

# 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

### ▪ MICROCHIP INDUSTRY

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY proposed a new Part titled Manufacturing Illinois Chips for Real Opportunity (MICRO) Act (14 IAC 120; 47 Ill Reg 14153) implementing Article 110 of Public Act 102-700, known as the MICRO Act. The purpose of the Act and this Part is to attract semiconductor and microchip production to Illinois via tax credits to businesses that manufacture semiconductors, microchips or their component parts and are located, or planning to locate, in Illinois. To qualify for the tax credit, a new manufacturer must invest at least \$1.5 billion in capital improvements at the project site and create 500 full-time equivalent jobs within 5 years; a new component parts manufacturer must invest at least \$300 million in capital

improvements and create at least 150 full-time equivalent jobs within 5 years. Manufacturers or component parts manufacturers planning to convert or expand an existing Illinois facility must invest at least \$100 million in capital improvements and create at least 75 full-time equivalent jobs within 5 years. The amount of the

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tax credit will be based on the jobs created that pay at least 20% above the average wage for full-time workers in similar positions in the county where the facility is located. A business receiving the MICRO tax credit cannot also be receiving EDGE (Economic Development for a Growing Economy) tax credits or

similar economic development tax credits. Once approved, the business may receive an income tax credit of up to 75% of the increased incremental income tax receipts attributable to its new employees, plus up to 10% of the training costs of the new employees. If the project is located in an underserved area or energy transition area (a county of fewer than 100,000 residents, or a municipality, in which a fossil fuel plant or a coal mine was closed in the last 6 years or is scheduled to be taken out of service in the next 6 years), 100% of the increased incremental income tax attributable to new employees may be claimed toward the credit, along with 10% of new employee training costs. Additionally, the business may receive an exemption from electricity excise taxes. Other provisions address train-

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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.

# Emergency Rule

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## DRIVER'S LICENSES

The SECRETARY OF STATE adopted an emergency amendment to Issuance of Licenses (92 IAC 1030; 47 Ill Reg 14580) effective 9/26/23 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 47 Ill Reg 14308. The emergency and proposed rulemakings raise the age at which drivers must complete a road test at every renewal from 75 to 79 years of age, in accordance with the results of a study of older drivers conducted pursuant to Public Act 103-140.

*Questions/requests for copies/comments on the proposed rulemaking through 11/27/23: Amy Williams, SOS, 298 Howlett Building, Springfield IL 62756, 217-785-3094, [Awilliams3@ilsos.gov](mailto:Awilliams3@ilsos.gov)*

# Peremptory Rule

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## SNAP BENEFITS

The DEPARTMENT OF HUMAN SERVICES adopted peremptory amendments to Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 47 Ill Reg 14594) effective 10/2/23, implementing gross and net income standards, asset disregards, income deductions, and maximum SNAP allotments for the 2024 federal fiscal year. The minimum monthly allotment for 1 or 2 person households remains \$23, while the maximum allotments have increased from \$281 to \$291 for 1 person, \$516 to \$535 for 2 persons, and \$939 to \$973 for 4 persons. The basic monthly gross income eligibility limit (130% of the Federal Poverty Level) is now \$1,580 for 1 person, \$2,137 for 2 persons, and \$3,250 for 4 persons. Gross income limits for households that include an elderly or disabled person (200% FPL) are \$2,430 for 1 person, \$3,286 for 2 persons, and \$4,998 for 4 persons. The standard deduction from monthly income for a household of 1, 2 or 3 (formerly 4) persons has increased from \$186 to \$194, and a standard deduction of \$204 has been established for 4-person households. Standard deductions for households of 5, 6 or more have also increased. Liquid assets counted when determining eligibility now include cash prize lottery or gambling winnings of \$4,250 (formerly \$3,500) or more. Deductions for various utilities have decreased, while the shelter cost deductions for households that own or rent a home (now \$672) and for homeless persons (\$179) has increased.

*Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62762, 217-785-9772, [DHS.AdministrativeRules@illinois.gov](mailto:DHS.AdministrativeRules@illinois.gov).*

# Proposed Rulemakings

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ing costs, the contents of the project agreement between the business and DCEO, credit for construction jobs, the processes of applying for and renewing the credit, and penalties for noncompliance with the project agreement. The tax credit will be granted for up to 15 years. Microchip and semiconductor businesses may be affected.

