

THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

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The Flinn Report is a weekly summary of regulatory actions of State agencies published in the *Illinois Register* and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules (JCAR). The Flinn Report honors founding JCAR member Representative Monroe Flinn, and is designed to inform and involve the public in changes taking place in agency administration.

Proposed Rulemakings

MORTGAGE LOANS

The ILLINOIS HOUSING DEVELOPMENT AUTHORITY proposed amendments to Homeowner Mortgage Revenue Bond Program (47 IAC 260; 48 Ill Reg 6726) and Homeownership Mortgage Loan Program (47 IAC 300; 48 Ill Reg 6737) that allow properties held in leasehold or cooperative share interests to participate in IHDA's single-family mortgage purchase program, which makes low-interest residential mortgage loans available to low- and moderate-income individuals and families. The rulemakings also expand the definition of a "lender" to include entities that are licensed, qualified and in good standing to do business in Illinois (currently, entities located and qualified to do business in Illinois).

Questions/requests for copies/comments on the 2 IHDA rulemakings through 6/24/24: Christina McClernon, IHDA, 111 E.

Wacker Dr., Suite 1000, Chicago Il 60601, 872-271-8481,

cmccclernon@ihda.org

▪ ELECTROLOGISTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled Electrologist Licensing Act (68

IAC 1246; 48 Ill Reg 6718) that allow continuing education courses to be offered by any electrology school approved by the Board of Higher Education, which recently added two new schools to its list. Other provisions remove the fee for a wall certificate showing licensure and update incorporations by reference for sterilization/sanitation standards and standards of professional conduct. Electrologists (persons who

perform hair removal by electrolysis) and their employers are affected.

Questions/requests for copies/comments through 6/24/24: Craig Cellini, DFPR, 320 West Washington, 2nd Floor, Springfield, IL 62786, 217-785-0810, fax 217-557-4451, Craig.Cellini@illinois.gov

▪ SALES TAXES

The DEPARTMENT OF REVENUE proposed amendments to Retailer's Occupation Tax (86 IAC 130; 48 Ill Reg 6748), Service Occupation Tax (86 IAC 140; 48 Ill Reg 6779), Use Tax (86 IAC 150; 48 Ill Reg 6807) and Hotel Operator's Occupation Tax Act (86 IAC 480; 48 Ill Reg 6817), reflecting changes made by PA 103-9. Amendments to Parts 130, 140 and 150 update the percentage of proceeds from sales of ethanol, ethanol blends and gasohol that are

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**Emergency Rule, Page 2
Adopted Rules, Page 3
No Second Notices This Week**

ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Temporary rules adopted for no more than 150 days. **PROPOSED RULEMAKINGS:** Rules proposed by agencies this week, commencing a First Notice public comment period of at least 45 days. **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/or non-profit organizations. Agencies must consider comments from these groups and attempt to minimize regulatory burdens on them. **QUESTIONS/COMMENTS:** Submit mail, e-mail or phone calls to the agency personnel listed below each summary. **RULE TEXT:** First Notice proposed text, emergency rule and peremptory rule text is available at the Secretary of State website (<https://www.ilsos.gov/departments/index/register/home.html>) or at the Illinois General Assembly website (<http://www.ilga.gov>) under "Illinois Register". Second Notice text for proposed rulemakings (original version with any changes made by the agency during First Notice included) is available at the JCAR website.

Proposed Rulemakings

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subject to tax. The Part 130 and 140 rulemakings also expand the sales tax exemption for materials, parts, equipment, components and furnishings built into or added to an aircraft to include aircraft engines and power plants and extend the exemption through 12/31/29. Finally, an amendment to Part 480 provides that receipts from rooms rented to an organization that was chartered by the U.S. Congress for the purpose of disaster relief and that possesses an active tax exemption identification number issued by DOR (i.e., the American Red Cross) are not subject to the hotel tax. Businesses that sell aircraft components and ethanol/gasohol or that rent hotel rooms are affected.

