

*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

### ■ PESTICIDES

The DEPARTMENT OF AGRICULTURE proposed amendments to the Part titled Illinois Pesticide Act (8 IAC 250; 47 Ill Reg 3144) establishing standards for the commercial use of barrier mosquitocides which are applied to outdoor natural and man-made surfaces and leave a residue that kills adult mosquitoes. (Barrier mosquitocide applications made for public health purposes by a municipality, township, local health department, mosquito abatement district, or other unit of local government are exempt from these rules.) Commercial application of barrier mosquitocides may be made only by certified applicators who have completed a DOA-approved training program. The training program must be at least 1 hour in length and must address, among other topics, pesticide label requirements; proper application

techniques; pesticide drift and protection of bystanders during application; protection of pollinators (e.g., bees) from barrier mosquitocides; use of personal protective equipment; and areas where barrier mosquitocides cannot be applied. Applicator certification is valid for 3 years and is renewable. Application of barrier mosquitocides is permitted only from April 15 through October 15 and only when wind speeds are less than 10 miles per hour. Owners or residents of adjacent properties may request that the applicator company notify them at least 1 day in advance of any scheduled application. After completing an application, the applicator must post lawn markers bearing the name and phone number of the applicator company, advising individuals to stay off the

(cont. page 3)

## Adopted Rules

### LICENSE PLATES

The SECRETARY OF STATE adopted amendments to Certificates of Title, Registration of Vehicles (92 IAC 1010; 46 Ill Reg 17084) effective 2/23/23 implementing Public Acts 101-27 and 102-382. The rulemaking adds a new Section concerning eligibility for special military veterans' license plates. Persons honorably discharged from the U.S. Armed Forces (including service in the National Guard or a reserve unit), and their surviving spouses, are eligible for these plates. Individuals who received a less than honorable discharge because of their sexual orientation or gender identity, or who received a less than honorable discharge on or after 6/25/19 due to marijuana possession that would not have been illegal in Illinois at the time of

(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](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.

# Adopted Rules

(cont. from page 1)

the discharge, may request an administrative hearing if they are denied issuance of a special plate based on their discharge status. If the SOS administrative hearing officer determines that the less than honorable discharge was based solely on either of these reasons, the hearing officer will recommend that the plate be issued.

## DRIVER'S LICENSES

SOS also adopted amendments to Cancellation, Revocation, or Suspension of Licenses or Permits (92 IAC 1040; 46 Ill Reg 17194) effective 2/24/23 updating the list of violations, and the actions that SOS will take in response to these violations, to reflect recent Public Acts. The rulemaking adds a new offense classification for convictions of juvenile drivers under age 15; adds the Cannabis Regulation and Tax Act to the list of State statutes for which violations may be charged, updates descriptions of various violations of the Vehicle Code, Criminal Code of 2012 and other statutes; updates construction zone and Scott's Law violations

(e.g., failure to move to another lane to avoid a parked or disabled vehicle on the shoulder); and makes punctuation and grammatical changes.

## ■ COMMERCIAL DRIVERS

SOS adopted amendments to Commercial Driver Training Schools (92 IAC 1060; 46 Ill Reg 17318) effective 2/27/23 that require instructors of students seeking Commercial Drivers' Licenses (CDLs) to have held a CDL in a representative classification for at least 2 years (currently, 3 years). The rulemaking also clarifies when convictions for certain offenses will result in cancellation or denial of an instructor's license; allows instructors to be licensed based on prior teaching and training experience; consolidates theory and behind-the-wheel instructor requirements; updates references to high school equivalency certificates; and corrects or clarifies other provisions. Commercial driver training schools and their instructors are affected by this rulemaking.

*Questions/requests for copies of the 3 SOS rulemakings: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, [pwright@ilsos.gov](mailto:pwright@ilsos.gov)*

## 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 17902) effective 2/22/23. The rulemaking establishes that an installment plan agreed to between the System and a member purchasing optional service shall be in annual increments of not more than 5 years. It also clarifies that forms of birth verification other than a birth certificate may be accepted only when a member submits documentation issued by a representative of the member's birth state or county which states that the birth record for the member does not exist.

*Questions/requests for copies: Jeff Houch, SERS, 2101 S. Veterans Parkway, PO Box 19255, Springfield IL 62794-9255, 217/524-8105, [jeff.houch@srs.illinois.gov](mailto:jeff.houch@srs.illinois.gov)*

# Proposed Rulemakings

(cont. from page 1)

property until the product is dry. These markers may be removed the following day only by the owner or resident of the treated property. The rulemaking also establishes penalty provisions for violations of the barrier mosquitoicide restrictions and for application of restricted use pesticides within 500 feet of school property during normal school hours, and prohibits any use or installation of residential automatic pesticide misting systems that spray pesticides at timed intervals. Commercial pesticide applicators are affected by this rulemaking.