*Questions/requests for copies/comments through 11/27/23:*

*Gina Arterberry, DCEO, 607 E. Adams St. 12<sup>th</sup> Fl., Springfield IL 60601, [Gina.M.Arterberry@Illinois.gov](mailto:Gina.M.Arterberry@Illinois.gov)*

## SCHOOLS

The STATE BOARD OF EDUCATION proposed a new Part titled Computer Science Equity Grant Program (23 IAC 700; 47 Ill Reg 14194) implementing Public Act 103-264. The Act requires the State Board of Education to establish and implement a competitive grant program to support the development or enhancement of computer science programs in K-12 schools. Entities that may apply for grants include school districts, laboratory schools, regional offices of

education, intermediate service centers, and State institutions of higher education, and multiple eligible entities may file a joint grant application. SBE will publish a Request for Proposals (RFP) when grant funding is available, describing the application process and the information that applicants will be required to provide. The RFP will also specify any areas of priority or of restriction that are established for a given program year. Grants will be approved for 3-year periods contingent upon available funding and upon the grantee completing all reporting requirements. Grant funds

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# Proposed Rulemakings

(cont. from page 2)

may be used for the following purposes: ensuring that all students have access to computer science coursework aligned with State learning standards and emerging labor market needs; training or retraining teachers to be more proficient in teaching computer science; supplying classrooms with computer science equipment and materials; more effectively recruiting K-12 students who are underrepresented in computer science professions into computer science courses; and funding initiatives designed to prepare K-8 students for high school level computer science courses or computer science careers. Grant applications will be evaluated on a point system based on need (20 points), capacity (25 points), quality of the plan (15 points), sustainability (15 points), and cost effectiveness (20 points). Additional priority points will be awarded to schools/districts that do not currently offer computer science programs, whose programs are accessible only to a small percentage of students, or to programs in which the majority of students or teachers are of gender or racial/ethnic identities that are underrepresented in the current computer science labor market.

SBE also proposed amendments to the Part titled State Seal of Biliteracy (23 IAC 680; 47 Ill Reg 14183) to accommodate students seeking to demonstrate proficiency in Latin, Sanskrit, or American Sign Language, which do not use all four of the domains (reading, writing, speaking and listening) normally required to demonstrate proficiency. The proposed rules also remove superfluous examples of assessments

and change the submission date for participating schools' annual reports from 7/31 to 9/15.

*Questions/requests for copies/comments on the 2 SBE rulemakings through 11/27/23: Azita Kakvand, SBE, 555 W. Monroe St., Suite 900, Chicago IL 60661, 312-783-2757, [rules@isbe.net](mailto:rules@isbe.net)*

## TRAFFIC VIOLATIONS

The SECRETARY OF STATE proposed amendments to Cancellation, Revocation or Suspension of Licenses or Permits (92 IAC 1040; 47 Ill Reg 14311) implementing various Public Acts. The rulemaking reflects provisions of PA 102-652 (SAFE-T Act) for persons who fail to appear in court on traffic violations. Instead of forfeiting their bond (since bond is no longer required), the court will enter a conviction for violation of pre-trial release that SOS will note on the person's driving record. Other provisions implement PA 102-982, which replaces the term "accident" with "crash", and PA 103-179, which amends the Illinois Vehicle Code to cite commercial motor vehicle drivers, when not always required to stop at a railroad crossing, for failure to slow and ensure tracks are clear prior to proceeding through a railroad crossing.

*Questions/requests for copies/comments through 11/27/23: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, [pwright@ilsos.gov](mailto:pwright@ilsos.gov)*

## ID/DD FACILITIES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Intermediate Care for the Developmentally Disabled Facilities Code (77 IAC 350; 47 Ill Reg 14205) and Medically Complex for the Developmentally Disabled Facilities

Code (77 IAC 390; 47 Ill Reg 14296) implementing PA 102-1007, which amended the ID/DD and MC/DD Acts to require facilities licensed under these Acts to inform their nurses of employee assistance programs. The Part 350 rulemaking also contains amendments designed to align the Part with the Act; updates construction and life safety requirements and certification requirements for CNAs and dietitians; institutes gender neutral language; changes references to "mental retardation" to "intellectual disability"; and requires ID/DD facilities to comply with the Authorized Electronic Monitoring in Long-Term Care Facilities Act.

