

*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.*

## New Rules

### ■ UNCLAIMED PROPERTY

The OFFICE OF THE TREASURER repealed the Part titled Uniform Disposition of Unclaimed Property Act (74 IAC 760; 42 Ill Reg 17121) and adopted a new Part titled Revised Uniform Disposition of Unclaimed Property Act (74 IAC 760; 42 Ill Reg 17145), both effective 3/25/19. The new Part implements the Revised Uniform Unclaimed Property Act (RUUPA) [765 ILCS 1026], enacted in 2017 to replace the former Uniform Disposition of Unclaimed Property Act [765 ILCS 1025]. RUUPA and the new Part include more detailed procedures and guidance on the following issues: determining when various properties, including tax-deferred accounts, stored value and gift cards, merchandise credits and securities, are considered abandoned; actions that do, and

do not, rebut a statutory presumption that a property is abandoned; how to report and remit unclaimed property to the Treasurer; and methods the Treasurer will use to locate and notify apparent owners of unclaimed property, including via electronic publications. An expedited claims process is

#### Emergency Rules, Page 3

provided for claims of less than \$500. Other provisions address enforcement of the Act, the transition from the former Act to RUUPA, unclaimed property examinations, when interest and penalties may be imposed, and exemption of certain RUUPA information from disclosure under the Freedom of Information Act. Since 1<sup>st</sup> Notice, the Treasurer has added a definition of "affiliated group of merchants",

(cont. page 2)

## Proposed Rulemakings

### ■ URBAN AGRICULTURE

The DEPARTMENT OF AGRICULTURE proposed a new Part titled Municipal Urban Agricultural Areas (8 IAC 955; 43 Ill Reg 4047) establishing the definition of a "qualified farmer" eligible for inclusion in an urban agricultural area as defined in the Illinois Municipal Code (an area entirely within a municipality's boundaries, in which one or more qualifying farmers are producing locally-grown agricultural products). The rule defines various categories of qualified farmers, including beginning farmers (those who have operated a farm for no more than 10 years), small- or medium-sized farmers (those who have received microloans from the USDA), limited resource farmers (those with household incomes and gross farm sales below

(cont. page 3)

**NEW 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.

# New Rules

(cont. from page 1)

extended the time period for confidentiality agreements, clarified what constitutes owner-initiated activities, and clarified where statutory language has been inserted into the rule. Those affected by these rulemakings include businesses, municipalities or non-profits that have unclaimed property.

Questions/requests for copies of the 2 Treasurer rulemakings: Sara Meek, Office of the Treasurer, 219 State House, Springfield IL 62706, 217/524-0530.

## ■ MEDICAL PAYMENT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Medical Payment (89 IAC 140; 42 Ill Reg 7285 and 19557) and Children's Health Insurance Program (89 IAC 125; 42 Ill Reg 7280) effective 3/25/19. These rulemakings reflect Public Act 100-538, which removed all restrictions on coverage of abortion under the regular Medical Assistance Program (Part 140) and under the All Kids/State Children's Health Insurance program (Part 125, for persons age 19 and under). The Part 140 rulemaking also implements PA 100-395 by expanding coverage of mammography services to include magnetic resonance imaging (in addition to a comprehensive ultrasound screening) of the entire breast when directed by a physician as a followup to an abnormal

mammogram. Other, separately proposed amendments to Part 140 implement PA 100-974, which allows Federally Qualified Health Centers (FQHCs) to seek Medicaid reimbursement for services performed by dental hygienists, and PA 100-646, which clarifies the distinction between medi-car transportation (provided to wheelchair-bound patients who require a hydraulic or electric lift, but do not need medical observation or administration of medications or oxygen) and service car transportation (provided to patients that do not need ambulance or medi-car services). Those affected by these rulemakings include abortion providers, FQHCs and medical transportation providers.

