

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:

SEN. DON HARMON

CO-CHAIR:

REP. KEITH WHEELER

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SEN. SUE REZIN
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SEN. CHUCK WEAVER
REP. PETER BREEN
REP. BARBARA FLYNN CURRIE
REP. TOM DEMMER
REP. GREG HARRIS
REP. ANDRÉ THAPEDI

MINUTES

September 18, 2018

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, September 18, 2018 at 11:00 a.m. in Room C600 of the Michael A. Bilandic Building, Chicago IL. Co-Chair Harmon called the meeting to order and announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee meetings. Other persons are encouraged to submit their comments to the JCAR office in writing.

ATTENDANCE ROLL CALL

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|--------------------------|-------------------------------------|
| X Senator Pamela Althoff | X Representative Peter Breen |
| X Senator Don Harmon | Representative Barbara Flynn Currie |
| X Senator Tony Muñoz | X Representative Tom Demmer |
| Senator Sue Rezin | X Representative Greg Harris |
| Senator Ira Silverstein | X Representative André Thapedi |
| X Senator Chuck Weaver | X Representative Keith Wheeler |

APPROVAL OF THE MINUTES OF THE AUGUST 14, 2018 MEETING

Sen. Althoff moved, seconded by Sen. Muñoz, that the minutes of the August 14, 2018 meeting be approved. The motion passed unanimously (9-0-0).

AGENCY RESPONSE

Illinois Housing Development Authority – Public Information, Rulemaking and Organization (2 Ill. Adm. Code 1975; 42 Ill. Reg. 12336)

Due to the appropriateness of the agency's response, no further action was taken.

CONSIDERATION OF OTHER RULEMAKINGS

Department of Revenue – Invest in Kids Act (86 Ill. Adm. Code 1000; 42 Ill. Reg. 7448)

Co-Chair Harmon announced that this rulemaking would be considered at the October JCAR meeting.

Department of Financial and Professional Regulation – Pharmacy Practice Act (68 Ill. Adm. Code 1330; 41 Ill. Reg. 15130)

Craig Cellini represented DFPR and agreed to a suggested Extension. Co-Chair Harmon noted that this rulemaking had generated concern among veterinarians.

Rep. Thapedi; What prompted DFPR to propose this rulemaking? Mr. Cellini: It was a response to a scandal over a Massachusetts-based compounding pharmacy a few years back. As a result of that scandal, federal standards changed and DFPR promulgated new rules. Due to concerns from veterinarians, however, the compounding provisions were removed from those rules, with the understanding that DFPR would reintroduce the compounding rules later. DFPR's primary concern was with medications administered to humans, not animals.

Sen. Weaver moved, seconded by Rep. Thapedi, that JCAR, with the concurrence of DFPR, extend the 2nd Notice period for an additional 45 days. The motion passed unanimously (9-0-0).

Governor's Office of Management and Budget – Grant Accountability and Transparency Act (44 Ill. Adm. Code 7000; 41 Ill. Reg. 12265)

Jennifer Butler, Deputy Director of Accountability and Results, represented GOMB. Sen. Althoff said that, as an original sponsor of the legislation creating this program, she is a strong supporter of their work, but expressed JCAR's disappointment that GOMB did not adopt the rules by the statutory deadline, proceeded to implement policy without submitting it to the rulemaking process and giving the public a chance to comment on it. She asked that, in the future, GOMB follow the requirements of the IAPA and be more professional in meeting deadlines. Ms Butler said she understood that expectation and requirement. GOMB worked with about 5,600 grantees Statewide to create pilot expectations and frameworks that became the policies posted on GOMB's website. She acknowledged that this was not sufficient under the IAPA.

Sen. Althoff moved, seconded by Sen. Muñoz, that JCAR recommend that GOMB be more timely in enacting statutorily required rules and take care to not implement its policies prior to adoption of the underlying rule. Section 25 of the Grant Accountability and Transparency Act [30 ILCS 708] requires that the rules for the second tier of GATA implementation be adopted by 7/1/17. The motion passed unanimously (9-0-0).

Pollution Control Board – Emissions Reduction Market System (35 Ill. Adm. Code 205; 42 Ill. Reg. 6572)

Richard McGill, Senior Attorney, and Tim Fox, Attorney and Legislative Liaison, represented PCB. In response to Co-Chair Harmon's request, Mr. Fox said that PCB would concur in an Extension of this rulemaking.

Rep. Demmer moved, seconded by Rep. Harris, that JCAR, with the concurrence of the Pollution Control Board, extend the Second Notice Period for this rulemaking for an additional 45 days. The motion passed unanimously (9-0-0).

CERTIFICATION OF NO OBJECTION

Rep. Breen moved, seconded by Rep. Thapedi, that the Committee inform the agencies to whose rulemakings the Committee has not voted an Objection or Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the agreements for modification of the rulemaking made by the agency, no Objections will be issued. The motion passed unanimously (9-0-0), except that Co-Chair Harmon abstained from voting on the State Board of Investment's amendments to Rules and Regulations of the Board (74 Ill. Adm. Code 800; 42 Ill. Reg. 6630), which was approved 8-0-1.

Co-Chair Harmon noted that it was Sen. Althoff's last JCAR meeting, thanked her for her service, and said the Committee would miss her far more than she could imagine. Rep. Thapedi echoed these sentiments, praising her leadership and collegiality and calling her a pleasure to work with.

ANNOUNCEMENT OF OCTOBER MEETING DATE

Co-Chair Harmon announced that the next JCAR meeting would be held at 11:00 a.m. on Tuesday, October 16, 2018, in Room C500 (the auditorium) of the Michael A. Bilandic Building, Chicago IL.

ADJOURNMENT

Sen. Althoff moved, seconded by Rep. Thapedi, that the meeting stand adjourned. The motion passed unanimously.

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