

*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.*

## Proposed Rulemakings

### ■ DRIVER'S EDUCATION

The STATE BOARD OF EDUCATION proposed amendments to Driver Education (23 IAC 252; 43 Ill Reg 13384) implementing two Public Acts. The rulemaking allows school districts to utilize distance learning programs that provide driver education (other than behind-the-wheel instruction) via the internet, e-mail, or other methods outside of a traditional classroom. School districts must determine on a case-by-case basis whether to allow a student to take any portion of a driver's ed course via distance learning and may only do so with approval of the student's parent/guardian, the student's driver education teacher, and the school administration. An entire driver education course cannot, under any circumstances, be completed via distance learning. Additionally, the rulemaking requires school districts that

contract with commercial driving schools to ensure that the driver education teacher, if he or she is not a Certified Driver Rehabilitation Specialist, meets SBE educator licensure and endorsement requirements and is subject to the same evaluation and observation requirements as a non-tenured teacher. Those affected by this rulemaking include commercial driving schools that contract with school districts to provide driver's ed instruction.

*Questions/requests for copies/comments through 1/6/20: Azita Kakvand, SBE, 100 N. First St. Springfield IL 62777-0001, 217/782-6510, [rules@isbe.net](mailto:rules@isbe.net)*

### ■ CIGARETTE TAXES

The DEPARTMENT OF REVENUE proposed an amendment to Cigarette Tax Act

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## Emergency Rulemaking

### ■ VIDEO GAMING

The ILLINOIS GAMING BOARD adopted an emergency amendment to Video Gaming (General) (11 IAC 1800; 43 Ill Reg 13464) effective 11/8/19 for a maximum of 150 days. An identical proposed rulemaking appears in this week's *Illinois Register* at 43 Ill Reg 13354. **(NOTE: JCAR suspended the emergency rule effective 11/12/19, but the proposed rulemaking remains open for public comment.)** These rulemakings require any transfer of ownership interest in a licensed terminal operator, or in a business entity (other than a publicly traded corporation) that has an interest in a licensed terminal operator, to have Board approval unless all material terms of the prospective transaction were fully disclosed to the Board on or before 11/7/19.

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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.

## New Rules

### ■ CHEMICAL SAFETY

The ILLINOIS EMERGENCY MANAGEMENT AGENCY adopted amendments to the Part titled Development, Annual Review, Coordination of Chemical Safety Contingency Plans (29 IAC 610; 43 Ill Reg 6700) effective 11/6/19 that align the Part (last amended in 1986) with current laws and practices and update various definitions. Those affected by this rulemaking may include small businesses and small municipalities involved in chemical safety planning and response.

*Questions/requests for copies: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704, 217/785-9860.*

### PUBLIC INFORMATION

The DEPARTMENT OF REVENUE repealed the Part titled Freedom of Information (2 IAC 1201; 43 Ill Reg 13431), and adopted a new Part with the same name and number (2 IAC 1201; 43 Ill Reg 13433), both effective 11/12/19. The new Part updates DOR's rules for Freedom of Information Act (FOIA) requests to

align with current statutes. Procedures for the public to file FOIA requests and for DOR to respond to these requests, grounds for denials and provisions for appealing denials, and a schedule of fees for various types of copies, are included in the new rules.

*Questions/requests for copies of the 2 DOR rulemakings: Jerilynn Troxell Gorden, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.*

## Proposed Rulemakings

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(86 IAC 440; 43 Ill Reg 13376) implementing the cigarette tax increase in Public Act 101-31. The rulemaking increases the tax from 99 to 149 mills per cigarette (\$2.98 per pack of 20 cigarettes) effective 7/1/19. Revenues derived from this tax will be allocated as follows: 4 mills per month to the Common School Fund, not to exceed \$9 million per month; an additional 7 mills per month to the Common School Fund (with no limitation); 50 mills per month to the Healthcare Provider Relief Fund; and 50 mills per month to the Capital Projects Fund. The rulemaking also clarifies how cigarette distributors and retailers are to pay tax on cigarettes that were in their possession, but not yet stamped, on 7/1/19, or if they had tax stamps in their possession on 7/1 that had not yet been affixed to cigarette

packages. Retailers and distributors of cigarette products are affected by this rulemaking.

*Questions/requests for copies/comments through 1/6/20: Richard S. Wolters, DOR, 101 W. Jefferson St., Springfield Il 62794, 217/782-2844.*

### TEACHERS' RETIREMENT

The TEACHERS' RETIREMENT SYSTEM proposed amendments to The Administration and Operation of the Teachers' Retirement System (80 IAC 1650; 43 Ill Reg 13394) updating various procedures. Effective 7/1/20, employer reports of System contributions, demographic, enrollment and earnings information must be filed either every pay period or monthly instead of annually and must be filed electronically. Reports and contributions due for the month

must be remitted by the 10<sup>th</sup> of the month. Contributions for work performed during a fiscal year are due by July 10 of the following fiscal year. Effective 7/1/20, employers cannot accelerate payment of contributions to meet this deadline. All payrolls that cover work performed during the fiscal year ending June 30 must be reported by July 10 even if the affected System members are not paid until later. Required annual physician's examinations to verify continuing disability must occur within the 90 days prior to the re-examination due date. TRS members may now purchase credit for service outside the System under either of two conditions: a refund from the other system, if available, must have been taken before out of System service credit is purchased; or, if a refund was not available, the member must be ineligible to

