

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

▪ BUILDING CODES

The CAPITAL DEVELOPMENT BOARD proposed amendments to Illinois Energy Conservation Code (71 IAC 600; 48 Ill Reg 8158) changing the name of the Part to Illinois Energy Codes and implementing a new Stretch Energy Code as required by the Energy Efficient Building Act. The Stretch Energy Code, which has separate provisions for commercial and residential buildings, will apply to all projects administered by CDB on or after 7/1/24. Municipalities and counties may adopt the Stretch Energy Code if they choose. The Commercial Stretch Energy Code incorporates (with Illinois-specific modifications and amendments) provisions of the 2024 Final Draft version of the International Energy Conservation Code (IECC). The Residential Stretch Energy Code incorporates, with amendments and modifications, the 2021 IECC. The existing Illinois Energy Conservation Code, which establishes

minimum energy efficiency requirements for all building projects in Illinois and sets minimum standards for municipal or county building codes, is also updated to include the 2021 IECC. Other provisions allow for public comment at meetings of the Illinois Energy Conservation Advisory Council. Those affected by this

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No Second Notices This Week**

rulemaking include contractors for State building projects and units of local government that adopt the Stretch Energy Code.

Questions/requests for copies/comments through 7/22/24: Robert Coslow, CDB, 401 S. Spring St., 3rd Floor, Stratton Building, Springfield IL 62706, 217-685-4079, CDB.EnergyCodes@illinois.gov

▪ VIDEO GAMING

The ILLINOIS GAMING BOARD proposed amendments to Video Gaming (General) (11 IAC 1800; 48 Ill Reg 8252) that are intended to clarify and better enforce the Video Gaming Act's prohibition against vertical integration (ownership or control of both a gaming establishment and a terminal operator). The rulemaking limits all licensees to a single tier of the video gaming industry, meaning that individuals or entities must be licensed as terminal handlers, technicians, or sales agents, or as licensed establishments (locations that host video gaming), but cannot be licensed as both. An owner or person of significant influence or control (PSIC) over a terminal operator may not enter into a use agreement with an immediate family member who is an owner or PSIC of a licensed establishment. A licensed establish-

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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)

ment is also prohibited from entering a use agreement with a landlord who is also a terminal operator. Sales agents may not solicit use agreements from locations owned or controlled by that sales agent's immediate family. Franchisors of an establishment will be considered PSICs of the establishment (barred from being licensed as terminal operators) if the establishment obtains more than 50% of its revenue from net terminal income. Use agreements that do not comply with these provisions may remain in effect until they expire, but cannot be renewed. Licensed video gaming locations, terminal operators and technicians, and their employers or landlords are affected.

Questions/requests for copies/comments through 7/22/24: Daniel Gerber, IGB, 160 N. LaSalle St., Chicago IL 60601, 312-814-4700, IGB.RuleComments@illinois.gov

▪ TAXES

The DEPARTMENT OF REVENUE proposed amendments to Retailers' Occupation Tax (86 IAC 130; 48 Ill Reg 8276) implementing statutory sales tax exemptions under the Manufacturing Illinois Chips for Real Opportunity (MICRO) Act and the Reimagining Energy and Vehicles in Illinois (REV) Act. Both Acts and this rulemaking allow businesses that have obtained a MICRO or REV certificate from the Department of Commerce and Economic Opportunity to be exempt from State and local sales taxes on qualifying building materials for the certified project. Examples of qualifying and non-qualifying building materials are included. Procedures for filing annual reports with DOR are also

included, along with criteria for suspending or revoking the tax exemption for failure to file the report or for unlawfully using an exemption certificate. Businesses that qualify for MICRO or REV tax credits and exemptions are affected.

DOR also proposed amendments to Gas Revenue Tax Act (86 IAC 470; 48 Ill Reg 8307) and Telecommunications Excise Tax (86 IAC 495; 48 Ill Reg 8313) prohibiting natural gas suppliers and telecommunications providers from imposing additional charges on customers who are certified under the MICRO or REV Acts to cover the cost of these taxes. The Part 495 rulemaking also adds statutory language implementing the federal Internet Tax Freedom Act and other provisions of State statute. Natural gas suppliers, telecommunications providers, and businesses certified under the MICRO or REV Acts are affected.

