

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. DON HARMON

CO-CHAIR:
REP. TIM SCHMITZ

EXECUTIVE DIRECTOR:
VICKI THOMAS



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SEN. PAMELA ALTHOFF
SEN. TONY MUÑOZ
SEN. SUE REZIN
SEN. DALE A. RIGHTER
SEN. IRA SILVERSTEIN
REP. GREG HARRIS
REP. LOU LANG
REP. DAVID R. LEITCH
REP. DONALD L. MOFFITT
REP. ANDRE' THAPEDI

MINUTES

April 16, 2013

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on April 13, 2013 at 9:00 a.m. in Room A-1 of the Stratton Office Building in Springfield, Illinois.

Co-Chair Schmitz 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 hearings. Other persons are encouraged to submit their comments in writing.

ATTENDANCE ROLL CALL

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|--------------------------|----------------------------------|
| X Senator Pamela Althoff | X Representative Greg Harris |
| X Senator Don Harmon | Representative Lou Lang |
| X Senator Tony Muñoz | X Representative David Leitch |
| X Senator Sue Rezin | X Representative Donald Moffitt |
| X Senator Dale Righter | X Representative Timothy Schmitz |
| Senator Ira Silverstein | X Representative Andre' Thapedi |

APPROVAL OF THE MINUTES OF THE MARCH 12, 2013 MEETING

Representative Moffitt moved, seconded by Representative Leitch, to approve the minutes of the March 12, 2013 meeting. The motion passed unanimously.

REVIEW OF AGENCY RULEMAKINGS

Department of Central Management Services – Business Enterprise Program: Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities (44 Ill. Adm. Code 10; 37 Ill. Reg. 3885) (Emergency)

Representative Harris moved, seconded by Senator Harmon, that JCAR object to the Department of Central Management Services using emergency rulemaking to adopt these changes because any emergency situation that has arisen is due to the agency's tardiness in proposing rules to implement Sections 4(d) (2009) and 8c (1989) of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575].

Paul Cerpa, Deputy Director of CMS-BEP, and Philina King, former Deputy General Counsel for CMS-BEP, were present.

Representative Harris asked if CMS would be able to meet with the sponsors of the underlying legislation to be sure that the proposed rulemaking reflects the legislation and does not conflict with Supreme Court decisions guiding the Business Enterprise Program.

Mr. Cerpa and Ms King replied that CMS would definitely meet with the sponsors of the legislation.

The motion passed unanimously.

Department of Public Health – AIDS Drug Assistance Program (77 Ill. Adm. Code 692; 37 Ill. Reg. 2563) (Peremptory)

Representative Harris moved, seconded by Senator Rezin, that JCAR recommend that the Department take more care in the future to only use peremptory rulemaking in those instances specifically authorized by Section 5-50 of the of the IAPA. The motion passed unanimously.

CONSIDERATION OF OTHER RULEMAKINGS

Co-Chair Schmitz asked if any member desired consideration of any other rulemaking. Senator Althoff requested consideration of two DOR rulemakings.

Department of Revenue – Retailers' Occupation Tax (86 Ill. Adm. Code 130; 36 Ill. Reg. 7971) and Service Occupation Tax (86 Ill. Adm. Code 140; 36 Ill. Reg. 7990)

Senator Althoff asked DOR if it would agree to extend consideration of these rulemakings for an additional 45 days.

Jim Nichelson, DOR Director of Legislative Affairs, expressed the Department's agreement.

Senator Althoff moved, seconded by Senator Harmon, that JCAR and DOR agree to extend consideration of these rulemakings for an additional 45 days. The motion passed unanimously.

CERTIFICATION OF NO OBJECTION

Representative Harris moved, seconded by Representative Thapedi, that the Committee inform the agencies to whose rulemakings the Committee did not vote an Objection or an 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 rulemakings made by the agencies, no Objections will be issued. The motion passed unanimously.

EXPEDITED CORRECTION

Pollution Control Board – Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215; 37 Ill. Reg. 3440)

Senator Muñoz moved, seconded by Senator Righter, that JCAR approve and certify the request of the Pollution Control Board for an Expedited Correction of a rulemaking adopted in the 2/8/13 Illinois Register (37 Ill. Reg. 1683). The effective date of the correction is 1/28/13. The motion passed unanimously.

AGENCY RESPONSE

Department of Central Management Services – The Travel Regulation Council (80 Ill. Adm. Code 3000; 36 Ill. Reg. 17663)

Based on the appropriateness of the agency's response, no further action.

MAY MEETING DATE

Co-Chair Schmitz announced that the next monthly meeting is scheduled for Tuesday, May 14, 2013, at 9:00 a.m., Room D-1, Stratton Office Building, Springfield IL.

ADJOURNMENT

Representative Moffitt moved, seconded by Representative Thapedi, that the meeting stand adjourned. The motion passed unanimously.

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