



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB3423

Introduced 2/18/2025, by Rep. Tony M. McCombie

#### SYNOPSIS AS INTRODUCED:

5 ILCS 80/8.32 new

Amends the Regulatory Sunset Act. Provides that the Department of Financial and Professional Regulation shall conduct a review of each current regulatory program, including any costs and fees associated with each program. Provides that the Department shall create a report based on this review for each program and deliver the report to the General Assembly no later than 12 months prior to the termination of each program under the Act. Sets forth requirements for the report. Provides that the Department shall conduct a review of each potential new program, including any costs and fees associated with the potential new program. Provides that the Department shall create a new program report based on this review and deliver the report to the General Assembly no later than 30 days after the filing date of the bill in which the program is proposed. Sets forth requirements for the report. Provides that the Department shall complete a review and report for any program reviewed which becomes law 24 months after the effective date of the bill in which the program was proposed and shall subsequently conduct review and reporting duties according to the provided schedule. Provides that nothing in the amendatory provisions shall be construed to prevent the Department from conducting a review or publishing and delivering a report prior to the filing date of a piece of legislation if the Department reasonably believes a new program is necessary to meet a demonstrated public safety or welfare interest or the Department has received requests to regulate a previously unregulated profession.

LRB104 09670 AAS 19736 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Regulatory Sunset Act is amended by adding  
5 Section 8.32 as follows:

6 (5 ILCS 80/8.32 new)

7 Sec. 8.32. Department of Financial and Professional  
8 Regulation licensure report.

9 (a) As used in this Section, "Department" means the  
10 Department of Financial and Professional Regulation.

11 (b) Notwithstanding any section of this Act, the  
12 Department shall conduct a separate review of each current  
13 program, including any costs and fees associated with each  
14 program. The Department shall create a report based on this  
15 review for each program and deliver the report to the General  
16 Assembly no later than 12 months prior to the termination of  
17 each program under this Act. The report must be published on  
18 the Department's website no later than 30 days prior to the  
19 date the report is delivered to the General Assembly. The  
20 report shall include, but is not limited to, the following  
21 recommendations and any data, assumptions, or other analysis  
22 utilized to make each recommendation:

23 (1) whether the program is necessary to meet a

1 demonstrated public safety or welfare interest;

2 (2) whether the conditions that led to the initial  
3 creation of the program have changed and whether other  
4 conditions have arisen that would warrant more, less, or  
5 the same degree of regulation and oversight;

6 (3) if the program is necessary, whether the existing  
7 rules and regulations establish the least restrictive form  
8 of governmental regulation and oversight consistent with  
9 the demonstrated public interest, considering other  
10 available regulatory mechanisms;

11 (4) if the program is necessary, whether Department  
12 rules pertaining to the program enhance the demonstrated  
13 public interest and are within the scope of the  
14 legislative intent in creating the program;

15 (5) the economic impact of the program and, if  
16 national economic information is not available, whether  
17 the program stimulates or restricts competition;

18 (6) the budget and administration of the program,  
19 including, but not limited to:

20 (A) the adequacy of current staffing levels;

21 (B) the cost of required and current staffing  
22 levels to meet the needs of the issuance and  
23 disciplinary process;

24 (C) the adequacy of current physical, software,  
25 and technical resources;

26 (D) the cost of required and current physical,

- 1           software, and technical resources;
- 2           (E) the speed of program application processing  
3           and issuance for both original licenses and renewals;
- 4           (F) the cost of program application processing;
- 5           (G) the necessity, efficiency, and efficacy of  
6           program disciplinary procedures; and
- 7           (H) the cost of disciplinary action;
- 8           (7) whether complaint, investigation, and disciplinary  
9           procedures adequately protect the public and whether final  
10           dispositions of complaints are in the demonstrated public  
11           interest or are self-serving to the profession or  
12           regulated entity;
- 13           (8) whether the scope of practice of the regulated  
14           occupation or profession contributes to the optimum use of  
15           personnel;
- 16           (9) whether the regulation and administration of the  
17           program includes input from numerous stakeholders and the  
18           public to ensure fairness;
- 19           (10) whether fees associated with the program are  
20           fair, taking into consideration factors that include, but  
21           are not limited to, the following:
- 22           (A) the average annual income of an applicant;
- 23           (B) the average annual income of a person in the  
24           occupation or profession;
- 25           (C) the cost of education and other requirements  
26           necessary to perform the services and duties of the

1 occupation or profession;

2 (D) the cost to the Department of administering  
3 the program; and

4 (E) if fees are not fair, what a fair fee would  
5 look like;

6 (11) whether the current number of training,  
7 education, and continuing education days are only those  
8 demonstrably necessary to protect health and safety;

9 (12) whether the Department, via licensing or other  
10 programs, imposes any sanctions or disqualifications on  
11 applicants based on past criminal history and, if so,  
12 whether the sanctions or disqualifications serve a public  
13 safety or commercial or consumer protection interest,  
14 including data on the following:

15 (A) the number of applications that the agency  
16 denied based on the applicant's criminal history and  
17 the criminal offenses that led to the  
18 disqualification;

19 (B) the number of licenses or other credentials  
20 issued based upon the applicant's criminal history;  
21 and

22 (C) the number of licenses or other credentials  
23 revoked or suspended based on an individual's criminal  
24 conduct and the criminal offenses that led to the  
25 sanction; and

26 (13) whether administrative and statutory changes are

1 necessary to improve agency operations to enhance the  
2 demonstrated public interest or to ensure that program  
3 standards for all applicants are not vague and are  
4 consistent with the demonstrated public safety or welfare  
5 interest necessitating the regulation.