Questions/requests for copies/comments on the 4 DOR rulemakings through 6/24/24: Thomas Grudichiak, DOR, 101 W. Jefferson St., MC5-500, Springfield IL 62794, 217-782-2844, REV.GCO@illinois.gov

Emergency Rule

SCHOOLS

The STATE BOARD OF EDUCATION adopted emergency amendments to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 48 Ill Reg 6909) effective 4/24/24 for a maximum of 150 days. Companion proposed amendments appear in this week's *Illinois Register* at 48 Ill Reg 6715. The emergency and proposed amendments remove provisions that had previously allowed parents or guardians, upon being informed that their child's school maintains opioid antagonist medications and emergency asthma inhalers, to submit a signed opt-out forbidding school personnel from administering these medications to their child in an emergency. The opt-out provision will no longer be available for these medications. SBE cites an increased number of students with chronic health conditions and a greater threat of opioid overdose, along with the need for prompt treatment without delay to determine whether the student has an opt-out, as its reasons for adopting emergency rules.

Questions/requests for copies/comments on the proposed rulemaking through 6/24/24: Azita Kakvand, SBE, 555 W. Monroe St., Suite 900, Chicago IL 60661, 312-783-2757, rules@isbe.net

Adopted Rules

• USE TAX

The DEPARTMENT OF REVENUE adopted amendments to Use Tax (86 IAC 150; proposed at 47 Ill Reg 18900) effective 4/24/24 at 48 Ill Reg 6836, that reflect new statutory developments, case law, and Department policies. The rulemaking lengthens the presumed average life expectancy of motor vehicles brought into Illinois on or after 7/1/24 (changed since 1st Notice from 1/1/24) from 50 to 60 months for purposes of determining a reasonable allowance for depreciation, and decreases the rate of depreciation from 2% to 1.67% to reflect the federal depreciation rule. Service life for other forms of tangible personal property subject to depreciation is also set according to federal law, or as established in settlement agreements between the taxpayer and DOR or the taxpayer

and the Internal Revenue Service. Various definitions are updated to align with statute. An obsolete exemption for food, drugs, medicines and medical appliances purchased by a Medical Assistance recipient is repealed, along with outdated requirements for calculating dual tax rates on items subject to different sales tax rates. Other provisions update or add statutory language; clarify exemptions intended to avoid double taxation (e.g., items brought into Illinois for temporary use by non-Illinois residents); and remove requirements for display certificates for house trailers. Retailers and purchasers of goods subject to use tax are affected.

Questions/requests for copies: Kimberly Rossini, DOR, 101 W. Jefferson St., Springfield IL 62794, 217-782-2844, REV.GCO@illinois.gov

EEC ORGANIZATION

The EXECUTIVE ETHICS COMMISSION adopted an amendment to the Part titled Organization, Information, Rulemaking and Hearings (2 IAC 1620; proposed at 47 Ill Reg 17612) effective 4/25/24 at 48 Ill Reg 6829, clarifying that officers elected by the Commission to fill vacancies are elected for the remainder of the two-year term of that office, and that chairs and vice chairs may succeed themselves for one full term after serving a partial term.

Questions/requests for copies: Stephen J. Rotello, EEC, 513 Stratton Office Building, 401 S. Spring St., Springfield IL 62706, EEC.LegalStaff@illinois.gov or Stephen.Rotello@illinois.gov

Next JCAR Meeting: Tuesday, May 14, 10:30 a.m.

Room C-1, Stratton Bldg., 401 S. Spring St., Springfield
Meeting will be live streamed on the JCAR website

Joint Committee on Administrative Rules

Senator Bill Cunningham, Co-Chair
Senator Cristina Castro
Senator Donald DeWitte
Senator Dale Fowler
Senator Napoleon Harris, III
Senator Sue Rezin

Representative Ryan Spain, Co-Chair
Representative Eva-Dina Delgado
Representative Jackie Haas
Representative Steven Reick
Representative Curtis Tarver, II
Representative Dave Vella

Kim Schultz, Executive Director ■ Kevin Kulavic, Deputy Director
700 Stratton Office Building, Springfield IL 62706
217-785-2254 ■ jcar@ilga.gov