

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 McCONNAUGHAY
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

January 16, 2018

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, January 16, 2018 at 11:00 a.m. in Room C600 of the Michael A. Bilandic Building, Chicago IL. 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 meetings. Other persons are encouraged to submit their comments to the JCAR office in writing.

ATTENDANCE ROLL CALL

X Senator Pamela Althoff	X 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
Senator Ira Silverstein	X Representative André Thapedi
Senator Chuck Weaver	X Representative Keith Wheeler

APPROVAL OF THE MINUTES OF THE DECEMBER 12, 2017 MEETING

Representative Lang moved, seconded by Representative Breen, that the minutes of the December 12, 2017 meeting be approved. The motion passed unanimously (8-0-0).

AGENCY RESPONSE

Department of Children and Family Services – Appeal of Child Abuse and Neglect Investigation Findings (89 Ill. Adm. Code 336; 40 Ill. Reg. 16013)

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, and David Turovetz, Project Coordinator, represented SBE. Representative Lang thanked SBE for providing the documentation requested at the last meeting,

but said he is still left with the same question: if there were no rules governing the approval of start-up loans for charter schools, how were they approved?

Ms Bentivegna said that the statute was clear about the use of grant funds but was admittedly less clear about the procedure under which those funds should be disbursed. The staff who made the decision to proceed without rules are no longer at SBE, but Ms Bentivegna believes they would have cited SBE's general rulemaking authority. Ms Bentivegna acknowledged that this practice was problematic and said that SBE is working to ensure that this does not happen in the future.

Representative Lang asked if SBE would fix the problem. Ms Bentivegna said that it would do so.

Representative Lang said that it was his understanding that some of the prior loans have not been repaid. Mr. Turovetz replied that only one loan had not been paid back in full; the recipient school defaulted because it closed prior to payback.

Representative Lang asked if the current rules provide any mechanism for collecting future unpaid or defaulted loans. Mr. Turovetz affirmed that SBE could withhold funds due from any other State funds payable to that recipient. Representative Lang asked what happens if the recipient does not have any further money coming from the State. Mr. Turovetz said that this right of offset is currently the only option available, but noted that the school would be receiving funds from the State through the district until its last year, and that full payback is required by December of the last year of a recipient's initial contract with the district.

Representative Lang said that he would not oppose this rulemaking, but strongly encouraged SBE to find a way to address this hole in the payback mechanism.

State Board of Education – Special Education Facilities Under Section 14-7.02 of the School Code (23 Ill. Adm. Code 401; 41 Ill. Reg. 3831)

Co-Chair Harmon asked if SBE would agree to an Extension of this rulemaking. Ms Bentivegna indicated they would. Representative Demmer moved, seconded by Representative Harris, that the Second Notice period for this rulemaking be extended for an additional 45 days. The motion passed unanimously (8-0-0).

Illinois Gaming Board – Video Gaming (General) (11 Ill. Adm. Code 1800; 41 Ill. Reg. 12670)

Sheera H. Hobfoll, Deputy General Counsel, represented IGB. Co-Chair Harmon asked if IGB would agree to an Extension. She affirmed this was the case. Representative Thapedi moved, seconded by Senator Althoff, that the Second Notice period for this rulemaking be extended for an additional 45 days. The motion passed unanimously (8-0-0).

Department of Public Health – HIV/AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697; 41 Ill. Reg. 3795)

Snigdha Acharya, Deputy General Counsel, represented DPH. Co-Chair Harmon asked whether DPH would agree to an Extension. She responded that DPH concurs with the Extension. Representative Thapedi moved, seconded by Senator Althoff, that the Second Notice period for this rulemaking be extended for an additional 45 days. The motion passed unanimously (8-0-0).

CERTIFICATION OF NO OBJECTION

Representative Breen moved, seconded by Representative Demmer, 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 (8-0-0), with the exception that Representative Lang abstained on Tabs 7 and 9 (Department of Healthcare and Family Services – Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153; 41 Ill. Reg. 12370) and Department of Insurance – Long-Term Care Insurance (50 Ill. Adm. Code 2012; 41 Ill. Reg. 6835)).

ANNOUNCEMENT OF FEBRUARY MEETING DATE

Co-Chair Harmon announced that the next JCAR meeting would be held at 10:30 a.m. on Tuesday, February 13, 2018, in Room C-1 of the Stratton Office Building, Springfield IL.

ADJOURNMENT

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

Min0118Jan