

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. DON HARMON

CO-CHAIR:
REP. KEITH WHEELER

EXECUTIVE DIRECTOR:
VICKI THOMAS



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SEN. KIMBERLY LIGHTFORD
SEN. TONY MUÑOZ
SEN. SUE REZIN
SEN. PAUL SCHIMPF
SEN. CHUCK WEAVER
REP. TOM DEMMER
REP. MIKE HALPIN
REP. GREG HARRIS
REP. STEVEN REICK
REP. ANDRÉ THAPEDI

MINUTES

January 15, 2019

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, January 15, 2019 at 10:30 a.m. in Room C-1 of the Stratton Office Building, Springfield 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

X Senator Don Harmon	X Representative Tom Demmer
X Senator Kimberly Lightford	X Representative Greg Harris
X Senator Tony Muñoz	X Representative Steven Reick
X Senator Sue Rezin	X Representative André Thapedi
X Senator Paul Schimpf	X Representative Keith Wheeler
X Senator Chuck Weaver	

Co-Chair Harmon welcomed new members Sen. Lightford and Rep. Reick to JCAR.

APPROVAL OF THE MINUTES OF THE DECEMBER 11, 2018 MEETING

Rep. Demmer moved, seconded by Sen. Schimpf, that the minutes of the December 11, 2018 meeting be approved. The motion passed unanimously (11-0-0).

REVIEW OF AGENCY RULEMAKINGS

Department of Insurance – Required Procedure for Filing and Securing Approval of Policy Forms (50 Ill. Adm. Code 916; 42 Ill. Reg. 17342)

Sen. Weaver moved, seconded by Sen. Rezin, that JCAR object to this rulemaking because DOI has not adequately addressed JCAR questions and public comment. The motion passed unanimously (11-0-0).

Department of Public Health – Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300; 42 Ill. Reg. 18553) and Sheltered Care Facilities (77 Ill. Adm. Code 330; 42 Ill. Reg. 18568)

Rep. Harris moved, seconded by Sen. Muñoz, that JCAR recommend that the Department of Public Health be more timely in reflecting statutory requirements in rule. PA 98-104 became effective 7/22/13. The motion passed unanimously (11-0-0).

Department of Healthcare and Family Services – Medical Payment (89 Ill. Adm. Code 140; 42 Ill. Reg. 18242)

Co-Chair Harmon noted that the Department had agreed to an Extension. Rep. Demmer moved, seconded by Sen. Schimpf, that JCAR, with the concurrence of the Department of Healthcare and Family Services, extend the Second Notice for the rulemaking titled Medical Payment (89 Ill. Adm. Code 140; 42 Ill. Reg. 18242) for an additional 45 days. The motion passed unanimously (11-0-0).

Department of Labor – Minimum Wage Law (56 Ill. Adm. Code 210; 42 Ill. Reg. 17091)

Co-Chair Harmon noted that the Department had agreed to an Extension. Rep. Reick moved, seconded by Sen. Weaver, that JCAR, with the concurrence of the Department of Labor, extend the Second Notice period for the rulemaking titled Minimum Wage Law (56 Ill. Adm. Code 210; 42 Ill. Reg. 17091) for an additional 45 days. The motion passed unanimously (11-0-0).

AGENCY RESPONSES

Department of Employment Security – Administrative Hearings and Appeals (56 Ill. Adm. Code 2725; 42 Ill. Reg. 16978); Payment of Unemployment Contributions, Interest and Penalties (56 Ill. Adm. Code 2765; 42 Ill. Reg. 17028); Collection of Unemployment Contributions (56 Ill. Adm. Code 2790; 42 Ill. Reg. 17048)

Department of Human Services – Temporary Assistance for Needy Families (Emergency) (89 Ill. Adm. Code 112; 42 Ill. Reg. 18495)

Property Tax Appeals Board – Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 Ill. Adm. Code 1910; 42 Ill. Reg. 3862)

Due to the appropriateness of the agencies' responses, no further action was taken.

Department of Human Services – Medicaid Community Mental Health Services Program (Repealer) (59 Ill. Adm. Code 132; 42 Ill. Reg. 7322) and Medicaid Community Mental Health Services Program (New Part) (59 Ill. Adm. Code 132; 42 Ill. Reg. 7408)

Sen. Weaver moved, seconded by Rep. Thapedi, that JCAR issue a Notice of Failure to Remedy. The motion passed unanimously (11-0-0).

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

Sen. Weaver moved, seconded by Rep. Thapedi, that JCAR issue a Notice of Failure to Remedy. The motion passed unanimously (11-0-0).

CONSIDERATION OF OTHER RULEMAKINGS/ISSUES

Department of Public Health – Lead Poisoning Prevention Code (77 Ill. Adm. Code 845; 42 Ill. Reg. 15784)

Rep. Wheeler moved, seconded by Sen. Lightford, that JCAR recommend that, if DPH wishes to substitute the broader term "lead exposure" for "lead poisoning" in its rules, it seek a statutory change to encompass the term "lead exposure". The motion passed unanimously (11-0-0).

Secretary of State – Grant Application and Award Procedures – Census Participation and Immigrant Community Assistance Grants (89 Ill. Adm. Code 1500; 42 Ill. Reg. 18440)

Nathan Maddox, representing SOS, confirmed that SOS would concur in an Extension of the 2nd Notice period for this rulemaking. Rep. Thapedi moved, seconded by Sen. Lightford, that the 2nd Notice period be extended for an additional 45 days. The motion passed unanimously (11-0-0).

Department of Insurance – Premium Trust Fund Account (50 Ill. Adm. Code 3113; 42 Ill. Reg. 18372)

Co-Chair Harmon announced that this rulemaking would be considered at JCAR's February meeting.

CERTIFICATION OF NO OBJECTION

Rep. Demmer moved, seconded by Sen. Schimpf, 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, except that Rep. Wheeler voted Present on the rulemaking of the Department of Financial and Professional Regulation titled Real Estate License Act of 2000 (68 Ill. Adm. Code 1450).

ANNOUNCEMENT OF FEBRUARY MEETING DATE

Co-Chair Harmon announced that the next JCAR meeting is scheduled for Tuesday, February 19, 2019, in Room C-1 of the Stratton Office Building, Springfield IL, at 10:30 a.m.

ADJOURNMENT

Rep. Harris moved, seconded by Sen. Muñoz, that the meeting stand adjourned. The motion passed unanimously (11-0-0).