

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.

Emergency Rule

■ ASSAULT WEAPONS

The ILLINOIS STATE POLICE adopted emergency amendments to the Part titled Firearm Owner's Identification Card Act (20 IAC 1230; 47 Ill Reg 14038) effective 9/15/23 for a maximum of 150 days. A companion proposed rulemaking appears in this week's *Illinois Register* at 47 Ill Reg 13846. The emergency and proposed rulemakings implement provisions of the assault weapons ban in Public Act 102-1116, requiring Illinois residents who have possessed affected firearms since before 1/10/23 (the effective date of the PA) to register them with ISP no later than 1/1/24. Those affected by these rulemakings include local law enforcement agencies and officers; businesses that possess or transfer firearms; and private security personnel.

Affected Firearms

The rulemakings include an Appendix A listing firearms classified as assault weapons, which must be registered with ISP if they were legally possessed prior to 1/10/23. Items classified as assault weapons include the following:

- All AK, AR, or Thompson rifles;
- All AK, AR, MAC or Thompson pistols;
- Semiautomatic rifles and pistols with either detachable magazines or fixed magazines with a capacity of more than 10 rounds for rifles or 15 rounds for pistols, plus certain additional features;
- Shotguns with revolving cylinders;
- Semiautomatic shotguns with certain additional features;
- Semiautomatic firearms that can accept belt ammunition feeding devices;

Adopted Rules

■ STATE LOTTERY

The DEPARTMENT OF THE LOTTERY adopted amendments to the Parts titled Lottery Hearings (11 IAC 1700; 47 Ill Reg 1168) and Lottery (General) (11 IAC 1770; 46 Ill Reg 1206) effective 9/18/23, updating these Parts to reflect current practice with regard to administrative hearings, licensure of Lottery retailers, and the conduct of Lottery ticket sales and prize drawings. Amendments to Part 1700 allow hearing notices to be sent by e-mail; update and clarify terminology (e.g., changing "Hearing Officer" to "Administrative Law Judge"); detail the duties of the Administrative Law Judge, Lottery Board and Director with regard to hearings; establish provisions for consolidating, severing, and withdrawing cases and for

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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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intervening in an existing case; align legal representation rules with those observed in Illinois courts; establish the burden of proof for various types of cases; and revise or establish procedures for discovery, dispositions, admission of evidence and other actions. Since 1st Notice, Lottery has made various clarifications regarding these procedures and removed definitions that were not used in this Part. Amendments to Part 1770 clarify references to the Lottery Act (to distinguish between it and the Sports Wagering Act) and change references to the Superintendent to the Director. The rulemaking also clarifies the definitions of an agent and of a Lottery Game Ticket; clarifies who is eligible to purchase Lottery Game Tickets; adds definitions of erroneous, altered, effaced, mutilated, and canceled tickets; changes “person” to “player” throughout the Part when referring to the player of a Lottery game or game ticket; raises the licensing fee for Lottery retailers from \$50 to \$100 and increases fees for other transactions; clarifies the

process of assigning a Lottery prize to a person or persons other than the winner and limits the maximum number of assignments to three; simplifies the process of determining who is liable for a Lottery licensee’s debt; removes obsolete references to drawings conducted with air- or gravity-driven equipment; and updates the Voluntary Self-Exclusion Program (through which persons with gambling-related disorders may voluntarily exclude themselves from purchasing tickets or winning prizes). Changes since 1st Notice include requiring winnings of \$2,000 or more to be paid by check; clarifying various aspects of the Self-Exclusion Program; and adding restrictions on Lottery marketing. Those affected by these rulemakings include Lottery retailers, ticket purchasers, and prize winners.

Questions/requests for copies of the 2 Lottery rulemakings: Mason McDaniel, Department of the Lottery, 500 W. Monroe St., 3rd Floor, Springfield IL 62704, 217/720-8188, Mason.McDaniel@illinois.gov

UNIVERSITIES RETIREMENT

The STATE UNIVERSITIES RETIREMENT SYSTEM adopted amendments to Universities Retirement (80 IAC 1600; 47 Ill Reg 3300) effective 9/14/23 that change references to the Self-Managed Plan to Retirement Savings Plan (which also includes a disability benefit plan); clarify the applicability of excess benefit arrangements and establish a trust fund for these arrangements; authorize overpayment recovery from a recipient’s estate and allow overpayment recovery via the Illinois Debt Recovery Offset Portal; replace “Director of Member Services” with “Senior Claims Management” in rules regarding the administrative review process; and clarify various aspects of the administrative hearing and employer appeal processes.

