

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.

Adopted Rules

■ MOTOR FUEL TAX

The DEPARTMENT OF REVENUE adopted amendments to the Part titled Motor Fuel Tax (86 IAC 500; 43 Ill Reg 9345) effective 2/10/20, reflecting two Public Acts. Under PA 101-32, the rulemaking raises the general motor fuel tax from 19 to 38 cents per gallon and the tax on diesel fuel from 21.5 to 45.5 cents per gallon effective 7/1/19; these rates will be increased by the rate of inflation annually beginning 7/1/20. In accordance with PA 100-9, the rulemaking also expands the definition of "motor fuel" to include combustible gases used in motor vehicles and recreational watercraft, including, but not limited to, liquefied petroleum gas/propane (LPG), compressed natural gas (CNG) and liquefied natural gas (LNG). For purposes of determining the per gallon tax on combustible gases on and after 7/1/17, a gasoline gallon equivalent (GGE)

for CNG is defined as 5.66 pounds; the diesel gallon equivalent (DGE) for LPG is 6.41 pounds and for LNG is 6.06 pounds. Since 1st Notice, DOR has specified that annual increases in the tax rate shall be rounded up to the nearest one-tenth of a cent. Those affected by this rulemaking include businesses and individuals who operate vehicles or watercraft on public roads or waterways.

Questions/requests for copies: Jerilynn Gorden, DOR, 101 W. Jefferson, Springfield IL 62794, 217/782-2844.

■ VIDEO GAMING

The ILLINOIS GAMING BOARD adopted amendments to Video Gaming (General) (11 IAC 1800; 43 Ill Reg 12767) effective 2/7/20, implementing provisions of Public

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Proposed Rulemakings

■ STUDENT ASSISTANCE

The ILLINOIS STUDENT ASSISTANCE COMMISSION proposed amendments to Illinois National Guard (ING) Grant Program (23 IAC 2730; 44 Ill Reg 3143), Illinois Veteran Grant (IVG) Program (23 IAC 2733; 44 Ill Reg 3154), Monetary Award Program (MAP) (23 IAC 2735; 44 Ill Reg 3167), Golden Apple Scholars of Illinois Program (23 IAC 2764; 44 Ill Reg 3185) and AIM HIGH Grant Pilot Program (23 IAC 2766; 44 Ill Reg 3194) and proposed a new Part titled Adult Vocational Community College Scholarship Program (23 IAC 2745; 44 Ill Reg 3179). The new Part 2745 implements PA 101-315, which establishes a community college scholarship program for unemployed persons age 30 or older. Qualified applicants must be

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ADOPTED 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) and General Assembly (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.

Adopted Rules

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Act 101-31 and replacing emergency rules that were effective 9/26/19 (43 Ill Reg 11688). The proposed rulemaking creates a new Subpart T governing in-location progressive jackpot games (in which the jackpot escalates with each play until the game is won). Licensed gaming locations shall designate one or more owners or employees to implement the procedures required by these rules. Each terminal operator must employ a person of significant influence or control (e.g., an owner) as its progressive jackpot coordinator to handle all aspects of the progressive jackpot operation, winning or withholding process. Each progressive game shall be conducted only within a single video gaming location. If a progressive jackpot of \$1,200 or more is won, the video gaming terminal (VGT) shall immediately issue a voucher with the date, time and amount won, identifying the terminal operator and the terminal on which the prize was won, and giving a phone number to call for payment instructions. Terminal operators must pay jackpot winners within 3 days after a win, after retaining any applicable withholdings; no prize or portion thereof may be paid in the form of credits for further play on a VGT. Before operating an in-location progressive jackpot game, a terminal operator must obtain authorization from the Department of Healthcare and Family Services to intercept past-due child support and to access the HFS database of persons with past-due child

support subject to withholding. If past-due child support is withheld from a jackpot and remitted to HFS, the terminal operator may additionally claim an administrative fee of 4% of the winnings (up to a maximum of \$150). At least one designated owner or employee must be at the gaming location whenever a progressive jackpot game is being played. The winner of a progressive jackpot must present government or military-issued personal identification to the designated owner/employer and must sign a form provided by the terminal operator. Completed progressive jackpot forms, payment receipts/confirmations, gaming tickets, and other related documentation of a progressive jackpot win must be retained for audit and inspection by IGB for 4 years by the terminal operator and 1 year by the licensed gaming location (changed since 1st Notice from a time period prescribed by the Administrator). Businesses or non-profit entities that offer progressive jackpot video gaming are affected by this rulemaking.

