

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. DON HARMON

CO-CHAIR:
REP. TIM SCHMITZ

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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

October 22, 2013

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on October 22, 2013 at 10:00 a.m. in Room C-1 of the Stratton Office Building, Springfield, Illinois.

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 hearings. Other persons are encouraged to submit their comments in writing.

ATTENDANCE ROLL CALL

X Senator Pamela Althoff	X Representative Greg Harris
X Senator Don Harmon	X 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 SEPTEMBER 17, 2013 MEETING

Representative Lang moved, seconded by Representative Harris, to approve the minutes of the September 17, 2013 meeting. The motion passed unanimously.

REVIEW OF AGENCY RULEMAKINGS

PROPOSED RULEMAKINGS

Department of Children and Family Services – Department of Children and Family Services Scholarship Program (89 Ill. Adm. Code 312; 37 Ill. Reg. 5233)

Representative Leitch moved, seconded by Representative Moffitt, that JCAR and DCFS agree to extend consideration of this rulemaking for an additional 45 days so the Department can address outstanding issues. The motion passed unanimously.

Illinois Student Assistance Commission – John R. Justice Student Loan Repayment Program (23 Ill. Adm. Code 2754; 37 Ill. Reg. 11272)

Representative Thapedi moved, seconded by Senator Rezin, that JCAR and ISAC agree to extend consideration of this rulemaking for an additional 45 days. The motion passed unanimously.

Department of Veterans' Affairs – Survivors' Compensation Act Program (95 Ill. Adm. Code 120; 37 Ill. Reg. 4226)

Senator Muñoz moved, seconded by Senator Althoff, that JCAR recommend that DVA be more timely in updating its rules when statutory changes are enacted. This rulemaking is implementing a PA that became law almost 9 years ago. The motion passed unanimously.

CONSIDERATION OF OTHER RULEMAKINGS

Co-Chair Harmon asked if any member desired consideration of any other rulemaking. Senator Althoff requested consideration of a DNR and a DPH rulemaking. Senator Righter requested further consideration of 4 DNR rulemakings. Representative Harris requested further consideration of an SOS rulemaking. Representative Leitch requested consideration of a DOT rulemaking.

Department of Natural Resources – Grant Review and Processing Fees (17 Ill. Adm. Code 3000; 37 Ill. Reg. 2843)

Co-Chair Harmon recognized Mr Marc Miller, Director of the Department of Natural Resources.

Co-Chair Harmon stated that JCAR members understood that DNR was continuing to work on refinements to the rulemaking. However, lack of time has become an issue. Co-chair Harmon explained that an Objection and Filing Prohibition would be the only option remaining that would provide DNR with adequate time to address the rulemaking's deficiencies and asked Director Miller if he agreed.

Director Miller understood and agreed with that plan of action.

Senator Althoff moved, seconded by Senator Righter, that JCAR object to and prohibit filing of this rulemaking because the rulemaking establishes fees that will create an untenable burden for the local governments and not-for-profit entities that are the principal applicants for these grants. JCAR finds that this rulemaking constitutes a threat to the public interest. The motion passed unanimously by roll call vote 11-0.

Department of Natural Resources – Construction of Floodways of Rivers, Lakes and Streams (17 Ill. Adm. Code 3700; 37 Ill. Reg. 4156), Regulation of Public Waters (17 Ill. Adm. Code 3704; 37 Ill. Reg. 4168), Floodway Construction in Northeastern Illinois (17 Ill. Adm. Code 3708; 37 Ill. Reg. 4183) and Rules Establishing Horizontal and Vertical Clearances for Bridges Over the Fox River (17 Ill. Adm. Code 3720; 37 Ill. Reg. 4199)

Senator Righter sought clarification from Director Miller regarding DNR's wish to keep this package of 4 rulemakings together when only one rulemaking has deficiencies requiring resolution.

Director Miller confirmed that was correct.

Senator Righter moved, seconded by Senator Althoff, that JCAR and DNR agree to extend consideration of these rulemakings for an additional 45 days so DNR can address public comment. The motion passed unanimously.

Secretary of State – Issuance of Licenses (92 Ill. Adm. Code 1030; 37 Ill. Reg. 13339)

Representative Harris asked if there was a representative from SOS present.

Brenda Glahn, SOS Asst. General Counsel, represented SOS.

Representative Harris thanked SOS for working with all affected parties and various legislators, including Representative Fernandez and Senator Munoz, to resolve any outstanding issues remaining with this rulemaking. Representative Harris requested clarification as to whether SOS would continue working to resolve these issues, specifically with nomenclature and an alternative hearing process.

Ms Glahn confirmed that SOS will continue conversations with the affected parties. However, in committing to continue meeting with the parties, she indicated that SOS cannot commit to any particular resolution.

Department of Public Health – Illinois Water Well Construction Code (77 Ill. Adm. Code 920; 36 Ill. Reg. 17308)

Senator Althoff asked if there was a representative from DPH present.

Susan Meister, DPH's Administrative Rules Coordinator, Dave Johnson, DPH Private Water Program Manager, and Joe Mitchell, DPH Environmental Health Services Section Chief, represented DPH.

Senator Althoff asked DPH if it would continue conversations with the geothermal industry and whether it would seek a legislative remedy to the setback distance issue.

DPH confirmed that it would continue conversations and seek an amicable legislative remedy.

Department of Transportation – Motor Carrier Safety Regulations: General (92 Ill. Adm. Code 390; 37 Ill. Reg. 12752)

Representative Leitch asked if there was a representative from DOT present.

Tom Wise and John Jones, both DOT Motor Carrier Compliance Unit Chiefs.

Representative Leitch requested confirmation from DOT on whether it would continue to work with the Farm Bureau regarding the definition of covered farm vehicle and if the Department would agree to the Extension.

DOT confirmed that it would continue discussions and agreed to the Extension.

Representative Leitch moved, seconded by Representative Thapedi, that JCAR and DOT agree to extend consideration of this rulemaking for an additional 45 days to allow the Department time to consider additional public comment. The motion passed unanimously.

CERTIFICATION OF NO OBJECTION

Representative Lang moved, seconded by Representative Harris, 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.

AGENCY RESPONSES

Department of Children and Family Services – Licensing Standards for Child Welfare Agencies (89 Ill. Adm. Code 401; 37 Ill. Reg. 6927)

Department of Healthcare and Family Services – Hospital Reimbursement Changes (89 Ill. Adm. Code 152; 37 Ill. Reg. 13589)

Department of Natural Resources – Illinois Youth Recreation Corps Grant Program (17 Ill. Adm. Code 3075; 37 Ill. Reg. 8953) and Illinois Veteran Recreation Corps Grant Program (17 Ill. Adm. Code 3080; 37 Ill. Reg. 8963)

Based on the appropriateness of the agencies' responses, no further action.

NOVEMBER MEETING DATE

Co-Chair Harmon announced that the next monthly meeting is scheduled for Tuesday, November 19, 2013 at 11:00 a.m., Room 600C, Michael A. Bilandic Building, Chicago IL.

ADJOURNMENT

Representative Schmitz moved, seconded by Representative Leitch, that the meeting stand adjourned. The motion passed unanimously.

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