

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
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REP. EVA-DINA DELGADO
REP. JACKIE HAAS
REP. STEVEN REICK
REP. CURTIS J. TARVER, II
REP. DAVE VELLA

MINUTES

April 16, 2024

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, April 16, 2024, at 10:30 a.m. in Room 400 of the Capitol Building, Springfield. Co-Chair Spain 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	Representative Curtis J. Tarver, II
X Senator Sue Rezin	X Representative Dave Vella

APPROVAL OF THE MINUTES OF THE MARCH 12, 2024 MEETING

Rep. Vella moved, seconded by Sen. Rezin, that the minutes of the March 12, 2024 meeting be approved. The motion passed unanimously (11-0-0).

EXPEDITED CORRECTION

Department of Revenue – Service Occupation Tax (86 Ill. Adm. Code 140; 48 Ill. Reg. 4512)

Sen. DeWitte moved, seconded by Rep. Delgado, that JCAR certify the correction effective January 18, 2024. The motion passed unanimously (11-0-0).

REVIEW OF AGENCY RULEMAKINGS

State Board of Education – Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code; 47 Ill. Reg. 16165)

Rep. Reick moved, seconded by Rep. Vella, that JCAR, with the concurrence of the State Board of Education, extend the second notice period for this rulemaking for an additional 45 days. The motion passed unanimously (11-0-0).

Department of Natural Resources – The Illinois Explosives Act (62 Ill. Adm. Code 200; 47 Ill. Reg. 11324) and Surfaced Mined Land Conservation and Reclamation Act (62 Ill. Adm. Code 300; 47 Ill. Reg. 11373)

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

Department of Financial and Professional Regulation – Clinical Social Work and Social Work Practice Act (68 Ill. Adm. Code 1470; 47 Ill. Reg. 18815)

Rep. Haas moved, seconded by Sen. Castro, 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 (11-0-0).

Department of Financial and Professional Regulation – Credit Union Community Reinvestment (38 Ill. Adm. Code 185; 48 Ill. Reg. 621), Bank Community Reinvestment (38 Ill. Adm. Code 345; 48 Ill. Reg. 695), Rules Governing the Request for Reconsideration of Examination Findings (38 Ill. Adm. Code 385; 48 Ill. Reg. 759), and Mortgage Community Reinvestment (38 Ill. Adm. Code 1055; 48 Ill. Reg. 765)

Secretary Mario Treto and Jay Hines-Shah represented DFPR.

Discussion.

Department of Labor – Paid Leave for All Workers Act (56 Ill. Adm. Code 200; 47 Ill. Reg. 15559)

Anna Koeppel and Ganapathi Ramaswamy represented DOL.

Discussion.

Rep. Tarver joined the meeting.

Department of Commerce and Economic Opportunity – Grocery Store Initiative Grant Program (14 Ill. Adm. Code 645; 47 Ill. Reg. 19258)

Rep. Delgado moved, seconded by Sen. Fowler, that JCAR object to the rulemaking because the Department invoked the contents of this rule prior to adoption in violation of Section 5-10(c) of the Illinois Administrative Procedures Act [5 ILCS 100/5-10(c)], which states that no agency rule is valid or effective against any person or party, nor may it be invoked by the agency for any purpose, until it has been made available for public inspection and filed with the Secretary of State. On April 9, 2024, the Department announced, by press release, that applications for the Equipment Upgrades Program, which is described in this rule, are now closed and under review. If applications are already closed, then the Department invoked the eligibility criteria, application procedures

found in this rule prior to JCAR's review and prior to the rule's adoption. Moreover, according to the Department's April 9, 2024 press release, Equipment Upgrade Program eligibility criteria not found in this rule are used. The Department is asked to review the application requirements and grant eligibility criteria it plans to enforce and ensure those items appear in this rule. The motion passed unanimously (12-0-0).

Department of Natural Resources – Timber Buyer Licensing and Harvesting Fees (17 Ill. Adm. Code 1535; 47 Ill. Reg. 17755)

John Fisher represented DNR and agreed to an Extension.

Sen. DeWitte moved, seconded by Rep. Tarver, that JCAR, with the concurrence of the Department of Natural Resources, extend the second notice period for these rulemakings for an additional 45 days. The motion passed unanimously (12-0-0).

CERTIFICATION OF NO OBJECTION

Co-Chair Spain announced that no action will be taken on the Department on Aging's rulemaking titled Community Care Program (89 Ill. Adm. Code 240; 47 Ill. Reg. 15309).

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

ANNOUNCEMENT OF NEXT MEETING

Co-Chair Spain announced that the next JCAR meeting will be Tuesday, May 14, 2024, at 10:30 a.m. in Room C-1 of the Stratton Building, Springfield.

ADJOURNMENT

Co-Chair Cunningham moved, seconded by Rep. Haas, that the meeting stand adjourned. The motion passed unanimously (12-0-0).

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