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# Proposed Rulemakings

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receive benefits from the other system. After the initial purchase of service credit, TRS members may purchase additional service credit from outside the System on a periodic basis (to be determined by TRS) up to the lesser of 10 years or 2/5 of the member's total creditable service. Other provisions clarify sick leave allotments and no longer require sick leave allotments to be the same for administrators and teachers; allow TRS to suspend benefits or refunds when felony charges are pending against a member, if a conviction could result in forfeiture of benefits; allow inactive members who reach age 75 (currently 70) and have not been in contact with TRS for 20 years or more to be presumed dead and their accounts closed; and update various provisions and statutory references to the Accelerated Annual Increase and Accelerated Pension Benefit buyout programs.

*Questions/requests for copies/ comments through 1/6/20: Cynthia Fain, TRS, 2815 W. Washington St., PO Box 19253, Springfield IL 62794-9243, 217/814-2041.*

## ■ WASTE DISPOSAL

The POLLUTION CONTROL BOARD proposed amendments to the Part titled Special Waste Hauling (35 IAC 809; 43 Ill Reg 13361) that permit use of an Illinois

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## Emergency Rulemaking

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(IGB states that the purpose of these rules is to extend to video gaming the same degree of oversight regarding transfer of ownership interest that currently exists with regard to riverboat and casino gambling.) Any person other than a licensed terminal operator that seeks to acquire less than 100% ownership interest in a licensed terminal operator must complete either a Business Entity or Personal Disclosure Form and provide any other information that the Board requests. A person who seeks to acquire a 100% ownership interest must complete a terminal operator application. If one licensed terminal operator seeks to acquire an ownership interest in another, the buyer must provide any information the Board requests. IGB shall investigate (at the operator's expense) all persons seeking ownership interest in a licensed terminal operator and shall grant permission for the transfer only after it is satisfied that the transaction will not adversely affect public confidence and trust in gaming, does not pose a threat to the public interest of the State or to the security and integrity of video gaming, and does not discredit or tend to discredit the Illinois gaming industry or the State

of Illinois. If a transfer of ownership is denied, the person whose request was denied may request a hearing. No video gaming asset (e.g., the right to place terminals at a licensed establishment) other than equipment may be transferred or assigned to another licensed terminal operator without prior approval from the IGB Administrator. The Administrator may deny a request to transfer or assign an asset if he or she finds that the request is "not in the best interest of gaming" in Illinois. Factors to be considered with regard to asset transfer requests include undue economic concentration, the integrity of the State's video gaming industry, and the status of the licensees with IGB. Once a transfer/assignment request has been denied, the terminal operator may only carry out the transfer or assignment with the Board's permission. Those affected by these rules include licensed video gaming terminal operators and their owners or investors.

*Questions/requests for copies/ comments on the proposed rulemaking through 1/6/20: Agostino Lorenzini, IGB, 160 N. La Salle St., Chicago IL 60601, fax 312/814-7253, [Agostino.lorenzini@igb.illinois.gov](mailto:Agostino.lorenzini@igb.illinois.gov)*

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## Proposed Rulemakings

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Environmental Protection Agency-prescribed manifest form by haulers of non-hazardous special waste as an alternative to the more burdensome and costly USEPA Uniform Hazardous Waste Manifest (which is still required for hazardous special waste shipments). Transporters of special waste, including industrial process waste and empty portable devices or containers, are affected by this rulemaking.

*Questions/requests for copies/comments through 1/6/20: Clerk's Office, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601. Comments may also be filed electronically via the Clerk's Office On-Line at [pcb.illinois.gov](http://pcb.illinois.gov). Please reference docket R19-18. Copies of the Board's opinion and order may be obtained by calling 312/814-3630.*

## 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 December 17, 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.

### DEPT OF CENTRAL MANAGEMENT SERVICES

Pay Plan (80 IAC 310; 43 Ill Reg 10527) proposed 9/27/19

### DEPT OF PUBLIC HEALTH

Long-Term Care Assistants and Aides Training Programs Code (77 IAC 395; 43 Ill Reg 10275) proposed 9/20/19

### PURCHASED CARE REVIEW BOARD

Illinois Purchased Care Review Board (89 IAC 900; 43 Ill Reg 8670) proposed 8/16/19

### SECRETARY OF STATE

Departmental Duties (2 IAC 552; 43 Ill Reg 9365) proposed 9/6/19

### STATE BOARD OF EDUCATION

Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 43 Ill Reg 7389) proposed 7/5/19

### STATE BOARD OF ELECTIONS

Campaign Financing (26 IAC 100; 43 Ill Reg 10434) proposed 9/20/19