

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. DON HARMON

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REP. TIM SCHMITZ

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SEN. PAMELA ALTHOFF
SEN. TONY MUÑOZ
SEN. SUE REZIN
SEN. DALE A. RIGHTER
SEN. IRA SILVERSTEIN
REP. GREG HARRIS
REP. LOU LANG
REP. DAVID R. LEITCH
REP. DONALD L. MOFFITT
REP. ANDRE´ THAPEDI

MINUTES

May 14, 2013

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on May 14, 2013 at 9:00 a.m. in Room D-1 of the Stratton Office Building in Springfield, Illinois.

Co-Chair Harmon 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 Don Harmon	X Representative Lou Lang
X Senator Tony Muñoz	X Representative David Leitch
X Senator Sue Rezin	X Representative Donald Moffitt
X Senator Dale Righter	X Representative Timothy Schmitz
X Senator Ira Silverstein	X Representative Andre´ Thapedi

APPROVAL OF THE MINUTES OF THE APRIL 16, 2013 MEETING

Senator Rezin moved, seconded by Representative Moffitt, to approve the minutes of the April 16, 2013 meeting. The motion passed unanimously.

REVIEW OF AGENCY RULEMAKINGS

Department of Public Health – Animal Population Control Code (77 Ill. Adm. Code 996; 37 Ill. Reg. 521)

Representative Leitch moved, seconded by Senator Righter, that JCAR object to DPH operating this program without rules since 2007. This rulemaking was proposed almost 8 years after PA 94-639 became effective and almost 6 years after DPH initiated the program. The motion passed unanimously.

CONSIDERATION OF OTHER RULEMAKINGS

Co-Chair Harmon announced that a DCEO emergency rule (Enterprise Zone and High Impact Business Programs (14 Ill. Adm. Code 520; 37 Ill. Reg. 5006)) and an HFS emergency rule (Medical Payment (89 Ill. Adm. Code 140; 37 Ill. Reg. 5170)) will be placed on JCAR's June 2013 Agenda.

Co-Chair Harmon asked if any member desired consideration of any other rulemaking. Members requested discussion of rulemakings of the Departments of Healthcare and Family Services and Revenue and the Housing Development Authority.

Department of Healthcare and Family Services – Medical Payment (89 Ill. Adm. Code 140; 36 Ill. Reg. 8594)

Gia Burtley, Rules Manager represented HFS.

Co-Chair Harmon asked Ms Burtley to confirm that HFS has agreed to remove a retroactive effectiveness provision from this rulemaking.

Ms Burtley affirmed that HFS would remove the date.

Co-Chair Harmon announced that, based on this agreement, the rulemaking would remain on the No Objection List.

Illinois Housing Development Authority – Abandoned Residential Property Municipality Relief Program (47 Ill. Adm. Code 381; 37 Ill. Reg. 1537)

Charlotte Flickinger, legislative liaison, represented IHDA.

Co-Chair Harmon asked Ms Flickinger to confirm that IHDA agreed to extend consideration of this rulemaking for an additional 45 days.

Ms Flickinger indicated IHDA's concurrence.

Senator Righter moved, seconded by Senator Althoff, that JCAR extend consideration of this rulemaking for an additional 45 days to allow more time to address outstanding issues. The motion passed unanimously.

Department of Revenue – Retailers' Occupation Tax (86 Ill. Adm. Code 130; 36 Ill. Reg. 7971) and Service Occupation Tax (86 Ill. Adm. Code 140; 36 Ill. Reg. 7990)

Jim Nichelson, Director of Legislative Affairs, represented DORS.

Co-Chair Harmon announced that the Committee intended to object to these rulemakings and asked Mr Nichelson what the Department's response would be to the Objections.

Mr. Nicholson responded that DOR would continue to work with affected parties and return with a new rulemaking if all parties could come to terms.

Co-Chair Harmon asked if DOR intended to withdraw the current proposed rulemakings.

Mr. Nicholson confirmed that DOR will withdraw the rulemakings in response to the Committee's Objection.

Senator Muñoz moved, seconded by Senator Silverstein, that JCAR object to these rulemakings because the Department is changing Illinois' position with respect to the taxability of shipping and handling charges for delivery of a purchase to a customer without explicit statutory authority to do so. This is a major change in policy that is likely to have an economic impact on retailers and their customers and should be initiated, if warranted, through legislation. 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 Central Management Services – Business Enterprise Program: Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities (44 Ill. Adm. Code 10; 37 Ill. Reg. 3885) (Emergency)

Department of Financial and Professional Regulation – Illinois Orthotics, Prosthetics and Pedorthics Practice Act (68 Ill. Adm. Code 1325; 36 Ill. Reg. 6118)

Department of Healthcare and Family Services – Medical Payment (89 Ill. Adm. Code 140; 37 Ill. Reg. 253) (Emergency) and Hospital Reimbursement Changes (89 Ill. Adm. Code 152; 37 Ill. Reg. 282) (Emergency)

Health Facilities and Services Review Board – Health Facilities Planning Procedural Rules (77 Ill. Adm. Code 1130; 36 Ill. Reg. 6210)

Department of Human Services – Maternal and Child Health Advisory Board (77 Ill. Adm. Code 2260; 36 Ill. Reg. 15319) and Lekoteks (89 Ill. Adm. Code 899; 36 Ill. Reg. 11888) (Repealer)

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

JUNE MEETING DATE

Co-Chair Harmon announced that the next monthly meeting is scheduled for Tuesday, June 11, 2013, at 11:00 a.m., Room 600C, Michael A. Building, Chicago IL.

ADJOURNMENT

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

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