

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

June 14, 2011

Meeting Called to Order

The Joint Committee on Administrative Rules met on June 14, 2011 at 11:00 a.m. in Room 16-503 of the James R. Thompson Center in Chicago, 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	X Representative Lou Lang
X Senator Don Harmon	Representative Donald Moffitt
Senator John O. Jones	Representative Rosemary Mulligan
X Senator Dale Righter	Representative Angelo "Skip" Saviano
X Senator Ira Silverstein	X Representative Andre' Thapedi

APPROVAL OF THE MINUTES OF THE MAY 10, 2011 MEETING

Representative Lang moved, seconded by Senator Righter, to approve the minutes of the May 10, 2011 meeting. The motion passed unanimously.

REVIEW OF AGENCY RULEMAKINGS

Department of Human Services – Award and Monitoring of Funds (77 Ill. Adm. Code 2030; 35 Ill. Reg. 1327) and Subacute Alcoholism and Substance Abuse Treatment Services (77 Ill. Adm. Code 2090; 35 Ill. Reg. 1329)

Representative Thapedi moved, seconded by Senator Silverstein, that JCAR object to these rulemakings because the rulemakings make no distinction between adolescent and adult

programs. DHS, after reviewing considerable public comment, has determined that such a distinction would be appropriate. In order to implement targeted utilization management requirements for adult and adolescent alcoholism and substance abuse treatment services, DHS has expressed a desire to withdraw these rulemakings and develop a new proposal. This Objection will allow the Department to do so.

Theodora Binion Taylor, Director of the Department's Division of Alcohol and Substance Abuse, represented DHS.

The motion passed unanimously.

Department of Insurance – Minimum Standards for Determining Nonforfeiture Benefits for Certain Life Insurance Policies Having Intermediate Cash Benefits (50 Ill. Adm. Code 1415; 35 Ill. Reg. 2554)

Senator Althoff moved, seconded by Senator Harmon, that JCAR and the Department of Insurance agree to extend the Second Notice period for this rulemaking for an additional 45 days to address JCAR requests for clarifying changes. The motion passed unanimously.

WITHDRAWAL OF FILING PROHIBITION

Department of Financial and Professional Regulation – Title Insurance Act (50 Ill. Adm. Code 8100; 34 Ill. Reg. 15926)

Representative Harris moved, seconded by Senator Althoff, to withdraw the Filing Prohibition on this rulemaking contingent upon the Department's filing the rule with modifications reflecting its removal of the \$25 and \$50 thresholds and, instead, requiring any fee charged to be fair, adequate and nondiscriminatory. The withdrawal of the Filing Prohibition is effective upon DFPR filing the rulemaking with these modifications. The motion passed on a roll call vote of 8-0-0.

CONSIDERATION OF OTHER RULEMAKINGS

Co-Chair Saviano asked if any member requested consideration of any other rulemaking. Representative Harris requested discussion of a DNR rulemaking.

Department of Natural Resources – The Oil and Gas Act (62 Ill. Adm. Code 240; 35 Ill. Reg. 3037)

Representative Harris moved, seconded by Senator Righter, that JCAR and the Department of Natural Resources agree to extend the Second Notice for this rulemaking for an additional 45 days.

Robert Mool, agency attorney, represented DNR and agreed to the Extension.

The motion passed unanimously.

CERTIFICATION OF NO OBJECTION

Representative Thapedi moved, seconded by Representative Lang, 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

Central Management Services – Pay Plan (80 Ill. Adm. Code 310; 35 Ill. Reg. 5633) (Emergency)

Department of Financial and Professional Regulation – Non-Binding, Advisory Opinions on Criminal Convictions (68 Ill. Adm. Code 1130; 34 Ill. Reg. 17126)

Secretary of State – Regulations Under Illinois Securities Law of 1953 (14 Ill. Adm. Code 130; 35 Ill. Reg. 4781) (Emergency)

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

Secretary of State – Lobbyist Registration and Reports (2 Ill. Adm. Code 560; 35 Ill. Reg. 2424) (Emergency)

Representative Lang moved, seconded by Senator Harmon, that JCAR issue a Notice of Failure to Remedy. JCAR objected to Section 560.310(d) of this rulemaking, which requires lobbyists to report non-expenditure related lobbying activity. The Lobbyist Registration Act requires reporting of lobbying activities only in connection with lobbying expenditures. SOS responded that it would modify Section 560.310(d) by removing a requirement that the name of the person lobbied be reported. However, this does not resolve JCAR's concerns that SOS does not have statutory authority to require reporting of non-expenditure related lobbying activities. Based on a failure to cure the statutory issue, JCAR will issue a Notice of Failure to Remedy its concerns with Section 560.310(d).

Michelle Nijm, Assistant General Counsel, represented SOS.

The motion passed unanimously.

JULY MEETING DATE

Co-Chair Crotty announced that the next monthly meeting is scheduled for Tuesday, July 12, 2011, in Chicago IL.

ADJOURNMENT

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

Min:1106June