Questions/requests for copies of the 2 HFS rulemakings: Christopher Gange, HFS, 201 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62763-0002, 217/782-1233, [HFS.Rules@illinois.gov](mailto:HFS.Rules@illinois.gov)

## ■ EMERGENCY RESPONDERS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Emergency Medical Services, Trauma Center, Comprehensive Stroke Center, Primary Stroke Center and Acute Stroke Ready Hospital Code (77 IAC 515; 42 Ill Reg 20621), effective 3/19/19, implementing Public Acts 100-255 and 100-108. The rulemaking allows ambulance assistance vehicles to upgrade their level of care (Basic Life Support, Intermediate Life Support, or Advanced Life

Support/Paramedic) based on the highest level of certification among the regular on-board personnel. It also allows EMS personnel to provide basic first aid and ambulance transport to police dogs injured in the line of duty if no human patient requires the unit's immediate assistance. Ambulance and EMS providers, including those operated by a unit of local government, may be affected by this rulemaking.

Questions/requests for copies: Erin Conley, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl., Springfield IL 62761, 217/782-2043, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

## ■ SALES TAXES

The DEPARTMENT OF REVENUE adopted amendments to Retailers' Occupation Tax (86 IAC 130; 42 Ill Reg 18780) effective 3/20/19 implementing Public Act 100-594. The rulemaking extends an exemption for coal and aggregate exploration, mining, off-highway hauling, processing, maintenance and reclamation equipment until 7/1/23 and clarifies that an exemption for fuel used or consumed by air common carriers on international flights will not sunset. Small businesses that purchase the items or commodities cited in this rulemaking may be affected.

Questions/requests for copies: Debra M. Boggess, DOR, 101 W. Jefferson, Springfield IL 62794, 217/782-2844.

(cont. page 4)

# Proposed Rulemakings

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(cont. from page 1)

specific thresholds), and socially disadvantaged farmers (farms at least 50% owned by American Indians/Alaskan Natives, Asians, African-Americans, Native Hawaiians/Pacific Islanders, or Hispanics). Urban agricultural area committees may request an opinion from DOA in writing as to whether an applicant meets any of the criteria for a qualifying farmer. The Director of DOA must notify the committee of his or her opinion within 90 days after receiving the request. Those affected by this rulemaking include farmers seeking inclusion in urban agricultural areas and municipalities that have established urban agricultural area committees.

Questions/requests for copies/comments through 5/20/19: Pamela Harmon, DOA, State Fairgrounds, PO Box 19281, Springfield IL 62794-9281, 217/524-6905, fax 217/785-4505.

## HFS RULE WITHDRAWAL

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES has withdrawn proposed amendments to Medical Payment (89 IAC 140; 42 Ill Reg 18242) in response to a JCAR Objection. The amendments, which were published in the 10/12/18 *Illinois Register*, would have replaced the Primary Care Case Management program with the Integrated Health Homes program. HFS intends to

## Emergency Rules

### ■ HERBICIDES

The DEPARTMENT OF AGRICULTURE adopted an emergency amendment to the Part titled Illinois Pesticide Act (8 IAC 250; 43 Ill Reg 4340) effective 3/22/19 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 43 Ill Reg 4045. The emergency and proposed amendments stipulate that persons participating in supervised conservation job training programs (e.g., summer youth programs) who apply herbicide products for the control of invasive plants on public lands are not considered to be "receiving compensation" for this activity and are thereby exempt from the requirement to obtain a herbicide/pesticide applicator license from DOA. Those affected by this emergency rule include park districts and other sponsors of conservation job training programs.

Questions/requests for copies/comments on the proposed rulemaking through 5/20/19: Albert A. Coll, DOA, State

reintroduce the IHH program rules at a later date.

### DNR RULE WITHDRAWAL

The DEPARTMENT OF NATURAL RESOURCES has withdrawn proposed amendments to the Part titled The Illinois Oil and Gas

Fairgrounds, P.O. Box 19281, Springfield IL 62794-9281, 217/782-4051, fax 217/785-4505.

### AABD BENEFITS

The DEPARTMENT OF HUMAN SERVICES adopted an emergency amendment to Aid to the Aged, Blind or Disabled (89 IAC 113; 43 Ill Reg 4346) effective 3/20/18 for a maximum of 150 days. An identical proposed amendment appears in this week's *Register* at 43 Ill Reg 4054. The emergency and proposed amendments clarify that non-U.S. citizens whose deportation was withheld indefinitely under provisions of the federal Immigration and Naturalization Act (INA) that have been in effect since 9/30/96 are eligible for AABD. Previously, only the version of INA in effect before 9/30/96 had been cited in the rule.

