



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB3497

Introduced 2/18/2025, by Rep. Suzanne M. Ness - Maurice A. West, II

#### SYNOPSIS AS INTRODUCED:

5 ILCS 80/5

from Ch. 127, par. 1905

5 ILCS 80/6

from Ch. 127, par. 1906

Amends the Regulatory Sunset Act. Provides that, in the calendar year 2 years before a regulatory agency or program is scheduled for termination (rather than annually), the Governor's Office of Management and Budget shall study the performance of each regulatory agency and program scheduled for termination under the Act and report to the Governor the results of the study. Requires the Governor to review the report of the Governor's Office of Management and Budget and, no later than December 1st of the year preceding the year of termination (rather than in each even-numbered year), make recommendations to the General Assembly on the termination, modification, or continuation of regulatory agencies and programs.

LRB104 09326 BDA 19384 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 a regulatory agency or program is scheduled for  
9 termination, the ~~The~~ Governor's Office of Management and  
10 Budget shall study the performance of each regulatory agency  
11 and program scheduled for termination under this Act and  
12 report ~~annually~~ to the Governor the results of such study,  
13 including in the report an analysis of whether the agency or  
14 program restricts a profession, occupation, business,  
15 industry, or trade any more than is necessary to protect the  
16 public health, safety, or welfare from significant and  
17 discernible harm or damage, and recommendations with respect  
18 to those agencies and programs the Governor's Office of  
19 Management and Budget determines should be terminated,  
20 modified, or continued by the State. The Governor shall review  
21 the report of the Governor's Office of Management and Budget  
22 and, no later than December 1st of the year preceding the year  
23 of termination, ~~in each even-numbered year~~ make

1 recommendations to the General Assembly on the termination,  
2 modification, or continuation of regulatory agencies and  
3 programs.

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

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

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

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

16 (1.5) the extent to which the profession, occupation,  
17 business, industry, or trade licensed, supervised,  
18 controlled, issued rules, or otherwise regulated by the  
19 agency or program is restricted in other US states or  
20 territories;

21 (2) (blank);

22 (3) the extent to which the regulatory agency or  
23 program has operated in the public interest, and the  
24 extent to which its operation has been impeded or enhanced  
25 by existing statutes, procedures, and practices of any

1 other department of State government, and any other  
2 circumstances, including budgetary, resource, and  
3 personnel matters;

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

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

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

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

22 (8) the efficiency with which formal public complaints  
23 filed with the regulatory agency or under the program  
24 concerning persons subject to regulation have been  
25 processed to completion, by the executive director of the  
26 regulatory agencies or programs, by the Attorney General

1 and by any other applicable department of State  
2 government;

3 (9) the extent to which changes are necessary in the  
4 enabling laws of the agency or program to adequately  
5 comply with the factors listed in this Section;

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

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

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

24 (13) equity concerns arising from the personal  
25 qualifications, including:

26 (A) financial impact on aspiring licensees,

1 including, but not limited to, (i) itemization of  
2 average costs of achieving personal qualifications;  
3 (ii) an assessment of average incomes of licensees;  
4 and (iii) numbers, monetary loss, and demographics of  
5 individuals who start but do not achieve personal  
6 qualifications or complete the application process;

7 (B) challenges for individuals from historically  
8 disadvantaged backgrounds in acquiring personal  
9 qualifications;

10 (C) barriers for individuals with records of  
11 interactions with the criminal justice system;

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

14 (E) geographic distribution of training sites and  
15 test sites; and

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

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