

*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

### ■ FOID CARDS

The ILLINOIS STATE POLICE proposed an amendment to the Part titled Firearm Owner's Identification Card Act (20 IAC 1230; 47 Ill Reg 4388) clarifying various aspects of the Firearm Owner's Identification Card (FOID) application process. The amendments clarify that all FOID applications must be made electronically unless a religious or disability exemption applies; that information required on a FOID application includes, but is not limited to, information required under Section 4 of the FOID Act; replaces the term "processing fee" with "convenience fee"; clarifies the process for submitting fingerprints to ISP; and add a new Section outlining the process by which law enforcement agencies can electronically submit FOID applications to ISP. Law enforcement agencies carrying out

this process must use ISP-approved live scan equipment and transmit fingerprints, a photograph of the applicant, and related identification data to ISP within 24 hours of collection. Agency staff who take and transmit fingerprints for non-criminal-justice related purposes must complete a fingerprint training course

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authorized by ISP. Local law enforcement agencies may be affected by this rulemaking.

*Questions/requests for copies/comments through 5/22/23: Kelly M. Griffith, ISP, 801 S. Seventh St., Suite 1000-S, Springfield IL 62703, 217/782-7658.*

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## Adopted Rules

### ■ INVEST IN KIDS

The DEPARTMENT OF REVENUE adopted amendments to the Part titled Invest in Kids Act (86 IAC 1000; 46 Ill Reg 17889) effective 3/21/23 to implement PA 102-699 and 102-1059. The rulemaking extends through 2022-23 the school years in which scholarship granting organizations must expend 75% or more of their received contributions for the year. For the 2023-24 school year and beyond, organizations must expend 100% of contributions received and cannot carry over funds from year to year. The rulemaking also provides that effective 6/10/22, eligible students who received scholarships from scholarship granting organizations during the previous school year shall receive first priority for awarding of scholarship funds in

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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](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

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subsequent school years. Second priority shall be given to eligible students whose household income is at or below 185% of the Federal Poverty Level; who reside within a focus district; or whose siblings are currently receiving a scholarship from an Invest in Kids scholarship granting organization. Individuals, businesses and non-profits that donate funds or that grant scholarships are affected.

## ■ TAXES

DOR adopted amendments to the Part titled Service Occupation Tax (86 IAC 140; 46 Ill Reg 17830) effective 3/21/23 reflecting various Public Acts. The amendments include new expiration dates for reduced tax rates on blended ethanol and biodiesel blends; reflect the suspension of the 1% grocery sales tax through 7/1/23; and reflect various new, revised or abolished sales tax rates and exemptions. Businesses that provide goods incident to sales of service are affected. DOR also adopted amendments to Regional Transportation Authority Service Occupation Tax (86 IAC 330; 46 Ill Reg 17883) effective 3/21/23. These amendments update the Part to reflect various statutory tax rates applicable to Cook County and other counties in the RTA region. This rulemaking will affect small businesses.

*Questions/requests for copies of the 3 DOR rulemakings: Alexis Overstreet, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.*

## ■ YOUTH CAMPS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Youth Camp Code (77 IAC 810; 46 Ill Reg 14438) effective 3/21/23. These amendments to rules last amended in 1986 remove requirements for sex-segregated sleeping, toilet and shower facilities (camps may still have these facilities although they are no longer mandated) and require new electrical systems constructed after 7/1/23 to conform to the 2017 National Electrical Code (existing facilities must conform to the 1984 NEC). It also updates statutory and administrative rule references and adds or updates references to the NEC, Federal Emergency Management Agency flood insurance rate maps, and Department of Natural Resources floodway construction permit procedures. Youth camps are affected.

## ■ MOBILE/MODULAR HOMES

DPH also adopted amendments to Manufactured Home Installation Code (77 IAC 870; 46 Ill Reg 14463) and Illinois Modular Dwellings and Mobile Structures Code (77 IAC 880; 46 Ill Reg 14473), both effective 3/21/23, that update incorporations of various building codes and update statutory references. The Part 870 rulemaking additionally requires manufactured home installers to complete 3 hours of Illinois-specific training on or before the date their 8 hours of required federal Housing and Urban Development (HUD) continuing education is due

beginning 1/1/25. If the installer is not HUD-licensed, this training must be completed every 3 years following renewal of the Illinois license, effective 1/1/24. Manufactured home installers may complete accreditation classes either online or in person. Businesses involved in mobile home or modular/manufactured home construction and installation are affected by these rulemakings.

