

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. BILL CUNNINGHAM

CO-CHAIR:
REP. KEITH WHEELER

EXECUTIVE DIRECTOR:
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SEN. JOHN CURRAN
SEN. KIMBERLY LIGHTFORD
SEN. TONY MUÑOZ
SEN. SUE REZIN
SEN. PAUL SCHIMPF
REP. TOM DEMMER
REP. MIKE HALPIN
REP. FRANCES HURLEY
REP. STEVEN REICK
REP. ANDRÉ THAPEDI

MINUTES

May 20, 2020

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Wednesday, May 20, 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 John Curran	X Representative Mike Halpin
X Senator Kimberly Lightford	X Representative Frances Hurley
X Senator Tony Muñoz	X Representative Steven Reick
X Senator Sue Rezin	X Representative André Thapedi
X Senator Paul Schimpf	X Representative Keith Wheeler

APPROVAL OF THE MINUTES OF THE MARCH 31, 2020 MEETING

Sen. Rezin moved, seconded by Rep. Reick, that the minutes of the March 31, 2020 meeting be approved. The motion passed unanimously (12-0-0). (The April meeting was cancelled.)

Illinois State Police – Firearm Dealer License Certification Act (20 Ill. Adm. Code 1232; 44 Ill. Reg. 2446)

Co-Chair Wheeler announced that consideration of this rulemaking would be postponed until the June meeting.

Yvette Loizon, General Counsel, represented ISP. Sen. Schimpf commented that, if consideration of this rulemaking were not postponed until next month, he would have proposed an Objection. He asked that ISP, over the next month, compare 3 provisions of the proposed rule to the underlying statute: Sec. 1232.70 of the rule to Sec. 5-50 of the Act, Sec. 1232.80 to Sec. 5-55, and Sec. 1232.100 to Sec. 5-65. He believes the rule as currently written goes beyond what is in the Act and encouraged ISP to work with stakeholders to resolve these concerns.

Department of Public Health – Control of Communicable Diseases Code (Emergency) (77 Ill. Adm. Code 690; 44 Ill. Reg. 9282)

Justin DeWitt, Chief of Staff, and Joanne Olson, Deputy Chief of Staff, represented DPH. Co-Chair Cunningham asked whether DPH intended to repeal this emergency rule. Ms Olson confirmed that this was the case.

Co-Chair Wheeler noted that emergency rules are within JCAR's purview while they are in effect and that JCAR would not take any action on this rule at this time because DPH would be repealing it.

REVIEW OF AGENCY RULEMAKINGS

Environmental Protection Agency – Public Participation in the Air Pollution Control Permit Program (35 Ill. Adm. Code 252; 43 Ill. Reg. 7028)

Rep. Halpin moved, seconded by Sen. Muñoz, that JCAR recommend that EPA specify in this rule the number of persons, or the standards it will use to determine that number, required to request a hearing. Currently, Sec. 252.205 (Opportunity for Public Hearing) leaves the determination of how many persons requesting a hearing constitute a significant number to the EPA Director. Sec. 1-70 of the IAPA requires any agency statements of general applicability that affect the interests of persons outside the agency to be specified in rule. The motion passed unanimously (12-0-0).

AGENCY RESPONSE

Department of Employment Security – Payment of Unemployment Contributions, Interest and Penalties (56 Ill. Adm. Code 2765; 44 Ill. Reg. 38)

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

CONSIDERATION OF OTHER RULEMAKINGS

Department of Financial and Professional Regulation-DPR – The Illinois Speech-Language Pathology and Audiology Practice Act (68 Ill. Adm. Code 1465; 44 Ill. Reg. 55)

Co-Chair Wheeler acknowledged that JCAR had received written concurrence from DFPR to extend consideration of this rulemaking.

Rep. Hurley moved, seconded by Rep. Demmer, that JCAR, with the concurrence of DFPR, extend the 2nd Notice period for this rulemaking for an additional 45 days. The motion passed unanimously (12-0-0).

Secretary of State – Business Corporation Act (Emergency) (14 Ill. Adm. Code 150; 44 Ill. Reg. 7944); General Not For Profit Corporations (Emergency) (14 Ill. Adm. Code 160; 44 Ill. Reg. 7951); Uniform Partnership Act (Emergency) (14 Ill. Adm. Code 166; 44 Ill. Reg. 7956); Uniform Limited Partnership Act (Emergency) (14 Ill. Adm. Code 171; 44 Ill. Reg. 7961); Limited Liability Company Act (14 Ill. Adm. Code 178; 44 Ill. Reg. 7966)

Sen. Rezin moved, seconded by Sen. Schimpf, that JCAR object to and suspend these emergency rules because they set aside statutory timeframes in which SOS is to review, approve and effectuate official paper filings of documents by businesses. During a declared disaster, statutory requirements can be waived pursuant to Executive Order by the Governor, but not by agency rule.

SUSPENSION ROLL CALL

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

The motion passed 12-0-0.

CERTIFICATION OF NO OBJECTION

Sen. Curran moved, seconded by Sen. Lightford, 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 JUNE MEETING DATE

Co-Chair Wheeler announced that the next JCAR meeting is scheduled for Tuesday, June 16, 2020, in Room C600 of the Michael A. Bilandic Building, Chicago IL at 11:00 a.m.

ADJOURNMENT

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

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