

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. DON HARMON

CO-CHAIR:
REP. KEITH WHEELER

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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. FRANCES HURLEY
REP. STEVEN REICK
REP. ANDRÉ THAPEDI

MINUTES

May 14, 2019

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, May 14, 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	Representative Tom Demmer
X Senator Kimberly Lightford	X Representative Mike Halpin
X Senator Tony Muñoz	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 APRIL 9, 2019 MEETING

Sen. Weaver moved, seconded by Sen. Schimpf, that the minutes of the April 9, 2019 meeting be approved. The motion passed unanimously (10-0-0).

REVIEW OF AGENCY RULEMAKINGS

Illinois Commerce Commission – Regulatory Accounting Treatment for Cloud-Based Computing Solutions (83 Ill. Adm. Code 289; 42 Ill. Reg. 12369)

Co-Chair Harmon noted that the Extension on this rulemaking will encompass the Committee's June meeting. This rulemaking will be considered at that meeting.

Environmental Protection Agency – Clean Air Act Permit Program Procedures (35 Ill. Adm. Code 270; 43 Ill. Reg. 1456)

Sen. Rezin moved, seconded by Sen. Lightford, that JCAR recommend that EPA be more timely in reflecting statutory changes in its rules. PA 93-32, which changed the fee structure for Clean Air Act permits, was effective 7/1/03. In addition, the change of EPA office address reflected in this rulemaking occurred in 1997. The motion passed unanimously (10-0-0).

Department of Financial and Professional Regulation – Illinois Dental Practice Act (68 Ill. Adm. Code 1220; 42 Ill. Reg. 19144)

Sen. Muñoz moved, seconded by Rep. Reick, that JCAR, with the concurrence of DFPR, extend the Second Notice period for this rulemaking for an additional 45 days. The motion passed unanimously (10-0-0).

Department of Public Health – Alzheimer's Disease and Related Dementias Services Code (77 Ill. Adm. Code 973; 42 Ill. Reg. 19510)

Rep. Halpin moved, seconded by Rep. Thapedi, that JCAR recommend that the Department take more care to comply with statute in a timely manner. PA 99-822 required rules implementing the Act to be published by 9/1/17. The motion passed unanimously (10-0-0).

AGENCY RESPONSE

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

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

CONSIDERATION OF OTHER RULEMAKINGS

Capital Development Board – Illinois Energy Conservation Code (71 Ill. Adm. Code 600; 42 Ill. Reg. 21491)

Sen. Schimpf moved, seconded by Rep. Thapedi, that JCAR object to and prohibit the filing of this rulemaking because the Board is unable to adequately address outstanding public comment. The Board currently has two vacant seats. CDB's inability to allow public commentators to present their concerns before a full Board places the public commentators at a disadvantage, possibly leaving language in the rulemaking that would negatively impact most persons or entities constructing or remodeling a residential or commercial building in Illinois. JCAR finds that this presents a threat to the public interest.

Co-Chair Harmon noted that this is a procedural prohibition designed to give the newly constituted CDB a chance to consider this rulemaking. The motion passed unanimously (10-0-0).

FILING PROHIBITION ROLL CALL

Y Senator Don Harmon	Representative Tom Demmer
Y Senator Kimberly Lightford	Y Representative Mike Halpin
Y Senator Tony Muñoz	Representative Frances Hurley
Y Senator Sue Rezin	Y Representative Steven Reick
Y Senator Paul Schimpf	Y Representative André Thapedi
Y Senator Chuck Weaver	Y Representative Keith Wheeler

CERTIFICATION OF NO OBJECTION

Sen. Weaver 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 (10-0-0), except that, on Tab 15 (Department of Financial and Professional Regulation's Rules for Administration of the Compassionate Use of Medical Cannabis Pilot Program (68 Ill. Adm. Code 1290; 42 Ill. Reg. 22333)), Sen. Rezin abstained, resulting in a vote of 9-0-1.

ANNOUNCEMENT OF MAY MEETING DATE

Co-Chair Harmon announced that the next JCAR meeting is scheduled for Tuesday, June 11, 2019, in Room C600 of the Michael A. Bilandic Building, Chicago IL at 11:00 a.m.

ADJOURNMENT

Sen. Rezin moved, seconded by Sen. Lightford, that the meeting stand adjourned. The motion passed unanimously (10-0-0).

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