

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. DON HARMON

CO-CHAIR:
REP. RON SANDACK

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SEN. BILL BRADY
SEN. KAREN McCONNAUGHAY
SEN. TONY MUÑOZ
SEN. IRA SILVERSTEIN
REP. GREG HARRIS
REP. LOU LANG
REP. DAVID R. LEITCH
REP. ANDRÉ THAPEDI
REP. MIKE TRYON

MINUTES

June 16, 2015

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on June 16, 2015 at 10:30 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 to the JCAR office in writing.

ATTENDANCE ROLL CALL

X Senator Pamela Althoff	X Representative Greg Harris
X Senator Bill Brady	X Representative Lou Lang
X Senator Don Harmon	X Representative David Leitch
X Senator Karen McConnaughay	X Representative Ron Sandack
X Senator Tony Muñoz	X Representative André Thapedi
X Senator Ira Silverstein	X Representative Mike Tryon

APPROVAL OF THE MINUTES OF THE MAY 12, 2015 MEETING

Senator Brady moved, seconded by Senator McConnaughay, that the minutes of the May 12, 2015 meeting be approved. The motion passed unanimously (12-0-0).

REVIEW OF AGENCY RULEMAKINGS

Illinois Commerce Commission – Standards of Service for Gas Utilities (Repealer) (83 Ill. Adm. Code 500; 38 Ill. Reg. 17941) and Standards of Service for Gas Utilities and Alternative Gas Suppliers (83 Ill. Adm. Code 501 (originally, 500); 38 Ill. Reg. 17970)

Representative Tryon moved, seconded by Representative Thapedi, that JCAR, with the concurrence of ICC, extend the Second Notice Period for these rulemakings by an additional 45 days. The motion passed unanimously (12-0-0).

Department of Natural Resources – Recreational Trails Program (17 Ill. Adm. Code 3090; 39 Ill. Reg. 5325)

Representative Harris moved, seconded by Representative Lang, that JCAR, with the concurrence of the Department, extend the Second Notice Period for this rulemaking by an additional 45 days. The motion passed unanimously (12-0-0).

Department of State Police – Testing of Blood, Breath and Urine for Alcohol, Other Drugs, and Intoxicating Compounds (20 Ill. Adm. Code 1286; 39 Ill. Reg. 2540)

Senator Silverstein moved, seconded by Representative Leitch, that JCAR, with the concurrence of the Department, extend the Second Notice Period for this rulemaking by an additional 45 days. The motion passed unanimously (12-0-0).

AGENCY RESPONSE

Department of Children and Family Services – Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services (89 Ill. Adm. 431; 38 Ill. Reg. 10700)

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

CONSIDERATION OF OTHER RULEMAKINGS

Illinois Racing Board – Medication (11 Ill. Adm. Code 603; 38 Ill. Reg. 22022)

Co-Chair Harmon said that JCAR and IRB had agreed to an Extension, but that IRB representatives wished to explain their position on the rule. Appearing to testify were Domenic DiCera, Executive Director; David Fitzpatrick, Chief Veterinarian; Mickey Ezzo, Projects Manager.

Dr. Fitzpatrick explained that the controversy centered around the use of methylprednisolone (Depo), which is a corticosteroid, and whether the waiting period between administering this medication and allowing a horse to race should be 21 days or 7 days. Dr. Fitzpatrick said that he did not have a problem with its use in general, but that using it such a short time before a horse races could cause detrimental effects to the horse's joints (especially in comparison to the other 3 corticosteroids that are authorized for use that do not pose this risk to the joints and are actually less expensive, and the other non-corticosteroidal treatments that are increasingly used to treat injured horses). Since the alternatives pose much less risk, IRB seeks to encourage their use instead.

Senator Harmon explained that JCAR's usual practice, when a subject comes up that is complicated and outside of the members' normal expertise and when the science is contested, is to extend the rulemaking to allow more time for consideration of the issue.

Senator Althoff moved, seconded by Representative Thapedi, that JCAR, with the concurrence of IRB, extend the Second Notice Period for this rulemaking by an additional 45 days. The motion passed unanimously (12-0-0).

Illinois Board of Higher Education – Higher Education Distance Learning and Interstate Reciprocity (23 Ill. Adm. Code 1033; 39 Ill. Reg. 6042) (Emergency)

Karen Helland, BHE Senior Associate Director, appeared before the Committee.

Representative Lang asked Ms Helland why it was necessary to use emergency rulemaking for this rule when the underlying law was signed on 7/5/14, more than 11 months ago, and apparently there was ample time to accomplish it through general rulemaking.

Ms Helland explained that this program is a relatively new innovation in higher education, and the national organization's rules for this program were not in place immediately. Since Illinois is unique in how it approves programs, BHE wanted to ensure that its approval process was not compromised by working with this program.

Representative Lang said that he came prepared to move that JCAR object to this rulemaking, but that Ms Helland's answers were satisfactory. He did suggest, however, that emergency rules should only be promulgated when necessary.

CERTIFICATION OF NO OBJECTION

Senator McConnaughay moved, seconded by Representative Tryon, 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 (12-0-0).

JULY MEETING DATE

Co-Chair Harmon announced that the next monthly meeting of JCAR is scheduled for 11:00 a.m. on Tuesday, July 14, 2015, in Room 600C, Michael A. Bilandic Building, Chicago IL, until further notice.

ADJOURNMENT

Representative Sandack moved, seconded by Senator Althoff, that the meeting stand adjourned. The motion passed unanimously (12-0-0).

Min:0615Jun