

# 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. 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

September 10, 2024

### MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, September 10, 2024, at 11:00 a.m. in Room C-600 of the 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
X Senator Napoleon Harris, III	X Representative Curtis J. Tarver, II
X Senator Sue Rezin	X Representative Dave Vella

### APPROVAL OF THE MINUTES OF THE JULY 16, 2024 MEETING

Rep. Delgado moved, seconded by Sen. Castro, that the minutes of the August 14, 2024 meeting be approved. The motion passed unanimously (11-0-0).

### AGENCY RESPONSES

*Department of Human Service – Fiscal/Administrative Recordkeeping and Requirements (89 Ill. Adm. Code 509)*

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

### REVIEW OF AGENCY RULEMAKINGS

*Capital Development Board – Illinois Energy Conservation Code (71 Ill. Adm. Code 600; 48 Ill. Reg. 8158)*

Robert Coslow represented CDB.

Co-Chair Cunningham asked if municipalities that adopted the Illinois Stretch Code would have the ability to repeal that adoption if the municipality desired. Mr. Coslow confirmed and said nothing in the rulemaking prevents a municipality from repealing the adopted stretch code.

***Department of Commerce and Economic Opportunity – Illinois Film Production Services Tax Credit Program (14 Ill. Adm. Code 528; 48 Ill. Reg. 7901)***

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

***Emergency Management Agency and Office of Homeland Security – State Not-For-Profit Security Grant Program (29 Ill. Adm. Code 120; 48 Ill. Reg. 4525)***

Bob Evans and Louise Conway represented the Agency.

Co-Chair Cunningham asked if the Agency is committed to working out the final technical modifications prior to adopting the rulemaking. Ms. Conway agreed.

***Department of Human Services – Child Care (89 Ill. Adm. Code 50; 48 Ill. Reg. 9217)***

Sen. Rezin moved, seconded by Rep. Haas, that JCAR object to the rulemaking because the Department has implemented this program outside of rule. Section 5-10(c) of the Illinois Administrative Procedure Act [5 ILCS 100] states that no agency rule is valid or effective until it has been made available for public inspection and filed with the Secretary of State. Public Act 103-8, which this rulemaking implements, became effective on June 7, 2023 and gave the Department until October 1, 2024 to adopt rules. However, the Department did not propose rules for the program until July 5, 2024 and had already opened and closed a grant application period for providers before that date. While the Department cited the need to negotiate with stakeholders and obtain appropriations for the program as the reason for the delay in promulgating rules, the consultation and rulemaking processes could have been started any time after the Public Act became effective. The motion passed unanimously (11-0-0).

***Department of Human Services – Fiscal/Administrative Recordkeeping and Requirements (89 Ill. Adm. Code 509; 48 Ill. Reg. 2769)***

Rep. Tarver moved, seconded by Rep. Delgado, that JCAR lift the filing prohibition effective with and contingent upon the Department of Human Services filing the agreed modifications.

**Roll Call**

Y Senator Cristina Castro	Y Representative Eva-Dina Delgado
Y Senator Bill Cunningham	Y Representative Jackie Haas
Y Senator Donald DeWitte	Y Representative Steven Reick
Senator Dale Fowler	Y Representative Ryan Spain
Y Senator Napoleon Harris, III	Y Representative Curtis J. Tarver, II
Y Senator Sue Rezin	Y Representative Dave Vella

The motion passes 11-0-0.

***Department of Veterans' Affairs – Educational Opportunities for Children of Deceased or Disabled Veterans (95 Ill. Adm. Code 101; 47 Ill. Reg. 17418) and MIA/POW Scholarship (95 Ill. Adm. Code 116; 47 Ill. Reg. 17433)***

Sen. DeWitte moved, seconded by Rep. Reick, that JCAR, with the concurrence of the Department of Veterans' Affairs, extend the second notice period for these rulemakings for an additional 45 days. The motion passed unanimously (11-0-0).

***Department of Healthcare and Family Services – Special Eligibility Groups (89 Ill. Adm. Code 118; 48 Ill. Reg. 12625) (Emergency)***

Dana Kelly and Omar Shaker represented HFS.

Discussion.

***Department of Public Health – Emergency Medical Services, Trauma Center, Comprehensive Stroke Center, Primary Stroke Center and Acute Stroke Ready Hospital Code (77 Ill. Adm. Code 515; 48 Ill. Reg. 95)***

Allison Nickrent represent DPH.

Rep. Tarver requested DPH to engage with commenters over the next 30 days, especially rural providers. Ms. Nickrent agreed.

### **CERTIFICATION OF NO OBJECTION**

Co-Chair Cunningham announce that no action will be taken on Tab 17 from Department of Public Health, titled Emergency Medical Services, Trauma Center, Comprehensive Stroke Center, Primary Stroke Center and Acute Stroke Ready Hospital Code (77 Ill. Adm. Code 515; 48 Ill. Reg. 95).

Sen. Harris moved, seconded by Rep. Vella, 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 NEXT MEETING**

Co-Chair Cunningham announced that the next JCAR meeting will be Tuesday, October 8, 2024, at 11:00 a.m. in Room C-600 of the Bilandic Building, Springfield.

*\*EDITOR'S NOTE: The October meeting was rescheduled to Tuesday, October 1, 2024 at 11:00 a.m. in Room C-600 of the Bilandic Building, Chicago.\**

### **ADJOURNMENT**

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

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*KK 9/25/24*