

*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.*

## Adopted Rules

## Emergency Rulemakings

### ■ VIDEO GAMING

### COVID-19 ACTIONS

### ■ INCOME TAX

The ILLINOIS GAMING BOARD adopted amendments to Video Gaming (General) (11 IAC 1800; 43 Ill Reg 13488) effective 6/22/20, replacing emergency amendments that were effective 11/7/19 and expired 4/4/20. This rulemaking implements Public Act 101-318, which requires IGB to adopt rules for undercover compliance checks of licensed video gaming locations to determine whether they are serving alcoholic beverages to persons under 21 or permitting such persons to play video gaming terminals. "Confidential sources" who are 18 or 19 years of age may be used to carry out these investigations. These sources must be of good character, must undergo background checks and must not use disguises, wear beards or moustaches, or alter their appearance in any way. Confidential sources must sign

Numerous Executive Orders and emergency rules have been issued in response to the COVID-19 pandemic. Executive Orders of the Governor concerning this pandemic can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

consent and acknowledgement forms (included in the rule) and carry either a valid State ID issued by the Secretary of State or no identification at all. Fraudulent or fictitious ID cards cannot be used in any compliance operation. All confidential sources shall receive orientation training on use of video gaming terminals and on avoiding

The DEPARTMENT OF REVENUE adopted emergency amendments to Income Tax (86 IAC 100; 44 Ill Reg 11208) effective 6/17/20 for a maximum of 150 days. Identical proposed amendments are listed in this week's *Illinois Register* at 44 Ill Reg 11132. The emergency amendments implement provisions of Public Act 101-31. It requires horse race wagering and riverboat or casino gambling winnings in tax years 2020 and beyond to be counted as Illinois income subject to Illinois income tax for both residents and non-residents and also requires withholding of Illinois income tax, at the applicable individual rate, from horse racing, casino gambling and Illinois Lottery winnings paid to resident and non-

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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](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://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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actions that constitute entrapment. Confidential sources may be paid in compliance with Illinois State Police policy for payment of undercover agents or sources. Funding sources may set specific conditions for expenditure and accounting of funds that the Board must meet before authorizing any disbursement. Funds used for underage compliance checks must be photocopied in advance and kept with the case file and all expenditures (including payment to the confidential source and purchases made by the confidential source) must be pre-approved by the detail supervisor. Prior to each detail, a compliance check operation plan must be submitted to and approved by the Board investigator in charge (operations officer). If possible, compliance checks shall be conducted outside of the peak business hours of a licensed video gaming location. A photograph of the confidential source showing his or her appearance and dress shall be taken on each day/night of the operation. Each detail team shall include at least 4 IGB investigators in addition to the confidential source. Procedures for conducting and recording compliance checks and for responding to a violation are also included. The ultimate goal of these rules is to have IGB investigators visit all licensed video gaming locations in the State according to an annualized schedule that ensures random visitations. Those affected by these rules include licensed video gaming locations.

## IGB ETHICS RULES

IGB also adopted an amendment to Riverboat and Casino Gambling (86 IAC 3000; 44 Ill Reg 1752), effective 6/17/20, implementing a Code of Conduct for IGB members and employees. The rulemaking forbids Board members and employees from engaging in riverboat/casino gambling, video gaming, sports wagering or wagering on horse racing outside of actions required as part of their official duties. Members and employees also shall not engage in any other form of legal gambling that could present an actual or potential conflict of interest. Board members and employees, as well as their spouses, domestic partners, boyfriends/girlfriends, parents, children or other household members, are prohibited from the following actions: relationships that present or appear to present an actual or potential conflict of interest; accepting gifts, gratuities, services, or other items of value from a covered person (a gaming licensee or license applicant, or any affiliate, key person or person with significant influence or control of a licensee or applicant); holding or acquiring ownership of a licensee or applicant; or having an economic association with a gaming licensee/applicant, a race track, a racing association or any person engaged in horse racing. Any outside employment by a Board member or employee must be disclosed to and approved by IGB, and Board members may not hold other public offices. Board

members must disclose any economic association with a covered person and recuse themselves from deliberating or voting on issues related to a gaming entity connected with the covered person. These provisions may also apply to professional service agents of the Board (e.g., persons providing legal, accounting, financial/auditing, data processing or other services). IGB members, employees, and their immediate families are also subject to the “revolving door” provisions of the State Officials and Employees Ethics Act (which prohibits State employees involved in contracting or procurement with specific entities from accepting employment with those entities for a period of 1 year after leaving State employment). Violations of the Code of Conduct may result in removal from the Board or, for employees of IGB, discipline up to and including termination.