CASINO GAMBLING

IGB also adopted amendments to the Part now titled Riverboat and Casino Gambling (86 IAC 3000; 43 Ill Reg 12784) effective 2/4/20, implementing other provisions of PA 101-31 and replacing emergency rules (43 Ill Reg 10512 and 10733) that were effective 9/5/19 and 9/13/19, respectively. The rulemaking implements a new Section of the Illinois Gambling Act (formerly titled the Riverboat Gambling Act) that broadens the

definition of a gaming operation to include land-based casinos and organization gaming facilities (casinos established by horse racing tracks, also known as “racinos”) as well as riverboat casinos. The name of the Part is changed from “Riverboat Gambling” and references to “riverboat gaming operations” are changed to “gaming operations”. An organization gaming facility is defined as the portion of an organization licensee’s racetrack facilities where gaming takes place, including both publically accessible areas and restricted areas such as storage, repair, surveillance, and counting rooms. The licensing requirements for owners, suppliers, and occupational licensees that applied to riverboat casinos are extended to include all casinos and organization gaming licensees. Limitations on the number of gaming positions allowed per owners license or organization gaming license are also amended to remove the cap of 1,200 gaming participants per owner’s license. The existing formula for computing the number of available gaming positions remains valid for positions in existence prior to 9/1/19. The number of gaming positions allowed to a licensee shall not include devices that are not currently operational; promotional give-aways that require no entry fee; sports wagering; or pari-mutuel wagering under the Horse Racing Act. Prior written notice must be given to IGB of any reallocation of gaming

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Proposed Rulemakings

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U.S. citizens or eligible noncitizens Employment Security's job search site for at least 6 months prior to submitting an application for the program; and must be enrolled or have been accepted at their local community college. Scholarships are limited to \$2,000 per academic year. In Parts 2730 and 2733, ISAC clarifies the scope of available benefits under the federal Post-9/11 GI Bill, which must be used before ING or IVG benefits are applied. Additionally, Part 2733 amendments clarify the 15-year Illinois residency requirement for veterans' grant recipients who were not residents at the time of their enlistment or within 6 months after discharge and set a priority claim date in May (currently, late March or early April) for the spring semester. Amendments to Part 2735 more accurately reflect the MAP grant award process and update references to the federal Workforce Innovation and Opportunity Act. The Part 2764 rulemaking more accurately reflects the role of the institution in certifying a recipient's eligibility. Amendments to Part 2766 clarify that the period for determining a university's baseline AIM HIGH award is the 2017-18 academic year, not including the summer term.

Questions/requests for copies/ comments on the 6 ISAC rulemakings through 4/6/20: Jackie Eckley, ISAC, 500 W. Monroe St., 3rd Fl., Springfield IL 62704, 217/782-5161, jackie.eckley@illinois.gov

■ CLINICAL LABORATORIES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Illinois Clinical Laboratories Code (77 IAC 450; 44 Ill 3073) implementing federal regulations found in the Clinical Laboratory Improvement Amendments (CLIA) of 1988. The rulemaking institutes State surveillance of all CLIA-certified entities that analyze human specimens for health assessment or to diagnose or prevent disease. The current categories of laboratory certification status are removed from the rule; instead, all laboratories will be subject to the CLIA regulations in 42 CFR 493. Federal Food and Drug Administration requirements for blood banks are incorporated by reference, along with other statutes and regulations. Clinical laboratories and blood banks will be affected by this rulemaking.

Questions/requests for copies/ comments through 4/6/20: Erin Conley, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

■ ENDANGERED SPECIES

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to Illinois List of Endangered and Threatened Fauna (17 IAC 1010; 44 Ill Reg 3044) and Illinois List of Endangered and Threatened Flora (17 IAC 1050; 44 Ill Reg 3057) updating the lists of endangered/threatened animal and plant species in accordance

with recommendations of the Illinois Endangered Species Protection Board.

Questions/requests for copies/ comments on the 2 DNR rulemakings through 4/6/20: Nicole Thomas, DNR, One Natural Resources Way, Springfield IL 62702, 217/524-2408.

■ INSURANCE

The DEPARTMENT OF INSURANCE proposed a new Part titled Prior Notification of Dividends or Distributions (50 IAC 1305; 44 Ill Reg 3039) implementing PA 100-1118. The new Part requires domestic captive insurance companies that are required to notify DOI of dividends or other distributions to do so in writing within 5 business days following the declaration of a dividend/distribution and no less than 10 business days prior to payment. Information that must be contained in the notification includes the amount of the dividend/distribution and the date of payment; whether the dividend or distribution is in cash or in other property; and a brief statement of the effect of the proposed dividend upon the insurer's surplus. Failure to timely file this notification subjects the company to penalties under the Insurance Code.

Questions/requests for copies/ comments through 4/6/20: Mark Thielen (217/558-4542) or Susan Anders (217/558-0957), DOI, 320 W. Washington, 4th Fl., Springfield IL 62767-0001.