*Questions/requests for copies/comments on the 2 DPH rulemakings through 11/27/23: Tracey Trigillo, DPH, 524 South 2<sup>nd</sup> Street, 6<sup>th</sup> Floor, Springfield, IL 62701, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

## STATE PROPERTY & TRAVEL

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to the Part titled Acquisition, Management and Disposal of Real Property (44 IAC 5000; 47 Ill Reg 14141) aligning the Part with statutory language. CMS also proposed an amendment to Travel (80 IAC 2800; 47 Ill Reg 14148) providing that State employees on travel status may be reimbursed 90% (currently, 75%) of the applicable rate per day when staying in properties they own or rent. The rulemaking also removes specific reimbursement rates for mortgages or leases.

*Questions/requests for copies/comments on the 2 CMS rulemakings through 11/27/23: Administrative Rules Coordinator, CMS, 313 S. Sixth St., 3rd Floor, Springfield IL 62702, [CMS.Rule@illinois.gov](mailto:CMS.Rule@illinois.gov)*

# Adopted Rules

## RURAL HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Hospital Licensing Requirements (77 IAC 250; 47 Ill Reg 8873) effective 9/26/23, replacing emergency amendments that were effective 6/8/23 for a maximum of 150 days. This rulemaking implements Public Act 102-1118, which establishes a new licensing category (in addition to general acute care and specialty hospitals) for rural emergency hospitals that meet criteria established by the federal Centers for Medicare and Medicaid Services. A rural emergency hospital (REH) is defined in this rulemaking as an entity that operates for the purpose of providing emergency department services, observation care, and outpatient services, and in which the average patient stay does not exceed 24 hours. An REH does not provide inpatient services except in a distinct part unit licensed as a skilled nursing facility to provide post-hospital extended care. An REH must have an agreement with at least one Level I or II trauma center for referral and transfer of patients who require emergency medical care beyond the capabilities of the REH. These rulemakings also establish which provisions of this Part do not apply to REHs, including various Subparts concerning services not provided by REHs (e.g., obstetric/neonatal services, psychiatric services). Since 1<sup>st</sup> Notice, DPH has revised definitions to align with statute and removed other definitions that are not used elsewhere in this Part. Hospitals that meet the criteria for rural emergency hospitals are affected by these rulemakings.

## SEXUAL ASSAULT

DPH also adopted amendments to Sexual Assault Survivors Emergency Treatment Code (77 IAC 545; 47 Ill Reg 7235) effective 9/26/23, implementing PA 102-1106. The PA and this rulemaking clarify that "pediatric health care facility" means a clinic or physician's office that provides medical services to patients under the age of 18 (rather than to pediatric patients). Other amendments clarify that the required transfer or treatment plan hospitals must submit to DPH must either transfer all sexual assault survivors to another facility; transfer pediatric survivors (under age 13) and provide medical forensic services to survivors age 13 and older; or provide medical forensic services to all survivors. The rulemaking also imposes, effective 1/1/24, a fine of \$500 for each day that a hospital is out of compliance with DPH's requirements for approved transfer or treatment plans. The \$500 per day fine will also be imposed if a hospital, pediatric health care facility, or federally qualified health center, following a compliance review, submits two successive plans of correction that are rejected by DPH.

## ID/DD FACILITIES

Finally, DPH adopted amendments to Intermediate Care for the Developmentally Disabled Facilities Code (77 IAC 350; 47 Ill Reg 3959) and Medically Complex for the Developmentally Disabled Facilities Code (77 IAC 390; 47 Ill Reg 3981), both effective 9/26/23, that update and correct citations of incorporated federal regulations and State statutes.