Questions/requests for copies/comments on the 3 DOR rulemakings through 7/22/24: Parts 130, 470 Katarzyna Kowalska; DOR, 101 W. Jefferson St., Springfield IL 62794, 217-782-2844, REV.GCO@illinois.gov

SOS PARKING

The SECRETARY OF STATE proposed amendments to the Part titled Collection of Fees (92 IAC 1003; 48 Ill Reg 8323) that establish a process for collecting fees related to parking citations at the Capitol Complex. Persons who receive citations for unauthorized parking in spaces that require a permit and do not pay the \$50 fine will receive two notices, 30 days apart, by regular mail. If the fine is not paid within 15 days after the date of the first notice, the person's vehicle registration will be tagged and cannot be renewed until the fine is paid. If the fine is not paid within 30 days of the second notice, the vehicle

registration will be suspended, unless the vehicle owner demonstrates that the amount of the fine is in dispute, that good faith efforts to pay the fine have been made, or that the amount owed is \$5 or less.

ADULT DRIVER EDUCATION

SOS also proposed an amendment to Online Only Adult Driver Education Course Provider Certification (92 IAC 1066; 48 Ill Reg 8331) that updates the address for course providers to submit surety bonds to the SOS Commercial Driver Training Section office.

Questions/requests for copies/comments on the 2 SOS rulemakings through 7/22/24: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, 217-785-3094, pwright@ilsos.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; 48 Ill Reg 8339). This rulemaking clarifies that a Tier 2 System member who is vested with law enforcement duties may retire at age 55 with 20 years of service in any of the following positions: Illinois State Police officer; Conservation Police officer; Illinois Commerce Commission police officer; investigator for the Department of Revenue, Illinois Gaming Board, Office of the Attorney General, or Secretary of State; or arson investigator. The rulemaking also codifies the System's process for filling a vacancy in an elected member trustee position.

Questions/requests for copies/comments through 7/22/24: 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

JCAR Meeting Action

At its 6/4/24 meeting, the Joint Committee on Administrative Rules approved the following actions. Proposed rulemakings from this agenda that are not listed below received No Objection and may be adopted by their agencies. Emergency rules not acted upon at this meeting may be reconsidered at later meetings.

EXTENSIONS

JCAR, with the concurrence of the respective agencies, extended the Second Notice periods for the following rulemakings an additional 45 days. These rulemakings will be considered again at the July 16 JCAR meeting.

Department of Children and Family Services, Placement and Visitation Services (89 IAC 301; 47 Ill Reg 17563)

Department of Human Services, Fiscal/Administrative Recordkeeping and Requirements (89 IAC 509; 48 Ill Reg 2769)

Department of Innovation and Technology, Uniform Electronic Transaction Act (14 IAC 2000; 48 Ill Reg 1122)

Illinois State Board of Education, Career and Technical Education (23 IAC 256; 48 Ill Reg 2297)

Department of Transportation, Diesel Emission Inspection Program (92 IAC 460; 47 Ill Reg 15634)

POSTPONEMENT

JCAR postponed action on the following proposed rulemaking, which is currently on extended Second Notice, until the July 16 meeting:

Department of Financial and Professional Regulation, Cannabis Regulation and Tax Act (68 IAC 1291; 47 Ill Reg 12526)

Adopted Rules

DRIVER'S LICENSES & IDs

The SECRETARY OF STATE adopted amendments to Issuance of Licenses (92 IAC 1030; proposed at 48 Ill Reg 3092), effective 5/24/24 at 48 Ill Reg 8386, updating and clarifying conditions for remote renewal of driver's licenses and identification cards. A driver's license may be renewed online every other renewal period when a written test is not required and an ID card can be renewed online twice in succession. A license or ID card cannot be renewed online when: the holder of a driver's license is under 21 or over 78 years old (previously, under 22 or over 74) or the holder of an ID card is under 21 or over 64; the license or card has been expired more than one year; the last renewal of a driver's license or last 2 renewals of an ID card were completed remotely; the holder is only authorized to be in the U.S. temporarily and must submit updated documentation to remain in the U.S.; the holder's Social Security Number, if any, cannot be verified; the holder currently has a valid license or ID card from another state; or the holder's file does not contain a suitable image. Online renewal of a driver's license is also not allowed if the driver holds a school bus permit or a Commercial Driver's License with a hazardous materials endorsement; the driver is 74 or older and holds a license with a farm vehicle restriction; the driver is required to submit a medical report or has been involved in an accident that caused death, injury or property damage; or the driver is under age 26 and has not fulfilled an applicable Selective Service registration obligation. An ID card also cannot be renewed remotely when the cardholder has changed their legal name, gender or address since issuance or the most recent renewal, or if the holder also has a homeless

person or person with a disability ID card. Photos and signatures must be updated at least every 12 years on a driver's license and every 15 years on an ID card unless the holder has a military or civilian employee deferral. Exceptions to the photograph and signature requirement due to religious convictions, facial disfigurements, or temporary out of State residence apply only to driver's licenses; the religious head covering exception applies to both driver's licenses and ID cards.

