

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. MAGGIE CROTTY

CO-CHAIR:
REP. BRENT HASSERT

EXECUTIVE DIRECTOR:
VICKI THOMAS



700 STRATTON BUILDING
SPRINGFIELD, ILLINOIS 62706
271/785-2254

SEN. J. BRADLEY BURZYNSKI
SEN. JAMES CLAYBORNE, JR.
SEN. RANDY HULTGREN
SEN. DAN RUTHERFORD
SEN. IRA SILVERSTEIN
REP. JOHN FRITCHEY
REP. LOU LANG
REP. DAVID R. LEITCH
REP. DAVID MILLER
REP. ROSEMARY MULLIGAN

MINUTES

January 13, 2009

Meeting Called to Order

The Joint Committee on Administrative Rules met on January 13, 2009 at 9:00 a.m. in Room C-1 of the Stratton Building in Springfield, Illinois.

Co-Chair Hassert 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 in writing.

ATTENDANCE ROLL CALL

X Senator Bradley Burzynski	X Representative John Fritchey
X Senator James Clayborne, Jr.	X Representative Brent Hassert
X Senator Maggie Crotty	X Representative Lou Lang
Senator Randy Hultgren	X Representative David Leitch
X Senator Dan Rutherford	X Representative David Miller
Senator Ira Silverstein	X Representative Rosemary Mulligan

APPROVAL OF THE MINUTES OF THE DECEMBER 16, 2008 MEETING

Senator Burzynski moved, seconded by Representative Leitch, to approve the minutes of the December 16, 2008 meeting. The motion passed unanimously.

REVIEW OF AGENCY RULEMAKINGS

Co-Chair Hassert asked if any member desired to discuss any rulemakings. Senator Rutherford asked for consideration of rulemakings of the Department on Aging, Department of Financial and Professional Regulation and the Workers' Compensation Commission.

Department on Aging – Community Care Program (89 Ill. Adm. Code 240; 32 Ill. Reg. 7445)

The Department was represented by Michael Gelder, Deputy Director, Mary Killough, Manager of the Division of Home and Community Services, and George Sisk, General Counsel. Senator Rutherford asked Mr. Gelder if the agency would agree to an Extension of this rulemaking for a maximum of 45 days. The Chair pointed out that the alternative to a mutually agreed Extension would be open-ended, unilateral action by JCAR. Mr. Gelder responded that the agency would agree to an Extension. Senator Rutherford moved, seconded by Representative Fritchey, that the second notice period for the rulemaking be extended for an additional 45 days. The motion passed unanimously.

Department of Financial and Professional Regulation – Consumer Installment Loan Act (38 Ill. Adm. Code 110; 32 Ill. Reg. 13127)

The Department was represented by Brent Adams, Deputy Secretary, and Robert Meza, Director of the Division of Financial Institutions. Senator Rutherford moved, seconded by Representative Mulligan, that JCAR object to the rulemaking because the Department lacks specific statutory authority for procedures included in this rulemaking, which could place an undue economic burden on lenders, potentially diminishing the availability of vehicle title secured loans to consumers. Such significant changes in the regulation of these lenders is more appropriately mandated by statute than rule. JCAR also recommends that DFPR seek specific statutory authority before it proceeds to further regulate short-term, vehicle secured loans. The motion passed unanimously.

Workers' Compensation Commission – Miscellaneous (50 Ill. Adm. Code 7110; 32 Ill. Reg. 3213)

The agency was represented by Glen Boyle, Fee Schedule Advisor to WCC, Kathryn Kelley, Counsel to WCC, and Amy Masters, Acting Chair.

Senator Rutherford moved, seconded by Senator Crotty, that JCAR recommend that WCC consider requesting statutory authority to use more recent data collection periods than the 2002-2004 period currently prescribed by statute and that WCC continue to consider comment from affected entities on the validity of data used to determine its medical fee schedule. The motion passed unanimously, except that Representative Lang asked to be recorded as Present.

CERTIFICATION OF NO OBJECTION

Representative Leitch moved, seconded by Representative Lang, that the Committee inform the agencies to whose rulemakings the Committee did not vote an Objection, 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.

AGENCY RESPONSES

Board of Higher Education – Program Review (Private Colleges and Universities) (23 Ill. Adm. Code 1030; 32 Ill. Reg. 13911) and Approval of New Units of Instruction, Research and Public Service at Public Institutions (23 Ill. Adm. Code 1050; 32 Ill. Reg. 13941)

Based on the appropriateness of the agency's responses, no further action was taken.

State Board of Education – Special Education Facilities Under Section 14-7.02 of the School Code (23 Ill. Adm. Code 401; 32 Ill. Reg. 4705)

Representative Mulligan moved, seconded by Senator Crotty, that JCAR withdraw its Filing Prohibition on this rulemaking because, due to the State Board's lack of response to the Committee's Objection, the underlying rule has been withdrawn by operation of law. The motion passed on a rollcall vote of 10-0-0.

State Board of Elections – Registration of Voters (26 Ill. Adm. Code 216; 32 Ill. Reg. 9124)

Based on the appropriateness of the agency's response, no further action was taken. Staff will monitor.

FEBRUARY MEETING DATE

Co-Chair Hassert announced that the next monthly meeting is scheduled for Wednesday, February 18, 2009, 10:00 a.m., Room C-1 of the Stratton Office Building in Springfield.

OTHER BUSINESS

Co-Chair Hassert announced that this was his last meeting as Co-Chair of JCAR as he would not be returning for the 96th General Assembly. He thanked Co-Chair Crotty, his fellow Committee members, JCAR Staff and all the State agency personnel who work with JCAR for their cooperation and support during his 6 year tenure as Co-Chair.

Co-Chair Crotty, in turn, thanked Representative Hassert for his years of service to the Committee.

ADJOURNMENT

Co-Chair Hassert announced that the meeting was adjourned.