

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. BILL CUNNINGHAM

CO-CHAIR:
REP. RYAN SPAIN



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

MINUTES

January 16, 2024

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, January 16, 2024, at 10:30 a.m. in Room C-1 of the Stratton Building, Springfield. Co-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	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
X Senator Napoleon Harris, III	X Representative Curtis J. Tarver, II
X Senator Sue Rezin	X Representative Dave Vella

APPROVAL OF THE CORRECTED MINUTES OF THE NOVEMBER 7, 2023 MEETING AND THE MINUTES OF THE DECEMBER 12, 2023 MEETING

Sen. Harris moved, seconded by Sen. Castro, that the corrected minutes of the November 7, 2023 meeting and the minutes of the December 12, 2023 meeting be approved. The motion passed unanimously (11-0-0).

REVIEW OF AGENCY RULEMAKINGS

Department of Central Management Services – Travel (80 Ill. Adm. Code 2800; 47 Ill. Reg. 14148)

Rep. Reick moved, seconded by Rep. Tarver, that JCAR, with the concurrence of the Department of Central Management Services, extend the second notice period for this rulemaking for an additional 45 days. The motion passed unanimously (11-0-0).

Illinois Gaming Board – Video Gaming (General) (11 Ill. Adm. Code 1800; 47 Ill. Reg. 2540)

Rep. Haas moved, seconded by Sen. Rezin, that JCAR, with the concurrence of the Illinois Gaming Board, extend the second notice period for this rulemaking for an additional 45 days. The motion passed unanimously (11-0-0).

Department of Human Services – Criteria for the Evaluation of Programs of Services in Community Rehabilitation Agencies (89 Ill. Adm. Code 530; 47 Ill. Reg. 2593)

Sen. Fowler moved, seconded by Sen. DeWitte, 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).

Department of Public Health – Control of Notifiable Disease and Conditions Code (77 Ill. Adm. Code 690; 47 Ill. Reg. 7323 & 47 Ill. Reg. 10251)

Sen. Harris moved, seconded by Sen. Castro, that JCAR, with the concurrence of the Department of Public Health, extend the second notice period for these rulemakings for an additional 45 days. The motion passed unanimously (11-0-0).

Department of Public Health – Hospital Licensing Requirements (Emergency) (77 Ill. Adm. Code 250; 47 Ill. Reg. 18178)

Rep. Reick moved, seconded by Rep. Tarver, that JCAR object to the Department of Public Health's use of emergency rulemaking to adopt an amendment to Hospital Licensing Requirements (77 Ill. Adm. Code 250; 47 Ill. Reg. 18178) because this emergency rule fails to meet the criteria of 1 Ill. Adm. Code 230.400(a)(1)(C), which states that the emergency situation addressed by the rule must have arisen through no fault of the agency. This is the 8th successive emergency rulemaking the Department has adopted related to the federal Acute Hospital Care at Home (AHCH) waiver. At its December 13, 2022 meeting JCAR recommended, with respect to the Department's emergency amendments to 77 Ill. Adm. Code 515 (46 Ill. Reg. 17682), that the Department avoid exercising its authority to adopt repeat emergency rules under Sec. 5-45(c) of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100] and Secs. 2(a) through (i) of the Department of Public Health Act [20 ILCS 2305] simply to avoid regulatory gaps prior to the adoption of a permanent rulemaking. Despite this recommendation, the Department renewed this emergency rule twice without the declared public health emergency that prompted 6 previous adoptions of this emergency rule. The Department also had ample time to file for Second Notice and adopt the companion proposed rulemaking before the 7th emergency rule then in effect expired. The motion passed unanimously (11-0-0).

Higher Education Travel Control Board – Higher Education Travel (80 Ill. Adm. Code 2900; 47 Ill. Reg. 14652)

Rep. Haas moved, seconded by Sen. Rezin, that JCAR, with the concurrence of the Higher Education Travel Control Board, extend the second notice period for this rulemaking for an additional 45 days. The motion passed unanimously (11-0-0).

Department of Healthcare and Family Services – Hospital Services (89 Ill. Adm. Code 148; 47 Ill. Reg. 1145)

Ben Winick and Omar Shaker represented the HFS.

The rulemaking was discussed and HFS made a commitment to update to the Committee on this topic at the Committee's March 2024 meeting.

Co-Chair Cunningham noted that this rulemaking would be removed from the No Objection list.

Illinois State Police – Firearm Owner’s Identification Card Act (20 Ill. Adm. Code 1230; 47 Ill. Reg. 13846)

Suzanne Bond and Capt. Jeffrey Yenchko represented ISP.

Discussion.

Co-Chair Spain moved, seconded by Sen. DeWitte, JCAR object to and prohibit the Illinois State Police rulemaking titled Firearm Owner's Identification Card Act (20 Ill. Adm. Code 1230; 47 Ill. Reg. 13846) because the rulemaking does not meet the criteria under 1 Ill. Adm. Code 220.900(a)(2)(E), which requires a rule to be simple and clear so that the rule can be understood by the persons and groups the rule affects. The rule contains definitions that are subjective and open to broad interpretation by an enforcing jurisdiction, which leaves the regulated public without clear direction on how to comply with the rule. JCAR finds that these provisions pose a threat to the public interest.

Roll Call

<u>Senators</u>		<u>Representatives</u>	
Castro	N	Delgado	
Cunningham	N	Haas	Y
DeWitte	Y	Reick	Y
Fowler	Y	Spain	Y
Harris	N	Tarver	N
Rezin	Y	Vella	N

The motion fails 6-5-0 (8 votes needed for prohibition).

Co-Chair Spain moved, seconded by Sen. DeWitte, JCAR object to the Illinois State Police rulemaking titled Firearm Owner's Identification Card Act (20 Ill. Adm. Code 1230; 47 Ill. Reg. 13846) because the rulemaking does not meet the criteria under 1 Ill. Adm. Code 220.900(a)(2)(E), which requires a rule to be simple and clear so that the rule can be understood by the persons and groups the rule affects. The rule contains definitions that are subjective and open to broad interpretation by an enforcing jurisdiction, which leaves the regulated public without clear direction on how to comply with the rule.

Roll Call

<u>Senators</u>		<u>Representatives</u>	
Castro	N	Delgado	
Cunningham	N	Haas	Y
DeWitte	Y	Reick	Y
Fowler	Y	Spain	Y

Harris	N	Tarver	N
Rezin	Y	Vella	N

The motion passes 6-5-0.

CERTIFICATION OF NO OBJECTION

Rep. Vella moved, seconded by Rep. Tarver, 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 FEBRUARY MEETING

Co-Chair Cunningham announced that the next JCAR meeting will be Tuesday, February 6, 2024, at 10:30 a.m. in Room C-1 of the Stratton Building, Springfield.

ADJOURNMENT

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

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