

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

Proposed Rulemakings

FOID APPEALS

The ILLINOIS STATE POLICE proposed amendments to the Part titled Firearm Owner's Identification Card Act (20 IAC 1230; 46 Ill Reg 17910) that clarify the processes involved when an applicant who is denied a Firearms Owner's Identification Card (FOID) appeals the denial. Denials based on a felony conviction, commitment to a mental health facility or a "clear and present danger" determination may be appealed to the FOID Review Board. If the appeal is based on the alleged inaccuracy of records submitted to ISP, a records challenge must be submitted to ISP. Forms for submitting either type of appeal are available on ISP's website.

Questions/requests for copies/comments through 12/28/22: Kelly M. Griffith, ISP, 801 S. Seventh St. Suite 1000-S,

Springfield IL 62703, 217/782-7658.

TAXES

The DEPARTMENT OF REVENUE proposed amendments to the Part titled Service Occupation Tax (86 IAC 140; 46 Ill Reg 17830), reflecting various

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**Next JCAR Meeting:
Tues. Nov. 15, 10:30 a.m.
Rm C-1 Stratton Bldg,
Springfield**

Public Acts. The amendments include new expiration dates for reduced tax rates on blended ethanol and biodiesel blends; reflect the suspension of the 1% grocery sales tax through 7/1/23; and reflect various new, revised or abolished sales tax rates and

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Adopted Rules

INCOME TAX

The DEPARTMENT OF REVENUE adopted an amendment to Income Tax (86 IAC 100; 46 Ill Reg 12704) effective 10/26/22, clarifying extended filing deadlines for certain corporate income tax returns. The rulemaking reflects a change in federal law that moved the federal income tax deadline for many corporate filers from March 15 to April 15, thereby moving the 6-month extension deadline from September 15 to October 15, which coincided with DOR's automatic extension deadline for State returns. However, DOR has historically allowed corporate filers an additional month beyond the federal extension to file their State returns. The rulemaking clarifies that for tax years ending on or after 12/31/21, corporate filers in Illinois

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ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.
PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.
PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.
QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.
RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Adopted Rules

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will receive a 7-month automatic extension if they receive a 6-month federal extension, or 8 months if they file on a fiscal year basis (tax year July 1 to June 30) and qualify for a 7-month federal extension.

■ SALES & USE TAXES

DOR also adopted amendments to Retailers' Occupation Tax (86 IAC 130; 46 Ill Reg 9549), Service Occupation Tax (89 IAC 140; 46 Ill Reg 9582), Use Tax (86 IAC 150; 46 Ill Reg 9593) and Vehicle Use Tax (86 IAC 151; 46 Ill Reg 9602), all effective 10/25/22. The amendments to Parts 130, 150 and 151 implement PA 102-53, which removes a \$10,000 cap on sales tax credit for traded-in vehicles for sales on and after 1/1/22. The Part 151 rulemaking also updates vehicle use tax rates (based on the age and price of the vehicle being sold) effective 1/1/22; applies the \$15 tax on vehicles transferred to beneficiaries of an estate to vehicles transferred via trusts that become irrevocable upon the grantor's death, and exempts transfers from an estate to a surviving spouse from vehicle use tax. Amendments to Part 130 and 140 also implement PA 100-1171, which requires taxpayers making bulk sales on or after 1/4/19 to give notice to DOR at least 10 business days prior to the bulk sale or transfer (previously, 10 business days after the sale/transfer). Those affected by these rulemakings include businesses making bulk sales, sellers and purchasers of motor vehicles, and

persons who receive vehicles from a deceased person's estate or trust.

Questions/requests for copies/comments on the 5 DOR rulemakings: Part 100, Brian Fliflet; Parts 130, 150 and 151, Samuel J. Moore; Part 140, Alexis K. Overstreet; DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.

■ FIREWOOD

The DEPARTMENT OF AGRICULTURE adopted an amendment to the Part titled Insect Pest and Plant Disease Act (8 IAC 240; 46 Ill Reg 12378) effective 10/27/22, requiring all firewood imported into the State of Illinois, or moved more than 50 miles within Illinois, to be heat treated (to prevent spread of emerald ash borers and other pests) and to bear a "treated firewood" label. The proposed rules define "treated firewood" as wood that has been heated to a minimum core temperature of 140°F (60°C) for at least 60 minutes at a facility that is certified by the Department. Facilities certified by the Department to treat firewood will be required to maintain records for at least 3 years. Businesses that sell or treat firewood are affected by this rulemaking.