*Questions/requests for copies/ comments through 4/24/23: Brian Navarrete, DOA, State Fairgrounds, P. O. Box 19281, Springfield IL 62794-9281, 217/557-6660, fax 217/785-4505.*

## CONSERVATION POLICE

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to Conservation Police Officer Professional Standards (17 IAC 2050; 47 Ill Reg 3153) implementing Public Act 102-837, which made changes to hiring and training standards for DNR conservation police officers. The rulemaking requires conservation officers to obtain police officer certification under the Illinois Police Training Act within 1 year after being hired; removes the requirement that an officer hold at least a 4-year college degree or a 2-year degree plus at least 3 years

of law enforcement experience at the time of hiring (the PA requires candidates to be at least 21 years old, or 20 if they have completed an associate degree); removes the requirement to complete an exam administered by the Department of Central Management Services' Examination and Counseling Division; and changes the swimming competency test requirements to swimming 150 (currently 300) yards, treading water continuously for 2 (currently 10) minutes, retrieving a 5-pound object from a depth of 7 (currently 10) feet, and exiting the water without using a ladder or steps.

*Questions/requests for copies/ comments through 4/24/23: John Fischer, DNR, One Natural Resources Way, Springfield IL 62702, 217/782-1809.*

## STUDENT ASSISTANCE

The ILLINOIS STUDENT ASSISTANCE COMMISSION proposed amendments to General Provisions (23 IAC 2700; 47 Ill Reg 3333), Illinois National Guard (ING) Grant Program (23 IAC 2730; 47 Ill Reg 3359) and Minority Teachers of Illinois (MTI) Scholarship Program (23 IAC 2763; 47 Ill Reg 3364). Amendments to Parts 2700 and 2763 implement PA 102-1100 by replacing "high school equivalency certificate" with "State of Illinois High School Diploma." The Part 2700 rulemaking also updates the definition of distance education to align with federal regulations; removes an outdated definition of

"telecommunications course"; removes a requirement that educational institutions annually provide estimates of each student's educational loan balances, payoff amounts and borrowing limits to the student or the student's parent/guardian; and clarifies that certain limitations on assistance for distance education do not apply to the Monetary Award Program (MAP). The amendment to Part 2730 replaces fixed ING grant application deadlines with a requirement that students inform the institution of their eligibility for the grant no later than the last scheduled day of classes in the semester for which the grant is being requested.

*Questions/requests for copies/ comments on the 3 ISAC rulemakings through 4/24/23: Jackie Eckley, ISAC, 500 W. Monroe St., 3<sup>rd</sup> Floor, Springfield IL 62704, 217/782-5161, [jackie.eckley@illinois.gov](mailto:jackie.eckley@illinois.gov)*

## UNIVERSITIES RETIREMENT

The STATE UNIVERSITIES RETIREMENT SYSTEM proposed amendments to Universities Retirement (80 IAC 1600; 47 Ill Reg 3300) 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

(cont. page 4)

# Proposed Rulemakings

(cont. from page 3)

overpayment recovery via the Illinois Debt Recovery Offset Portal; replace “Director of Member Services” with “Senior Claims Management” in administrative review process rules; and clarify various aspects of the administrative hearing and employer appeal processes.

*Questions/requests for copies/comments through 4/24/23: Albert J. Lee, SURS, 1901 Fox Drive, Champaign IL 61820, 217/378-8861.*

## PCB RULES UPDATES

The POLLUTION CONTROL BOARD proposed non-substantive amendments to General Provisions (35 IAC 501; 47 Ill Reg 3159), Permits (35 IAC 502; 47 Ill Reg 3186), Other Agricultural and Silvicultural Activities (35 IAC 503; 47 Ill Reg 3254) and Livestock Waste Regulations (35 IAC 506; 47 Ill Reg 3259) intended to remove obsolete, confusing, repetitive or unnecessary provisions from these Parts.

*Questions/requests for copies/comments on the 4 PCB rulemakings through 4/24/23: Clerk’s Office, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601. Please reference Docket R18-25. Comments may be filed electronically through the Clerk’s Office On-Line at [pcb.illinois.gov](http://pcb.illinois.gov). Copies of Board opinions and orders may be downloaded from the PCB website or requested by calling 312/814-3620.*

**NO SECOND NOTICES THIS WEEK**

## Joint Committee on Administrative Rules

**Senator Cristina Castro**

**Representative Eva-Dina Delgado**

**Senator Bill Cunningham, *co-chair***

**Representative Jackie Haas**

**Senator Donald DeWitte**

**Representative Steven Reick**

**Senator Dale Fowler**

**Representative Ryan Spain, *co-chair***

**Senator Kimberly Lightford**

**Representative Curtis Tarver, II**

**Senator Sue Rezin**

**Representative Dave Vella**

**Kim Schultz  
Executive Director**