

# JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:  
SEN. BILL CUNNINGHAM

CO-CHAIR:  
REP. RYAN SPAIN



700 STRATTON BUILDING  
SPRINGFIELD, ILLINOIS 62706  
(217) 785-2254

SEN. CRISTINA CASTRO  
SEN. DONALD P. DeWITTE  
SEN. DALE FOWLER  
SEN. KIMBERLY A. LIGHTFORD  
SEN. SUE REZIN  
REP. EVA-DINA DELGADO  
REP. JACKIE HAAS  
REP. STEVEN REICK  
REP. CURTIS J. TARVER, II  
REP. DAVE VELLA

## MINUTES

April 18, 2023

### MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, April 18, 2023, at 10:30 a.m. in Room C-1 of the Stratton Building, Springfield. Co-Chair Spain 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 meetings. Other persons are encouraged to submit their comments to the JCAR office in writing.

### ATTENDANCE ROLL CALL

X Senator Cristina Castro	X Representative Eva-Dina Delgado
X Senator Bill Cunningham	X Representative Jackie Haas
X Senator Donald DeWitte	X Representative Steven Reick
X Senator Dale Fowler	X Representative Ryan Spain
Senator Kimberly A. Lightford	X Representative Curtis J. Tarver, II
X Senator Sue Rezin	X Representative Dave Vella

### APPROVAL OF THE MINUTES OF THE MARCH 21, 2023 MEETING

Rep. Haas moved, seconded by Sen. Castro, that the minutes of the March 21, 2023 meeting be approved. The motion passed unanimously (11-0-0).

### COMPLAINT REVIEW

*Department of Children and Family Services – Licensing Standards for Day Care Centers (89 Ill. Adm. Code 407)*

Rep. Reick moved, seconded by Rep. Vella, that the February 15, 2023 Public Complaint regarding the Department of Children and Family Services be placed on JCAR's May agenda. The motion passed unanimously (11-0-0).

## **EXPEDITED CORRECTION**

### ***Illinois Credit Union Act (38 Ill. Adm. Code 190; 47 Ill. Reg. 4351)***

Rep. Delgado moved, seconded by Sen. DeWitte, that JCAR certify this Expedited Correction effective November 1, 2022. The motion passed unanimously (11-0-0).

## **AGENCY RESPONSE**

### ***State Board of Education – Tutoring Services (23 Ill. Adm. Code 670; 46 Ill. Reg. 18445)***

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

## **REVIEW OF AGENCY RULEMAKINGS**

### ***Environmental Protection Agency – Charging Infrastructure Grant Program (35 Ill. Adm. Code 285; 46 Ill. Reg. 14393)***

Sen. Rezin moved, seconded by Rep. Vella, that JCAR, with the concurrence of the Environmental Protection Agency, extend the Second Notice period for this rulemaking for an additional 45 days. The motion passed unanimously (11-0-0).

### ***Department of Financial and Professional Regulation – Pharmacy Practice Act (68 Ill. Adm. Code 1330; 46 Ill. Reg. 9199)***

Rep. Tarver moved, seconded by Sen. Fowler, that JCAR, with the concurrence of the Department of Financial and Professional Regulation, extend the Second Notice period for this rulemaking for an additional 45 days. The motion passed unanimously (11-0-0).

### ***Department of Human Services – Permanent Supportive Housing & Bridge Subsidy Model for Persons with Mental Illnesses (59 Ill. Adm. Code 145; 46 Ill. Reg. 20109)***

Sen. DeWitte moved, seconded by Rep. Vella, that JCAR recommend that the Department be more timely in meeting statutory deadlines for implementing programs in rule. Sec. 85 of the Housing Is Recovery Pilot Program Act [410 ILCS 125] created by Public Act 102-66, which was effective July 9, 2021, required that any administrative rules necessary for the implementation of that Act be filed within 12 months after the effective date of that Act.

### ***Department of Human Services – Standards and Licensure Requirements for Community-Integrated Living Arrangements (59 Ill. Adm. Code 115; 46 Ill. Reg. 9312)***

Rep. Haas moved, seconded by Sen. Castro, that JCAR, with the concurrence of the Department of Human Services, extend the Second Notice period for this rulemaking for an additional 45 days. The motion passed unanimously (11-0-0).

### ***State Employees' Retirement System – The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill. Adm. Code 1540; 47 Ill. Reg. 1298)***

Sen. DeWitte moved, seconded by Rep. Tarver, that JCAR, with the concurrence of the State Employees' Retirement System, extend the Second Notice period for this rulemaking for an additional 45 days. The motion passed unanimously (11-0-0).

***Teachers' Retirement System – The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650; 47 Ill. Reg. 697)***

Sen. Fowler moved, seconded by Rep. Tarver, that JCAR, with the concurrence of the Teachers' Retirement System, extend the Second Notice period for this rulemaking for an additional 45 days. The motion passed unanimously (11-0-0).

***Pollution Control Board – Permits (35 Ill. Adm. Code 602; 46 Ill. Reg. 8628)***

Sen. Castro moved, seconded by Rep. Reick, JCAR recommend that the Board in its next substantive rulemaking on this Part amend Sections 602.111 and 602.116 to include the standards by which the Environmental Protection Agency will exercise the specific discretionary powers delegated to it by those Sections. Sec. 5-20 of the IAPA requires each rule that implements a discretionary power exercised by an agency to include the standards by which the agency will exercise the power.