■ AGRICULTURAL FAIRS

DOA also adopted amendments to the Part titled Fairs Operating Under the Agricultural Fair Act (8 IAC 260; 46 Ill Reg 11574) effective 10/26/22 concerning reports filed

by fair associations or agricultural societies that receive money from DOA's Rehabilitation Fund and/or Fair and Exposition Fund. The rulemaking removes the requirement that rehabilitation reports and Declarations of Intention be notarized. Those affected by this rulemaking include county fair associations and 4-H organizations.

Questions/requests for copies of the 2 DOA rulemakings: Brian Navarrete, DOA, State Fairgrounds, P. O. Box 19281, Springfield, IL 62794-9281, 217/557-6660, 217/785-4505 (fax)

■ MEDICAL PAYMENT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Medical Payment (89 IAC 140; 46 Ill Reg 13567) effective 10/26/22 that allow coverage of routine patient costs for items and services connected with participation in a qualified clinical trial as defined by federal Medicaid law, effective 1/1/22. The rulemaking also removes a prohibition on coverage of non-emergency ambulance transportation for the sole purpose of navigating stairs or assisting or lifting a patient at a medical facility or appointment. Non-emergency ambulance transportation will be covered whenever HFS, a contracted Managed Care Organization or their transportation broker determines

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Proposed Rulemakings

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exemptions. Businesses that provide goods incident to sales of service are affected.

DOR also proposed amendments to Parking Excise Tax (86 IAC 195; 46 Ill Reg 17865), and Regional Transportation Authority Service Occupation Tax (86 IAC 330; 46 Ill Reg 17883). The Part 195 rulemaking implements PA 102-700 and 102-920 by removing the definitions of “booking intermediary” and “charge or fee paid for parking”, amending the definition of “operator”, and adding an exemption from the parking tax for persons who park cars on their property during the State Fair in Springfield or the DuQuoin State Fair and are not otherwise subject to this tax. Non-profit entities that use State Fair parking for fundraising purposes, and other businesses or individuals that provide State Fair parking, are affected. Amendments to Part 330 update the Part to reflect various statutory tax rates applicable to Cook County and other counties in the RTA region. This rulemaking will affect small businesses.

■ INVEST IN KIDS

DOR proposed amendments to the Part titled Invest in Kids Act (86 IAC 1000; 46 Ill Reg 17889) to implement PA 102-699 and 102-1059. The rulemaking extends through 2022-23 the school years in which scholarship granting

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Emergency Rules

■ AGRITOURISM

The DEPARTMENT OF AGRICULTURE adopted a new Part by emergency rulemaking titled Tax Credit for Liability Insurance (8 IAC 1450; 46 Ill Reg 18178) effective 10/26/22 for a maximum of 150 days. An identical proposed rule appears in this week’s *Illinois Register* at 46 Ill Reg 17772. These rulemakings implement Article 95 of PA 102-700, which amends the Illinois Income Tax Act to establish a credit of up to \$1,000 per tax year for agritourism operations to offset the cost of their liability insurance premiums. Agritourism operations, as defined in the Act and this Part, are entities that carry out agricultural activities on agricultural property and allow members of the general public to enjoy or observe those activities on that property. Agritourism activities that qualify for the tax credit include, but are not limited to, historical, cultural or educational programs; guided or self-guided tours, including school tours; animal exhibitions or petting zoos; crop mazes; U-pick/harvest-your-own orchards or fields; and horseback, pony, carriage, sleigh or hayrack rides. Activities that do not qualify as agritourism include hunting, fishing, boating, camping, rodeos, amusement rides, off-road biking/ATV driving, concerts and other entertainment events, and weddings or private parties. Qualifying agritourism operations may apply for a certificate of credit from DOA, which will entitle them

to an income tax credit equal to the lesser of \$1,000 or their total liability insurance premiums for the tax year. Applications for the credit will be accepted beginning 11/1/22 and will continue to be accepted until DOA has approved the statutory maximum of \$1 million in total credits annually. Businesses that meet the criteria for agritourism operations are affected by these rulemakings.

