

THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

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The Flinn Report is a weekly summary of regulatory actions of State agencies published in the *Illinois Register* and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules (JCAR). The Flinn Report honors founding JCAR member Representative Monroe Flinn, and is designed to inform and involve the public in changes taking place in agency administration.

Proposed Rulemakings

▪ VEHICLE TITLES

The SECRETARY OF STATE proposed amendments to Certificates of Title, Registration of Vehicles (92 IAC 1010; 48 Ill Reg 10809) that cap the required fee to be charged by Electronic Lien and Title (ELT) providers for implementation and maintenance of the ELT system at no more than \$2.25 per lien transaction. However, ELT service providers may charge additional fees in their agreements with contractors. ELT service providers will be eligible to participate in the system provided they are registered, in good standing, and authorized to do business in Illinois; comply with all applicable laws and rules; and enter into a contract with a contractor. When a lien is satisfied, SOS will print and mail a certificate of title to the owner/lienholder as required by law. A lien may be removed from a title record and the title issued to the owner or second lienholder, even if there is no notice of the lien being

satisfied or released, when the lien is more than 7 years old; the vehicle is more than 10 years old; or SOS records indicate that the lienholder is out of business. The rulemaking also provides that a salvage certificate must be issued for a repossessed vehicle if it has been damaged in excess of 50% (currently, 33 1/3%) of

**Adopted Rules, Page 3
Second Notices, Page 3**

its fair market value and establishes conditions for issuance of special plates to a vehicle transporter. Those affected by this rulemaking include vehicle dealers and other businesses that issue vehicle titles.

Questions/requests for copies/comments through 9/9/24: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, 217-785-3094, pwright@ilsos.gov

HEALTH CARE PROVIDERS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Underserved Health Care Provider Workforce Code (77 IAC 590; 48 Ill Reg 10791) that expand the definition of a "designated shortage area" to include a Health Professional Shortage Area as defined by the federal Department of Health and Human Services. (The Part governs an educational loan repayment program for doctors, nurses and other professionals who agree to work in designated shortage areas.) The rulemaking also clarifies and corrects other definitions.

Questions/requests for copies/comments through 9/9/24: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217-782-1159, dph.rules@illinois.gov

(cont. page 2)

ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Temporary rules adopted for no more than 150 days. **PROPOSED RULEMAKINGS:** Rules proposed by agencies this week, commencing a First Notice public comment period of at least 45 days. **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/or non-profit organizations. Agencies must consider comments from these groups and attempt to minimize regulatory burdens on them.

QUESTIONS/COMMENTS: Submit mail, e-mail or phone calls to the agency personnel listed below each summary.

RULE TEXT: First Notice proposed text, emergency rule and peremptory rule text is available at the Secretary of State website (<https://www.ilsos.gov/departments/index/register/home.html>) or at the Illinois General Assembly website (<http://www.ilga.gov>) under "Illinois Register". Second Notice text for proposed rulemakings (original version with any changes made by the agency during First Notice included) is available at the JCAR website.

Proposed Rulemakings

(cont. from page 1)

WATER TREATMENT

The ILLINOIS EMERGENCY MANAGEMENT AGENCY AND OFFICE OF HOMELAND SECURITY proposed an amendment to the Part titled Licensing of Radioactive Material (32 IAC 330; 48 Ill Reg 10771) removing a subsection concerning water treatment residuals, the requirements for which have been moved to 32 IAC 622.

Questions/requests for copies/comments through 9/9/24: Traci Burton, IEMA-OHS, 1035 Outer Park Drive, Springfield IL 62704, 217-785-9860, Traci.Burton@illinois.gov

DOL RULE WITHDRAWAL

The DEPARTMENT OF LABOR has withdrawn proposed amendments to the Part titled Day and Temporary Labor Services Act (56 IAC 260; 47 Ill Reg 12316) that were published in the 8/18/23 *Illinois Register*. This rulemaking was intended to implement the Day and Temporary Labor Services Act (PA 103-437),

which became effective on 8/4/23, and required day and temporary labor agencies to address safety training for temporary workers, the right of workers to refuse assignment to work sites involved in labor disputes, and other matters. DOL has withdrawn this rulemaking in anticipation of further changes to the Act made by Senate Bill 3650, which has passed the General Assembly and is awaiting action by the Governor.

