

# 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

December 11, 2012

### MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on December 11, 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 ROLL CALL

X Senator Pamela Althoff	X Representative Greg Harris
X Senator Maggie Crotty	X Representative Lou Lang
X Senator Don Harmon	X Representative Donald Moffitt
Senator John O. Jones	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 NOVEMBER 13, 2012 MEETING

Senator Harmon moved, seconded by Senator Crotty, to approve the minutes of the November 13, 2012 meeting. The motion passed unanimously.

### SUSPENSIONS

*Healthcare and Family Services – Medical Payment (89 Ill. Adm. Code 140; 36 Ill. Reg. 11329)*

Co-Chair Saviano clarified that this rulemaking would be placed on the January 2013 agenda.

*Healthcare and Family Services – Hospital Services (89 Ill. Adm. Code 148; 36 Ill. Reg. 10326)*

Senator Harmon moved, seconded by Senator Crotty, that JCAR withdraw the Suspension contingent upon and effective with HFS' adoption of a new emergency rule with these agreed upon changes. The motion passed unanimously by roll call vote (9-0-0).

## **REVIEW OF AGENCY RULEMAKINGS**

### ***Department of Agriculture – General Operations of the State Fairs and Fairgrounds (8 Ill. Adm. Code 270; 36 Ill. Reg. 12940)***

Representative Lang moved, seconded by Senator Althoff, that JCAR recommend that, in the future, the Department be more timely in implementing statutory mandates to adopt rules. The motion passed unanimously.

### ***Department of Central Management Services – Day Care (89 Ill. Adm. Code 1300; 36 Ill. Reg. 14460)***

Representative Moffitt moved, seconded by Senator Althoff, that the Joint Committee object to this rulemaking because the Part governs procurement of child care services by State agencies and CMS, as authorized by the State Agency Employees Child Services Act and the repealed Illinois Purchasing Act. These statutes conflict with, or have been supplanted by, the authority granted to the Chief Procurement Officer for General Services (CPO-GS) under the Procurement Code. An Objection will permit CMS to withdraw the rulemaking and, with the CPO-GS, develop further rulemaking or legislation to address the statutory conflict. The motion passed unanimously.

## **CONSIDERATION OF OTHER RULEMAKINGS**

Co-Chair Saviano asked if any members requested consideration of any rulemaking. Representative Lang requested consideration of a DFPR-DFI rulemaking and Representative Moffitt requested consideration of a Treasurer's Office rulemaking.

### ***Department of Financial and Professional Regulation-Division of Financial Institutions – Payday Loan Reform Act (38 Ill. Adm. Code 210; 36 Ill. Reg. 3605)***

Sam Sandoval, Deputy General Counsel of DFPR-DFI, represented the Division.

Representative Lang expressed concern regarding 3 points. First, he asked Mr. Sandoval to confirm that the Department would delay implementation of this rulemaking for 60 days.

Mr. Sandoval confirmed that was correct.

Second, Representative Lang indicated that licensees have complained that the Division has not been notifying them of rule changes, as required by statute. He asked if the Division was aware of these complaints and if it would be notifying licensees after adopting this rulemaking and in the future.

Mr. Sandoval responded that he is now aware of the complaints and the Division would be notifying affected licensees now and in the future.

Third, Representative Lang expressed concern about the fines being levied under this rulemaking. He believes that the fines may be inconsistently applied to two different licensees.

Representative Lang has asked that the Division undergo an internal investigation as to why this would be occurring and how the Division can make the fines more consistent.

Mr. Sandoval responded that the complaint is currently under review.

Representative Lang asked when the review would be completed.

Mr. Sandoval responded that he does not have that information.

Representative Lang mentioned that, if the Division did not complete the review soon, legislation would be passed to complete the task for the Division.

Co-Chair Saviano asked Mr. Sandoval to keep JCAR Staff updated on the review progress.

Mr. Sandoval agreed that the Division would do so.

*Office of the State Treasurer – Banking and Automated Teller Machine Services (74 Ill. Adm. Code 600; 36 Ill. Reg. 13812)*

Maureen Lydon, General Counsel for the State Treasurer, was present.

Co-Chair Saviano asked Ms Lydon to confirm that the State Treasurer's intention was to extend this rulemaking.

Ms Lydon confirmed that was true.

Representative Lang, seconded by Senator Harmon, moved that JCAR extend consideration of this rulemaking for an additional 45 days in order to resolve outstanding issues.

### **CERTIFICATION OF NO OBJECTION**

Senator Harmon moved, seconded by Representative Lang, 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 with Senator Crotty, Representative Harris and Representative Moffitt voting No on Tab 2 (CDB: Illinois Energy Conservation Code (71 Ill. Adm. Code 600; 36 Ill. Reg. 14615)).

### **JANUARY MEETING DATE**

Co-Chair Saviano announced that the next monthly meeting is scheduled for Tuesday, January 8, 2013, at 9:00 a.m., Room D1, Stratton Office Building, Springfield IL.

## **ADJOURNMENT**

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

*Min:1212Dec*