached to this guide.*

Review Proposal Template and Formatting Guidelines

The person preparing the proposal should first insert the rule as it is currently written. Then, “strike” language to be removed using the ~~striketrough~~ font option. New language should be added in red letters and underlined. If the proposal is for a new Rule, all of the language should be added in red letters and underlined.

The Justification section is very important. This should be completed as thoroughly as possible before the proposal is submitted. The National Office will review Advisory Opinions and work with Technology Committee to determine forms/data system impact.

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 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 and Data System; and
- Legal issues (if applicable).

Representatives of the Rule Proposal will be invited to attend the Rules Committee meeting when their respective Rule is being presented in order to answer questions or provide clarity on the justification.

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/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 and edit the proposal as suggested,
- draft new language,
- 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.

TECHNOLOGY COMMITTEE REVIEW

The Rules Committee will submit Rule amendments and proposals to the Technology Committee for review of impact on forms and data system prior to final posting, according to ICJ Administrative Policy 02-2020. The Technology Committee and National Office will analyze the impact and prepare quotes which are obtained from the data system vendor to be included with the rule proposals.

POSTING AND COMMENTS

Initial Commission Comment Period

The Rules Committee posts all proposals publicly, and encourages Commissioners, Designees, Compact Administrators, Deputy Compact Administrators, and ex officio members to submit comments.

ICJ Offices are encouraged to coordinate and host state council meetings during this time, as comments from state council members should be submitted during the initial commenting period.

All comments are posted on the Commission's website. These comments are critical in preparing the final proposal drafts. 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. Referring Regions/Committees meet to discuss and consider comments. The referring Region/Committee may amend or withdraw the draft. Action should be taken as swiftly as possible because revisions must be presented to the Rules Committee. 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.

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.

Following the Public Hearing, the Commission shall consider all written and oral comments received. If significant concerns are raised, a rule or amendment may be referred back to the Rules Committee for further action. The Rules Committee has the discretion to edit a proposed rule or amendment prior to final action taken at the Annual Business Meeting based on comments from the Public Hearing, unless the proposal was submitted by a Region/Committee.

Educating the Commission

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.

General Session Voting

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. Approved amendments will be posted on the Commission's website.

RULE AMENDMENT TRAINING

The Rules Committee conducts Rule Amendment trainings on the amendments and new rules prior to the effective date. Typically, this occurs in the month preceding the effective date and includes a review of changes to the Rules, ICJ Forms, and the data system. Rules Committee members volunteer to lead these trainings.

The National Office works to update other training materials based on the amendments and new rules.

EMERGENCY RULES

If an emergency exists that requires immediate promulgation of a new rule or amendment, the Commission may hold a special meeting to vote on the emergency rule/amendment. Reasons to promulgate an emergency rule/amendment include:

1. Meeting an imminent threat to public health, safety, or welfare;
2. Preventing a loss of federal or state funds; or
3. Meeting a deadline for the promulgation of an administrative rule that is established by a federal law or rule. *See ICJ Rule 2-103(10)*

Though not required by the ICJ Rules, the Commission may elect to vote to reaffirm the emergency rule or amendment at the next Annual Business Meeting.

CORRECTIONS TO RULES

In order to address typographical errors, errors in format, consistency or grammar, the Rules Committee Chair may direct a revision to a rule or amendment adopted by the Commission. Public notice is required for a period of 30 days. Any Commissioner or Designee may challenge the revision in writing, only on the grounds that the revision results in a material change to a rule. In the event of a challenge, the revision will not go into effect without approval of the Commission. If there is no challenge, the revision takes place immediately after the 30-day public notice period.

ICJ RULE PROPOSAL (TEMPLATE)

Section 1: To be completed by the Region, Committee, or Commissioner/Designee 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. Hint, copy and paste from the current [ICJ Rules](#).
- **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. Include data, if applicable, to support the proposal.

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.

Data System Impact:

Any impact to data system users and whether the proposal can be implemented without modification to the data system.

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 data system/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.