

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

LABOR RELATIONS

The ILLINOIS LABOR RELATIONS BOARD proposed amendments to the Parts titled Representation Proceedings (80 IAC 1210; 46 Ill Reg 6855) and Unfair Labor Practice Proceedings (80 IAC 1220; 46 Ill Reg 6863) The Part 1210 rulemaking implements amendments to the Illinois Public Labor Relations Act that allow for the use of electronic authorization cards and signatures to demonstrate a showing of interest among employees voting on whether to join or form a bargaining unit. The Part 1220 rulemaking clarifies ILRB's rules to ensure that rulings on motions to defer receive the same treatment as rulings on other types of motions when those rulings are not issued as Recommended Decisions and Orders. This proposed rulemaking also preserves the parties' right to

COVID-19 ACTIONS

Executive Orders of the Governor concerning the COVID-19 public health emergency can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

Emergency Rules, Page 3

appeal deferral rulings contained in Recommended Decisions and Orders, which address the merits of a case. Those affected by these rulemakings include employers and employees involved in collective bargaining representation proceedings.

Questions/requests for copies/comments on the 2 ILRB rulemakings through 6/20/22:

(cont. page 3)

Adopted Rules

VIDEO GAMING

The ILLINOIS GAMING BOARD adopted an amendment to Video Gaming (General) (11 IAC 1800; 45 Ill Reg 6531) effective 4/25/22, concerning use agreements for the placement of video gaming terminals. The rulemaking terminates use agreements entered into by a video gaming license applicant if IGB denies the application or refuses to renew the license; requires the parties to modify a use agreement when necessary to comply with a change in State statutes or rules, or with IGB directives or orders; and requires the terminal operator to provide a final copy of the use agreement to the video gaming allowing entities that had applied for but not yet received video gaming location licenses, as well as liquor license holders who had not yet applied for video gaming

(cont. page 2)

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

(cont. from page 1)

location licenses, to enter into use agreements. Those affected by this rulemaking include bars/restaurants, fraternal and veterans' organizations, truck stop establishments, and other businesses and organizations that hold video gaming licenses.

Questions/requests for copies: Agostino Lorenzini, IGB, 160 N. LaSalle St., Chicago IL 60601, IGB.RuleComments@igb.illinois.gov

TANF BENEFITS

The DEPARTMENT OF HUMAN SERVICES adopted an amendment to Temporary Assistance for Needy Families (89 IAC 112; 45 Ill Reg 13562) effective 4/20/22, implementing Public Act 102-178, which abolishes provisions that disqualify State or federal drug offenders from receiving TANF permanently (if the conviction was a Class X or Class 1 felony) or for 2 years (for other felony drug offenses). Provisions that disqualify fugitive felons and parole or probation violators from receiving TANF remain in effect.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand

Ave. East, 3rd Floor, Springfield IL 62762, (217) 785-9772.

BOILER SAFETY

The BOARD OF BOILER AND PRESSURE VESSEL RULES adopted amendments to the Part titled Boiler and Pressure Vessel Safety (41 IAC 2120; 45 Ill Reg 16118) effective 5/1/22 that update the national technical codes incorporated by reference in the Part and clarify that a passing score on the examination for a National Board Commission issued through the National Board shall satisfy the examination requirement for an Inspector Commission issued by the Office of the State Fire Marshal.

Questions/requests for copies: Ashley Vincent, Office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, IL 62703, 217/785-4212, fax: 217-524-5487.

STATE RETIREMENT

The STATE EMPLOYEES' RETIREMENT SYSTEM adopted amendments to The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; 46 Ill Reg 2024) effective 4/21/22. The

rulemaking clarifies that interest rebates associated with installment payments are only payable if the payment plan did not account for earned interest for contributions made during the payment plan. It also provides that if a nontaxable portion of a benefit is to be divided in accordance with a Qualified Illinois Domestic Relations Order (generally used to divide pension benefits between divorced spouses), the full nontaxable portion shall be paid to the member. Finally, the rulemaking clarifies that compensation received in the final year of a final average compensation period (the years immediately prior to retirement that are used as a benchmark for determining pension benefits) that exceeds the actual final average compensation by 25% or more shall be excluded from the retirement benefit calculation.

Questions/requests for copies: Jeff Houch, SERS, 2101 S. Veterans Parkway, PO Box 19255, Springfield IL 62794-9255, 217/524-8105, fax: 217/558-8503, jeff.houch@srs.illinois.gov

Proposed Rulemakings

(cont. from page 1)

Anna Hamburg-Gal, ILRB, 160 N. LaSalle St., Ste. 400, Chicago IL 60601, 312/793-6380, Anna.Hamburg-Gal@Illinois.gov

PCB RULES UPDATE

The POLLUTION CONTROL BOARD proposed amendments to the Parts titled Radiation Hazards (35 IAC 1000; 46 Ill Reg 6867) and Procedures for Reporting Releases of Radionuclides at Nuclear Power Plants (35 IAC 1010; 46 Ill Reg 6896) implementing Executive Order 2016-13, which required agencies to identify outdated, repetitive, confusing or unnecessary rules and amend or repeal them. The changes proposed in these rulemakings are non-substantive.

