

# 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

July 10, 2012

### MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on July 10, 2012 at 11:00 a.m. in Room 600C of the Michael A. Bilandic Building in Chicago, Illinois.

Co-Chair Saviano 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 ROLLCALL

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

### APPROVAL OF THE MINUTES OF THE JUNE 12, 2012 MEETING

Representative Thapedi moved, seconded by Representative Lang, to approve the minutes of the June 12, 2012 meeting. The motion passed unanimously.

### REVIEW OF AGENCY RULEMAKINGS

*Department of Financial and Professional Regulation – Boxing and Full-contact Martial Arts Act (68 Ill. Adm. Code 1370; 36 Ill. Reg. 4467) and Professional Boxing and Martial Arts Contests (Repealer) (68 Ill. Adm. Code 1371; 36 Ill. Reg. 4571)*

Representative Moffitt moved, seconded by Representative Harris, that JCAR and DFPR agree to extend these rulemakings for an additional 45 days. The motion passed unanimously.

***Law Enforcement and Training Standards Board – Intern Training Program (20 Ill. Adm. Code 1725; 36 Ill. Reg. 5077)***

Senator Althoff moved, seconded by Representative Lang, that JCAR object to the Law Enforcement Training and Standards Board's delay in adopting rules for its Intern Training Program, which was created by a 1997 statute. The agency implemented this program through policy not created in rule, in violation of Section 5-10 of the IAPA.

***Department of Veterans' Affairs – Payment of Maintenance Charges and Income Management at the Illinois Veterans Homes (95 Ill. Adm. Code 108; 36 Ill. Reg. 5450)***

Representative Lang moved, Seconded by Senator Harmon, that JCAR object to Sections 180.60 and 180.70 of the rulemaking. These Sections state that DVA will establish outside of rule the policy for determining the amount of the allowance for a dependent that will be deducted before calculating a resident's maintenance charge. Under Section 5-10 of the IAPA, agency policy maintained outside of rule is not enforceable.

**CONSIDERATION OF OTHER RULEMAKINGS**

Co-Chair Saviano announced that the Committee would consider EPA's rulemaking titled Alternate Fuels Program (35 Ill. Adm. Code 275; 36 Ill. Reg. 441) at its 8/14/12 meeting. (JCAR voted to extend this rulemaking at its 6/12/12 meeting. The Extension period encompasses the 8/14/12 meeting.)

Co-Chair Saviano asked if any members requested consideration of any other rulemaking. Senator Harmon requested consideration of a PCB rulemaking.

***Pollution Control Board – Clean Construction and Demolition Debris Fill Operations (35 Ill. Adm. Code 1100; 36 Ill. Reg. 2801)***

Senator Harmon moved, seconded by Representative Lang, that JCAR and PCB agree to extend consideration of these rulemakings for an additional 45 days. The motion passed unanimously.

**CERTIFICATION OF NO OBJECTION**

Senator Silverstein moved, seconded by Representative Thapedi, 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 RESPONSE**

***Department of Public Health – Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300; 35 Ill. Reg. 9927)***

If DPH offers appropriate modifications, withdraw the Filing Prohibition.

***Environmental Protection Agency – Environmental Laboratory Certification Fee Rules (35 Ill. Adm. Code 185; 35 Ill. Reg. 20983)***

Representative Lang moved, seconded by Representative Harris, that JCAR issue a Notice of Failure to Remedy. The motion passed unanimously.

***Department of Central Management Services – Merit and Fitness (80 Ill. Adm. Code 302; 36 Ill. Reg. 3990)***

Due to the appropriateness of the agency's response, no further action.

### **AUGUST MEETING DATE**

Co-Chair Saviano announced that the next monthly meeting is scheduled for Tuesday, August 14, 2012, at 11:00 a.m., Room 600C, Michael A. Bilandic Building, Chicago IL.

### **ADJOURNMENT**

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

*Min:1207July*