

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

▪ NURSING HOMES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 48 Ill Reg 13916) and Sheltered Care Facilities Code (77 IAC 330; 48 Ill Reg 13948) implementing Public Act 102-1095, which generally prohibits the use of latex gloves in long-term care and other healthcare facilities. Both rulemakings prohibit use of latex gloves in food service or in direct care of residents, unless the facility is experiencing a shortage or supply interruption of non-latex gloves, in which case non-latex gloves will be prioritized for use upon residents who have known latex allergies or who are unable to communicate whether they have a latex allergy. Both rulemakings also implement PA 103-1, which gives DPH greater flexibility in scheduling inspections during a statewide public health emergency. Additionally, the Part 300 rulemaking implements PA

101-116, which requires closed captioning to be activated at all times on TV sets in common areas and resident's rooms unless a resident or visitor specifically requests that it be turned off. The Part 330 amendments also add statutory provisions for DPH surveyors to conduct an exit conference with facility management

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after having investigated a complaint; update statutory text concerning issuance of probationary licenses and transfers of ownership; repeal an obsolete Section; and update incorporations by reference.

Questions/requests for copies/comments through 11/4/24: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217-782-1159, dph.rules@illinois.gov

▪ SALES TAX

The DEPARTMENT OF REVENUE proposed amendments to Retailers' Occupation Tax (86 IAC 130; 48 Ill Reg 13979) implementing PA 103-9. This rulemaking exempts from sales tax, effective 1/1/24, electrical power generation equipment that is used primarily for production agriculture. This exemption applies only to generating equipment that is used for specialty heating or lighting equipment (e.g., incubators, grow lights) and not for general heating, lighting or ventilation. The rulemaking also clarifies how the exemption for farm machinery and equipment applies to All-Terrain Vehicles (ATVs) and tractors. Other provisions clarify exemptions for farm chemicals, delete outdated terms and provisions, and reformat existing language. Farmers, ranchers, and growers are affected by this rulemaking.

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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)

Questions/requests for copies/comments through 11/4/24: Kimberly Rossini, DOR, 101 W. Jefferson St., Springfield IL 62794, 217-524-4821, Kimberly.Rossini2@Illinois.gov.

▪ VEHICLE TRANSPORTERS

The SECRETARY OF STATE proposed amendments to the Part titled Dealers, Wreckers, Transporters and Rebuilders (92 IAC 1020; 48 Ill Reg 14013) aligning rules for vehicle transporters with those of other vehicle-related businesses under the Illinois Vehicle Code. The rulemaking includes limitations on the issuance, use, and display of in-transit plates; requires transporters to have an established place of business; and implements record keeping and inspection requirements. Businesses that transport vehicles or use the services of transporters are affected.

Questions/requests for copies/comments through 11/4/24: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, 217-785-3094, pwright@ilsos.gov

AIR POLLUTION

The POLLUTION CONTROL BOARD proposed amendments to Air Quality Standards (35 IAC 243; 48 Ill Reg

13877) updating Illinois air quality requirements to align with recent amendments to the National Ambient Air Quality Standards (NAAQS) adopted by the U.S. Environmental Protection Agency (USEPA). This rulemaking implements stricter standards for particulate matter PM 2.5 (particles small enough to be inhaled, such as dust, smoke, soot and mold) and updates incorporations by reference of the USEPA's federal equivalent method of measuring ozone concentrations. A public hearing on these amendments will be held by videoconference on **Thursday, Nov. 7, at 11:20 a.m.** at Room N-505, Bilandic Building, 160 N. LaSalle St., Chicago and at the PCB Hearing Room at IEPA headquarters, 1021 N. Grand Ave. East, Springfield.

WATER TREATMENT

PCB also proposed amendments to Sewer Discharge Criteria (35 IAC 307; 48 Ill Reg 13890) that are identical in substance to wastewater pretreatment regulations adopted by USEPA during the first half of 2024. These amendments update the federal Clean Water Act effluent limitation guidelines and standards (ELG's) for wastewater discharged from steam electric power plants.

Questions/requests for copies/comments on the 2 PCB rulemakings through 11/4/24: Don A. Brown, PCB, 60 E. Van Buren St., Suite 630, Chicago IL 60605, 312-814-3461, don.brown@illinois.gov. Please

reference docket R25-7 for Part 243 and docket R25-6 for Part 307.

