

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

CASINOS

The ILLINOIS GAMING BOARD proposed an amendment to Riverboat and Casino Gambling (86 IAC 3000; 48 Ill Reg 17417) that requires casino owners and organization gaming licensees to regularly train their employees in how to recognize and report suspected human trafficking. All employees must complete this training within 3 months after beginning employment and annually thereafter. The training program must, at a minimum, address the following topics: the definition of human trafficking and the difference between sex trafficking and labor trafficking; factors that make an individual susceptible to human trafficking; why and how human trafficking takes place in hospitality settings such as hotels and casinos; spotting red flags that may indicate a human trafficking situation; the employee's and owner/licensee's responsibility to document and report

suspected human trafficking; agencies that can assist victims of human trafficking; and any other topics approved by the IGB Administrator. Casino owners and organization licensees must also develop protocols for their employees to document, report and respond to suspected instances of human trafficking;

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provide written copies of their training curricula and protocols to the IGB Administrator; and post human trafficking awareness notices, consistent with the model notices developed by the Department of Human Services, in restrooms and in a conspicuous place where they can be seen by the public.

Questions/requests for copies/comments through 1/21/25: Daniel Gerber, IGB, 160 N. LaSalle St.,

Chicago IL 60601, 312-814-4700, fax 312-814-7253,

IGB.RuleComments@Illinois.gov

MEDICAL TRANSPORTATION

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed an amendment to Medical Payment (89 IAC 140; 48 Ill Reg 17432) implementing Public Acts 103-102 and 102-364. The rulemaking allows mandatory safety training for non-emergency medi-car and service car drivers and attendants (required every 3 years) to be administered by the transportation provider when the provider is licensed by the Department of Public Health and HFS has approved the in-house program. The rulemaking also changes the rates for ground and air (including helicopter) ambulances to 100% of the rate specified in the current HFS Fee Schedule (currently, 100% of the rate

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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

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established on 6/30/12) and adds transportation company networks to the list of medical transportation providers that may receive Medicaid reimbursement. Providers of ambulance, medi-car, and other medical transportation systems are affected.

Questions/requests for copies/comments through 1/21/25: Chris Gange, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, 217-782-1233, HFS.Rules@illinois.gov

• SALES TAXES

The DEPARTMENT OF REVENUE proposed amendments to Retailers' Occupation Tax (86 IAC 130; 48 Ill Reg 17483) implementing Public Act 103-0966 and its provisions for Direct Pay Permit holders (taxpaying entities granted approval from DOR to pay the sales taxes due on their vendor

purchases directly to DOR with their own sales tax returns, instead of paying that tax to the vendor). It provides guidance, including examples, regarding the annual review process for Direct Pay Permit holders, the filing of amended returns, and penalties for noncompliance. Taxpayers must complete and submit annual reviews for each calendar year (to determine whether all sales taxes were correctly sourced and paid) by March 31 of the following year. If corrections are needed, an amended return must be filed by April 20. Failure to comply with these payment and filing requirements incurs a \$6,000 penalty for each review period. Businesses that have received Direct Pay Permits are affected.

Questions/requests for copies/comments through 1/21/25: Thomas Grudichak, DOR, 101 W. Jefferson St., Springfield IL 62794, 217-782-7055, REV.GCO@illinois.gov

• HOME SERVICES

The DEPARTMENT OF PUBLIC HEALTH proposed an amendment to Home Health, Home Services, and Home

Nursing Agency Code (77 IAC 245; 48 Ill Reg 17466) clarifying training requirements in Section 245.71(i) to state that a home services agency shall provide a home services worker with a copy of their training certificate, upon request. Home services providers are affected.

• NURSING ASSISTANTS

DPH also proposed amendments to Long-Term Care Assistants and Aides Training Programs Code (77 IAC 395; 48 Ill Reg 17475) implementing Public Act 103-0695, which requires DPH to give nursing assistant students the option to take the required examination in either Spanish or English, without restrictions on who may take the exam in either language. Nursing assistant training programs are affected.

Questions/requests for copies/comments on the 2 DPH rulemakings through 1/21/25: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217-782-1159, dph.rules@illinois.gov

