

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. BILL CUNNINGHAM

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

February 18, 2020

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, February 18, 2020, at 10:30 a.m. in Room C-1 of the Stratton Building, Springfield 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 Bill Cunningham	X Representative Tom Demmer
X Senator Kimberly Lightford	X Representative Mike Halpin
X Senator Tony Muñoz	X Representative Frances Hurley
Senator Sue Rezin	X Representative Steven Reick
X Senator Paul Schimpf	X Representative André Thapedi
Senator Chuck Weaver	X Representative Keith Wheeler

APPROVAL OF THE MINUTES OF THE JANUARY 14, 2020 MEETING

Rep. Halpin moved, seconded by Sen. Muñoz, that the minutes of the January 14, 2020 meeting be approved. The motion passed unanimously (10-0-0).

REVIEW OF AGENCY RULEMAKINGS

Department of Human Services – General Grantmaking (DHS) (44 Ill. Adm. Code 7040; 43 Ill. Reg. 11812)

Co-Chair Wheeler announced that consideration of this rulemaking would be postponed to the March meeting under the current Extension of Second Notice.

Teachers' Retirement System of Illinois – The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650; 43 Ill. Reg. 13394)

Sen. Lightford moved, seconded by Rep. Thapedi, that JCAR, with the concurrence of the Teachers' Retirement System of Illinois, extend the Second Notice period for an additional 45 days. The motion passed unanimously (10-0-0).

AGENCY RESPONSES

Department of Insurance – Mistake in Benefit under Article 3 and Article 4 Pensions (50 Ill. Adm. Code 4450; 43 Ill. Reg. 6242)

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

Illinois Gaming Board – Video Gaming (Emergency) (11 Ill. Adm. Code 1800; 43 Ill. Reg. 13464)

Rep. Hurley moved, seconded by Rep. Demmer, that JCAR withdraw its Suspension, contingent upon, and effective with, IGB's adoption of specified amendments.

SUSPENSION WITHDRAWAL ROLL CALL

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

The motion passed 10-0-0.

CONSIDERATION OF OTHER RULEMAKINGS

Illinois State Police – Firearm Dealer License Certification Act (Emergency) (20 Ill. Adm. Code 1232; 44 Ill. Reg. 1681)

Sen. Schimpf moved, seconded by Rep. Reick, that JCAR object to and suspend this emergency rule because of ISP's inappropriate use of emergency rule to implement statute that became effective 1/18/19. Agency created emergencies do not constitute an appropriate use of emergency rule.

SUSPENSION ROLL CALL

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

The motion failed to reach the statutory two-thirds requirement for suspension, the motion failed 5-4-1.

Adult Use Cannabis

Rep. Thapedi: Requested that the implementing agencies for adult use cannabis (Department of Agriculture, Department of Commerce and Economic Opportunity, Department of Revenue) testify on their rule status. Jeff Cox, John Tetfey and Albert Coll represented DOA, Rick Walters represented DOR, and Matt Stonecipher represented DCEO.

Rep. Thapedi: Please clarify the status of each agencies' rules implementing the cannabis program in Illinois. There was talk that rules were not needed because statute clearly laid out the cannabis program, but that seems to not be the case. Can each agency clarify its plan for promulgation of rules.

Mr. Cox: The confusion stems from DFPR having its deadlines and implementation established in statute. DOA had more time to file its rules for cannabis cultivators, infusers and transporters and is expecting to file its proposed rules in the next 10 days.

Rep. Thapedi: Why were fees for certain cultivator licenses not included within this emergency rule?

Mr. Cox: Those fees will not be needed at this time. DOA has ample time to promulgate them. Also, application fees were established through statute.

Rep. Thapedi: What is the plan for supply? There have been reports of a flower shortage throughout the State.

Mr. Cox: There is a small supply issue, but cultivators can only build new sites so quickly. It takes 4-6 months to get product from seed to final packaging. Discussions are ongoing on how to deal with the issue of supply.

Mr. Walters: DOR has adopted or proposed all of its rules necessary for the cannabis program.

Mr. Stonecipher: The rules currently under consideration are the social equity program rules and those are linked to the disproportionately impacted areas. Additional rules will include the social equity incubator program rules, which should be filed in the near future.

Rep. Thapedi: When will DCEO be getting the disparity study.

Mr. Stonecipher: DFPR will be conducting the disparity study.

State Board of Education Rules Regarding Restraints and Isolated Time Out

Co-Chair Wheeler requested that a representative of the State Board of Education respond to some questions regarding a current emergency rule dealing with physical restraints and isolated time outs. Amanda Elliot represented SBE.

Co-Chair Wheeler: If the Board approves the changes in SBE's proposed rulemaking, can those changes also be adopted as amendments to the emergency rule?

Ms Elliot: If approved by the Board, yes.

CERTIFICATION OF NO OBJECTION

Sen. Muñoz 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 (10-0-0).

ANNOUNCEMENT OF FEBRUARY MEETING DATE

Co-Chair Wheeler announced that the next JCAR meeting is scheduled for March 18, 2020, in Room C-1 of the Stratton Building, Springfield IL, at 10:30 a.m.

ADJOURNMENT

Co-Chair Cunningham moved, seconded by Sen. Muñoz, that the meeting stand adjourned. The motion passed unanimously (10-0-0).

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