

MINUTES

HOUSE JUDICIARY, RULES, & ADMINISTRATION COMMITTEE

DATE: Tuesday, January 15, 2013
TIME: 1:30 P.M.
PLACE: Room EW42
MEMBERS: Chairman Wills, Vice Chairman Luker, Representatives Nielsen, Bolz, Bateman, McMillan, Perry, Sims, Dayley, Horman, Packer, Patterson, Trujillo, Burgoyne, Meline, Ringo

**ABSENT/
EXCUSED:** Rep. Malek

GUESTS: Dennis Stevenson, Administrative Rules Coordinator; Holly Koole, Idaho Prosecuting Attorneys Association; Terry McCullough, SECF

Chairman Wills called the meeting to order at 1:30 p.m.

MOTION: **Rep. Bolz** made a motion to approve the minutes from the January 9, 2013 meeting. **Motion carried by voice vote.**

Chairman Wills introduced our **Intern Colt Catlin** who is a junior at Boise State University studying Political Science. Colt told the committee a bit about himself and talked about his future plans. Chairman Wills next introduced our **Page Tasi Lloyd** who is a senior at Caldwell High School. Tasi told the committee about himself and his post high school plans.

Chairman Wills then asked the committee members to introduce themselves and explain why they wanted to become a representative. Committee members spoke about themselves and their past experience on this committee and that, overall, they are excited about the work the Jud/Rules Committee is going to complete this legislative session. Chairman Wills concluded by explaining that each member of the committee will have something unique to bring to the committee. Committee members should not hesitate to ask questions as the committee as a whole has a similar vision for what we wish to accomplish.

Chairman Wills turned the gavel over to **Vice Chairman Luker** at 2:09 p.m.

Vice Chairman Luker introduced **Dennis Stevenson**, Administrative Rules Coordinator for the Department of Administration. Mr. Stevenson explained the different types of rules and the differences between them procedurally. He also explained the meaning of the colors of each of the rule book covers. He stated the committees in both the House and Senate must act by Concurrent Resolution to take action on Pending Rules and rejecting the rules in whole or in part is done in lieu of amending the rules which is not permitted. He said a pending rule will go into effect unless the rule is rejected by Concurrent Resolution. As for Pending Fee rules, Mr. Stevenson said that one house may reject the rule(s) over the objection of the other house and there needs to be one resolution stating which rules are to be approved or rejected. He then referenced the handout that explains the Administrative Rules procedure in greater detail.

Mr. Stevenson next spoke about the Proclamation Rules, which are unique to the Department of Corrections and said the Proclamation Rules comply with Idaho Administrative Procedure Act (IDAPA) to the extent that they are published in the Administrative Bulletin. However, a Proclamation Rule will become final 30 days after publication so the Proclamation Rule presently in front of the committee is already in effect. He explained further that rules from the Department of Corrections come in the form of a Proclamation but are really just like any of the Pending Rules, there needs to be a Concurrent Resolution to pass or reject. **Rep. Nielsen** then referenced any rule in the Administrative Code currently and commented about legislative intent. Mr. Stevenson provided an example of an older rule and how legislative intent is bound to change over time.

Vice Chairman Luker then began dividing the Rule Subcommittees and listed subcommittee chairs, members and assigned rules. **Reps. Bolz, Sims and Nielsen** will chair the three rules subcommittees. Vice Chairman Luker explained that once the subcommittees meet they will report their recommendations back to the full committee. He said the target date to have the rules reported back to the full committee is January 28, 2013. He concluded by outlining the assignments for each subcommittee: Rep. Bolz will have the Proclamation and the two Pending Fee rules, the Nielsen Subcommittee has the first four rules in the Pending Rules booklet and the Sims Subcommittee has the last four rules in the Pending Rule booklet.

Vice Chairman Luker returned the gavel to **Chairman Wills** at 2:27 p.m.

Rep. Nielsen stated that he would like to meet with his subcommittee members upon adjournment of the full committee meeting.

ADJOURN: There being no further business to come before the committee the meeting was adjourned at 2:28 p.m.

Representative Wills
Chair

Stephanie Nemore
Secretary