Questions/requests for copies/comments on the proposed rulemaking through 12/28/22: Brian Navarrete, DOA, State Fairgrounds, P. O. Box 19281, Springfield IL 62794-9281, 217/782-6660, Fax: 217/785-4505.

■ COVID-19 MEASURES

The DEPARTMENT OF PUBLIC HEALTH adopted emergency amendments to 9 Parts, effective 10/27/22, amending previous emergency rules on these Parts for the remainder of their 150-day term: Hospital Licensing Requirements (77 IAC 250; 46 Ill Reg 18185), Assisted Living and Shared Housing Establishment Code (77 IAC 295; 46 Ill Reg 18204), Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 46 Ill Reg 18219), Sheltered Care Facilities Code (77 IAC 330; 46 Ill Reg 18243), Illinois Veterans’ Homes Code (77 IAC 340; 46 Ill Reg 18268), Intermediate Care for the

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Adopted Rules

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that any other form of transportation, including a private auto, taxi, wheelchair or stretcher van, would be contraindicated. Those affected by this rulemaking include ambulance providers and medical providers taking part in Medicaid-qualified clinical trials.

Questions/requests for copies: Steffanie Garrett, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, HFS.Rules@illinois.gov

■ PUBLIC LANDS

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to the Part titled Open Space Lands Acquisition and Development Grant Program (17 IAC 3025; 46 Ill Reg 10206) effective 10/27/22, replacing emergency amendments that were effective 6/3/22. The rulemaking removes a requirement that OSLAD grant applications be submitted to the Natural Resources Advisory Board (NRAB) for further review and recommendation before being submitted to the DNR Director. DNR states that by eliminating NRAB review (which is not required by statute) the processing of OSLAD grant applications will be expedited. Those affected by this rulemaking include units of local government, including park districts, that have applied for OSLAD grants.

Questions/requests for copies: Renee Snow, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

■ VIDEO GAMING

The ILLINOIS GAMING BOARD adopted amendments to Video Gaming (General) (11 IAC 1800; 46 Ill Reg 3939) effective 10/31/22, clarifying procedures for the operation of video gaming terminals (VGTs) that pay progressive jackpots (which increase in value with each play until won, then reset to a predetermined base value). The rulemaking limits VGTs to single machine progressive jackpots that can only be won at that terminal (unlike casinos, in which a single progressive jackpot can be linked to and won at multiple gaming devices). If a VGT with a progressive jackpot value recorded on its meter is removed from a video gaming location, that value shall be transferred to another VGT at the same location so that patrons do not lose the opportunity to win that jackpot. Additionally, IGB's Central Communications System shall (once the IGB Administrator has certified the System's capability) track the stored value of any progressive jackpot meter that has been removed from play but whose current value cannot be immediately added to other VGTs. Businesses and organizations with video gaming licenses are affected.

Questions/requests for copies: Daniel Gerber, IGB, 160 N. LaSalle St., Chicago IL 60601, IGB.RuleComments@illinois.gov

DFPR HEARINGS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to Consumer Installment Loan Act (38 IAC 110; 46 Ill Reg 12675), Payday Loan Reform Act (38 IAC 210; 46 Ill Reg 12684), Licensing and Regulation of Pawnbrokers (38 IAC 360; 46 Ill Reg 10765), Residential Mortgage License Act of 1987 (38 IAC 1050; 46 Ill Reg 10795) and Savings Bank Act (38 IAC 1075; 46 Ill Reg 10823) and repealed the Part titled Hearings Before the Office of Banks and Real Estate Bureau of Banks and Trust Companies (38 IAC 392; 46 Ill Reg 10782), all effective 10/27/22. These rulemakings remove hearing rules that have been replaced by DFPR's consolidated hearing rules for financial institutions in 38 IAC 100.

Questions/requests for copies of the 6 DFPR rulemakings: Craig Cellini, DFPR, 320 W. Washington, 2nd Floor, Springfield IL 62786, 217/785-0810, Fax: 217/557-4451.

