

# 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

August 16, 2011

### Meeting Called to Order

The Joint Committee on Administrative Rules met on August 16, 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

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

### APPROVAL OF THE MINUTES OF THE JULY 12, 2011 MEETING

Senator Harmon moved, seconded by Representative Saviano, to approve the minutes of the July 12, 2011 meeting. The motion passed unanimously.

### REVIEW OF AGENCY RULEMAKINGS

*Department of Public Health – Illinois Vital Records Code (77 Ill. Adm. Code 500; 35 Ill. Reg. 750)*

Representative Harris moved, seconded by Representative Moffitt, that JCAR and the Department of Public Health agree to extend the 2<sup>nd</sup> Notice Period for this rulemaking for an additional 45 days. The motion passed unanimously.

*Department of State Police – Forensic Training (20 Ill. Adm. Code 1299; 35 Ill. Reg. 8409)*

Senator Righter moved, seconded by Representative Thapedi, that JCAR and the Department of State Police agree to extend the 2<sup>nd</sup> Notice Period for this rulemaking for an additional 45 days. The motion passed unanimously.

## **CONSIDERATION OF OTHER RULEMAKINGS**

Co-Chair Crotty asked if any members requested consideration of any other rulemaking. Senator Righter requested discussion of a DPH proposed rulemaking.

***Department of Public Health – Private Sewage Disposal Code (77 Ill. Adm. Code 905; 34 Ill. Reg. 12394)***

Senator Righter moved, seconded by Senator Silverstein, that JCAR remove this rulemaking from the No Objection List. The motion passed unanimously.

## **CERTIFICATION OF NO OBJECTION**

Representative Lang moved, seconded by Representative Moffitt, 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 Healthcare and Family Services – Medical Assistance Programs (89 Ill. Adm. Code 120; 34 Ill. Reg. 11664)***

HFS has offered no concrete modifications to evaluate at this time. Staff will continue to monitor.

***Office of the State Treasurer – Illinois Public Treasurers' Investment Pool for Public Treasurers in the State of Illinois (74 Ill. Adm. Code 740; 35 Ill. Reg. 8893) (Emergency)***

Representative Lang moved, seconded by Representative Saviano, that JCAR withdraw the Suspension of the emergency rule effective with the adoption of the companion proposed rulemaking (74 Ill. Adm. Code 740; 35 Ill. Reg. 8795) with the Second Notice Agreements.

Co-Chair Crotty asked if a representative from the Treasurer's Office was present.

Illinois State Treasurer Dan Rutherford represented the Treasurer's Office. Treasurer Rutherford indicated that, after serving on the Committee for 16 years, he knows what constitutes an emergency. Upon taking office, Treasurer Rutherford charged his staff to review all existing rules and to evaluate the lack of rules to be certain that rules are current. The lack of representation from his office at the July 2011 JCAR meeting was a result of his staff's belief that

the rulemaking would be before the Committee in August. Treasurer Rutherford commented that his office's interaction with JCAR staff was prompt. Illinois Funds contains between \$5 and \$6 billion dollars, depending on the time of year, which his office is responsible for investing on behalf of public entities. The Treasurers' Office administers these funds for 5 basis points, which covers the Treasurer's costs, and US Bank, the investor of the funds, receives 3.5 basis points, for a total of 8.5. The constant fluctuations in interest rates means that the fund does not always post a profit. Therefore, Treasurer Rutherford ordered his staff to reduce the basis points charged as an administrative fee from 6 to 5, but he had no authority to reduce it below 5. Treasurer Rutherford instructed staff to draft an emergency rule that would allow the Treasurer to lower the administrative fee below 5 basis points and provided that no notice would need to be given if the fee were raised or lowered while under the 5 basis point threshold. He reiterated that it is an emergency due to the daily fluctuations of the market. Treasurer Rutherford offered to answer any questions the Committee had for him and requested that JCAR lift the Suspension so that he could proceed with the proposed rulemaking.

The motion to withdraw the Suspension passed by roll call vote of 10-0-0.

### **SEPTEMBER MEETING DATE**

Co-Chair Crotty announced that the next monthly meeting is scheduled for Tuesday, September 13, 2011, at 11:00 a.m. in Room 600C, Bilandic Building, Chicago IL.

### **ADJOURNMENT**

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

*Min:1108August*

# 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     |   |   |   |
| 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     |   |   |   |
| 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

45 Day Extension

**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     |   |   |   |
| 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

**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     |   |   |   |
| 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

45 Day Extension

**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     |   |   |   |
| 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 and the Department of State Police agree to extend the 2<sup>nd</sup> Notice Period for the rulemaking titled Forensic Training (20 Ill. Adm. Code 1299; 35 Ill. Reg. 8409) for an additional 45 days.

# 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     |   |   |   |
| 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

Staff will continue to monitor.

**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     |   |   |   |
| 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 Suspension

**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     |   |   |   |
| 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     |   |   |   |
| Sen. Dale Righter    | X |   |   | Rep. Angelo "Skip" Saviano | X |   |   |
| Sen. Ira Silverstein | X |   |   | Rep. Andre Thapedi         | X |   |   |

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

**NOTES**