6 Nothing in this subsection (b) shall be construed to  
7 prevent the Department from conducting a review or publishing  
8 and delivering a report prior to 12 months before the  
9 termination of the program if the Department reasonably  
10 believes a different level of regulation is the least  
11 restrictive level necessary to meet the demonstrated public  
12 safety or welfare interest or the Department received requests  
13 to alter the current level of regulation.

14 (c) Notwithstanding any section of this Act, the  
15 Department shall conduct a review of each potential new  
16 program, including any costs and fees associated with the  
17 potential new program. The Department shall create a new  
18 program report based on this review and deliver the report to  
19 the General Assembly no later than 30 days after the filing  
20 date of the bill in which the program is proposed. The report  
21 must be published on the Department's website no later than  
22 the date the report is delivered to the General Assembly. The  
23 report shall include, but is not limited to, the following  
24 recommendations and any data, assumptions, or other analysis  
25 utilized to make each recommendation:

26 (1) whether the program is necessary to meet a

1 demonstrated public safety or welfare interest;

2 (2) the conditions that led to the proposal of the  
3 program and whether other conditions have arisen that  
4 would warrant more, less, or the same degree of regulation  
5 and oversight as that proposed;

6 (3) whether the proposed program establishes the least  
7 restrictive form of governmental regulation and oversight  
8 consistent with the demonstrated public interest,  
9 considering other available regulatory mechanisms;

10 (4) if the program is necessary, potential Department  
11 rules pertaining to the program and how these rules would  
12 enhance the demonstrated public interest and are within  
13 the scope of legislative intent;

14 (5) the estimated economic impact of the program and,  
15 if national economic information is not available, whether  
16 the program stimulates or restricts competition;

17 (6) the budget and administration constraints of the  
18 program, including, but not limited to:

19 (A) the adequacy of current staffing levels to  
20 meet the needs of the issuance and disciplinary  
21 process;

22 (B) the cost of maintaining appropriate staffing  
23 levels;

24 (C) the adequacy of current physical, software,  
25 and technical resources;

26 (D) the cost of additional physical, software, and

1 technical resources, if necessary;

2 (E) the anticipated cost of program application  
3 processing; and

4 (F) the cost of anticipated program disciplinary  
5 procedures;

6 (7) whether proposed complaint, investigation, and  
7 disciplinary procedures adequately protect the public and  
8 whether potential methods of evaluating final dispositions  
9 of complaints are in the demonstrated public interest or  
10 are self-serving to the profession or regulated entity;

11 (8) whether the proposed scope of practice of the  
12 regulated occupation or profession contributes to the  
13 optimum use of personnel;

14 (9) whether the regulation and administration of the  
15 program as presented in the bill includes input from  
16 numerous stakeholders and the public to ensure fairness,  
17 or, if such inclusion may be facilitated by Department  
18 rulemaking, what type of rules would ensure such  
19 inclusion;

20 (10) if a fee amount is proposed in the bill, whether  
21 fees associated with the program are fair, taking into  
22 consideration factors that include, but are not limited  
23 to, the following:

24 (A) the average annual income of an applicant;

25 (B) the average annual income of a person in the  
26 occupation or profession;

1           (C) the cost of education and other requirements  
2           necessary to perform the services and duties of the  
3           occupation or profession;

4           (D) the cost to the Department of administering  
5           the program; and

6           (E) if fees are left to the discretion of the  
7           Department, an estimate of a fair fee;

8           (11) whether the proposed number of training,  
9           education, and continuing education days, if any, are only  
10           demonstrably necessary to protect health and safety. If no  
11           number of training, education, or continuing education  
12           days are proposed, a Department estimate thereof;

13           (12) whether the Department, through the program  
14           proposed, would impose any sanctions or disqualifications  
15           on applicants based on past criminal history and, if so,  
16           whether the sanctions or disqualifications proposed serve  
17           a public safety or commercial or consumer protection  
18           interest; and

19           (13) whether changes to the language of the bill in  
20           which the program is proposed are necessary to improve  
21           agency operations to enhance the demonstrated public  
22           interest or to ensure program standards for all applicants  
23           are not vague and are consistent with the demonstrated  
24           public safety or welfare interest necessitating the  
25           regulation and suggested language making the changes.

26           The Department shall complete a review and report under

1 subsection (b) of this Section for any program reviewed under  
2 this subsection (c) which becomes law 24 months after the  
3 effective date of the bill in which the program was proposed  
4 and shall subsequently conduct review and reporting duties  
5 under subsection (b) according to the schedule provided  
6 therein.

7 Nothing in this subsection (c) shall be construed to  
8 prevent the Department from conducting a review or publishing  
9 and delivering a report hereunder prior to the filing date of a  
10 piece of legislation if the Department reasonably believes a  
11 new program is necessary to meet a demonstrated public safety  
12 or welfare interest or the Department has received requests to  
13 regulate a previously unregulated profession.