Proposed Rulemakings

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organizations must expend 75% or more of their received contributions for the year. For the 2023-24 school year and beyond, organizations must expend 100% of contributions received and cannot carry over funds from year to year. The rulemaking also provides that effective 6/10/22, eligible students who received scholarships from scholarship granting organizations during the previous school year shall receive first priority for awarding of scholarship funds in subsequent school years. Second priority shall be given to eligible students whose household income is at or below 185% of the Federal Poverty Level; who reside within a focus district; or whose siblings are currently receiving a scholarship from an Invest in Kids scholarship

granting organization. Individuals, businesses and non-profits that donate funds or that grant scholarships are affected.

Questions/requests for copies/ comments on the 4 DOR rulemakings through 12/28/22: Alexis Overstreet, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed a new Part titled State Employees Group Health Insurance Program (80 IAC 2210; 46 Ill Reg 17774) which codifies provisions of the State Employees Group Health Insurance Act of 1971 and current policies regarding State employee health insurance policies and

eligibility. The Part defines the basic and optional health plans available to all State employees, retirees and annuitants (members) and their dependents and survivors. It also establishes the Total Retiree Advantage Illinois (TRAIL) Medicare supplement program for members and dependents whose primary insurance is Medicare.

Eligibility

Newly hired employees are eligible for group health insurance from the first day of service. Employees who would also qualify as dependents (e.g., a member's spouse who is also a State employee) must enroll as members and not dependents. Retirees, annuitants and survivors are eligible for TRAIL if they are

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Emergency Rules

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Developmentally Disabled Facilities Code (77 IAC 350; 46 Ill Reg 18279), Community Living Facilities Code (77 IAC 370; 46 Ill Reg 18305), Specialized Mental Health Rehabilitation Facilities Code (77 IAC 380; 46 Ill Reg 18322), and Medically Complex for the Developmentally Disabled Facilities Code (77 IAC 390; 46 Ill Reg 18337). These emergency amendments reflect the expiration of Executive Order 2021-22, which had mandated COVID-19 vaccination and testing for health care workers, and recent changes to federal Centers for Disease Control and Prevention guidance.

The revised emergency rules (effective through 12/11/22) now recommend, rather than require, that staff be up to date with all CDC-recommended COVID-19 vaccinations and boosters and that they undergo testing in accordance with current CDC guidance. Penalties for noncompliance with DPH COVID-19 vaccination and testing rules are removed. Affected facilities must continue to keep staff vaccination records, offer their staff opportunities to update their vaccination status and provide education regarding vaccination benefits and risks to staff members who are not up to date on vaccinations. Facilities that

participate in Medicare and Medicaid must continue to comply with applicable federal regulations regarding vaccination and testing (which still require up to date COVID-19 vaccination, or regular testing for staff who have received exemptions, for patient care staff at hospitals and certain long term care facilities). Hospital and LTC staff are affected by these emergency amendments.

Questions/requests for copies of the 9 DPH emergency amendments: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217/782-1159, dph.rules@illinois.gov

Proposed Rulemakings

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Medicare-primary due to age or disability and reside within the U.S. or its territories, unless they also have an enrolled dependent who is not eligible for Medicare. All members must apply for Medicare at least 3 months before turning 65 and accept Medicare Part A benefits if they are determined eligible for premium-free coverage. Active employees who are Medicare eligible need not enroll in Part B until they retire or are no longer employed. Members who do not enroll in Medicare Part A or B when eligible are responsible for paying the portion of their health care costs that would have been covered by Medicare.

Dependents

Eligible dependents include members' spouses; civil union partners enrolled on or after 6/1/11; domestic partners continuously enrolled since before 6/1/11; children up to age 26 (including biological children, stepchildren, adopted children, children under the member's legal guardianship, and children for whom the member has been court-ordered to provide healthcare); children age 26 and older who are mentally or physically disabled; and unmarried children ages 26 to 30 who have been discharged from the U.S. Armed Forces or Reserves under any conditions other than dishonorable. The divorced spouse or ex-civil union partner of a member does not qualify as a dependent except to the extent that person qualifies for continuation coverage.

Enrollment

New employees have 30 days after their initial date of employment to enroll themselves and any dependents in a basic or optional health or dental plan, or to decline enrollment. If the employee takes no action during this period, the employee will be automatically enrolled in the basic health and dental plan with self-coverage (no dependents) only. An initial enrollment period of 60 days after the date of retirement, or 60 days after the death of the member, applies to new annuitants and survivors. A new annuitant or survivor who is Medicare eligible when they first become eligible for coverage must enroll in the TRAIL program. After initial enrollment, annual enrollment periods will be offered to members and to Medicare-eligible TRAIL participants; coverage may be changed outside of this period only if a qualifying event (e.g., marriage, birth of a child) occurs.