Adopted Rules

▪ EMPLOYEE TRAINING

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted amendments to the Part now titled Employment Training Investment Program (56 IAC 2650; proposed at 48 Ill Reg 8693) effective 11/25/24 at 48 Ill Reg 17516, that change the name of the Part (formerly Employer Training Investment Program) and expand the definition of employee training that can be funded by grants under this Part to include online, virtual classroom, or e-learning programs and training in language skills. The rulemaking replaces references to the Department with the term “Grantor” and changes contracts to “agreements”. Eligible training activities for which an employer may apply for a grant now include English language instruction and technical, language, and vocational skills training provided to members of migrant communities with Temporary Protected Status (granted by the federal government; currently includes migrants/refugees from 16 countries including Afghanistan, Venezuela, Haiti, Sudan, Somalia, and Ukraine). Applicants must be registered and pre-qualified through the Grant Accountability and Transparency Act (GATA) Portal and must be entities regarded for federal income tax purposes. Grantees are also subject to federal audit requirements and GATA rules at 44 IAC 7000. Grantees are required to monitor their own activities and those of any subcontractors to assure compliance with federal and state requirements and with performance expectations. Grantees may use transcripts from a digital training platform to verify employee and course training records. Employers receiving grants must comply with the Drug Free Workplace Act [30 ILCS 580/3] in addition to federal

antidiscrimination laws. Applications will be accepted whenever a Notice of Funding Opportunity is posted. Other provisions clarify the application process and criteria for evaluating grants. Businesses seeking DCEO grants for employee training are affected.

▪ BROADBAND GRANTS

DCEO also adopted amendments to the Part titled Broadband Grant Programs (14 IAC 548; proposed at 48 Ill Reg 11415) effective 11/20/24 at 48 Ill Reg 17501, implementing the Broadband Infrastructure Advancement Act [220 ILCS 81]. As a means of documenting unserved and underserved locations and community anchor institutions within Illinois that qualify for federal Broadband Equity, Access and Deployment (BEAD) funding, this rulemaking replaces Federal Communications Commission broadband data maps with a dataset approved by the National Telecommunications and Information Administration (NTIA, a federal agency within the U.S. Department of Commerce). The rulemaking also updates an incorporation by reference of DCEO's Connect Illinois Initial Proposal (Vol. 2), which was revised in May 2024 and approved by NTIA on 6/10/24. Information that must be submitted by BEAD grant applicants has been simplified and demonstration of financial need is no longer required, nor will it be a factor in determining grant awards. Those affected by this rulemaking include small businesses, small municipalities and non-profits that may be eligible for BEAD grants.

Questions/requests for copies of the 2 DCEO rulemakings: Gina Arterberry, DCEO, 1011 S. Second St., Springfield IL 62704-3004, 217-524-8974, Gina.M.Arterberry@Illinois.gov

▪ CHILD CARE

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Child Care (89 IAC 50; proposed at 48 Ill Reg 10096) effective 11/25/24 at 48 Ill Reg 17577, replacing emergency amendments that were effective 7/1/24. The rulemaking updates income eligibility thresholds for the Child Care Assistance Program (CCAP) to 225% of the current Federal Poverty Level for initial eligibility and 275% FPL for continuing eligibility, and also update the co-payment schedules based on income and family size. The rulemaking additionally clarifies that a provision allowing parents to qualify for CCAP up to 3 months out of every 12 while in the process of establishing an eligible employment or educational activity is subject to the appropriation of funds to CCAP. Parents and child care providers enrolled in CCAP are affected.

WIC VENDORS

DHS also adopted an amendment to WIC Vendor Management Code (77 IAC 672; proposed at 48 Ill Reg 9209) effective 11/25/24 at 48 Ill Reg 17570, that updates referenced State statutory citations in Section 672.105.

Questions/requests for copies of the 2 DHS rulemakings: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Building, 3rd Floor, Springfield IL 62762, 217-785-9772, DHS.AdministrativeRules@illinois.gov

▪ DRIVER'S LICENSES

The SECRETARY OF STATE adopted an amendment to the Part titled School Bus Driver Permit (92 IAC 1035; proposed at 48 Ill Reg 5663) effective 11/22/24 at 48 Ill Reg 17659, provid-

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Adopted Rules

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ing that an applicant for an Illinois school bus driver permit who holds a driver's license with a school bus and passenger endorsement from another state, the District of Columbia, or any province of Canada, that is currently valid or has been expired for less than 30 days does not have to take the school bus permit written exam. School bus driver applicants may be affected.

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

▪ MONEY TRANSMISSION

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted a new Part titled Uniform Money Transmission Modernization Act (38 IAC 207; proposed at 48 Ill Reg 12942) and adopted amendments to the Part titled Transmitters of Money Act (38 IAC 205; proposed at 48 Ill Reg 12933) effective 11/23/24 at 48 Ill Reg 17555 and 17546, implementing Public Act 103-991. The PA and these rulemakings implement the Uniform Money Transmission Modernization Act (MTMA), which aligns Illinois with nationwide standards for regulation of such transactions. The new Part 207 simply states that the Part 205 rules and future amendments will apply to all licensees, authorized delegates, persons and entities subject to the MTMA. Amendments to Part 205 define an authorized delegate as any person, including an authorized seller under the Transmitters of Money Act (TOMA), whom a licensee designates to engage in money transactions on behalf of the licensee. The term "average daily balance" is replaced with "average daily money transmission liability" and the method

