

# 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

June 11, 2019

### MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, June 11, 2019 at 11:00 a.m. in Room C600 of the Michael A. Bilandic Building, Chicago IL. Co-Chair Wheeler 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
Senator Kimberly Lightford	X Representative Mike Halpin
X Senator Tony Muñoz	X Representative Frances Hurley
X Senator Sue Rezin	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 MAY 14, 2019 MEETING

Rep. Hurley moved, seconded by Sen. Schimpf, that the minutes of the May 14, 2019 meeting be approved. The motion passed unanimously (10-0-0).

### REVIEW OF AGENCY RULEMAKINGS

*Illinois Commerce Commission – Certification of Alternative Retail Electric Suppliers (83 Ill. Adm. Code 451; 42 Ill. Reg. 21556)*

Sen. Muñoz moved, seconded by Rep. Demmer, that JCAR recommend that the Illinois Commerce Commission take more care to reflect statutory changes in its rules in a timely manner. PA 97-222, which requires RES to give customers the website address of ICC's consumer education website, rather than provide paper copies at the customer's request, was effective 7/28/11. It has taken ICC over 8 years to reflect this statutory change in this Part. The motion passed unanimously (10-0-0).

*Illinois Community College Board – Administration of the Illinois Public Community College Act (23 Ill. Adm. Code 1501; 42 Ill. Reg. 20592)*

Sen. Weaver moved, seconded by Rep. Halpin, that JCAR recommend that the Board be more timely in

implementing statutory requirements and avoid prior implementation of its policies. This rule change was required by PA 99-692, effective 1/1/17. 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)***

Rep. Thapedi moved, seconded by Sen. Rezin, that JCAR object to this rulemaking because its provisions will need to be updated to reflect recent policy approved by the General Assembly. The motion passed unanimously (10-0-0).

**AGENCY RESPONSES**

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

No further action will be taken at this time. Staff will monitor.

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

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

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

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

**WITHDRAWAL OF FILING PROHIBITION**

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

Sen. Harmon moved, seconded by Rep. Thapedi, that JCAR withdraw the Filing Prohibition, voted on this rulemaking on 5/14/19, contingent upon, and effective with, CDB's adoption of the rulemaking with the agreed modifications.

**ROLL CALL ON WITHDRAWING PROHIBITION**

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

The motion passed unanimously (10-0-0).

## **CONSIDERATION OF OTHER RULEMAKINGS**

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

Matthew Harvey, Staff Attorney, and Richard Bridal II, Director of Financial Analysis Division, represented ICC. Sen. Rezin asked if ICC would commit to taking up this subject in the future should JCAR object. Mr. Harvey replied that ICC would absolutely do so.

Rep. Hurley moved, seconded by Sen. Weaver, that JCAR object to this rulemaking because JCAR has not yet received sufficient information regarding the economic impact of this rulemaking on affected ratepayers. The motion passed unanimously (10-0-0).

### ***Department of Insurance – Workers' Compensation Electronic and Standardized Paper Billing (50 Ill. Adm. Code 2908; 43 Ill. Reg. 960)***

Robert Planthold, Assistant General Counsel, represented DOI. Co-Chair Harmon moved, seconded by Sen. Muñoz, that JCAR object to this rulemaking because DOI is reiterating the statutory discretion it has to determine the amount of fines rather than establishing the standards it will use in exercising that discretion. Sec. 5-20 of the IAPA requires agencies to provide in rule the standards they will use in exercising statutory discretion. Without those standards, the rulemaking has no provisions providing equal protection under the law. The motion passed unanimously (10-0-0).

### ***Department of Revenue – Income Tax (86 Ill. Adm. Code 100; 42 Ill. Reg. 19605)***

A representative of the Department of Revenue confirmed that DOR agrees to an Extension. Rep. Halpin moved, seconded by Rep. Demmer, that JCAR, with the concurrence of DOR, extend the Second Notice period for this rulemaking for an additional 45 days. The motion passed unanimously (10-0-0).

## **EXPEDITED CORRECTION**

### ***Department of Financial and Professional Regulation – Residential Mortgage License Act of 1987 (38 Ill. Adm. Code 1050; 43 Ill. Reg. 6864)***

Rep. Hurley moved, seconded by Sen. Muñoz, that JCAR certify the Expedited Correction effective 5/10/19. The motion passed unanimously (10-0-0).

## **CERTIFICATION OF NO OBJECTION**

Rep. Thapedi 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).

## **ANNOUNCEMENT OF JULY MEETING DATE**

Co-Chair Wheeler announced that the next JCAR meeting is scheduled for Tuesday, July 16, 2019, in Room C600 of the Michael A. Bilandic Building, Chicago IL at 11:00 a.m.

## **ADJOURNMENT**

Co-Chair Harmon moved, seconded by Rep. Demmer, that the meeting stand adjourned. The motion passed unanimously (10-0-0).

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