



**RULES COMMITTEE MINUTES**

**September 5, 2018**

PRESENT	Mary Gable	Maryland Commissioner	Chair
	Taneka Miller	District of Columbia Commissioner	Vice Chair
	Kathleen Berg	Hawaii Commissioner	
	Daniel Dunham	Virginia Commissioner Designee	
	Douglas Ragland	Alabama Commissioner	
	Cherise Imai	MIC3 Executive Director	
	Lindsey Dablow	Training and Operations Associate	Secretary
	Richard Pryor	Communications Associate	
EXCUSED	Alex Erwin	North Carolina Commissioner	
ABSENT	Robert Staver	Pennsylvania Commissioner	
	Charles Tack	Arizona Commissioner Designee	
	Rick Masters	General Counsel	

**ITEM 1 – CALL TO ORDER AND WELCOME**

1. Committee Chair and Maryland Commissioner, Mary Gable, called the meeting to order at 2:02 PM EST.

**ITEM 2 – AGENDA AND MINUTES**

2. Commissioner Taneka Miller (DC) motioned to approve the agenda as amended, seconded by Commissioner Designee Daniel Dunham (VA). Motion carried. Commissioner Kathleen Berg (HI) motioned to approve the August 8, 2018 minutes as submitted, seconded by Commissioner Miller. Motion carried.

**ITEM 3 – OLD BUSINESS**

3. ***FY2018 National Office Case/Inquiry Report*** – Executive Director Cherise Imai presented the National Office Case/Inquiry Report. This document will be reviewed during Rules Committee meetings as new cases are submitted. The document is housed on MIC3’s website. Within the past two months roughly 18 cases were submitted which was the total number of case submitted in FY17. Chair Gable suggested adding “FY2019” to the header of the document. Commissioner Berg stated the increase in cases could be attributed to the National Office and the Commission’s outreach efforts. **[OPEN]**

**ITEM 4 – NEW BUSINESS**

4. ***Promulgation of Rules and Rules Guide*** – Chair Gable directed Members to review the edited MIC3 Promulgation of Rules document and opened the floor for discussion. Commissioner Berg expressed her gratitude for the inclusion of the Rules language and asked for clarification on Section 2.102 *Adoption of rules*, subsection 3 use of the term “regional group of states.” Originally the Compact language was modeled after the Council of State

Government which refers to regional grouping of states, but for some time now MIC3 has placed states into Tier Groups based on the number of active duty military residing in a state.

Commissioner Berg questioned the two-year timeline for adopting Rules proposed in the document and found in Section 2.102, subsection (b) of the Rules language that states *"The Rules Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by the Commission no later than the next annual meeting falling in an odd-numbered year."* Chair Gable questioned if the Committee should clarify subsection (b) to reflect when a rule can be brought before the full commission for a vote. ED Imai informed Members that General Counsel has spoken to this. The change can be made to the Rules language through a proposed Rule Change. The "regional group of states" is taken directly from our language so General Counsel advised a notation be made reflecting the use of Tier Groups but did not advise deleting the phrase in favor of Tier Groups. General Counsel also stated a Rules Change could be voted on before the full Compact in any year not just odd-numbered years.

Chair Gable asked ED Imai to clarify if the language in the Rules could be edited without a proposed Rule Change being drafted. ED Imai responded General Counsel Masters said a Rule Change should be made if the Rule language is being quoted directly. The Rules Committee through discussion expressed support for editing and cleaning the language present in the current Rules after the Annual Business Meeting (ABM).

Commissioner Miller interjected the fact that each Committee Member has interpreted the Rules language differently indicates a need for clarification. Commissioner Douglas Ragland (AL) provided his understanding of the Rules language and asked the other Members if the odd-numbered year was when it is voted on or if that is when it is enacted. Chair Gable asked ED Imai to discuss the concerns and questions raised by the Rules Committee with General Counsel Rick Masters and provide his feedback to the Committee before further development of the MIC3 Promulgation of Rules process.

Commissioner Miller closed the discussion stating the subsection of the Rules language was meant to allow notice so a robust discussion involving the full commission could take place and proposed changes to the Rules, especially controversial proposals, warrant notice and a full discussion. Commissioner Miller suggested as the committee moves forward and considers changes to the current language the Committee keep something in place that allows time for the full Commission to participate in the discussion. [OPEN]

5. **Rules Change Proposal on State Council Annual Meetings** – The legal rationale prepared by General Counsel Rick Masters and Compliance Chair Daron Korte (MN) was emailed during the meeting due to when it was received by the National Office.

Several Members raised questions about the language contained in the final paragraph of the legal rationale. ED Imai confirmed Rules Committee Members would be allowed to offer input that would be provided to General Counsel Rick Masters for approval.

The Chair closed the discussion asking the Members to review the legal rationale and provide feedback or proposed language changes to the Committee Secretary for General

Counsel Masters to review. ED Imai reminded Members the public notice for the Proposed Rules Change along with the legal rationale would need to be posted by September 17, 2018 to meet the 30-day notice requirements outlined in the Compact's bylaws. Commissioner Miller asked if there would be an opportunity to provide feedback or suggested changes to the proposed Rule at ABM and ED Imai responded in the affirmative. Once the public notice is posted any feedback received prior to the ABM will be provided to the full Commission at the meeting.

#### **ITEM 4 – NEW BUSINESS**

6. **MIC3 – Unique Case Submission-** Chair Gable reminded Members the Committee decided two meetings ago to allow DOD Representatives to submit cases. ED Imai asked the Rules Committee to review the submittals and determine next steps regarding how the cases would be used in the future. The original intent was to use the cases for training.

The National Office is aware of two other Compacts that publish the cases or spotlight a case on a monthly basis. Should MIC3 choose to do something similar Rules will need to review the cases and scrub them for identifying information. Commissioner Berg voiced support for using cases as a learning tool featuring them in the newsletters and asked where the cases are published and who has access to them? ED Imai explained the Rules Committee was the only group to preview the cases and until they were cleaned up and next steps decided it should only live in the Commissioner Portal.

ED Imai asked the Members to read through the cases for clarity and comprehension. Commissioner Miller and Chair Gable volunteered to proof the cases and provide editing marks for the National Office to scrub the case files. The Rules Committee decided to review and edit the cases. The scrubbed cases will be added to the agenda for the next meeting on October 3, 2018. **[OPEN]**

#### **ITEM 5 – ADJOURNMENT**

With no further business to discuss, Chair Gable adjourned the meeting at 3:09 PM EDT.

Respectfully submitted by:

Lindsey Dablow  
Training and Operations Associate, Secretary

**Next Meeting - Wednesday, October 3, 2018 at 2:00 PM EST.**