AUDIT REPORTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed an amendment to the Part titled Student Loan Servicing Rights Act (38 IAC 1010; 48 Ill Reg 13872) concerning licensed lenders' required annual independent audit reports. Licensees who do not file their reports within 105 days after the end of their fiscal year (as required under existing rule) will incur a late fee of \$50 per day each day that the report is late, for a maximum of 3 months. A licensee's request to extend the report filing deadline must be made in writing, must explain the need for the extension, and must be received by the Director of DFPR's Division of Banking prior to the regular filing deadline. In deciding whether to grant an extension, the Director will consider whether the need for a delay is due to circumstances beyond the licensee's control. The Director may also appoint an independent auditor, at the licensee's expense, any time that an annual audit report has not been timely filed.

Questions/requests for copies/comments through 11/4/24: Craig Cellini, DFPR, 320 W. Washington St., 2nd Floor, Springfield IL 62786, 217-785-0810, fax 217-557-4451, Craig.Cellini@illinois.gov

Adopted Rule

AABD BENEFITS

The DEPARTMENT OF HUMAN SERVICES adopted an amendment to Aid to the Aged, Blind or Disabled (89 IAC 113; proposed at 48 Ill Reg 4572) effective 9/6/24 at 48 Ill Reg 14027, raising the asset exemption limit for prepaid funeral/burial costs to \$7,981 (previously, \$7,719) per individual to reflect an annual adjustment for inflation.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217-785-9772, DHS.AdministrativeRules@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 October 1, 2024 meeting in Chicago. 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.

OFFICE OF THE ATTORNEY GENERAL

Solicitation for Charity Act (14 IAC 400; 48 Ill Reg 6330) proposed 5/3/24

Charitable Trust Act (14 IAC 480; 48 Ill Reg 6390) proposed 5/3/24

DEPT OF HUMAN SERVICES

Minimum Standards for Certification of Developmental Training Programs (59 IAC 119; 47 Ill Reg 14982) proposed 10/27/23

Assessment for Determining Eligibility and Rehabilitation Needs (59 IAC 553; 48 Ill Reg 9241) proposed 7/5/24

Customer Financial Participation (59 IAC 562; 48 Ill Reg 9248) proposed 7/5/24

DEPT OF REVENUE

Retailers' Occupation Tax (86 IAC 130; 48 Ill Reg 8276) proposed 6/7/24

Gas Revenue Tax (86 IAC 470; 48 Ill Reg 8307) proposed 6/7/24

Telecommunications Excise Tax (86 IAC 495; 48 Ill Reg 8313) proposed 6/7/24

DEPT OF NATURAL RESOURCES

General Hunting and Trapping on Department-Owned, -Leased or -Managed Sites (17 IAC 510; 48 Ill Reg 9254) proposed 7/5/24

Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 IAC 530; 48 Ill Reg 9262) proposed 7/5/24

Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, Bobcat and Woodchuck (Groundhog) Hunting (17 IAC 550; 48 Ill Reg 9272) proposed 7/5/24

Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, River Otter, Beaver, Bobcat and Woodchuck (Groundhog) Trapping (17 IAC 570; 48 Ill Reg 9287) proposed 7/5/24

White-Tail Deer Hunting By Use of Firearms (17 IAC 650; 48 Ill Reg 9302) proposed 7/5/24

White-Tail Deer Hunting By Use of Muzzleloading Rifles (17 IAC 660; 48 Ill Reg 9317) proposed 7/5/24

Youth Hunting Seasons (17 IAC 685; 48 Ill Reg 9329) proposed 7/5/24

Squirrel Hunting (17 IAC 690; 48 Ill Reg 9337) proposed 7/5/24

The Taking of Wild Turkeys – Spring Season (17 IAC 710; 48 Ill Reg 9350) proposed 7/5/24

The Taking of Wild Turkeys – Fall Gun Season (17 IAC 715; 48 Ill Reg 9370) proposed 7/5/24

The Taking of Wild Turkeys – Fall Archery Season (17 IAC 720; 48 Ill Reg 9374) proposed 7/5/24

Next JCAR Meeting: Tuesday, Oct. 1, 11 a.m. (NEW DATE)

Room C-600, Bilandic Bldg., 160 N. LaSalle St., Chicago

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

217-785-2254 ■ jcar@ilga.gov