

# **JOINT COMMITTEE ON ADMINISTRATIVE RULES**

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:  
SEN. MAGGIE CROTTY

CO-CHAIR:  
REP. ANGELO "SKIP" SAVIANO

EXECUTIVE DIRECTOR:  
VICKI THOMAS



700 STRATTON BUILDING  
SPRINGFIELD, ILLINOIS 62706  
211/785-2254

SEN. PAMELA ALTHOFF  
SEN. DON HARMON  
SEN. JOHN O. JONES  
SEN. DALE A. RIGHTER  
SEN. IRA SILVERSTEIN  
REP. GREG HARRIS  
REP. LOU LANG  
REP. DONALD L. MOFFITT  
REP. ROSEMARY MULLIGAN  
REP. ANDRE' THAPEDI

## **MINUTES**

**January 10, 2012**

### **Meeting Called to Order**

The Joint Committee on Administrative Rules met on January 10, 2011 at 11:00 a.m. in Room 16-503 of the James R. Thompson Center in Chicago, Illinois.

Co-Chair Saviano 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**

Senator Pamela Althoff	X	Representative Greg Harris
X Senator Maggie Crotty	X	Representative Lou Lang
X Senator Don Harmon	X	Representative Donald Moffitt
Senator John O. Jones	X	Representative Rosemary Mulligan
X Senator Dale Righter	X	Representative Angelo "Skip" Saviano
Senator Ira Silverstein		Representative Andre' Thapedi

### **APPROVAL OF THE MINUTES OF THE DECEMBER 13, 2011 MEETING**

Senator Harmon moved, seconded by Representative Moffitt, to approve the minutes of the December 13, 2011 meeting. The motion passed unanimously.

### **REVIEW OF AGENCY RULEMAKINGS**

***Department of Public Health – AIDS Drug Assistance Program (77 Ill. Adm. Code 692; 35 Ill. Reg. 15976)***

Representative Harris moved, seconded by Representative Lang, that JCAR and DPH agree to extend the Second Notice Period for this rulemaking for an additional 45 days.

***Department of Agriculture – Meat and Poultry Inspection Act (8 Ill. Adm. Code 125; 35 Ill. Reg. 19553)(Peremptory)***

Representative Moffitt moved, seconded by Representative Lang, that JCAR object to the Department of Agriculture's use of peremptory rulemaking to amend its rules because the underlying federal regulation was adopted on 12/29/10, which gave DOA more than adequate time to adopt this change through general rulemaking under Section 5-40 of the Illinois Administrative Procedure Act. Section 5-50 of the IAPA limits use of peremptory rulemaking to conditions that preclude the agency from using general rulemaking under Section 5-40. The motion passed unanimously.

**CONSIDERATION OF OTHER RULEMAKINGS**

Co-Chair Saviano asked if any members requested consideration of any other rulemaking. Senator Harmon requested consideration of an HFS proposal, and Representative Mulligan requested consideration of an SOS rulemaking.

***Department of Healthcare and Family Services – Rights and Responsibilities (89 Ill. Adm. Code 102; 35 Ill. Reg. 11094)***

Senator Harmon moved, seconded by Representative Mulligan, that JCAR and HFS agreed to extend the 2<sup>nd</sup> Notice period for this rulemaking an additional 45 days to clarify the budgetary impact of the rulemaking. The motion passed unanimously.

***Secretary of State – Procedures and Standards (92 Ill. Adm. Code 1001; 35 Ill. Reg. 14916)***

Representative Mulligan moved, seconded by Senator Righter, that JCAR object to and prohibit the filing of Section 1001.444(j)(2), (3) and (4) of this rulemaking because the rule language needs reconsideration. The roll call vote passed unanimously 8-0-0 (Yes: Crotty, Harmon, Righter, Harris, Lang, Moffitt, Mulligan, Saviano.)

**CERTIFICATION OF NO OBJECTION**

Senator Crotty moved, seconded by Representative Mulligan, that the Committee inform the agencies to whose rulemakings the Committee did not vote an Objection or an 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.