of calculating this liability is changed to the total of each day's outstanding money transmission obligations for an entire calendar quarter (ending on March 31, June 30, Sept. 30 or Dec. 31) divided by the number of days in that quarter. (Previously, the average daily balance was calculated on an annual basis from the amount of outstanding obligations at the end of each month.) The definition of digital currency (which is not a permissible investment for money transmitters) is also updated. Fees currently charged for license application, license renewal, and records examinations remain in effect but a \$550 per day fee for verification examinations (to determine if a licensee has corrected violations of the Act or rules) is being removed. Licensees and authorized delegates must keep documents related to money transmissions for at least 3 years, unless data contained in these documents has been electronically transmitted and recorded. Businesses subject to TOMA or the MTMA are affected.

MORTGAGE LENDERS

DFPR also adopted amendments to the Part titled Mortgage Community Reinvestment (38 IAC 1055; proposed at 48 Ill Reg 10965) effective 11/25/24 at 48 Ill Reg 17558, that replace the former \$2,200-per-examination-day fee for covered mortgage licensees with a schedule of annual fees for fiscal years 2025 and 2026, based on the number of Illinois mortgage loans (changed since 1st Notice from "total mortgage loan volume") each licensee has made in the previous calendar year. The annual fees range from \$2,000 (FY25) and \$2,250 (FY26) for mortgage licensees that have made 50 to 99 Illinois mortgage loans the previous year, up to \$14,000 (FY25) and \$22,000 (FY26) for licensees that made 8,000 or more Illinois mortgage loans the previous year. Annual fees for fiscal year 2025 are due by 1/1/25

(changed since 1st Notice from 11/1/24) and annual fees thereafter are due within 30 days after the start of each fiscal year. The rulemaking also postpones from 11/1/24 to 2/1/25 the earliest date on which examinations of covered mortgage licensees that have made at least 100 Illinois home mortgage loans in the prior calendar year may be initiated. Mortgage lenders subject to the Illinois Community Reinvestment Act (ILCRA) are affected.

SOCIAL WORKERS

Finally, DFPR adopted an amendment to the Part titled Clinical Social Work and Social Work Practice Act (68 IAC 1470; proposed at 48 Ill Reg 11431) effective 11/25/24 at 48 Ill Reg 17564, that corrects errors in a rulemaking adopted on 6/4/24. The rulemaking restores provisions for reinstating a license on inactive status that were mistakenly removed in the earlier rulemaking, and also remove a late fee amount that contradicts an amount specified elsewhere.

Questions/requests for copies of the 4 DFPR rulemakings: Craig Cellini, DFPR, 320 W. Washington St., 2nd Floor, Springfield IL 62786, 217-785-0813, fax 217-557-4451, Craig.Cellini@illinois.gov

▪ ELECTRICITY TAX

The DEPARTMENT OF REVENUE adopted amendments to the Part titled Electricity Excise Tax Law (86 IAC 511; 48 Ill Reg 5635) effective 11/22/24 at 48 Ill Reg 17635, reflecting recent changes to the Law. The rulemaking adds new statutory definitions of purchase price (upon which the tax is imposed) and other terms. Other provisions update requirements for making tax payments by electronic funds transfer;

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Adopted Rules

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add tax exemptions for electric vehicle manufacturing (REV Illinois) and microchip production (MICRO) projects; update registration, payment and recordkeeping requirements; and identify penalties for violations of the Law and rules. Since 1st Notice, DOR removed provisions concerning electricity delivered to vehicle charging stations. Those affected by this rulemaking include participants in REV Illinois or MICRO projects.

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

AIR POLLUTION

The POLLUTION CONTROL BOARD adopted amendments to Air Quality Standards (35 IAC 243; proposed at 48 Ill Reg 13877) effective 11/21/24 at 48 Ill Reg 17597, 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.

WATER TREATMENT

PCB also adopted amendments to Sewer Discharge Criteria (35 IAC 307; proposed at 48 Ill Reg 13890) effective 11/21/24 at 48 Ill Reg 17609, 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 of the 2 PCB rulemakings: 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.

Second Notices

The following rulemakings were moved to Second Notice by the agency listed below, commencing the JCAR review period. These rulemakings will be considered at the December 10, 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.

SECRETARY OF STATE

Notary Public Records (14 IAC 176; 48 Ill Reg 12154) proposed 8/16/24

Procedures and Standards (92 IAC 1001; 48 Ill Reg 12946) proposed 8/30/24

Collection of Fees (92 IAC 1003; 48 Ill Reg 8323) proposed 6/7/24

Certificates of Title, Registration of Vehicles (92 IAC 1010; 48 Ill Reg 10809) proposed 7/26/24

Next JCAR Meeting: Tuesday, Dec. 10, 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

Kim Schultz, Executive Director ■ Kevin Kulavic, Deputy Director

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