

*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

### UTILITIES

The ILLINOIS COMMERCE COMMISSION adopted amendments to the Part titled The Waiver of Filing and the Approval of Certain Contracts and Arrangements with Affiliated Interests (83 IAC 310; 43 Ill Reg 3079) effective 10/1/19. The rulemaking provides that exempt contracts not exceeding the lesser of \$5 million or 2% of a utility's receipts from all tariffed services from having to be filed with and approved by ICC. It also allows notices and specifications for competitive bidding to be posted on a utility's website or electronically distributed in a manner reasonably designed to achieve broad circulation among prospective bidders. Other amendments clarify certain provisions and update statutory and other references.

*Questions/requests for copies: Brian W. Allen, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/558-2387.*

### STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted an Emergency Rule, Page 2  
ISP Public Hearing, Page 3  
amendment to Travel (80 IAC 2800; 43 Ill Reg 4848), effective 10/1/19, updating claims procedures for State travel vouchers to allow submission of electronic as well as print vouchers.

*Questions/requests for copies: Sean Coombe, CMS, 720 Stratton Bldg., Springfield IL 62706, 217/782-2141.*

## Proposed Rulemakings

### SEX OFFENDERS

The DEPARTMENT OF HUMAN SERVICES proposed amendments to the Part titled Sexually Violent Persons (59 IAC 299; 43 Ill Reg 11815) updating its rules for the DHS Treatment and Detention Facility (TDF) and related mental health/treatment services. The TDF, located near Rushville, houses "sexually violent persons" who have served their prison sentences, have been declared unfit to stand trial, or have been found not guilty by reason of insanity; have been declared by a court to be sexually dangerous; and have been committed to the TDF for ongoing treatment and supervision. The amendments include provisions for emergency mental health care when a resident poses a serious threat to himself/herself or others; establish procedures for administering

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**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.

# Emergency Rules

## ■ SNAP BENEFITS

The DEPARTMENT OF HUMAN SERVICES adopted emergency amendments to Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 43 Ill Reg 11953) effective 10/1/19 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 43 Ill Reg 11905. The emergency rule implements Public Act 101-566, which changes the SNAP Employment and Training (E&T) program from a mandatory to a voluntary program open to all

individuals receiving SNAP benefits. (Formerly, all non-exempt SNAP recipients who were subject to the SNAP work requirement and resided in counties where E&T providers were available were required to participate in the program.) SNAP households that receive Temporary Assistance for Needy Families (TANF) must still participate in work and training programs required by TANF. Additionally, SNAP recipients who are employed or required to register for employment must not voluntarily quit a job or reduce their work hours without good cause.

Participants must be receiving SNAP benefits for every month that they receive SNAP E&T services. Services may be provided by contracted providers, community-based organizations, or community colleges/universities, to whom SNAP recipients may be referred for employment, education or training activities.

*Questions/requests for copies/comments on the proposed rulemaking through 12/2/19: Tracie Drew, DHS, 100 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62762, 217/785-9772.*

## Proposed Rulemakings

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psychotropic medication when it is deemed medically necessary but the resident has not consented to this administration; clarify various rules, rule violations, and the consequences for rule violations; revise grievance procedures; and implement a reimbursement system under which residents pay part of the cost of their care.

## DHS GRANTS

DHS also proposed a new Part titled General Grantmaking (DHS) (44 IAC 7040; 43 Ill Reg 11812) incorporating by reference (as required under the Grant Accountability and Transparency Act) federal grant rules at 2 CFR 200 with specified exceptions.

*Questions/requests for copies/comments on the 2 DHS rulemakings through 12/2/19: Tracie Drew, DHS, 100 S. Grand*

*Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62762, 217/785-9772.*

## ■ USED VEHICLE DEALERS

The SECRETARY OF STATE proposed amendments to the Part titled Dealers, Wreckers, Transporters and Rebuilders (92 IAC 1020; 43 Ill Reg 11934) implementing Public Act 101-105. The PA and the rulemaking institute rules for Buy Here, Pay Here (BHPH) used vehicle dealers that offer third-party financing through a financial institution in which the dealer has an ownership stake. (BHPH rules do not apply to dealers who use separate third-party lenders with which they have no legal or financial association.) Effective 1/1/20, all BHPH dealers must electronically submit titling and registration applications to SOS through the SOS website or via an Electronic Registration and Titling system. A BHPH shall only be required to acquire one license

that permits it to sell 5 or more used vehicles per year. It may have a separate legal entity that provides financing solely for its customers, and may sell vehicles for cash or by other traditional financing methods. However, promotion, advertisement, solicitation, or other engagement in sales transactions must mention the associated financing entity and the availability and terms of its payment plans. Every BHPH must submit the appropriate certificate of title, registration fees and taxes to SOS and the Department of Revenue for each sales transaction, and the application for title/registration must include the date of purchase, regardless of how the sale was ultimately financed or how the vehicle was transferred to the customer. Those affected by this rulemaking include certain used vehicle dealers that also offer customer financing.

