

# **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. SALLY J. TURNER  
REP. EVA-DINA DELGADO  
REP. JACKIE HAAS  
REP. STEVEN REICK  
REP. CURTIS J. TARVER, II  
REP. DAVE VELLA

## **MEETING MINUTES**

**March 4, 2025**

### **MEETING CALLED TO ORDER**

The Joint Committee on Administrative Rules met on Tuesday, March 4, 2025, at 10:30 a.m. in Room C-1 of the Stratton Building, Springfield. 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
X Senator Dale Fowler	X Representative Ryan Spain
X Senator Napoleon Harris, III	X Representative Curtis J. Tarver, II
X Senator Sally Turner	X Representative Dave Vella

### **APPROVAL OF THE MINUTES OF THE FEBRUARY 4, 2025 MEETING**

Sen. Castro moved, seconded by Sen. Fowler, that the minutes of the February 4, 2025 meeting be approved. The motion passed unanimously (12-0-0).

### **AGENCY RESPONSES**

***Department of Healthcare and Family Services – Medical Assistance Programs (89 Ill. Adm. Code 120; 48 Ill. Reg. 14436)***

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

***Department of Healthcare and Family Services – Hospital Services (89 Ill. Adm. Code 148; 48 Ill. Reg. 15982)***

Failure to remedy. With regard to the Department of Healthcare and Family Services' response to the Committee's Objection to rules titled Hospital Services (89 Ill. Adm. Code 148; 48 Ill. Reg.

15982), the Department states it made every attempt to file and adopt rules expeditiously to implement the Safety-Net Obstetrical Program. However, the Committee finds the Department acted with neither speed nor efficiency when it: 1) waited nearly 1 year after Public Act 102-4 became law to submit a State Plan Amendment implementing the Safety Net Obstetrical Payments program; 2) waited another 7 months after obtaining State Plan Amendment approval to file proposed rules; and 3) waited another 11 months after filing proposed rules to move those rules to Second Notice. This timeline of events does not demonstrate that every attempt was made to file and adopt rules expeditiously.

## **REVIEW OF AGENCY RULEMAKINGS**

### ***Department of Children and Family Services – Services Delivered by the Department of Children and Family Services (89 Ill. Adm. Code 302; 48 Ill. Reg. 16617)***

Rep. Vella moved, seconded by Rep. Tarver, that JCAR, with the concurrence of the Department of Children and Family Services, extend the second notice period for this rulemaking for an additional 45 days. The motion passed unanimously (12-0-0).

### ***Department of Financial and Professional Regulation – Nurse Practice Act (68 Ill. Adm. Code 1300; 48 Ill. Reg. 13019)***

Rep. Reick moved, seconded by Sen. DeWitte, 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 (12-0-0).

### ***Department of Labor – Nurse Agency Licensing Act (68 Ill. Adm. Code 690; 48 Ill. Reg. 6519)***

Rep. Reick moved, seconded by Sen. DeWitte, 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 (12-0-0).

Rep. Delgado left the meeting.

### ***Pollution Control Board – Groundwater Quality (35 Ill. Adm. Code 620; 48 Ill. Reg. 4608)***

Marie Tipsord and Richard McGill represented PCB.

Discussion.

Rep. Haas moved, seconded by Sen. Harris, that JCAR recommend that the Board assess the makeup of potentially impacted parties under each pending rulemaking and approach its obligation to consider the "economic reasonableness" of its rulemakings by engaging substantively and specifically with concerns raised by commenters, rather than by relying exclusively on its past practice. Section 27 of the Environmental Protection Act requires the Board to consider the "technical feasibility and economic reasonableness" of each rulemaking before it. During this rulemaking's lengthy docket process prior to first notice, commenters repeatedly asserted that the proposed groundwater quality standards would have an adverse economic impact, particularly on landfills, since 35 Ill. Adm. Code 620 groundwater quality standards are cross-referenced in 35 Ill. Adm. Code 811 and 814, which regulate landfills. The Board did not respond to this point

substantively, instead just asserting that compliance costs in general cannot be considered as following from numeric standards, since rules governing specific remediation programs must be amended before compliance costs are incurred. Only after JCAR sent the Board a letter outlining the inadequacy of its economic analysis did the Board acknowledge that the proposed standards could have an economic impact on landfills prior to any subsequent rulemaking. The motion passed unanimously (11-0-0).

***Department of Revenue – Income Tax (86 Ill. Adm. Code 100; 48 Ill. Reg. 17689)***

Sen. Castro moved, seconded by Sen. Fowler, that JCAR, with the concurrence of the Department of Revenue, extend the second notice period for this rulemaking for an additional 45 days. The motion passed unanimously (11-0-0).

**CERTIFICATION OF NO OBJECTION**

Co-Chair Cunningham announced that no action will be taken on the Department of Commerce and Economic Opportunity rulemaking titled Illinois Works Jobs Program Act (14 Ill. Adm. Code 680; 48 Ill. Reg. 10489), the Law Enforcement Training and Standards Board rulemaking titled Rules of Procedure in Administrative Hearings (20 Ill. Adm. Code 1790; 48 Ill. Reg. 14491), and the Secretary of State emergency rule titled Public Use of the Capitol Complex and Springfield Facilities (71 Ill. Adm. Code 2005; 48 Ill. Reg. 17392)

Rep. Tarver 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, April 4, 2025, at 10:30 a.m. in Room C-1 of the Stratton Building, Springfield.

**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 3/31/25*