

# JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:  
SEN. BILL CUNNINGHAM

CO-CHAIR:  
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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

October 17, 2023

### MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, October 17, 2023, at 11:00 a.m. in Room 600C of the Michael A. Bilandic Building, Chicago. Co-Chair Cunningham 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
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 AUGUST 16, 2023 MEETING

Co-Chair Cunningham moved, seconded by Rep. Reick, that the minutes of the September 12, 2023 meeting be approved. The motion passed unanimously (10-0-0).

### AGENCY RESPONSE

*Department of Children and Family Services – Licensing Standards for Day Care Centers (89 Ill. Adm. Code 407; 47 Ill. Reg. 8756)*

Rep. Vella moved, seconded by Sen. Castro, that the Committee issue a Statement of Failure to remedy. The motion passed unanimously (10-0-0).

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

No further action.

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

Rep. Delgado moved, seconded by Sen. Rezin, that the Committee issue a Statement of Failure to remedy. The motion passed unanimously (10-0-0).

**REVIEW OF AGENCY RULEMAKINGS**

***Department of Financial and Professional Regulation – Credit Union Community Reinvestment (38 Ill. Adm. Code 185; 46 Ill. Reg. 19726); Bank Community Reinvestment (38 Ill. Adm. Code 345; 46 Ill. Reg. 19794); Rules Governing the Request for Reconsideration of Examination Findings (38 Ill. Adm. Code 385; 46 Ill. Reg. 19856); Mortgage Community Reinvestment (38 Ill. Adm. Code 1055; 46 Ill. Reg. 19861)***

Rep. Tarver moved, seconded by Sen. DeWitte, that JCAR, with the concurrence of the Department of Financial and Professional Regulation, extend the second notice period for these rulemakings for an additional 45 days. The motion passed unanimously (10-0-0).

***Department of Human Services – Provider Requirements, Type Services, and Rates of Payment (89 Ill. Adm. Code 686; 47 Ill. Reg. 7038)***

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 (10-0-0).

***Illinois State Police – Firearm Owner's Identification Card Act (Emergency) (20 Ill. Adm. Code 1230; 47 Ill. Reg. 14038)***

Rep. Haas moved, seconded by Sen. Rezin, that JCAR object this emergency rulemaking because the rulemaking does not meet the criteria under 1 Ill. Adm. Code 230.400(a)(3)(E) and (a)(1)(H), which require emergency rules to be simple and clear so that the rule can be understood by the persons and groups the rule affects, and to comply with the statutory authority and legislative intent upon which the rule is based. The rule lacks detailed defined terms, which makes compliance by the regulated public improbable. Further, the rule permits broad interpretation of the terms "assault weapon" and "assault weapon attachment" outside of rule, when the legislative intent clearly indicates the list of assault weapons is to be comprehensive, detailed, and updated by the Illinois State Police as needed. Roll Call:

No	Senator Cristina Castro	No	Representative Eva-Dina Delgado
No	Senator Bill Cunningham	Yes	Representative Jackie Haas
Yes	Senator Donald DeWitte	Yes	Representative Steven Reick
	Senator Dale Fowler	Yes	Representative Ryan Spain
	Senator Kimberly A. Lightford	No	Representative Curtis J. Tarver, II
Yes	Senator Sue Rezin	No	Representative Dave Vella

The motion failed (5-5-0).

Co-Chair Spain: We've had a lot of discussion on this topic as a committee we've received many questions on this topic as members of JCAR. We could be here all day and night going through each one of these questions, seeking answers from the Illinois State Police. Rather than doing that, we've had discussions with the State Police and they understand the detailed questions and areas of ambiguity where we are looking for resolution. The State Police have agreed to respond to questions that will be generated and facilitated to them from this Committee and have agreed to also hold additional public hearings for the permanent rulemaking associated with this topic. We expect have a lot of discussion that will continue to take place over the course of JCAR's next two meetings to provide clarifications on this topic. Issues regarding magazines, privacy security contractors, and transfers are all points that will be discussed in the coming months.