**AGENCY RESPONSES**

***Department of Financial and Professional Regulation – Cemetery Oversight Act (68 Ill. Adm. Code 1249; 35 Ill. Reg. 11050)***

Staff will continue to monitor.

***Department of Healthcare and Family Services – Hospital Services (89 Ill. Adm. Code 148; 34 Ill. Reg. 15705)***

Based on the appropriateness of the agency's response, no further action.

**FEBRUARY MEETING DATE**

Co-Chair Saviano announced that the next monthly meeting is scheduled for Tuesday, February 7, 2012, at 9:30 a.m., Room A-1, Stratton Office Building, Springfield IL.

**ADJOURNMENT**

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

*Min:1201Jan*

# JCAR MEETING REPORT

**DATE**  **TYPE OF ROLLCALL**  Attend  Record  Min  Motion  Voice **TAB**

**AGENCY**  **RULEMAKING**

**APPEARING**

**MOTION**  Approve Minutes  Recommend  Object  Prohibit  Suspend  Extend  
 No Further Action  Remove from No Obj List  Approve No Obj List  Adjourn

Attendance Roll Call

**MOVED BY**  **2<sup>nd</sup> BY**

**ROLLCALL VOTE:**

	Y	N	P		Y	N	P
Sen. Pamela Althoff				Rep. Gregory Harris	X		
Sen. Maggie Crotty	X			Rep. Lou Lang	X		
Sen. Don Harmon	X			Rep. Donald Moffitt	X		
Sen. John Jones	X			Rep. Rosemary Mulligan	X		
Sen. Dale Righter	X			Rep. Angelo "Skip" Saviano	X		
Sen. Ira Silverstein	X			Rep. Andre Thapedi	X		

**VOTE**  Unanimous  Split:  **Motion:**  Pass  Fail

**NOTES**

# JCAR MEETING REPORT

**DATE**  **TYPE OF ROLLCALL**  Attend  Record  Min  Motion  Voice **TAB**

**AGENCY**  **RULEMAKING**

**APPEARING**

**MOTION**  Approve Minutes  Recommend  Object  Prohibit  Suspend  Extend  
 No Further Action  Remove from No Obj List  Approve No Obj List  Adjourn

**MOVED BY**  **2<sup>nd</sup> BY**

**ROLLCALL VOTE:**

	Y	N	P		Y	N	P
Sen. Pamela Althoff				Rep. Gregory Harris	X		
Sen. Maggie Crotty	X			Rep. Lou Lang	X		
Sen. Don Harmon	X			Rep. Donald Moffitt	X		
Sen. John Jones	X			Rep. Rosemary Mulligan	X		
Sen. Dale Righter	X			Rep. Angelo "Skip" Saviano	X		
Sen. Ira Silverstein	X			Rep. Andre Thapedi	X		

**VOTE**  Unanimous  Split:  **Motion:**  Pass  Fail

**NOTES**

# JCAR MEETING REPORT

**DATE**  **TYPE OF ROLLCALL**  Attend  Min  Motion  Record  Voice **TAB**

**AGENCY**  **RULEMAKING**

**APPEARING**

**MOTION**  Approve Minutes  Recommend  Object  Prohibit  Suspend  Extend  
 No Further Action  Remove from No Obj List  Approve No Obj List  Adjourn  
 Withdrawal of Prohibition

**MOVED BY**  **2<sup>nd</sup> BY**

**ROLLCALL VOTE:**

	Y	N	P		Y	N	P
Sen. Pamela Althoff				Rep. Gregory Harris	X		
Sen. Maggie Crotty	X			Rep. Lou Lang	X		
Sen. Don Harmon	X			Rep. Donald Moffitt	X		
Sen. John Jones	X			Rep. Rosemary Mulligan	X		
Sen. Dale Righter	X			Rep. Angelo "Skip" Saviano	X		
Sen. Ira Silverstein	X			Rep. Andre Thapedi	X		

**VOTE**  Unanimous  Split:  **Motion:**  Pass  Fail

**NOTES** JCAR withdrew the Filing Prohibition against this rulemaking contingent upon, and effective with, the Department's filing of the rule, with the JCAR approved agreements and modifications, for adoption. The motion passed unanimously on a roll call vote 11 – 0 – 0.