Adopted Rules

▪ INCOME TAX

The DEPARTMENT OF REVENUE adopted amendments to Income Tax (86 IAC 100; proposed at 47 Ill Reg 18412) effective 7/11/24 at 48 Ill Reg 10846, that implement PA 103-9. The Act and this rulemaking establish a new definition of an investment partnership and establish Illinois tax withholding requirements, effective for tax years ending on or after 12/31/23, for investment partnerships in which one or more partners are not Illinois residents. Examples of how these requirements are applied in different situations are included. Since 1st Notice, an additional example has been added. Businesses involved in investment partnerships may be affected.

Questions/requests for copies: Jennifer Uhles, DOR, 101 W. Jefferson St., Springfield IL 62794, 217-782-2844, REV.GCO@illinois.gov

▪ FIRE PERSONNEL

The OFFICE OF THE STATE FIRE MARSHAL adopted amendments to

Requirements for the Participation and Certification of Fire Protection Personnel (41 IAC 141; proposed at 48 Ill Reg 4345) effective 7/11/24 at 48 Ill Reg 10877, that update incorporated National Fire Protection Association (NFPA) standards for training, equipment and professional certification; revise various professional titles and training courses to align with NFPA standards; and clarify procedures for State Practical Examinations. Other provisions remove a requirement of 3 years' fire service experience prior to applying for Advanced Technician Firefighter certification; clarify that Chief Fire Officers who completed a Chief Fire Officer course prior to 1/1/22 but have not attained full certification by 12/31/25 will have to complete a new course in order to be fully certified; repeal obsolete requirements for rescue operations certification; and replace the title and certification requirements for an Arson Investigator with the title and certification requirements for a State Fire Marshal Arson Investigator Special Agent. Small municipalities, fire departments and fire protection

districts are affected by this rulemaking.

Questions/requests for copies: Nancy Robinson, OSFM, 1035 Stevenson Drive, Springfield IL 62703, 217-785-7629, fax 217-524-5487, SFM.141rulemaking@fdmail.sfm.illinois.gov

HOSPITALS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an amendment to Hospital Services (89 IAC 148; proposed at 48 Ill Reg 799) effective 7/12/24 at 48 Ill Reg 10834, that aligns the annual effective dates for Medicaid High Volume Adjustment Payments with the Medicaid percentage determination year as established in Sec. 140.122. (That Section was recently amended to move the start date for Medicaid percentage determination years from October 1 to January 1.)

Questions/requests for copies: Katie Hill, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, 217-782-1233, HFS.Rules@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 August 14, 2024 meeting in Springfield. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR at jcar@ilga.gov.

DEPARTMENT OF HUMAN SERVICES

Aid to the Aged, Blind or Disabled (89 IAC 113; 48 Ill Reg 4572) proposed 3/29/24

ILLINOIS STATE BOARD OF EDUCATION

Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 48 Ill Reg 5208) proposed 4/5/24

DEPARTMENT OF PUBLIC HEALTH

Ambulatory Surgical Treatment Center Licensing Requirements (77 IAC 205; 48 Ill Reg 5602) proposed 4/12/24

DEPARTMENT OF REVENUE

Practice and Procedure for Hearings Before the Illinois Department of Revenue (86 IAC 200; 48 Ill Reg 6682) proposed 5/3/24

Next JCAR Meeting: Wednesday, Aug. 14, 10:30 a.m.

Room C-1, Stratton Bldg., 401 S. Spring St., Springfield

Meeting will be live streamed on the JCAR website

Joint Committee on Administrative Rules

Senator Bill Cunningham, Co-Chair

Senator Cristina Castro

Senator Donald DeWitte

Senator Dale Fowler

Senator Napoleon Harris, III

Senator Sue Rezin

Representative Ryan Spain, Co-Chair

Representative Eva-Dina Delgado

Representative Jackie Haas

Representative Steven Reick

Representative Curtis Tarver, II

Representative Dave Vella

Kim Schultz, Executive Director ■ Kevin Kulavic, Deputy Director

700 Stratton Office Building, Springfield IL 62706

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