*Questions/requests for copies of the 2 IGB rulemakings: Agostino Lorenzini, IGB, 160 N. La Salle St., Chicago IL 60601, [IGB.RuleComments@iqb.illinois.gov](mailto:IGB.RuleComments@iqb.illinois.gov)*

## STATE RETIREMENT

The STATE EMPLOYEES’ RETIREMENT SYSTEM adopted amendments to The Administration and Operation of the State Employees’ Retirement System of Illinois (80 IAC 1540; 44 Ill Reg 3869) effective 6/19/20 that clarify various aspects of SERS

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## Emergency Rulemakings

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resident winners. Withholding from racing and casino winnings is required only if federal withholding is required, but withholding from Lottery winnings is required for any prize of \$1,000 or more even if federal withholding is not required. Businesses that sell Lottery tickets and holders of racetrack, riverboat and casino licenses are affected by this emergency rule.

*Questions/requests for copies/comments on the proposed rulemaking through 8/19/20: Michael D. Mankowski, DOR, 101*

*W. Jefferson, Springfield IL 62794, 217/782-2844.*

### ■ CHILD CARE ASSISTANCE

The DEPARTMENT OF HUMAN SERVICES adopted an emergency amendment to emergency rules on Child Care (89 IAC 50; 44 Ill Reg 11187), effective 6/18/20 for the remainder of the 150-day term of emergency rules that were effective 4/13/20 at 44 Ill Reg 6442. The emergency amendment sets an end date of 6/30/20 for temporary provisions (established in the 4/13 emergency rule) that exempted

essential workers employed outside the home during the COVID-19 Gubernatorial Disaster Proclamations from Child Care Assistance Program (CCAP) income eligibility guidelines and that reduced co-payments to \$1 per month for all CCAP enrollees. Child care providers enrolled in CCAP are affected by this emergency amendment.

*Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62762, 217/785-9772.*

## Adopted Rules

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benefits. If a SERS member requests to have service credits from the Teachers' Retirement System or the State Universities Retirement System included in calculations of non-occupational or temporary disability benefits, SERS will not include any credits that have been forfeited by acceptance of a refund or applied toward a retirement annuity and not restored. Reports by licensed

healthcare professionals concerning a SERS member's disability are defined as reports of independent medical examinations. The date of disability, for purposes of calculating the amount of a disability benefit, is defined as the date the member is removed from payroll and placed on disability leave. Compensation for back wages will be applied to the pay period in which it was earned rather than the pay period in which

received, and debt attributable to overpaid benefit payments may be referred to the Attorney General, Debt Collection Board, the Comptroller's Offset System, or a private collection agency.

*Questions/requests for copies: Jeff Houch, SERS, 2101 S. Veterans Pkwy., Springfield IL 62794, 217/524-8105, [jeff.houch@srs.illinois.gov](mailto:jeff.houch@srs.illinois.gov)*

## Second Notices

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The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The IGB, SOS and HFS rulemakings will be considered at the July 14, 2020 JCAR meeting, while the PCB rulemakings will be considered at the August 11, 2020 meeting. 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 using the contact information on page 1.

### IL GAMING BOARD

Riverboat and Casino Gambling (86 IAC 3000; 44 Ill Reg 5974) proposed 4/17/20

### SECRETARY OF STATE

Uniform Commercial Code (14 IAC 180; 44 Ill Reg 5720) proposed 4/3/20

### DEPT OF HEALTHCARE & FAMILY SERVICES

Medical Payment (89 IAC 140; 44 Ill Reg 5560) proposed 4/3/20

### POLLUTION CONTROL BOARD

General Rules (35 IAC 101; 44 Ill Reg 4316) proposed 3/20/20

Appeals of Final Decisions of State Agencies (35 IAC 105; 44 Ill Reg 4347) proposed 3/20/20

Major Stationary Sources Construction and Modification (35 IAC 203; 44 Ill Reg 4367) proposed 3/20/20

Prevention of Significant Deterioration (35 IAC 204; 44 Ill Reg 4375) proposed 3/20/20

Definitions and General Provisions (35 IAC 211; 44 Ill Reg 4463) proposed 3/20/20

Organic Material Emission Standards and Limitations (35 IAC 215; 44 Ill Reg 4487) proposed 3/20/20

## Joint Committee on Administrative Rules

**Senator Bill Cunningham, *co-chair***  
**Senator John F. Curran**  
**Senator Kimberly Lightford**  
**Senator Tony Muñoz**  
**Senator Sue Rezin**  
**Senator Paul Schimpf**

**Representative Tom Demmer**  
**Representative Michael Halpin**  
**Representative Frances Ann Hurley**  
**Representative Steven Reick**  
**Representative André Thapedi**  
**Representative Keith Wheeler, *co-chair***

**Vicki Thomas**  
**Executive Director**