

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. DON HARMON

CO-CHAIR:
REP. KEITH WHEELER

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SEN. TONY MUÑOZ
SEN. SUE REZIN
SEN. PAUL SCHIMPF
SEN. IRA SILVERSTEIN
SEN. CHUCK WEAVER
REP. PETER BREEN
REP. BARBARA FLYNN CURRIE
REP. TOM DEMMER
REP. GREG HARRIS
REP. ANDRÉ THAPEDI

MINUTES

December 11, 2018

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, December 11, 2018 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 Don Harmon	X Representative Peter Breen
X Senator Tony Muñoz	X Representative Barbara Flynn Currie
X Senator Sue Rezin	Representative Tom Demmer
X Senator Paul Schimpf	X Representative Greg Harris
X Senator Ira Silverstein	Representative André Thapedi
X Senator Chuck Weaver	X Representative Keith Wheeler

APPROVAL OF THE MINUTES OF THE NOVEMBER 13, 2018 MEETING

Senator Schimpf moved, seconded by Representative Breen, that the minutes of the November 13, 2018 meeting be approved. The motion passed unanimously (10-0-0).

REVIEW OF AGENCY RULEMAKINGS

Department of Employment Security – Administrative Hearings and Appeals (56 Ill. Adm. Code 2725; 42 Ill. Reg. 16978); Payment of Unemployment Contributions, Interest and Penalties (56 Ill. Adm. Code 2765; 42 Ill. Reg. 17028); Collection of Unemployment Contributions (56 Ill. Adm. Code 2790; 42 Ill. Reg. 17048)

Senator Muñoz moved, seconded by Representative Harris, that JCAR recommend that DES be more timely in reflecting statutory requirements in rule. The change to the 3-year refund window made by PA 98-1133 (effective 1/1/15) was not implemented by the Agency during the more than 2.5 years before PA 100-484 (effective 9/8/17) reversed that change. Additionally, the rulemakings titled Payment of Unemployment Contributions, Interest and Penalties and Collection of Unemployment Contributions implement statutory changes made in 1997 and 2014. The motion passed unanimously (10-0-0).

Department of Insurance – Required Procedure for Filing and Securing Approval of Policy Forms (50 Ill. Adm. Code 916; 42 Ill. Reg. 17342)

Senator Rezin moved, seconded by Representative Currie, that JCAR, with the concurrence of DOI, extend the Second Notice period for this rulemaking for an additional 45 days to enable DOI to address late-arriving public comment. The motion passed unanimously (10-0-0).

Department of Insurance – Premium Trust Fund Account (Repealer) (50 Ill. Adm. Code 3113; 42 Ill. Reg. 18372)

Senator Silverstein moved, seconded by Senator Weaver, that JCAR, with the concurrence of DOI, extend the Second Notice Period for this rulemaking to give DOI more time to respond to JCAR questions. The motion passed unanimously (10-0-0).

CONSIDERATION OF OTHER RULEMAKINGS

Department of Human Services – Medicaid Community Mental Health Services Program (Repealer) (59 Ill. Adm. Code 132; 42 Ill. Reg. 7322); Medicaid Community Mental Health Services Program (59 Ill. Adm. Code 132; 42 Ill. Reg. 7408)

Senator Weaver moved, seconded by Representative Breen, that JCAR recommend that DHS delay adopting these rulemakings until the Department of Healthcare and Family Services is ready to adopt related amendments to 89 Ill. Adm. Code 140 addressing Medicaid coverage issues that are no longer included in this new Part 132, and that JCAR further recommend that DHS and HFS, to the greatest extent possible, ensure consistency between these rulemakings. The motion passed unanimously (10-0-0).

Department of Natural Resources – Public Use of State Parks and Other Properties of the Department of Natural Resources (17 Ill. Adm. Code 110; 42 Ill. Reg. 7905)

Representative Currie moved, seconded by Senator Rezin, that JCAR recommend that, if DNR believes that volunteers on DNR property should be examined for criminal background, it seek statutory authority authorizing, and setting parameters for, criminal history background checks for volunteers. The motion passed unanimously (10-0-0).

Department of Public Health – Lead Poisoning Prevention Code (77 Ill. Adm. Code 845; 42 Ill. Reg. 15784)

Justin Dewitt, Chief of General Engineering, represented DPH and confirmed that DPH would agree to an Extension. Representative Breen moved, seconded by Senator Silverstein, that JCAR, with the concurrence of DPH, extend the Second Notice Period for this rulemaking to give DPH more time to address outstanding issues. The motion passed unanimously (10-0-0).

Department of Financial and Professional Regulation – Rules for Administration of the Compassionate Use of Medical Cannabis Pilot Program (Emergency) (68 Ill. Reg. 1290; 42 Ill. Reg. 23202)

Co-Chair Harmon moved, seconded by Representative Breen, that JCAR object to and suspend any provision of this rulemaking that does not directly implement the Opioid Alternative Pilot Program established by PA 100-1114. The PA explicitly authorized the use of emergency rulemaking for the

creation of the Pilot Program, but not the other changes to the Medical Cannabis Pilot Program that DFPR has included in the emergency rule. JCAR finds that this inappropriate use of emergency rulemaking poses a threat to the public interest by changing basic tenets of the Medical Cannabis Program without public review and input, and without any justification being offered by the agency for this use of emergency rulemaking.

SUSPENSION ROLL CALL

Y	Senator Don Harmon	Y	Representative Peter Breen
Y	Senator Tony Muñoz	Y	Representative Barbara Flynn Currie
P	Senator Sue Rezin	A	Representative Tom Demmer
A	Senator Paul Schimpf	Y	Representative Greg Harris
Y	Senator Ira Silverstein	A	Representative André Thapedi
Y	Senator Chuck Weaver	Y	Representative Keith Wheeler

The motion passed 8-0-1.

CERTIFICATION OF NO OBJECTION

Co-Chair Wheeler noted that DFPR's rulemaking titled Optometric Practice Act of 1987 (68 Ill. Adm. Code 1320; 41 Ill. Reg. 15448) was not on the No Objection List. Representative Currie moved, seconded by Senator Rezin, that JCAR inform the agencies to whose rulemakings the Committee has not voted 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 rulemaking made by the agency, no Objections will be issued. The motion passed unanimously (9-0-0; Schimpf A).

ANNOUNCEMENT OF JANUARY MEETING DATE

Co-Chair Wheeler announced that the next JCAR meeting is scheduled for Tuesday, January 15, 2018, in Room C-1 of the Stratton Office Building, Springfield IL, at 10:30 a.m.

Co-Chair Harmon noted that this was the last meeting for several members, including Senator Ira Silverstein. He thanked him for his service on JCAR. Co-Chair Wheeler added his best wishes and thanks to Representatives Currie and Breen.

ADJOURNMENT

Representative Breen moved, seconded by Senator Silverstein, that the meeting stand adjourned. The motion passed unanimously (9-0-0).