Questions/requests for copies/comments on the proposed rulemaking through 5/20/19: Tracie Drew, DHS, 100 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62762, 217/785-9772.

Act (62 IAC 240; 43 Ill Reg 1362) that were published in the 1/25/19 *Register*. DNR has withdrawn this rulemaking so that it can consolidate all its amendments addressing underground gas storage pursuant to Public Act 100-1172.

# New Rules

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(cont. from page 2)

## ■ DCEO HEARINGS

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted amendments to Administrative Hearing Rules (56 IAC 2605; 42 Ill Reg 19290) effective 3/19/19, updating its procedures for hearings on recovery of grant funds, suspension or revocation of tax credits, and other agency actions. With regard to grants, provisions of the Grant Accountability and Transparency Act (GATA) and its implementing rules (44 IAC 7000) take precedence over the rules in this Part if they conflict. DCEO is also authorized to enter into an intergovernmental agreement with another State agency for the services of a hearing officer. Other provisions clarify that the requirement of an “impartial” hearing officer (who must be an

Illinois licensed attorney) does not exclude an attorney who is employed by DCEO or another State agency, provided that person has not been directly involved with the case being heard; specify actions that can be made via written motions; allow notices to be delivered electronically when the parties to a hearing agree to this process in writing; require written petitions for hearing to be delivered to DCEO’s Chicago (rather than Springfield) address; and clarify or define actions such as failure to appear. Those affected by this rulemaking include small businesses appealing adverse decisions of DCEO.

Questions/requests for copies: Jolene Clarke, DCEO, 500 E. Monroe St., Springfield IL 62701, 217/557-1820, fax 217/524-3701, [jolene.clarke@illinois.gov](mailto:jolene.clarke@illinois.gov)

## HORSE RACING

The ILLINOIS RACING BOARD adopted amendments to Definitions (11 IAC 210; 42 Ill Reg 23656) effective 4/1/19, removing definitions that are already contained in the Illinois Horse Racing Act, or are outdated, unnecessary, or duplicative. Also effective 4/1/19, IRB repealed the Parts titled Race Track Surfaces (11 IAC 411; 42 Ill Reg 23703) and Horseman’s Bookkeeping System Licensees (11 IAC 450; 42 Ill Reg 23711), which concern outdated practices (e.g., use of third party bookkeepers by racetracks) or duplicate provisions of the Horse Racing Act.

Questions/requests for copies of the IRB rulemakings: Mickey Ezzo, IRB, 100 W. Randolph, Ste. 5-700, Chicago IL 60601, 312/814-5017, [mickey.ezzo@illinois.gov](mailto:mickey.ezzo@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 DFPR, HFS, ICC and SOS rulemakings will be considered at the April 9, 2019 meeting, while the SBEL rulemaking will be considered at the May 14, 2019 meeting. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

### **DEPT OF FINANCIAL & PROFESSIONAL REGULATION**

Residential Mortgage License Act of 1987 (38 IAC 1050; 43 Ill Reg 18) proposed 1/4/19

### **DEPT OF HEALTHCARE & FAMILY SERVICES**

Medical Payment (89 IAC 140; 42 Ill Reg 24574) proposed 12/28/18

### **IL COMMERCE COMMISSION**

Reports of Accidents by Fixed Public Utilities Other Than Pipelines Transporting Liquids (83 IAC 220; 42 Ill Reg 16785) proposed 9/21/18

### **SECRETARY OF STATE**

Issuance of Licenses (92 IAC 1030; 43 Ill Reg 1491) proposed 2/1/19

### **STATE BOARD OF ELECTIONS**

Cyber Navigator Program (26 IAC 213; 43 Ill Reg 1733) proposed 2/8/19

## **Joint Committee on Administrative Rules**

**Senator Don Harmon**

**Representative Tom Demmer**

**Senator Kimberly Lightford**

**Representative Michael Halpin**

**Senator Tony Muñoz**

**Representative Frances Ann Hurley**

**Senator Sue Rezin**

**Representative Steven Reick**

**Senator Paul Schimpf**

**Representative André Thapedi**

**Senator Chuck Weaver**

**Representative Keith Wheeler**

**Vicki Thomas  
Executive Director**