

Members

Rep. Jerry Denbo, Chairperson
Rep. Win Moses
Sen. Luke Kenley
Sen. Teresa Lubbers
Sen. Lindel Hume
Sen. Richard Young
Rep. Michael Murphy
Rep. John Ulmer



ADMINISTRATIVE RULES OVERSIGHT COMMITTEE

LSA Staff:

George T. Angelone, Attorney for the Committee
Mark Bucherl, Fiscal Analyst for the Committee

Authority: IC 2-5-18

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 232-9588 Fax: (317) 232-2554

MEETING MINUTES¹

Meeting Date: October 6, 1999
Meeting Time: 10:30 A.M.
Meeting Place: State House, 200 W. Washington
St., Room 404
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Rep. Jerry Denbo, Chairperson; Rep. Win Moses; Sen. Luke Kenley; Sen. Teresa Lubbers; Sen. Lindel Hume; Sen. Richard Young.

Members Absent: Rep. Michael Murphy; Rep. John Ulmer.

Rep. Denbo called the meeting to order. Copies of the minutes for the September 13, 1999 meeting were distributed (available from the Legislative Information Center as "Exhibit 1").

The Committee discussed the study topic assigned to the Committee by the Legislative Council:

Study the feasibility of delaying the effective dates and suspending the operation of administrative rules in order to permit the general assembly to have a reasonable opportunity to review each rule or emergency rule.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

The Committee received testimony from Kathryn Azhar suggesting that there is a need for legislative oversight of administrative rules. She pointed to actions of the Office of Family and Children which were being taken without adopting a rule but were terminated after a complaint was filed with the Administrative Rules Oversight Committee. She noted that it is expensive for a private citizen to litigate issues related to rulemaking. She suggested that the General Assembly authorize the Committee to file lawsuits on behalf of citizens

The Committee, by unanimous vote, directed its Staff to take the following actions:

- (1) Prepare a final report for the Committee that reflected the discussions of the Committee.
- (2) In order to encourage the filing of complaints with the Committee, reinstate the Committee's prior program of issuing press releases and other information about the Committee and its functions to:
 - (A) the public;
 - (B) legislators who are not members of the Committee; and
 - (C) state agency heads.
- (3) Place information about the Committee and its complaint process on the legislative Internet WEB site operated through Access Indiana.
- (4) Initiate a program to:
 - (A) summarize the frequency and nature of public comments made to agencies adopting proposed rules and the changes that agencies make in response to public comments; and
 - (B) bring the summaries to the attention of the Committee.

The Committee reviewed the Complaint submitted by Bonnie L. Janiszewski (available from the Legislative Information Center as "Exhibit 2"). The Staff Attorney indicated that the Complainant seeks to have the Committee modify the civil procedure statutes to make it easier for a victim of an IOSHA violation to recover damages in court. The Committee determined that the Committee was not authorized by statute to review complaints about state statutes, only rules and agency practices that fail to comply with state law. The Committee dismissed the Complaint. The Committee expressed its condolences to Bonnie L. Janiszewski for the tragic loss of her son.

The Committee reviewed the Complaint submitted by Recycling Group Inc. (available from the Legislative Information Center as "Exhibit 3"). The Staff Attorney indicated that the Complaint involved a matter that is the subject of a proposed rulemaking action. The Committee determined that consideration of the Complaint was premature until the affected agency took an action to adopt its proposed rule. The Committee tabled further action on the Complaint.

Rep. Denbo set the next meeting of the Committee for October 20, 1999. The meeting will be held at the French Lick Springs Hotel. The Committee will hear testimony concerning the real property assessment manual being proposed by the State Board of Tax Commissioners.

Rep. Denbo adjourned the meeting.