Co-Chair Cunningham moves, seconded by Rep. Reick, that JCAR recommend that the Illinois State Police add clarifying detail to the rulemaking including: the definitions of "assault weapon" and "assault weapon attachment"; when an individual's weapons may to be returned to them upon reinstatement of a FOID card; the duration and location of affidavit exempt activities; and addressing any other commenter concerns. Furthermore, the Committee recommend that the Illinois State Police to hold three public hearings on this topic and answer the specific questions of the Committee and public commentors, in writing, within 60 days and update the Committee on its progress at its November meeting. The motion passed unanimously (10-0-0).

***Department of Children and Family Services – Licensing Standards for Day Care Centers (89 Ill. Adm. Code 407; 47 Ill Reg 8052)***

Jeff Osowski, Administrative Rules Coordinator, Jennifer Cohen-Deihl, Acting Assistant Chief of Children and Family Policy, Shontée Blankenship, Deputy Director of Licensing, Tierney Stutz, Executive Deputy Director, and Jassen Strokosch, Chief of Staff represented DCFS.

Discussion

Rep. Vella moves, seconded by Rep. Reick, that JCAR object to the Department of Children and Family Services rulemaking titled Licensing Standards for Day Care Centers (89 Ill. Adm. Code 407; 47 Ill Reg 8052) because this rulemaking does not meet the criteria for review established in 1 Ill. Adm. Code 220.900(a)(2)(A) and (a)(3)(E), which requires an agency to provide adequate justification and rationale for the proposed rulemaking. The Department has not presented adequate justification and rationale for considering only work experience acquired in licensed day care centers and licensed exempt locations in determining whether an assistant is qualified to supervise children under age 2. Licensed day care centers have relied heavily on assistant supervision of infants and toddlers for more than 3 years and frequently hire assistants with child care experience in other environments such as in day care homes and as professional nannies. The

Committee strongly encourages the Department to generally engage with stakeholders on this topic and to find a comprehensive solution for daycare staffing issues. The motion passed unanimously (10-0-0).

Sen. Castro and Rep. Reick left the meeting.

***Department of Healthcare and Family Services – Special Eligibility Groups (Emergency) (89 Ill. Adm. Code 118; 47 Ill. Reg. 9114)***

Omar Shaker, staff attorney, represented HFS.

Discussion

***Department of Natural Resources – White-Tailed Deer Hunting By Use of Bow and Arrow (17 Ill. Adm. Code 670; 47 Ill. Reg. 10849)***

John Fisher, Legal Counsel, represented DNR.

Mr. Fisher confirmed DNR would agree to a 45-day Extension.

Sen. Rezin moved, seconded by Rep. Tarver, that JCAR, with the consent of the Department of Natural Resources, extend the Second Notice period for this rulemaking for an additional 45 days. The motion passed unanimously (8-0-0).

***Capital Development Board – Illinois Energy Conservation Code (71 Ill. Adm. Code 600; 47 Ill. Reg. 7177)***

***Elevator Safety Review Board – Illinois Elevator Safety Rules (41 Ill. Adm. Code 1000; 47 Ill. Reg. 6388)***

***State Fire Marshal – Fire Sprinkler Contractor Licensing Act (41 Ill. Adm. Code 109; 47 Ill. Reg. 6614)***

***Department of Children and Family Services – Licensing Standards for Day Care Centers (Emergency) (89 Ill. Adm. Code 407; 47 Ill. Reg. 8756)***

***Department of Healthcare and Family Services – Special Eligibility Groups (Emergency) (89 Ill. Adm. Code 118; 47 Ill. Reg. 9114)***

Co-Chair Spain noted that these rulemakings would be removed from the No Objection list and placed on the Committee's November agenda.

### **CERTIFICATION OF NO OBJECTION**

Sen. DeWitte moved, seconded by Rep. Delgado, 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 (8-0-0).

### **ANNOUNCEMENT OF NOVEMBER MEETING**

Co-Chair Spain announced that the next JCAR meeting will be Tuesday, November 7, 2023, at 10:30 a.m. in Room D-1 of the Stratton Building, Springfield, Illinois.

### **ADJOURNMENT**

Co-Chair Cunningham moved, seconded by Rep. Haas, that the meeting stand adjourned. The motion passed unanimously (8-0-0).

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*KK 10/30/23*