# JCAR MEETING REPORT

**DATE** 10/11/11 **TYPE OF ROLLCALL**  Attend  Min  Motion  Record  Voice **TAB** 27

**AGENCY** IRB **RULEMAKING** Medication (11 IAC 603; 35 IR 15296) (Emergency)

**APPEARING** N/A

**MOTION**  Approve Minutes  Recommend  Object  Prohibit  Suspend  Extend  
 No Further Action  Remove from No Obj List  Approve No Obj List  Adjourn

**MOVED BY** Representative Harris **2<sup>nd</sup> BY** Representative Moffitt

**ROLLCALL VOTE:**

	Y	N	P		Y	N	P
Sen. Pamela Althoff				Rep. Gregory Harris	X		
Sen. Maggie Crotty	X			Rep. Lou Lang	X		
Sen. Don Harmon	X			Rep. Donald Moffitt	X		
Sen. John Jones	X			Rep. Rosemary Mulligan	X		
Sen. Dale Righter	X			Rep. Angelo "Skip" Saviano	X		
Sen. Ira Silverstein	X			Rep. Andre Thapedi	X		

**VOTE**  Unanimous  Split: - - **Motion:**  Pass  Fail

**NOTES** JCAR objected to this rulemaking because the incorporation by reference of the Association of Racing Commissioners International (RCI) Uniform Classification of Foreign Substances incorrectly cites the wrong version. Additionally, JCAR objects to the use of emergency rulemaking to remove Levamisole from the list of approved substances. RCI revised its guidelines to recommend against the use of Levamisole at least as early as 2009. If IRB had acted in a more timely manner, this use of emergency rulemaking could have been avoided.

# JCAR MEETING REPORT

**DATE** 
**TYPE OF ROLLCALL**
 Attend
  Record
  Min
  Voice
  Motion
 **TAB**

**AGENCY** 
**RULEMAKING**

**APPEARING**

**MOTION**
 Approve Minutes
  Recommend
  Object
  Prohibit
  Suspend
  Extend  
 No Further Action
  Remove from No Obj List
  Approve No Obj List
  Adjourn

**MOVED BY** 
**2<sup>nd</sup> BY**

**ROLLCALL VOTE:**

	Y	N	P		Y	N	P
Sen. Pamela Althoff				Rep. Gregory Harris	X		
Sen. Maggie Crotty	X			Rep. Lou Lang	X		
Sen. Don Harmon	X			Rep. Donald Moffitt	X		
Sen. John Jones	X			Rep. Rosemary Mulligan	X		
Sen. Dale Righter	X			Rep. Angelo "Skip" Saviano	X		
Sen. Ira Silverstein	X			Rep. Andre Thapedi	X		

**VOTE**  Unanimous
  Split:  
**Motion:**  Pass
  Fail

**NOTES**

# JCAR MEETING REPORT

**DATE** 10/11/11 **TYPE OF ROLLCALL**  Attend  Record  Min  Motion  Voice **TAB** 5

**AGENCY** DFPR-DPR **RULEMAKING** Cemetery Oversight Act (68 IAC 1249; 35 IR 11050)

**APPEARING** Brent Adams, Secretary of DFPR

**MOTION**  Approve Minutes  Recommend  Object  Prohibit  Suspend  Extend  
 No Further Action  Remove from No Obj List  Approve No Obj List  Adjourn

**MOVED BY** Senator Harmon **2<sup>nd</sup> BY** Senator Righter

**ROLLCALL VOTE:**

	Y	N	P		Y	N	P
Sen. Pamela Althoff				Rep. Gregory Harris		X	
Sen. Maggie Crotty		X		Rep. Lou Lang			
Sen. Don Harmon	X			Rep. Donald Moffitt	X		
Sen. John Jones	X			Rep. Rosemary Mulligan	X		
Sen. Dale Righter	X			Rep. Angelo "Skip" Saviano	X		
Sen. Ira Silverstein		X		Rep. Andre Thapedi		X	