Questions/requests for copies: Albert J. Lee, SURS, 1901 Fox Drive, Champaign IL 61820, 217/378-8861, alee@surs.org.

Emergency Rule

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—Any firearm modifiable to meet the definition of an assault weapon;
—Any part or combination of parts that can be assembled into an assault weapon;
— Numerous specific types and brands of rifles and pistols; and
—Any copies, duplicates, variants, or altered facsimiles of the listed

firearms that have the same capabilities. Assault weapon attachments, .50 caliber rifles, and .50 caliber cartridges must also be registered.

The rulemakings also include an Appendix B clarifying which assault weapons are approved for hunting use. All assault weapons listed in Appendix A are approved for hunting white-tailed deer and

various other animals if they meet criteria established by the Department of Natural Resources under the Wildlife Code and DNR hunting rules. Shotguns may be used for waterfowl and game bird hunting if they meet DNR criteria.

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Proposed Rulemakings

■ INCOME TAX

The DEPARTMENT OF REVENUE proposed amendments to Income Tax (86 IAC 100; 47 Ill Reg 13825) implementing Public Acts 102-700 and 103-9. The rulemaking maintains the standard individual taxpayer exemption at \$2,425 for tax year 2023 and resumes the annual cost of living increase in this amount for tax years 2024 through 2028. (The standard exemption sunsets after 2028.) The rulemaking also increases the State earned income tax credit (EITC) to 20% of the federal credit and extends eligibility for the EITC to taxpayers without Social Security numbers, taxpayers age 18-25 without dependents, and taxpayers over 65 without dependents.

Questions/requests for copies/ comments through 11/13/23: Brian Fliflet, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844, REV.GCO@illinois.gov

■ WIC VENDORS

The DEPARTMENT OF HUMAN SERVICES proposed amendments to WIC Vendor Management Code (77 IAC 672; 47 Ill Reg 13787). These amendments clarify that 50% Vendors include initial Women, Infants and Children (WIC) Program Vendor applicants who estimate that WIC food benefits will comprise 50% or more of their SNAP-eligible sales. Applicants for WIC Vendor authorization have 60 days to complete each step in

the authorization process once they have been notified each requirement; if they fail to complete these steps in a timely manner, their applications will be declined and they will have to start the application process again. The documentation required for an application is explained in greater detail. The probationary authorization issued after DHS receives a completed application is shortened from 90 to 60 days. Vendors must have at least one location within Illinois, but additional out of State locations within 20 miles of the State border may be approved if they meet participant access criteria. For applicants that DHS determines are needed to ensure participant access, DHS may cover the costs of installing a stand-beside Point of Sale terminal. With regard to instances in which DHS determines that disqualification of a WIC Vendor would result in inadequate WIC participant access, DHS will impose civil monetary penalties on the vendor instead of disqualification. Small businesses applying for authorization as WIC vendors are affected by this rulemaking.

TANF BENEFITS

DHS also proposed amendments to Temporary Assistance for Needy Families (89 IAC 112; 47 Ill Reg 13812) implementing Public Act 103-8, which sets minimum monthly TANF benefits at 35% of the most recent Federal Poverty Level guidelines and requires these benefit levels to be updated annually. The minimum child-only monthly payment for 1 child is

being increased from \$255 to \$319. The minimum monthly payment for a caretaker relative plus 1 child is increased from \$340 to \$425; for a caretaker relative plus 2 children, the payment is increased from \$458 to \$657.

