

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. DON HARMON

CO-CHAIR:
REP. KEITH WHEELER

EXECUTIVE DIRECTOR:
VICKI THOMAS



700 STRATTON BUILDING
SPRINGFIELD, ILLINOIS 62706
217/785-2254

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

MINUTES

March 12, 2019

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, March 12, 2019 at 10:30 a.m. in Room 122B of the Capitol 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 Mike Halpin
X Senator Tony Muñoz	X Representative Frances Hurley
X Senator Sue Rezin	X Representative Steven Reick
X Senator Paul Schimpf	X Representative André Thapedi
X Senator Chuck Weaver	X Representative Keith Wheeler

APPROVAL OF THE MINUTES OF THE FEBRUARY 19, 2019 MEETING

Sen. Schimpf moved, seconded by Rep. Demmer, that the minutes of the February 19, 2019 meeting be approved. The motion passed unanimously (12-0-0).

REVIEW OF AGENCY RULEMAKINGS

State Board of Education – Gifted Education (23 Ill. Adm. Code 227; 42 Ill. Reg. 12920)

Rep. Halpin moved, seconded by Rep. Hurley, that JCAR, with the concurrence of the State Board of Education, extend the Second Notice Period for this rulemaking for an additional 45 days. The motion passed unanimously (12-0-0).

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

Rep. Reick moved, seconded by Sen. Lightford, that JCAR object to this rulemaking because it does not adequately define or explain the elements of the Integrated Health Home program that it purports to implement. The Department has indicated it intends to withdraw this rulemaking and further consider the issues addressed in this rulemaking in the context of other programs, policies and best practices. The motion passed unanimously (12-0-0).

Illinois Racing Board – Prohibited Conduct (Repealer) (11 Ill. Adm. Code 423; 42 Ill. Reg. 23707)

Sen. Rezin moved, seconded by Sen. Muñoz, that JCAR object to this rulemaking because the repeal of this Part would allow the Board to determine, outside of rule, what is considered prohibited conduct by a licensee. The motion passed unanimously (12-0-0).

AGENCY RESPONSES

Department of Natural Resources – Public Use of State Parks and Other Properties of the Department of Natural Resources (17 Ill. Adm. Code 110; 42 Ill. Reg. 7905)

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

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

CONSIDERATION OF OTHER RULEMAKINGS

Environmental Protection Agency – Procedure for the Certification of Operations of Wastewater Treatment Works (35 Ill. Reg. 380; 42 Ill. Reg. 8033)

Rep. Thapedi moved, seconded by Sen. Muñoz, that JCAR object to EPA's refusal to respond to DCEO's request for information about the small business impact of this rulemaking. EPA justified its refusal to respond on Sec. 5-165 of the IAPA, which sets requirements governing ex parte communications in the rulemaking process. However, Sec. 5-165 does not prohibit such communication. It simply requires that it be reported and made part of the official record. Furthermore, DCEO was fulfilling its mandate under Sec. 5-30(c) of the IAPA, which requires it to carry out an analysis of a rule's impact on small business upon JCAR's request. It is unlikely that the intent of Sec. 5-165 was to allow agencies to use concerns about ex parte communications to avoid talking to the public. It is more improbable that the intent was to enable agencies to obstruct DCEO's process of discerning a proposed rule's effect on small businesses. The motion passed unanimously (12-0-0).

Secretary of State – Public Use of Capitol Complex and Springfield Facilities (71 Ill. Adm. Code 2005; 42 Ill. Reg. 24819)

Co-Chair Wheeler moved, seconded by Sen. Weaver, that JCAR object to this rulemaking because of the agency's inability to address concerns raised by public comment within the remainder of the Second Notice period. The motion passed unanimously (12-0-0).

CERTIFICATION OF NO OBJECTION

Sen. Schimpf moved, seconded by Rep. Demmer, 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 (12-0-0).

ANNOUNCEMENT OF APRIL MEETING DATE

Co-Chair Wheeler announced that the next JCAR meeting is scheduled for Tuesday, April 9, 2019, in Room 122B of the Capitol Building, Springfield IL, at 10:30 a.m.

ADJOURNMENT

Rep. Halpin moved, seconded by Rep. Hurley, that the meeting stand adjourned. The motion passed unanimously (12-0-0).

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