**VOTE**  Unanimous  Split: 6-4-0 **Motion:**  Pass  Fail

**NOTES** JCAR objected to this rulemaking because licensure fees, indemnification costs and continuing education requirements, as well as cemetery maintenance standards that are not differentiated based on the size and financial strength of the cemetery as is required by the statute, will create a serious financial hardship for some cemeteries. Further, the Department is acting prematurely in urging the adoption of these rules while legislation is still pending before the General Assembly that would offer the Department additional direction on the implementation of the Cemetery Oversight Act. The motion passed on a vote of 6 – 4 – 0 – 2 (Yes – Harmon, Jones, Righter, Moffitt, Mulligan, Saviano; No – Crotty, Silverstein, Harris, Thapedi; Not present – Althoff, Lang).

# JCAR MEETING REPORT

**DATE**  **TYPE OF ROLLCALL**  Attend  Record  Min  Motion  Voice **TAB**

**AGENCY**  **RULEMAKING**

**APPEARING**

**MOTION**  Approve Minutes  Recommend  Object  Prohibit  Suspend  Extend  
 No Further Action  Remove from No Obj List  Approve No Obj List  Adjourn

**MOVED BY**  **2<sup>nd</sup> BY**

**ROLLCALL VOTE:**

	Y	N	P		Y	N	P
Sen. Pamela Althoff				Rep. Gregory Harris	X		
Sen. Maggie Crotty	X			Rep. Lou Lang			
Sen. Don Harmon	X			Rep. Donald Moffitt	X		
Sen. John Jones	X			Rep. Rosemary Mulligan	X		
Sen. Dale Righter	X			Rep. Angelo "Skip" Saviano	X		
Sen. Ira Silverstein	X			Rep. Andre Thapedi	X		

**VOTE**  Unanimous  Split:  **Motion:**  Pass  Fail

**NOTES**

# JCAR MEETING REPORT

**DATE** 
**TYPE OF ROLLCALL**
 Attend
  Record
  Min
  Motion
  Voice
 **TAB**

**AGENCY** 
**RULEMAKING**

**APPEARING**

**MOTION**
 Approve Minutes
  Recommend
  Object
  Prohibit
  Suspend
  Extend
  No Further Action
  Remove from No Obj List
  Approve No Obj List
  Adjourn

Approval and Certification of DPH's Request for Expedited Correction

**MOVED BY** 
**2<sup>nd</sup> BY**

**ROLLCALL VOTE:**

	Y	N	P		Y	N	P
Sen. Pamela Althoff				Rep. Gregory Harris	X		
Sen. Maggie Crotty	X			Rep. Lou Lang			
Sen. Don Harmon	X			Rep. Donald Moffitt	X		
Sen. John Jones	X			Rep. Rosemary Mulligan	X		
Sen. Dale Righter	X			Rep. Angelo "Skip" Saviano	X		
Sen. Ira Silverstein	X			Rep. Andre Thapedi	X		

**VOTE**  Unanimous
  Split:  
**Motion:**  Pass
  Fail

**NOTES**

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**AGENCY**  **RULEMAKING**

**APPEARING**

**MOTION**  Approve Minutes  Recommend  Object  Prohibit  Suspend  Extend  
 No Further Action  Remove from No Obj List  Approve No Obj List  Adjourn

**MOVED BY**  **2<sup>nd</sup> BY**

**ROLLCALL VOTE:**

	Y	N	P		Y	N	P
Sen. Pamela Althoff				Rep. Gregory Harris	X		
Sen. Maggie Crotty	X			Rep. Lou Lang			
Sen. Don Harmon	X			Rep. Donald Moffitt	X		
Sen. John Jones	X			Rep. Rosemary Mulligan	X		
Sen. Dale Righter	X			Rep. Angelo "Skip" Saviano	X		
Sen. Ira Silverstein	X			Rep. Andre Thapedi	X		

**VOTE**  Unanimous  Split:  **Motion:**  Pass  Fail

**NOTES**