Questions/requests for copies/ comments on the 2 DHS rulemakings through 11/13/23: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772, DHS.AdministrativeRules@illinois.gov

DISTANCE LEARNING

The BOARD OF HIGHER EDUCATION proposed amendments to Higher Education Distance Learning and Interstate Reciprocity (23 IAC 1033; 47 Ill Reg 13759) that align the Part with the National Council for State Authorization Reciprocity Agreements (SARA) policy manual, which regulates awarding of credit for distance learning among institutions in different states. These amendments clarify that accreditation, for the purposes of this Part, includes distance education recognition; clarifies how private institutions that do not participate in federal student aid programs can demonstrate financial stability; defines and clarifies aspects of the formulas BHE uses to determine financial stability and whether an out of State institution has physical presence in Illinois; explains how an institution which offers courses leading to professional certification satisfies

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Emergency Rule

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ISP will post both lists on its website. They will be updated annually beginning 10/1/24 and every October 1 thereafter.

Endorsement Affidavits

Registration is accomplished by electronically filing an endorsement affidavit with ISP through its electronic FOID Card and Firearm Concealed Carry License system between 10/1/23 and 1/1/24. (Current FOID card holders have access to this system online or through ISP kiosks.) Persons in possession of these items who move to Illinois must apply for a FOID card and file an endorsement affidavit within 60 days after the move. The affidavit must include the person's FOID card number and affirm that:

- the items listed in the endorsement were in one's possession prior to 1/10/23; or
- were inherited from a person authorized to possess them; or
- the affiant moved to Illinois after 1/10/23 in possession of these items; or
- the affidavit is being filed voluntarily by a person exempt from the registration requirement.

The affidavit must also list the make, model, caliber and serial number of each assault weapon and .50 caliber rifle in the affiant's possession. Failure to complete an endorsement affidavit is a Class A misdemeanor or a Class 3 or 4 felony, depending on the circumstances of the offense.

Exemptions

The rulemakings exempt peace officers; qualified law enforcement officers and retirees; federal, State, and local law enforcement agencies; and wardens, superintendents, and keepers of correctional institutions from the requirement to file endorsement affidavits.

The following persons are exempt if they possess assault weapons only in the course of their official duties: members of the U.S. military or Illinois National Guard; armed security personnel at nuclear energy, storage, weapons or development sites; and private security personnel licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. However, these persons must file endorsement affidavits if they possess assault weapons outside of their official duties.

Exceptions also apply to persons who possess assault weapons solely for hunting; participants in events at the World Shooting and Recreational Complex in Sparta; Olympic target shooting competitors and coaches; non-Illinois residents transporting assault weapons to a location where it is legal to possess them; and persons in possession of blank-firing assault weapons as props for use in a film, TV or video production or other entertainment event. These persons must file endorsement affidavits if they possess assault weapons outside of these circumstances.

Surrender of Weapons

A person whose FOID card has been suspended or revoked under the FOID Act must surrender any assault weapons or attachments, .50 caliber rifles or .50 caliber cartridges in their possession to a law enforcement agency or to a person authorized to possess these items. In the latter case, the items may not be returned even if the person's FOID card is reinstated. If the weapons were surrendered to a law enforcement agency, they may be returned upon reinstatement of the FOID card. Those authorized to receive transfers of surrendered weapons include persons and entities entirely or partially exempt from the requirement to file an endorsement affidavit, plus: any agency of the U.S. government; a person residing and maintaining lawful possession of these items in another state; or to a Federal Firearms License (FFL) holder for transfer to another state. The person or FFL making a transfer must confirm and document that the recipient is eligible to receive these items.

Questions/requests for copies/ comments on the proposed rulemaking through 11/13/23: Kelly M. Griffith, ISP, 801 S. Seventh St., Suite 1000-S, Springfield IL 62703, 217/782-7658, ISP.Legal.PublicComments@illinois.gov

Proposed Rulemakings

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requirements for disclosure regarding their professional licensure programs; and requires BHE to consider actions by federal and state regulatory agencies, other states' attorneys general, or similar bodies when reviewing an institution's application to participate in SARA. Two new Sections establish a "provisional" admission or renewal status for institutions that do not meet various criteria for admission, along with a procedure for institutions to appeal denial of membership or removal from SARA.

