

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. MAGGIE CROTTY

CO-CHAIR:
REP. ANGELO "SKIP" SAVIANO

EXECUTIVE DIRECTOR:
VICKI THOMAS



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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

February 7, 2012

Meeting Called to Order

The Joint Committee on Administrative Rules met on February 7, 2012 at 9:30 a.m. in Room A-1 of the Stratton Office Building in Springfield, Illinois.

Co-Chair Crotty 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 Pamela Althoff	X Representative Greg Harris
X Senator Maggie Crotty	Representative Lou Lang
X Senator Don Harmon	X Representative Donald Moffitt
X 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 JANUARY 10, 2012 MEETING

Representative Moffitt moved, seconded by Representative Mulligan, to approve the minutes of the January 10, 2012 meeting. The motion passed unanimously.

REVIEW OF AGENCY RULEMAKINGS

Department of Public Health – Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300; 35 Ill. Reg. 9927)

Senator Harmon moved, seconded by Representative Saviano, that JCAR and DPH agree to extend the Second Notice Period for this rulemaking for an additional 45 days. The motion passed unanimously.

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

Representative Harris moved, seconded by Senator Althoff, that JCAR recommend that DPH update its rules to reflect current policy in a more timely manner. DPH has been implementing changes in AIDS Drug Assistance Program policies and procedures without adopting them in rule first. The motion passed unanimously.

Illinois Student Assistance Commission – John R. Justice Student Loan Repayment Program (23 Ill. Adm. Code 2754; 36 Ill. Reg. 556) (Emergency)

Representative Moffitt moved, seconded by Senator Harmon, that JCAR object to ISAC disbursing federal funds under the Program in 2010 without adopting rules establishing the standards and procedures used in disbursing those funds; to ISAC establishing policy outside of rule by announcing the 11/30/11 deadline for application for FFY 12 funds prior to adoption of these emergency rules; and to ISAC using emergency rulemaking to implement its policies for this Program when it had time to use the proposed rulemaking process. The motion passed unanimously.

CONSIDERATION OF OTHER RULEMAKINGS

Co-Chair Crotty asked if any members requested consideration of any other rulemaking. No member requested consideration of any rulemakings on the No Objection list.

CERTIFICATION OF NO OBJECTION

Senator Righter moved, seconded by Representative Saviano, 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 – Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 (68 Ill. Adm. Code 1240; 35 Ill. Reg. 6687)

Due to the appropriateness of responses from both DFPR and the Department of State Police, no further action.

Illinois Racing Board – Medication (11 Ill. Adm. Code 603; 35 Ill. Reg. 15296) (Emergency)

Due to the appropriateness of the Board's response, no further action.

MARCH MEETING DATE

Co-Chair Crotty announced that the next monthly meeting is scheduled for Tuesday, March 6,

2012, at 9:30 a.m., Room A-1, Stratton Office Building, Springfield IL.

ADJOURNMENT

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

Min:1202Feb

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 **2nd 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
2nd 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
 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
 Withdrawal of Prohibition

MOVED BY
2nd 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 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 **2nd 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
2nd 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 **2nd 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 **2nd 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
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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
 Approval and Certification of DPH's Request for Expedited Correction

MOVED BY
2nd 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

MOVED BY **2nd 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