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# Proposed Rulemakings

(cont. from page 2)

*Questions/requests for copies/ comments through 12/2/19: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, [pwright@ilsos.gov](mailto:pwright@ilsos.gov)*

## ■ HOSPICE FACILITIES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to the Part titled Hospice Programs (77 IAC 280; 43 Ill Reg 11908) implementing Public Act 100-744. The Act and the rulemaking allow residential hospice facilities to serve 20 (currently, 16) persons per location and increase the total number of DPH-licensed hospice residences from 12 to 15. The rulemaking also implements updated federal requirements for compliance with National Fire Protection Association life-safety codes; requires compliance with the Alzheimer's Disease and Related Dementias Services Act [410 ILCS 406] and its associated DPH rules (77 IAC 973); and clarifies the licensing process when a facility is sold or its ownership is substantially changed. Residential hospice programs are affected by this rulemaking.

*Questions/requests for copies/ comments through 12/2/19: Erin Conley, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl., Springfield IL 62761, 2 1 7 / 7 8 5 - 9 2 1 2 , [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

## ISP Public Hearing

### ■ GUN DEALER LICENSING

The ILLINOIS STATE POLICE will hold a public hearing on the proposed Part titled Firearm Dealer License Certification Act (20 IAC 1232; 43 Ill Reg 9084) **Thursday, Oct. 24, at 1 p.m.** at the Howlett Building Auditorium, 501 S. Second St., Springfield. The hearing concerns proposed ISP rules, published in the 8/23/19 *Illinois Register*, that implement Public Act 100-1178, which requires all Illinois holders of a Federal Firearms License (FFL) to additionally receive certification from the State in order to sell, lease or otherwise transfer firearms. The new Part sets the conditions and

process for obtaining State certification of an FFL, including payment of fees and requirements for onsite security, availability for inspections, recordkeeping and staff training. Persons interested in speaking at this hearing are requested to submit their names and organizations in advance to [ISP.Rulemaking@illinois.gov](mailto:ISP.Rulemaking@illinois.gov). One member of each group may speak for up to 3 minutes.

*Questions regarding the rulemaking or the public hearing: Matthew R. Rentschler, ISP, 801 S. Seventh St., Suite 1000-S, Springfield IL 62703, 217/782-7658.*

### ■ COUNTY FAIRS

The DEPARTMENT OF AGRICULTURE proposed an amendment to the Part titled Fairs Operating Under the Agricultural Fair Act (8 IAC 260; 43 Ill Reg 11800) that requires county fairs to submit their annual grand summary reports of fair receipts, premiums and prizes awarded, etc., by 12/31. Fairs whose reports are not postmarked by that date will not be eligible to receive premium reimbursements for that year. County fairs and fair organizations are affected by this rulemaking.

*Questions/requests for copies/ comments through 12/2/19: Albert A. Coll, DOA, State Fairgrounds, PO Box 19281, Springfield IL 62794-9281, 217/782-5051.*

### STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed an amendment to Extensions of Jurisdiction (80 IAC 305; 43 Ill Reg 11808) that extends Personnel Code Jurisdictions A (job classifications and pay), B (merit and fitness requirements) and C (conditions of employment) to the positions of Nuclear Safety Information Systems Specialist I and II at the Illinois Emergency Management Agency effective 2/1/20.

*Questions/requests for copies/ comments through 12/2/19: Sean Coombe, CMS, 720 Stratton Building, Springfield IL 62706, 217/524-7518.*

## Second Notices

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The following rulemakings were moved to Second Notice this week by the agency listed below, commencing the JCAR review period. These rulemakings will be considered at the November 12, 2019 JCAR 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.

### CAPITAL DEVELOPMENT BOARD

Board Action (71 IAC 10; 43 Ill Reg 1) proposed 1/4/19

Trust Agreements - Using Educational Agencies (71 IAC 30; 43 Ill Reg 9) proposed 1/4/19

## Joint Committee on Administrative Rules

**Senator Don Harmon, *co-chair***

**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, *co-chair***

**Vicki Thomas  
Executive Director**