

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

December 13, 2011

Meeting Called to Order

The Joint Committee on Administrative Rules met on December 13, 2011 at 11:00 a.m. in Room C-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	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 NOVEMBER 8, 2011 MEETING

Senator Althoff moved, seconded by Senator Righter, to approve the minutes of the November 8, 2011 meeting. The motion passed unanimously.

REVIEW OF AGENCY RULEMAKINGS

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)

Representative Moffitt moved, seconded by Senator Jones, that JCAR object to Section 1240.535(c)(7) of this rulemaking that requires fingerprint vendors to submit, as part of the fingerprint file, a photograph of the individual being fingerprinted. Statute does not allow DFPR to require photographs, but does authorize the Department of State Police to require other identifying information, which could include a photograph. The proper channel for ISP to require photos is to exercise its statutory authority to do so within its own rules. If ISP does choose to

adopt such a requirement, then DFPR would be able to reflect it in its rules. The motion passed unanimously.

Additionally, Representative Harris moved, seconded by Representative Thapedi, that JCAR recommend that, if the Department of State Police believes that a photograph of a person being fingerprinted for a criminal background check is necessary, it adopt amendments to require those photographs, as allowed by Section 8A of the Illinois Uniform Conviction Information Act [20 ILCS 2635/8A]. The motion passed unanimously.

Secretary of State – Procedures and Standards (92 Ill. Adm. Code 1001; 35 Ill. Reg. 14916)

Senator Righter moved, seconded by Representative Harris, that JCAR and SOS agree to extend the Second Notice period for this rulemaking for an additional 45 days to permit the Secretary additional time to address public comment. The motion passed unanimously.

Department of Transportation – Prequalification of Contractors, Authorization to Bid, and Subcontractor Registration (44 Ill. Adm. Code 650; 35 Ill. Reg. 15454)

Representative Moffitt moved, seconded by Senator Althoff, that JCAR and DOT agree to extend the Second Notice period for this rulemaking for an additional 45 days to permit the Department additional time to consider whether this rulemaking should be transferred to the Department of Transportation – Chief Procurement Officer. The motion passed unanimously.

CONSIDERATION OF OTHER RULEMAKINGS

Co-Chair Crotty asked if any members requested consideration of any other rulemaking. Senator Jones requested discussion of an OSFM proposal and several DCFS proposals.

Office of the State Fire Marshall – Administrative Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 176; 35 Ill. Reg. 14895)

Senator Jones moved, seconded by Senator Righter, that JCAR and OSFM agree to extend the Second Notice period for this rulemaking to allow OSFM to address outstanding public comment. 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 Jones moved, seconded by Senator Althoff, that JCAR remove Tabs 5 through 14 from the No Objection List. The motion passed unanimously.

CERTIFICATION OF NO OBJECTION

Senator Righter moved, seconded by Senator Althoff, 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 Human Services – Temporary Assistance for Needy Families (89 Ill. Adm. Code 112; 35 Ill. Reg. 6736), Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113; 35 Ill. Reg. 6738) and General Assistance (89 Ill. Adm. Code 114; 35 Ill. Reg. 6740)

Based on the appropriateness of the agency's responses, no further action.

Department of Transportation – Prequalification of Contractors, Authorization to Bid, and Subcontractor Registration (44 Ill. Adm. Code 650; 35 Ill. Reg. 15485)

No further action.

JANUARY MEETING DATE

Co-Chair Crotty announced that the next monthly meeting is scheduled for Tuesday, January 10, 2012, at 11:00 a.m., Room 600C, Michael A. Bilandic Building, Chicago IL.

ADJOURNMENT

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

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
 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
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
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 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 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

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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

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