*Questions/requests for copies of the 4 DPH rulemakings: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield*

IL 62701, 217/782-1159,  
[dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

## CAREER EDUCATION

The STATE BOARD OF EDUCATION adopted amendments to the Part titled Career and Technical Education (23 IAC 256; 47 Ill Reg 5321) effective 9/26/23, establishing the Green Career and Technical Education Pathway Grant Program, intended to introduce high school students to careers in developing green (environmentally conscious) industries. Entities that may apply for these grants include local educational agencies or school districts; Regional Offices of Education; SBE-recognized career centers; Indian tribes or tribal organizations; and consortiums eligible to receive career and technical education (CTE) assistance under federal law. The State Superintendent will issue Requests for Proposals when funding is available. Proposals submitted by eligible applicants must include demonstration of need evidenced by the percentage of low income students, the need among local employers for green industry occupations, and other factors; evidence that the applicant has the capacity to develop a new CTE program; and a plan for developing a green energy program of study that involves multiple stakeholders (e.g., employers, parents, community members) and includes work-based learning and opportunities for advanced coursework. Proposals will be evaluated via a point system based on need (25 points), capacity (25 points), plan quality (45 points) and cost effectiveness (5 points). Up to 5 additional points may be awarded to rural districts, applicants that partner with a green industry or proposals that

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# Adopted Rules

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integrate academic and CTE content. Changes since 1<sup>st</sup> Notice add a definition of low-income students and clarify certain application requirements for consortiums and partnerships. School districts and green energy businesses may be affected.

*Questions/requests for copies: Azita Kakvand, SBE, 555 West Monroe St., Suite 900, Chicago IL 60661, 312/783-2757, [rules@isbe.net](mailto:rules@isbe.net)*

## PARKING TAX

The DEPARTMENT OF REVENUE adopted amendments to the Part titled Parking Excise Tax (86 IAC 195; 47 Ill Reg 8326) effective 9/26/23 that require all returns and payments under the Parking Excise Tax Act to be made by electronic means. The

rulemaking also clarifies that the vendor discount is allowed only for returns that are filed on or before the due date by electronic means and can only be applied to payments made by electronic means on or before the due date. Those affected by this rulemaking include businesses that operate parking garages and lots.

*Questions/requests for copies: Alexis Overstreet, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844, [REV.GCO@illinois.gov](mailto:REV.GCO@illinois.gov)*

## STATE PROPERTY

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to the Part titled Acquisition, Management and Disposal of Real Property (44 IAC 5000; 47 Ill Reg 9128) effective 10/2/23 concerning appraisals of surplus State real property (e.g., buildings, land) prior to sale. The rulemaking requires fair market value

for any property valued by CMS at \$5,000 or more to be determined by the average of 2 (currently, 3) appraisals, plus the cost of the appraisals. The rulemaking also removes a provision requiring at least one of the appraisers to reside in the county where the surplus State property is located.

## STATE EMPLOYEES

CMS also adopted an amendment to Extensions of Jurisdiction (80 IAC 305; 47 Ill Reg 9551) effective 10/2/23 that applies Personnel Code Jurisdictions A (classification and pay), B (merit and fitness) and C (conditions of employment) to the Department of Human Services position of Tobacco Compliance Specialist.

*Questions/requests for copies of the 2 CMS rulemakings: Administrative Rules Coordinator, CMS, 313 S. Sixth St., Springfield IL 62702, [CMS.Rule@illinois.gov](mailto:CMS.Rule@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. These rulemakings will be considered at the November 7, 2023, 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](mailto:jcar@ilga.gov).

### OFFICE OF THE AUDITOR GENERAL

Purchases and Contracts (44 IAC 500; 47 Ill Reg 11496) proposed 8/4/23

### CAPITAL DEVELOPMENT BOARD

Board Action (71 IAC 10; 47 Ill Reg 11856) proposed 8/11/23

### DEPT OF PUBLIC HEALTH

Control of Communicable Diseases Code (77 IAC 690; 47 Ill Reg 7323) proposed 6/2/23

### DEPT OF REVENUE

The Public Utilities Revenue Act (86 IAC 510; 47 Ill Reg 10453) proposed 7/14/23

### STATE BOARD OF EDUCATION

Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 47 Ill Reg 8055) proposed 6/16/23

Children's Mental Health Initiative Grants (23 IAC 555; 47 Ill Reg 8285) proposed 6/16/23

### Next JCAR Meeting: Tues. Oct. 17, 11 a.m.

Rm. C-600, Bilandic Bldg., 160 N. La Salle, 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 Kimberly Lightford  
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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