Other

Other provisions in this rulemaking establish that premiums, member contributions and benefits will be determined by the Director of CMS; establish the Health Insurance Reserve Fund to cover all expenses arising from the program; and address leaves of absence, termination of coverage, appeals, continuation coverage, and coordination of benefits with other insurance providers.

Questions/requests for copies/ comments through 12/28/22: Administrative Rules

Coordinator, CMS, 313 S. Sixth Street, 3rd Floor, Springfield IL 62702.

MANAGED CARE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to Medical Payment (89 IAC 140; 46 Ill Reg 17804) increasing the managed care organization (MCO) assessment rate for fiscal years 2023 through 2025. The Tier 1 Medicaid MCO assessment rate (applicable to the first 4,195,000 member months recorded in the base year of 2018) is being raised from \$69.70 to \$74.40 per member per month. Assessment rates for Tier 2 (Medicaid MCO member months beyond the first 4,195,000 in 2018) and Tier 3 (non-Medicaid MCOs) are unchanged. The rulemaking also clarifies that the base year for MCOs that began doing business in Illinois after 2018 will be the first year for which HFS has sufficient data to calculate an assessment.

Questions/requests for copies/ comments through 12/28/22: Steffanie Garrett, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, HFS.Rules@illinois.gov

STATE RETIREMENT

The STATE EMPLOYEES' RETIREMENT SYSTEM proposed amendments to The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; 46

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Proposed Rulemakings

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Ill Reg 17902). The rulemaking establishes that an installment plan agreed to between the System and a member purchasing optional service shall be in annual increments of not more than 5

years. It also clarifies that forms of birth verification other than a birth certificate may be accepted only when a member submits documentation issued by a member's birth state or county which states that the member's birth record does not exist.

Questions/requests for copies/comments through 12/28/22: Jeff Houch, SERS, 2101 S. Veterans Parkway, PO Box 19255, Springfield IL 62794-9255, 217/524-8105, Fax: 217/557-3943, jeff.houch@srs.illinois.gov

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the December 13, 2022, meeting in Chicago. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF HUMAN SERVICES

Early Intervention Program (89 IAC 500; 46 Ill Reg 12404) proposed 7/22/22

DEPT OF INSURANCE

Infertility Coverage (50 IAC 2015; 45 Ill Reg 16140) proposed 12/27/21

Universal Life Insurance (50 IAC 1411; 46 Ill Reg 9457) proposed 6/10/22

Registration of Insurers (50 IAC 652; 46 Ill Reg 14831) proposed 9/9/22

Insurance Department Consumer Complaints (50 IAC 926; 46 Ill Reg 14838) proposed 9/9/22

DEPT OF NATURAL RESOURCES

White-Tailed Deer Hunting By Use Of Firearms (17 IAC 650; 46 Ill Reg 14848) proposed 9/9/22

DEPT OF REVENUE

Motor Fuel Tax (86 IAC 500; 46 Ill Reg 13956) proposed 8/5/22

IL ENVIRONMENTAL PROTECTION AGENCY

Testing Fees for Analytical Services (35 IAC 691; 46 Ill Reg 12384) proposed 7/22/22

IL STUDENT ASSISTANCE COMMISSION

General Provisions (23 IAC 2700; 46 Ill Reg 14535) proposed 8/19/22

Monetary Award Program (MAP) (23 IAC 2735; 46 Ill Reg 14537) proposed 8/19/22

Post-Master of Social Work School Social Work Professional Educator License Scholarship Program (23 IAC 2747; 46 Ill Reg 14539) proposed 8/19/22

OFFICE OF THE ATTORNEY GENERAL

Hospital Financial Assistance under the Fair Patient Billing Act (77 IAC 4500; 46 Ill Reg 14822) proposed 9/9/22

OFFICE OF THE TREASURER

Illinois Public Treasurers' Investment Pool for Public Treasurers in the State of Illinois (74 IAC 740; 46 Ill Reg 15550) proposed 9/16/22

SECRETARY OF STATE

Notary Public Records (14 IAC 176; 46 Ill Reg 5874) proposed 4/15/22