

# JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:  
SEN. DON HARMON

CO-CHAIR:  
REP. TIM SCHMITZ

EXECUTIVE DIRECTOR:  
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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. ANDRÉ THAPEDI

## MINUTES

May 20, 2014

### MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on May 20, 2014 at 8:00 a.m. in Room C-1 of the Stratton Office Building, 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

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
X Senator Ira Silverstein	X Representative André Thapedi

### POSTPONEMENT OF JCAR CONSIDERATION

*Illinois Gaming Board – Video Gaming (General) (11 Ill. Adm. Code 1800; 37 Ill. Reg. 19812)*

Co-Chair Schmitz stated that this rulemaking would be considered at JCAR's June meeting.

### APPROVAL OF THE MINUTES OF THE FEBRUARY 18, 2014 MEETING

Senator Righter moved, seconded by Representative Moffitt, that the minutes of the April 7, 2014 meeting be approved. The motion passed unanimously.

### REVIEW OF AGENCY RULEMAKINGS

*Illinois State Police – Firearm Concealed Carry Act Procedures (20 Ill. Adm. Code 1231; 38 Ill. Reg. 9703)*

Co-Chair Schmitz asked if a representative from the Illinois State Police was present.

Suzanne Bond, ISP Chief Legal Counsel, and Matthew Davis, ISP Lieutenant Colonel (Division of Administration), were present.

Co-Chair Schmitz: It is the desire of the Committee that the Department make several necessary technical modifications to these emergency rules.

Ms. Bond: We understand and will comply.

Representative Leitch, seconded by Senator Rezin, moved that JCAR object to the Department of State Police's use of emergency rulemaking to adopt this rule because it did so 4 months after the underlying Public Act was effective. Since 4 months provided sufficient time for adoption of a proposed rule, any situation requiring use of emergency rulemaking appears to be Department-created. He also moved that JCAR object to Sections 1231.20(a)(1) and (2) and 1231.30(a) of this emergency rule because they contain deficiencies and technical errors resulting in rule text that does not clearly convey the Department's policy.

The motion passed unanimously.

***Department of Human Services – Partner Abuse Intervention (89 Ill. Adm. Code 501; 37 Ill. Reg. 19437); Partner Abuse Intervention (Repealer) (89 Ill. Adm. Code 501; 37 Ill. Reg. 19457)***

Representative Lang moved, seconded by Representative Harris, that JCAR and the Department of Human Services agree to extend the Second Notice periods for the rulemakings titled Partner Abuse Intervention for an additional 45 days to allow the Department additional time to respond to JCAR questions. The motion passed unanimously.

***Pollution Control Board – General Provisions (35 Ill. Adm. Code 501; 37 Ill. Reg. 18974); Permits (35 Ill. Adm. Code 502; 37 Ill. Reg. 19005); Implementation Program (Repealer) (35 Ill. Adm. Code 504; 37 Ill. Reg. 19074)***

Representative Moffitt moved, seconded by Representative Thapedi, that JCAR and the Pollution Control Board agree to extend the Second Notice periods for these rulemakings for an additional 45 days so that outstanding issues can be discussed. The motion passed unanimously.

### **CONSIDERATION OF OTHER RULEMAKINGS**

***Department of Financial and Professional Regulation (DPR) – Illinois Dental Practice Act (68 Ill. Adm. Code 1220; 37 Ill. Reg. 13687)***

Senator Harmon moved, seconded by Representative Leitch, that JCAR and the Department of Financial and Professional Regulation agree to extend the Second Notice period for this rulemaking for an additional 45 days so that outstanding issues can be discussed. The motion passed unanimously.

### **CERTIFICATION OF NO OBJECTION**

Senator Harmon moved, seconded by Senator Silverstein, 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, except that Representative Lang voted "Present" on Tab 19 (HFS rulemaking implementing SMART Act provision to implement Resource Utilization Group methodology for payment to nursing homes).

### **MAY MEETING DATE**

Co-Chair Schmitz announced that the next monthly meeting is scheduled for Tuesday, June 17, 2014 at 11:00 a.m., Room 600C, Michael A. Bilandic Building, Chicago IL.

### **ADJOURNMENT**

Senator Harmon moved, seconded by Representative Harris, that the meeting stand adjourned. The motion passed unanimously.

*Min:0514May*