

# 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

November 8, 2011

### Meeting Called to Order

The Joint Committee on Administrative Rules met on November 8, 2011 at 11:00 a.m. in Room D-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	X Representative Andre' Thapedi

### APPROVAL OF THE MINUTES OF THE OCTOBER 11, 2011 MEETING

Representative Thapedi moved, seconded by Senator Althoff, to approve the minutes of the October 11, 2011 meeting. The motion passed unanimously.

### CONSIDERATION OF OTHER RULEMAKINGS

Co-Chair Crotty asked if any members requested consideration of any other rulemaking. Senator Harmon requested discussion of a CMS proposal. Senator Righter requested discussion of several DCFS proposals.

***Department of Central Management Services – Pay Plan (80 Ill. Adm. Code 310; 35 Ill. Reg. 11032)***

Senator Righter moved, seconded by Representative Saviano, that JCAR remove Tab 3 from the No Objection list. The motion passed unanimously.

***Department of Children and Family Services – Reports of Child Abuse and Neglect (89 Ill. Adm. Code 300; 35 Ill. Reg. 8005; Placement and Visitation Services (89 Ill. Adm. Code 301; 35 Ill. Reg. 8018); Services Delivered by the Department of Children and Family Services (89 Ill. Adm. Code 302; 35 Ill. Reg. 8027); Access to and Eligibility for Child Welfare Services (89 Ill. Adm. Code 304; 35 Ill. Reg. 8037); Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible (89 Ill. Adm. Code 309; 35 Ill. Reg. 8047); Permanency Planning (89 Ill. Adm. Code 315; 35 Ill. Reg. 8051); Administrative Case Reviews and Court Hearings (89 Ill. Adm. Code 316; 35 Ill. Reg. 8060); Licensing Standards for Foster Family Homes (89 Ill. Adm. Code 402; 35 Ill. Reg. 8064); Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406; 35 Ill. Reg. 8082); and Licensing Standards for Group Day Care Homes (89 Ill. Adm. Code 408; 35 Ill. Reg. 8093)***

Senator Righter moved, seconded by Representative Saviano, that JCAR and DCFS agree to extend the 2<sup>nd</sup> Notice Period for these rulemakings for an additional 45 days. The motion passed unanimously.

**CERTIFICATION OF NO OBJECTION**

Senator Jones 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.

**DECEMBER MEETING DATE**

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

**ADJOURNMENT**

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

*Min:1111Nov*

# JCAR MEETING REPORT

**DATE** 
**TYPE OF ROLL CALL**
 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 ROLL CALL**
 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 ROLL CALL**
 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 MEETING REPORT

**DATE** 
**TYPE OF ROLL CALL**
 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** 10/11/11 **TYPE OF ROLLCALL** Attend  Record  Min  Voice  Motion  **TAB** 28

**AGENCY** DOT **RULEMAKING** Prequalification of Contractors, Authorization to Bid, and Subcontractor Registration (44 IAC 650; 35 IR 15485)

**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** Senator Crotty **2<sup>nd</sup> BY** Representative Lang

**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 objects to DOT's use of emergency rulemaking to adopt this rulemaking because the Department has not demonstrated the existence of an emergency situation requiring the use of emergency rulemaking. PA 96-795 became effective 7/1/10, over 13 months before these emergency rules were adopted. Any emergency that exists appears to be due to the Department's delay in implementing PA 96-795.

# JCAR MEETING REPORT

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

**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 ROLL CALL**
 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**

# JCAR MEETING REPORT

**DATE** 
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 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**