Adopted Rules

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positions. Restrictions on the hours when alcoholic beverages may be sold or consumed at riverboat casinos (generally, 9:30 a.m. until 4 a.m. or until one hour before the close of gaming operations) are extended to other gaming operations that do not operate 24 hours a day. Other provisions require local governments that are seeking to host riverboat or land-based casinos to disclose all communications regarding the local selection and approval process to IGB. The rule defines a “communication” as any written or oral communication, whether directly or through agents, representatives, third parties or intermediaries, and regardless of whether it occurs in a public forum. An “applicant” is defined as any person or entity that has directly or indirectly expressed interest in obtaining a casino owner’s license in the host community, even if they have not yet submitted an application to IGB. Disclosures must be made in a manner consistent with the PA, which requires reporting of any violations of the Illinois Gambling Act by the applicant/licensee or its agents, employees and affiliates, as well as violations by current or former officials or employees of a host community and their immediate relatives. Changes since 1st Notice

clarify the definition of organization gaming license and stipulate that all references to riverboats or riverboat gaming operations apply equally to casinos and organization gaming facilities unless the context indicates otherwise.

Questions/requests for copies of the 2 IGB rulemakings: Agostino Lorenzini, IGB, 160 N. La Salle St., Chicago IL 60601.

TANF BENEFITS

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Temporary Assistance for Needy Families (89 IAC 112; 43 Ill Reg 11063) effective 2/5/20, replacing emergency amendments effective 10/1/19 (43 Ill Reg 11704). The rulemaking implements Public Act 101-103, which requires maximum benefit levels to be increased every Oct. 1 to at least 30% of the most recent Federal Poverty Level income guidelines. TANF grants are also apportioned so that 75% is designated for the child/children of the household and 25% is designated for the adult member or members of the household. (The adult portion of the grant may be reduced by 30% if an adult member of the household fails to comply with TANF work or education requirements without

good cause.) Monthly payment levels by household size are also updated; the minimum child-only payment level for one child is now \$234 (formerly \$228) and the minimum for one caretaker relative and one child is \$423 (formerly \$412).

SNAP BENEFITS

DHS also adopted an amendment to Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 43 Ill Reg 11065) effective 2/5/20, replacing an emergency amendment effective 10/1/19 (43 Ill Reg 11718). The rulemaking implements federal law (Public Law 115-334) establishing a standard shelter deduction of \$152/month for homeless SNAP households that are not receiving free shelter throughout the month; this amount may not be counted as part of the regular shelter deduction or standard utility allowances. Homeless households may claim actual shelter costs (e.g., for renting motel rooms) instead of the standard deduction if they are higher than the standard deduction and are verified.

Questions/requests for copies of the 2 DHS rulemakings: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

Second Notices

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 March 18, 2020 JCAR meeting. Other items not listed 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.

LIQUOR CONTROL COMMISSION

The Illinois Liquor Control Act (11 IAC 1000; 43 Ill Reg 10763) proposed 10/4/19

DEPT OF REVENUE

Parking Excise Tax (86 IAC 195; 43 Ill Reg 13242) proposed 11/15/19

County Motor Fuel Tax (86 IAC 695; 43 Ill Reg 13276) proposed 11/15/19

JCAR Meeting Action

At its 2/18/20 meeting, the Joint Committee on Administrative Rules took the following actions:

WITHDRAWAL OF SUSPENSION

JCAR withdrew its Suspension of the Illinois Gaming Board emergency rule titled Video Gaming (General) (11 IAC 1800; 43 Ill Reg 13464) contingent upon, and effective with, IGB adopting the agreed-upon modifications to this emergency rule. The suspension was originally issued at the 11/12/19 JCAR meeting. (When the modifications are adopted, the original emergency rule will become effective for the remainder of the 150 day period for which it was originally adopted.)

EXTENSION

JCAR, with the concurrence of the Teachers' Retirement System, extended Second Notice for the rulemaking titled The Administration and Operation of the Teachers' Retirement System (80 IAC 1650; 43 Ill Reg 13394) an additional 45 days. This rulemaking will be reconsidered at the March 18 meeting.

POSTPONEMENT

JCAR postponed consideration of the Department of Human Services rulemaking titled General Grantmaking (DHS) (44 IAC 7040; 43 Ill Reg 11812), which is currently on extended Second Notice, until the March 18 meeting.

Joint Committee on Administrative Rules

Senator Bill Cunningham, *co-chair*
Senator Kimberly Lightford
Senator Tony Muñoz
Senator Sue Rezin
Senator Paul Schimpf
Senator Chuck Weaver

Representative Tom Demmer
Representative Michael Halpin
Representative Frances Ann Hurley
Representative Steven Reick
Representative André Thapedi
Representative Keith Wheeler, *co-chair*

Vicki Thomas
Executive Director