• AUTO INSURANCE

SOS also adopted amendments to the Part titled Illinois Safety Responsibility Law (92 IAC 1070; proposed at 47 Ill Reg 18974), effective 5/24/24 at 48 Ill Reg 8404, implementing Public Act 103-179, which requires all vehicle insurance companies to transmit proof of insurance documents, as well as cancellations of such policies, to SOS exclusively by electronic means. (Formerly, insurance companies could file these documents electronically or by submitting paper forms.) Auto insurance providers are affected by this rulemaking.

Questions/requests for copies of the 2 SOS rulemakings: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, 217-785-3094, pwright@ilsos.gov

• BEHAVIOR ANALYSTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted a new Part titled Behavior Analyst Licensing Act (68 IAC 1376; proposed at 48 Ill Reg 2313) effective 5/23/24 at 48 Ill Reg 8363, implementing PA 102-953 (Behavior Analyst Licensing Act), which institutes a system of licensing for persons who provide Applied Behavior Analysis (ABA) therapy for

children with autism spectrum disorders. The Part adopts the professional standards and licensing examinations of the national Behavior Analyst Certification Board (BACB) with regard to training and qualifications for licensed behavior analysts (LBAs) and licensed assistant behavior analysts (LABAs). The 500 hours of supervised experience required by the Act is deemed satisfied by meeting the field training requirements established by the BACB for a Board Certified Behavior Analyst or Board Certified Assistant Behavior Analyst. Persons who apply for either license prior to 7/1/28 without the required hours of supervised experience may be considered for licensure if they hold a graduate degree (LBA) or bachelor's degree (LABA) from an accredited college or university in the field of behavior analysis and have passed the BACB licensing examination. The initial licensing fee for an LBA is \$400 and for an LABA is \$100; renewal fees are \$300 and \$75, respectively. All licenses expire on Oct. 31 of odd-numbered years, and 30 hours of approved continuing education (CE) will be required every renewal period beginning with the 2027 renewal cycle. CE may be offered in person or online. Approved CE sponsors include the BACB, American Psychological Association, any Illinois college or university offering a degree in behavior analysis, or other entities approved by DFPR. Fees for CE sponsors (other than State agencies, universities or community colleges) are \$500 for initial approval and \$250 for each 2-year renewal. Other provisions address licensure by endorsement, restoration of lapsed or inactive licenses, waiver of CE requirements for good cause, unprofessional conduct and disciplin-

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Adopted Rules

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ary actions, and the authority of DFPR to grant individual variances from these rules. Behavior analysts, assistant behavior analysts, and their employers are affected by this rulemaking.

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

CONTRACEPTIVE COVERAGE

The DEPARTMENT OF INSURANCE adopted a new Part titled Contraceptive Coverage (50 IAC 2014; proposed at 48 Ill Reg 2033) effective 5/22/24 at 48 Ill Reg 8381, which

implements Illinois Insurance Code and other statutory requirements for health insurance coverage of over the counter (OTC) contraceptive drugs, devices and products. Effective 1/1/25, all individual and group health insurance plans, including pharmaceutical-only and voluntary health services plans, must cover OTC contraceptives without requiring a prescription as a precondition for coverage.

Questions/requests for copies: Ryan Gillespie, DOI, 320 W. Washington St., Springfield IL 62767-0001, 217-558-2746, Ryan.Gillespie@Illinois.gov

FOSTER CARE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to Authorized Child Care Payments (89 IAC 359; proposed at 47

Ill Reg 17575) effective 5/21/24 at 48 Ill Reg 8346, aligning various definitions with Title IV-E of the federal Social Security Act (which governs federal funding for foster care, adoption, and kinship guardianship services). This rulemaking defines "child care institutions," "foster care maintenance payments," "foster family homes," and "qualified residential treatment programs" in accordance with federal law, and also adopts federal limitations on foster care maintenance payments.

Questions/requests for copies: Tamara Bristow, DCFS, 406 E. Monroe, Station #65, Springfield IL 62701-1498, 217-524-1983, fax 217-557-0692, DCFS.Policy@illinois.gov

Next JCAR Meeting: Tuesday, July 16, 11 a.m.

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

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