Questions/requests for copies/comments on the 2 PCB rulemakings through 6/20/22: Clerk's Office, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601. Please reference Docket R18-28. Copies of the Board's opinion and order can be requested at 312/814-3620 or downloaded at pcb.illinois.gov.

Emergency Rules

DRIVER'S LICENSES

The SECRETARY OF STATE adopted emergency amendments to Issuance of Licenses (92 IAC 1030; 46 Ill Reg 6998) effective 4/22/22 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 46 Ill Reg 6905. The emergency and proposed rules make an exception to SOS eligibility criteria for Temporary Visitors' Driver's Licenses (TVDLs). Normally TVDLs are issued only to non-citizens who have been authorized to remain in the U.S. for 1 year or more and have at least 6 months of legal residence remaining. The exception established by this emergency rule applies to persons who have been granted temporary protected status by the U.S. Department of Homeland Security due to war, natural disaster or other conditions in their home countries (e.g., Ukraine, Afghanistan), provided they did not arrive in the U.S. before temporary protected status was granted.

Questions/requests for copies/comments on the proposed

rulemaking through 6/20/22: Pamela Wright, SOS, 298 Howlett Building, Springfield, IL 62756, pwright@ilsos.gov

DPH RULE REPEAL

The DEPARTMENT OF PUBLIC HEALTH repealed emergency amendments to Control of Communicable Diseases Code (77 IAC 690; 46 Ill Reg 6968) effective 4/22/22. The repealed amendments, which were originally effective 2/14/22 at 46 Ill Reg 3434 and were suspended by JCAR on 2/15/22, implemented Statewide protocols for excluding students or staff from K-12 schools if they had been exposed to, tested positive for, or showed symptoms of COVID-19. The emergency rule was the subject of various lawsuits and the Executive Orders upon which the emergency rule was based expired on 3/3/22.

Questions/requests for copies: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield, IL 62701, 217/782-1159, dph.rules@illinois.gov

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 appear in next week's *Illinois Register* and be considered at the May 17, 2022, JCAR meeting in Chicago. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT ON AGING

Community Care Program (89 IAC 240; 46 III Reg 3618) proposed 3/11/22

OFFICE OF THE ATTORNEY GENERAL

Hospital Financial Assistance under the Fair Patient Billing Act (77 IAC 4500; 46 III Reg 3478) proposed 3/4/22

DEPT OF CHILDREN & FAMILY SERVICES

Licensing Standards for Child Welfare Agencies (89 IAC 401; 46 III Reg 653) proposed 1/7/22

Licensing Standards for Group Homes (89 IAC 403; 46 III Reg 657) proposed 1/7/22

Licensing Standards for Child Care Institutions and Maternity Centers (89 IAC 404; 46 III Reg 661) proposed 1/7/22

IL ENVIRONMENTAL PROTECTION AGENCY

Alternate Fuels Program (35 IAC 275; 46 III Reg 3073) proposed 2/25/22

DEPT OF INSURANCE

Registration of Insurers (50 IAC 652; 46 III Reg 2398) proposed 2/14/22

Credit for Reinsurance Ceded (50 IAC 1104; 45 III Reg 15243) proposed 12/10/21

DEPT OF NATURAL RESOURCES

Permanent Program Performance Standards - Surface Mining Activities (62 IAC 1816; 46 III Reg 3998) proposed 3/11/22

Permanent Program Performance Standards - Underground Mining Operations (62 IAC 1817; 46 III Reg 4040) proposed 3/11/22

DEPT OF PUBLIC HEALTH

Home Health, Home Services, and Home Nursing Agency Code (77 IAC 245; 45 III Reg 16210) proposed 12/27/21

Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 45 III Reg 15442) proposed 12/10/21

Sheltered Care Facilities Code (77 IAC 330; 45 III Reg 15250) proposed 12/3/21

Illinois Veterans' Homes Code (77 IAC 340; 45 III Reg 15270) proposed 12/3/21

Intermediate Care for Developmentally Disabled Facilities Code (77 IAC 350; 46 III Reg 2419) proposed 2/14/22

Joint Committee on Administrative Rules

Senator Bill Cunningham, *co-chair*
Senator John F. Curran
Senator Donald DeWitte
Senator Kimberly Lightford
Senator Tony Muñoz
Senator Sue Rezin

Representative Tom Demmer
Representative Michael Halpin
Representative Frances Ann Hurley
Representative Steven Reick
Representative Curtis Tarver, II
Representative Keith Wheeler, *co-chair*

Kim Schultz
Executive Director