***Department of Natural Resources – Land and Water Conservation Fund (LWCF) Grant Program (17 Ill. Adm. Code 3030; 47 Ill. Reg. 1286) and Boat Access Area Development Program (17 Ill. Adm. Code 3035; 47 Ill. Reg. 1291)***

John Fischer, Legal Counsel, represented DNR.

Co-Chair Spain: Thank you very much, Mr. Fischer. We've had some discussion about this topic, and wanted to better understand from the perspective of DNR the motivation and thinking behind removing the Natural Resources Advisory Board from making recommendations concerning these two specific programs.

Mr. Fischer: The Department, in looking over our grant programs, one of the things that we are attempting to do is streamline our process to make it easier for municipalities to get access to funds. When we looked over these two specific grant programs, we looked back at the statutes that authorized them, and in fact our rules had these grants being reviewed by the Board but the statute didn't actually require that, which was actually causing some delays in the issuance of these grants. Most of these, if not all of them, are construction grants, so this could put a two- to three- to four-month delay in approval of these grants, which would potentially get them outside of the construction season, causing municipalities longer time periods to be able to implement these grant programs. In addition, because of some of these delays, we had a lot of federal matching funds when it came to the land and water conservation fund grant program, and in 2022 as an example, due to delays in being able to get construction going, we lost \$11 million in funding. So we're attempting to correct those issues.

Co-Chair Spain: Thank you, and as the Department looks to this issue in various grants that are administered by the Department, what are the appropriate ways to seek additional local input, public input, guidance that would be informative and beneficial to the Department without causing some of the delays that you've identified?

Mr. Fischer: Any of the grants that obviously get filed through the Department are public records. We have a lot of input through the local municipalities that apply for these grants, and we share that information with them. There are opportunities to voice concerns to the Department, but having it go through the Natural Resources Advisory Board, which only met typically once a quarter, was causing unreasonable delays in the processing of these grants.

Co-Chair Spain: Is there any further discussion from other members of the Committee? Then, Mr. Fischer, we'll continue working on this topic, learning a little more. I know we've had some changes to this advisory board over the past year. Would it be acceptable to the Department for these items to be extended and placed on the agenda for JCAR's May meeting?

Mr. Fischer: Absolutely.

Sen. Rezin moved, seconded by Rep. Tarver, that JCAR, with the concurrence of the Department of Natural Resources, extend the Second Notice period for these rulemakings for an additional 45 days. The motion passed unanimously (11-0-0).

***Department of Revenue – Parking Excise Tax (86 Ill. Adm. Code 195; 46 Ill. Reg. 17865)***

Alexis Overstreet, Deputy General Counsel for Sales and Excise Tax Policy, represented DOR.

Sen. Castro: Alexis, I recognize that the rule was to keep up with current statute, correct?

Ms. Overstreet: Yes.

Sen. Castro: My question is obviously there is another change to the statute coming before the General Assembly leaves in the House. If that were to pass both chambers and be signed by the Governor, how would you implement these rules or would you abandon these rules? How would you go about that?

Ms. Overstreet: We are aware and we've been monitoring that legislation that you're speaking of, so if that were to move forward and ultimately be passed then we would be pursuing at that point I believe there might be a few changes that are just formatting, technical kinds of changes to Sections 195.105 and 195.110, but then the real change that we would be seeking to adopt at that point would be the change brought by Public Act 102-920, which expanded some exemptions to the Act. So we would still pursue those changes because they would still be good law, but anything that would have been negated by any follow-up to Public Act 102-700, we would not adopt those provisions.

***Department of Financial and Professional Regulation – Consumer Legal Funding Act (38 Ill. Adm. Code 170; 46 Ill. Reg. 17173)***

Francisco Menchaca, Director of the Division of Financial Institutions, represented DFPR.

Rep. Tarver: It's going to be a very brief sit-down, trust me. Good morning. When we were here in the last couple of months, you and I had a little bit of a conversation. I was frustrated with some things related to this. If I could say something then on the record I want to say something today as

well, which is thank you for your phone call. I appreciate the opportunity to work through that issue. I know we have a little more ahead of us, but I wanted to thank you publicly as I admonished you publicly.

Mr. Menchaca: I appreciate that. I continue looking forward to working with you and your staff.

### **CERTIFICATION OF NO OBJECTION**

Sen. Castro moved, seconded by Rep. Reick, that the Committee inform the agencies to whose rulemakings the Committee has not voted an Objection or 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 rulemaking made by the agency, no Objections will be issued. The motion passed unanimously (11-0-0).

### **ANNOUNCEMENT OF APRIL MEETING**

Co-Chair Spain announced that the next JCAR meeting will be Tuesday, May 16, 2023, at 10:30 a.m. in Room C-1 of the Stratton Office Building, Springfield.

### **ADJOURNMENT**

Co-Chair Cunningham moved, seconded by Rep. Haas, that the meeting stand adjourned. The motion passed unanimously (11-0-0).

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*JE 4/24/23*