

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. DON HARMON

CO-CHAIR:
REP. KEITH WHEELER

EXECUTIVE DIRECTOR:
VICKI THOMAS



700 STRATTON BUILDING
SPRINGFIELD, ILLINOIS 62706
217/785-2254

SEN. PAMELA ALTHOFF
SEN. KAREN McCONAUGHAY
SEN. TONY MUÑOZ
SEN. IRA SILVERSTEIN
SEN. CHUCK WEAVER
REP. PETER BREEN
REP. TOM DEMMER
REP. GREG HARRIS
REP. LOU LANG
REP. ANDRÉ THAPEDI

MINUTES

December 12, 2017

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, December 12, 2017 at 11:00 a.m. in Room C600 of the Michael A. Bilandic Building, Chicago 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 Pamela Althoff	Representative Peter Breen
X Senator Don Harmon	X Representative Tom Demmer
Senator Karen McConnaughay	X Representative Greg Harris
Senator Tony Muñoz	X Representative Lou Lang
X Senator Ira Silverstein	X Representative André Thapedi
X Senator Chuck Weaver	X Representative Keith Wheeler

APPROVAL OF THE MINUTES OF THE NOVEMBER 7, 2017 MEETING

Senator Weaver moved, seconded by Representative Thapedi, that the minutes of the November 7, 2017 meeting be approved. The motion passed unanimously (9-0-0).

REVIEW OF AGENCY RULEMAKING

Illinois Gaming Board – Riverboat Gambling (86 Ill. Adm. Code 3000; 41 Ill. Reg. 7728)

Caleb Melamed, Legislative Liaison, represented the Gaming Board and indicated the Board would respond to the Objection by withdrawing the rulemaking.

Representative Demmer moved, seconded by Senator Weaver, that JCAR object because the rulemaking lacks a process for requesting Administrator approval of the third party methodology for verifying a CPSM and standards for granting that approval. IGB proposes to withdraw this rulemaking and work with involved parties to propose a new, more detailed, rulemaking. This will allow the public a full opportunity to review and comment on any future proposal. The motion passed unanimously (9-0-0).

Illinois State Toll Highway Authority – State Toll Highway Rules (92 Ill. Adm. Code 2520; 41 Ill. Reg. 11225)

Robert Lane, the Assistant Attorney General assigned to the Authority, and Shana Whitehead, the Authority's Chief of Business Systems, represented the Authority.

Senator Althoff thanked the Authority for recognizing the importance of not making substantive changes in the midst of First Notice. She requested that, in the future, the Authority be more timely in furnishing JCAR-requested information.

Representative Harris moved, seconded by Senator Silverstein, that JCAR recommend that, in the future, ISTHA refrain from making significant substantive changes in a rulemaking during 1st Notice. Changes that substantively alter the published intent of the rulemaking can deprive the public of its full opportunity to comment to the agency on the altered policy. The motion passed unanimously (9-0-0).

AGENCY RESPONSES

Department of Commerce and Economic Opportunity – Economic Development for a Growing Economy Program (14 Ill. Adm. Code 527; 41 Ill. Reg. 13104)

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

CONSIDERATION OF OTHER RULEMAKINGS

State Board of Education – Charter Schools (23 Ill. Adm. Code 650; 41 Ill. Reg. 11010)

Lindsay Bentivegna, Agency Rules Coordinator, represented the Board. She confirmed that the Board would accept an Extension.

Noting that neither JCAR nor the Board had a solid grasp on the background of the Charter Schools Revolving Loan Fund, Representative Lang asked the Board to provide a complete audit/history of that Fund, including where the money was spent, copies of all contracts for loans made during the life of the Fund, and repayments of loans into the Fund.

Representative Lang asked how the Board gave out any loans earlier since it has/had no rules governing this program for the last 20 years. Ms Bentivegna said the Board originally believed that the statute was sufficiently clear. Since 2010, there had not been enough money in the Fund to give out any loans. The Board is seeking \$2 million for this program in the next fiscal year. The new staff supervising this program now believes that rules are necessary.

Representative Lang asked that the requested information be furnished to JCAR with enough time for adequate review to take place. Ms Bentivegna agreed.

Representative Thapedi asked that information be provided for the whole period of the program's existence. Originally, the loans were capped at \$500 per student but now will increase to \$750/student. He also asked for information regarding how the Board arrived at the \$2 million budget request and whether this would be sufficient.

Representative Lang moved, seconded by Representative Thapedi, that the Second Notice period for this rulemaking be extended for an additional 45 days. The motion passed unanimously (9-0-0).

CERTIFICATION OF NO OBJECTION

Senator Althoff moved, seconded by Representative Thapedi, that the Committee inform the agencies to whose rulemakings the Committee did not vote 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 rulemakings made by the agencies, no Objections will be issued. The motion passed unanimously (9-0-0).

ANNOUNCEMENT OF JANUARY MEETING DATE

Co-Chair Wheeler announced that the next JCAR meeting would be held at 11:00 a.m. on Tuesday, January 16, 2017, in Room C600 of the Michael A. Bilandic Building, Chicago IL.

ADJOURNMENT

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

Min1217Dec