



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1935

Introduced 2/6/2025, by Sen. Chris Balkema

SYNOPSIS AS INTRODUCED:

5 ILCS 80/5
5 ILCS 80/6

from Ch. 127, par. 1905
from Ch. 127, par. 1906

Amends the Regulatory Sunset Act. Provides that, in the calendar year 2 years before the agency or program is scheduled for termination, the Governor's Office of Management and Budget shall study the performance of each regulatory agency and program scheduled for termination under the Act. Provides that, in determining whether an agency or program should be recommended for termination, modification, or continuation, the Governor's Office of Management and Budget shall consider the extent to which the profession, occupation, business, industry, or trade that it licensed, supervised, exercised control over, issued rules regarding, or otherwise regulated is subject to regulation in other states or territories.

LRB104 10110 BDA 20182 b

1 AN ACT concerning government.

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
5 changing Sections 5 and 6 as follows:

6 (5 ILCS 80/5) (from Ch. 127, par. 1905)

7 Sec. 5. Study and report. In the calendar year 2 years
8 before the agency or program is scheduled for termination, the
9 ~~The~~ Governor's Office of Management and Budget shall study the
10 performance of each regulatory agency and program scheduled
11 for termination under this Act and report annually to the
12 Governor the results of such study, including in the report an
13 analysis of whether the agency or program restricts a
14 profession, occupation, business, industry, or trade any more
15 than is necessary to protect the public health, safety, or
16 welfare from significant and discernible harm or damage, and
17 recommendations with respect to those agencies and programs
18 the Governor's Office of Management and Budget determines
19 should be terminated, modified, or continued by the State. The
20 Governor shall review the report of the Governor's Office of
21 Management and Budget and in each even-numbered year make
22 recommendations to the General Assembly on the termination,
23 modification, or continuation of regulatory agencies and

1 programs.

2 (Source: P.A. 102-984, eff. 1-1-23.)

3 (5 ILCS 80/6) (from Ch. 127, par. 1906)

4 Sec. 6. Factors to be studied. In conducting the study
5 required under Section 5, the Governor's Office of Management
6 and Budget shall consider, but is not limited to consideration
7 of, the following factors in determining whether an agency or
8 program should be recommended for termination, modification,
9 or continuation:

10 (1) the full range and variety of practices and
11 activities included in the scope of practice covered by
12 the agency or program, including modes of practice or
13 subspecialties that have developed since the last review;

14 (2) the extent to which the profession, occupation,
15 business, industry, or trade that it licensed, supervised,
16 exercised control over, issued rules regarding, or
17 otherwise regulated is subject to regulation in other
18 states or territories ~~(blank)~~;

19 (3) the extent to which the regulatory agency or
20 program has operated in the public interest, and the
21 extent to which its operation has been impeded or enhanced
22 by existing statutes, procedures, and practices of any
23 other department of State government, and any other
24 circumstances, including budgetary, resource, and
25 personnel matters;

1 (4) the extent to which the agency running the program
2 has recommended statutory changes to the General Assembly
3 that would benefit the public as opposed to the persons it
4 regulates;

5 (5) the extent to which the agency or program has
6 required the persons it regulates to report to it
7 concerning the impact of rules and decisions of the agency
8 or the impact of the program on the public regarding
9 improved service, economy of service, and availability of
10 service;

11 (6) the extent to which persons regulated by the
12 agency or under the program have been required to assess
13 problems in their industry that affect the public;

14 (7) the extent to which the agency or program has
15 encouraged participation by the public in making its rules
16 and decisions as opposed to participation solely by the
17 persons it regulates and the extent to which such rules
18 and decisions are consistent with statutory authority;

19 (8) the efficiency with which formal public complaints
20 filed with the regulatory agency or under the program
21 concerning persons subject to regulation have been
22 processed to completion, by the executive director of the
23 regulatory agencies or programs, by the Attorney General
24 and by any other applicable department of State
25 government;

26 (9) the extent to which changes are necessary in the

1 enabling laws of the agency or program to adequately
2 comply with the factors listed in this Section;

3 (10) the extent to which there is evidence of
4 significant and discernible harm arising from the full
5 range and variety of practices and activities included in
6 the scope of practice;

7 (11) the substance, content, and relevance of the
8 personal qualifications required for entry into the trade,
9 business, profession, occupation, or industry being
10 regulated, including, but not limited to, as required
11 hours of training, required curricula during the required
12 hours, knowledge areas tested in examinations, and any
13 updates that have been made since the last review to
14 address changes in technology or modes of practice;

15 (12) the extent to which all the personal
16 qualifications that the agency or program requires for
17 individuals to enter the trade, business, profession,
18 occupation, or industry being regulated are necessary to
19 protect the public from significant and discernible harm,
20 for all activities covered by the scope of practice;

21 (13) equity concerns arising from the personal
22 qualifications, including:

23 (A) financial impact on aspiring licensees,
24 including, but not limited to, (i) itemization of
25 average costs of achieving personal qualifications;
26 (ii) an assessment of average incomes of licensees;

1 and (iii) numbers, monetary loss, and demographics of
2 individuals who start but do not achieve personal
3 qualifications or complete the application process;

4 (B) challenges for individuals from historically
5 disadvantaged backgrounds in acquiring personal
6 qualifications;

7 (C) barriers for individuals with records of
8 interactions with the criminal justice system;

9 (D) evidence of challenges for individuals who do
10 not speak English as their primary language; and

11 (E) geographic distribution of training sites and
12 test sites; and

13 (14) the extent to which enforcement actions under the
14 agency or program have addressed significant and
15 discernible harms to the public as opposed to technical
16 noncompliance with the requirements of the agency or
17 program.

18 (Source: P.A. 102-984, eff. 1-1-23.)