

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. KIMBERLY LIGHTFORD
SEN. TONY MUÑOZ
SEN. SUE REZIN
SEN. PAUL SCHIMPF
SEN. CHUCK WEAVER
REP. TOM DEMMER
REP. MIKE HALPIN
REP. FRANCES HURLEY
REP. STEVEN REICK
REP. ANDRÉ THAPEDI

MINUTES

February 19, 2019

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, February 19, 2019 at 10:30 a.m. in Room C-1 of the Stratton Office Building, Springfield 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 Tom Demmer
Senator Kimberly Lightford	X Representative Mike Halpin
X Senator Tony Muñoz	X Representative Frances Hurley
X Senator Sue Rezin	X Representative Steven Reick
X Senator Paul Schimpf	X Representative André Thapedi
X Senator Chuck Weaver	X Representative Keith Wheeler

Co-Chair Wheeler welcomed Reps. Hurley and Halpin to JCAR.

APPROVAL OF THE MINUTES OF THE JANUARY 15, 2019 MEETING

Sen. Weaver moved, seconded by Rep. Demmer, that the minutes of the January 15, 2019 meeting be approved. The motion passed unanimously (11-0-0).

REVIEW OF AGENCY RULEMAKINGS

Department of Healthcare and Family Services – Medical Payment (89 Ill. Adm. Code 140; 42 Ill. Reg. 18242)

Co-Chair Wheeler announced that this rulemaking would be considered at JCAR's March meeting.

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

Sen. Schimpf moved, seconded by Rep. Reick, that JCAR object to the Department of Insurance's rulemaking titled Premium Trust Fund Account (50 Ill. Adm. Code 3113; 42 Ill. Reg. 18372) because DOI has not addressed JCAR's concerns about the possibility of policy outside of rule. Sec. 1-70 of the IAPA requires agency statements of general applicability that implement, apply, interpret, or prescribe

policies affecting the rights of persons outside the agency to be expressed in rule. Sec. 5-20 of the IAPA requires the standards for an agency's use of discretionary powers in implementing a statute to be stated in rule. The motion passed unanimously (11-0-0).

Department of Labor – Minimum Wage Law (56 Ill. Adm. Code 210; 42 Ill. Reg. 17091)

Senator Muñoz moved, seconded by Representative Thapedi, that JCAR object to this rulemaking because the Department has not sufficiently responded to JCAR inquiries about the rulemaking. The motion passed unanimously (11-0-0).

AGENCY RESPONSES

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

Secretary of State – Grant Application and Award Procedures – Census Participation and Immigrant Community Assistance Grants (Emergency) (89 Ill. Adm. Code 1500; 42 Ill. Reg. 18511)

Due to the appropriateness of the agencies' responses, no further action will be taken.

Department of Financial and Professional Regulation – Pharmacy Practice Act (68 Ill. Adm. Code 1330; 41 Ill. Reg. 15130)

No further action will be taken. Staff will monitor.

CONSIDERATION OF OTHER RULEMAKINGS

Department of Children and Family Services – Placement and Visitation Services (89 Ill. Adm. Code 301; 42 Ill. Reg. 7710)

Jeff Osowski, Rules Manager, confirmed that DCFS concurred in Extension on this rulemaking. Senator Rezin moved, seconded by Representative Demmer, that JCAR, with the concurrence of DCFS, extend the Second Notice Period for this rulemaking for an additional 45 days. The motion passed unanimously (11-0-0).

Secretary of State – Grant Application and Award Procedures – Census Participation and Immigrant Community Assistance Grants (89 Ill. Adm. Code 1500; 42 Ill. Reg. 18440)

Nathan Maddox represented SOS. Rep. Thapedi thanked the Office of the Secretary of State for working with JCAR on this issue, and asked Mr. Maddox to explain what the SOS has agreed to change in this rulemaking. Mr. Maddox said that much of the information from the grant applications has been moved to the rule itself, including standards for eligibility, application, evaluation and accountability, as well as a timeline for the application and approval processes. The rule has also been bifurcated so that the census participation grants and the immigrant community assistance grants each have their own portion of the rule, eliminating earlier confusion between the two. When the rules have been approved, SOS will announce the availability of the grants and contact all the entities it has dealt with earlier on this (including at the public hearing) to give them all a chance to apply.

Rep. Thapedi asked why the rulemaking excludes these grants from the Grant Accountability and Transparency Act (GATA). Mr. Maddox said that GATA apply to the State officers other than the Governor, but that SOS will be as transparent and accountable as possible and will mirror the GATA process when appropriate.

CERTIFICATION OF NO OBJECTION

Rep. Halpin moved, seconded by Sen. Weaver, that the Committee 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 (11-0-0).

ANNOUNCEMENT OF MARCH MEETING DATE

Co-Chair Wheeler announced that the next JCAR meeting is scheduled for Tuesday, March 12, 2019, in Room 122B of the Capitol Building, Springfield IL, at 10:30 a.m.

ADJOURNMENT

Rep. Hurley moved, seconded by Co-Chair Harmon, that the meeting stand adjourned. The motion passed unanimously (11-0-0).

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