

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. MAGGIE CROTTY

CO-CHAIR:
REP. ANGELO "SKIP" SAVIANO

EXECUTIVE DIRECTOR:
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SEN. J. BRADLEY BURZYNSKI
SEN. RANDALL HULTGREN
SEN. MATTIE HUNTER
SEN. DAN RUTHERFORD
SEN. IRA SILVERSTEIN
REP. JOHN FRITCHEY
REP. LOU LANG
REP. DAVID MILLER
REP. DONALD L. MOFFITT
REP. ROSEMARY MULLIGAN

MINUTES

April 21, 2009

Meeting Called to Order

The Joint Committee on Administrative Rules met on April 21, 2009 at 11:00 a.m. in Room C-1 of the Stratton 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 Bradley Burzynski	X Representative John Fritchey
X Senator Maggie Crotty	X Representative Lou Lang
X Senator Randy Hultgren	X Representative David Miller
X Senator Mattie Hunter	X Representative Donald Moffitt
X Senator Dan Rutherford	Representative Rosemary Mulligan
Senator Ira Silverstein	X Representative Angelo "Skip" Saviano

APPROVAL OF THE MINUTES OF THE MARCH 17, 2009 MEETING

Representative Lang moved, seconded by Senator Hunter, to approve the minutes of the March 17, 2009 meeting. The motion passed unanimously.

REVIEW OF AGENCY RULEMAKINGS

Environmental Protection Agency – Permit Fees for Installing or Extending Water Main (35 Ill. Adm. Code 690; 32 Ill. Reg. 19849)

Representative Moffitt moved, seconded by Senator Burzynski, that JCAR recommend that EPA be more timely in updating its rules to reflect statutory changes. The motion passed unanimously.

Department of Public Health – Loan Repayment Assistance for Dentists (77 Ill. Adm. Code 580; 32 Ill. Reg. 14455)

Representative Saviano moved, seconded by Representative Fritchey, that JCAR object to the Department's lack of timeliness in proposing rules to reflect statutory changes. The underlying statute was effective in 2007 and the program was funded, but DPH is just now implementing the program. The motion passed on a rollcall vote of 9-0-1 (Miller – Present).

Department of Human Services – Temporary Assistance for Needy Families (89 Ill. Adm. Code 112; 33 Ill. Reg. 4977) (Emergency); Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113; 33 Ill. Reg. 4993) (Emergency); General Assistance (89 Ill. Adm. Code 114; 33 Ill. Reg. 5004) (Emergency); Refugee/Repatriate Program (89 Ill. Adm. Code 115; 33 Ill. Reg. 5018) (Emergency)

Senator Burzynski moved, seconded by Senator Hultgren, that JCAR object to the Department using emergency rulemakings to amend these rules because the Department waited over 8 months to implement budgetary provisions that were effective 7/1/08 and 8/5/08. Any emergency situation that exists is agency-created, in contravention of Section 5-45 of the Illinois Administrative Procedure Act. The motion passed unanimously.

Co-Chair Crotty asked if any member desired to discuss any other proposed rulemakings. Representative Lang asked to consider a rulemaking of the Department of Public Health.

Department of Public Health – Child Health Examination Code (77 Ill. Adm. Code 665; 32 Ill. Reg. 14465)

Representative Lang moved, seconded by Representative Miller, that the Second Notice period for this rulemaking be extended for an additional 45 days to allow for further discussion of the eye examination report form to be included in Appendix A of the rule. The motion passed unanimously.

Co-Chair Crotty asked if any member desired to consider any emergency rulemaking. No member responded in the affirmative.

CERTIFICATION OF NO OBJECTION

Senator Rutherford moved, seconded by Representative Saviano, 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.

DISPOSITION OF SUSPENSION

Department of Healthcare and Family Services – Medical Assistance Programs (89 Ill. Adm. Code 120; 32 Ill. Reg. 18889) (Peremptory); Suspension Issued 11/19/08

Co-Chair Crotty announced that the 180 days during which JCAR can withdraw its Suspension or the General Assembly can override the Suspension will expire prior to the next JCAR meeting. She asked if the agency wanted to suggest any further action on this matter at this time.

Tamara Hoffman, Chief of Staff, stated that, while the repeal of the peremptory rule would have little practical effect at this point, HFS was willing to do whatever JCAR recommended.

Senator Rutherford stated that it would be better if the peremptory were repealed.

Ms Hoffman agreed.

Senator Rutherford, seconded by Representative Saviano, moved that JCAR withdraw its suspension of the peremptory rule contingent upon the Department's agreement to repeal the peremptory rule. The withdrawal is effective upon the Department filing the repeal with the Secretary of State. The motion passed on a vote of 10-0-0.

AGENCY RESPONSES

Department of Public Health – Health Care Worker Background Check Code (77 Ill. Adm. Code 955; 32 Ill. Reg. 4529)

State Board of Elections – Campaign Financing (26 Ill. Adm. Code 100; 33 Ill. Reg. 332) (Emergency)

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

MAY MEETING DATE

Co-Chair Crotty announced that the next monthly meeting is scheduled for Tuesday, May 19, 2009, 11:00 a.m., Room C-1 of the Stratton Office Building in Springfield.

ADJOURNMENT

Senator Hunter moved, seconded by Representative Moffitt, that the meeting be adjourned. The motion passed unanimously.

Min:0904Apr