Questions/requests for copies/ comments through 11/13/23: David A. Kelm, BHE, 1 N. Old State Capitol Plaza, Suite 333, Springfield IL 62701-1377, 217/866-1428, kelm@ibhe.org

ENVIRONMENTAL LABS

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY proposed amendments to Environmental Laboratory Certification Fee Rules (35 IAC 185; 47 Ill Reg 13743) and Accreditation of Environmental Laboratories (35 IAC 186; 47 Ill

Reg 13750). Amendments to Part 185 clarify that the renewal period for a certificate of accreditation (COA) begins when the participating laboratory receives its renewal application packet (which occurs no less than 60 days before the laboratory's current COA expires) and ends when the laboratory receives its new COA. The rulemaking also adds a \$500 fee for each laboratory's request to change a non-expired COA outside of the renewal period, but there is no limit to the number of changes that can be submitted per request. The Part 186 rulemaking adds a new incorporation by reference for approved drinking water laboratory testing methods.

Questions/requests for copies/ comments on the 2 IEPA rulemakings through 11/13/23: Sara Terranova (217/558-3908, sara.terranova@illinois.gov) or Rebecca Strauss (217/557-1451, rebecca.strauss@illinois.gov), IEPA, 1021 N. Grand Ave. East, P. O. Box 19276, Springfield IL 62794-9276.

UNIVERSITIES RETIREMENT

The STATE UNIVERSITIES RETIREMENT SYSTEM proposed amendments to

Universities Retirement (80 IAC 1600; 47 Ill Reg 13879) clarifying the options available to SURS Board of Trustees candidates for sending SURS-approved electronic and/or hard copy campaign communications to voters (Candidate Informational Communications). SURS may assist organizations with one e-mail or hardcopy communication per election cycle by providing a blind mailing list to a third-party service firm hired by that organization. SURS may also assist individual candidates in sending one e-mail or hardcopy communication per election cycle by providing a blind mailing list to a third-party service firm, or by sending an e-mail communication through a third-party firm hired by SURS. Only one communication per candidate may be sent by an organization.

Questions/requests for copies/ comments through 11/13/23: Albert J. Lee, SURS, 1901 Fox Drive, Champaign IL 61820, 217/378-8861, alee@surs.org.

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 October 17, 2023, meeting in Chicago. Other items not published in the *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 INSURANCE

Standards for Individual and Group Medicare Supplement Insurance (50 IAC 2008; 47 III Reg 5923) proposed 4/28/23

Destruction of Records (50 IAC 2977; 47 III Reg 2977) proposed 3/3/23

DEPT OF NATURAL RESOURCES

Sport Fishing Regulations for the Waters of Illinois (17 IAC 810; 47 III Reg 8996) proposed 6/30/23

Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 IAC 530; 47 III Reg 10690) proposed 7/21/23

Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, Bobcat and Woodchuck (Groundhog) Hunting (17 IAC 550; 47 III Reg 10721) proposed 7/21/23

Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver, Bobcat and Woodchuck (Groundhog) Trapping (17 IAC 570; 47 III Reg 10735) proposed 7/21/23

Duck, Goose and Coot Hunting (17 IAC 590; 47 III Reg 10749) proposed 7/21/23

White-Tailed Deer Hunting by Use of Firearms (17 IAC 650; 47 III Reg 10823) proposed 7/21/23

White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 IAC 660; 47 III Reg 10837) proposed 7/21/23

White-Tailed Deer Hunting by Use of Bow and Arrow (17 IAC 670; 47 III Reg 10849) proposed 7/21/23

Youth Hunting Seasons (17 IAC 685; 47 III Reg 10871) proposed 7/21/23

Squirrel Hunting (17 IAC 690; 47 III Reg 10879) proposed 7/21/23

The Taking of Wild Turkeys -- Spring Season (17 IAC 710; 47 III Reg 10892) proposed 7/21/23

The Taking of Wild Turkeys -- Fall Archery Season (17 IAC 720; 47 III Reg 10916) proposed 7/21/23

Dove Hunting (17 IAC 730; 47 III Reg 10928) proposed 7/21/23

Joint Committee on Administrative Rules

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Senator Bill Cunningham, *co-chair*
Senator Donald DeWitte
Senator Dale Fowler
Senator Kimberly Lightford
Senator Sue Rezin

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