*Questions/requests for copies of the 3 DPH rulemakings: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217/782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

## FAMILY LEAVE

The OFFICE OF THE AUDITOR GENERAL adopted amendments to Public Information, Rulemaking, Organization and Personnel (2 IAC 600; 46 Ill Reg 19293) effective 3/27/23 that expand eligibility for its employees' family (currently, child) bereavement leave of up to 10 working days to include the death of a spouse, domestic partner, parent, step-parent, grandparent, grandchild, or parent-in-law. Leave may also be requested following a miscarriage, stillbirth, failure of an adoption or surrogacy agreement or assisted reproductive procedure, or a medical diagnosis that negatively impacts pregnancy or fertility. In these cases, documentation must be provided by a medical practitioner or an

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# Proposed Rulemakings

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## IGB Public Hearing

### NATURE PRESERVES

The ILLINOIS NATURE PRESERVES COMMISSION proposed an amendment to the Part titled Regulation of Public Use of Illinois Dedicated Nature Preserves (17 IAC 4015; 47 Ill Reg 4358) that modifies existing restrictions on the use or possession of firearms in accordance with the Firearm Concealed Carry Act. The amendment permits persons with valid Illinois concealed carry licenses to carry concealed firearms on open lands, trails or other areas of nature preserves where the landowner has not specifically prohibited them.

*Questions/requests for copies/comments through 5/22/23: John Fischer, Department of Natural Resources, One Natural Resources Way, Springfield IL 62702, 217/782-1809.*

### EMERGENCY CENTERS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Freestanding Emergency Center Code (77 IAC 518; 47 Ill Reg 4364) that align the rules for use of fluoroscopes in this Part with Illinois Emergency Management Agency rules for the use of medical radiation devices in 32 IAC 360. Specifically, this rulemaking allows fluoroscopes to be operated by accredited medical radiographers,

### VIDEO GAMING

The ILLINOIS GAMING BOARD will hold a public hearing on proposed amendments to Video Gaming (General) (11 IAC 1800; 47 Ill Reg 2540) on **Thurs. April 27, at 12:30 p.m.** in the 5<sup>th</sup> floor auditorium of the Michael A. Bilandic Building, **160 N. La Salle St., Chicago**. This hearing will be livestreamed on the IGB website (<https://www.igb.illinois.gov/>).

The hearing concerns proposed amendments published in the 2/24/23 *Illinois Register* implementing PA 102-689, which expands the Video Gaming Act's prohibitions against "vertical integration" (having different tiers of video gaming licensees, such as a terminal operator and gaming establishment, under the same ownership). The rulemaking explicitly states that all licensees are limited to one tier of the video gaming industry – either the

terminal side (terminal operators, technicians, handlers, sales agents) or the establishment side (licensed establishments). Video gaming establishments, terminal operators and their sales agents are affected by this rulemaking.

Persons wishing to participate virtually must register via e-mail at [alicia.passfield@illinois.gov](mailto:alicia.passfield@illinois.gov) no later than 5 p.m. Friday, April 21. No registration is necessary for in-person attendance. Persons needing accommodations (e.g., interpreters) to participate must contact IGB via the address, phone number or e-mail below at least one week in advance. Comments may also be submitted in advance of the hearing to the address and e-mail listed below.

*Questions/requests for copies/comments: Daniel Gerber, IGB, 160 N. LaSalle St., Chicago IL 60601, 312/814-4700, [IGB.RuleComments@illinois.gov](mailto:IGB.RuleComments@illinois.gov)*

accredited radiation therapists, or accredited radiologist assistants under certain conditions. (Current rule only allows physicians to operate these devices.) The rulemaking also updates incorporated standards for fire safety, construction, radiation protection, and infection control. Freestanding emergency centers (not attached to a hospital) are affected.

*Questions/requests for copies/comments through 5/22/23: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217/782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

## Adopted Rules

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adoption or surrogacy organization in order to substantiate the request for leave.

*Questions/requests for copies: Margaret Livingston, Office of the Auditor General, 740 E. Ash St., Springfield IL 62703, 217/782-6046, TTY 888/261-2887.*

### PCB RULE UPDATES

The POLLUTION CONTROL BOARD adopted amendments to Introduction (35 IAC 301; 46 Ill Reg 7031), Water Quality Standards (35 IAC 302; 46 Ill Reg 7052),

Water Use Designations and Site-Specific Water Quality Standards (35 IAC 303; 46 Ill Reg 7187), Effluent Standards (35 IAC 304; 46 Ill Reg 7213), Monitoring and Reporting (35 IAC 305; 46 Ill Reg 7248), Performance Criteria (35 IAC 306; 46 Ill Reg 7253), Sewer Discharge Criteria (35 IAC 307; 46 Ill Reg 7274), Disposal of Wastes from Watercraft (35 IAC 308; 46 Ill Reg 7608), Permits (35 IAC 309; 46 Ill Reg 7613), Pretreatment Programs (35 IAC 310; 46 Ill Reg 8482), and Treatment Plant Operator Certification (35 IAC 312; 46 Ill Reg 7677), all effective 3/23/23, implementing Executive Order

2016-13, which required agencies to identify and repeal or amend outdated, repetitive, confusing or unnecessary rules. The amendments to these Parts are intended to be non-substantive clarifications identified by PCB and the Illinois Environmental Protection Agency.

*Questions/requests for copies of the 11 PCB rulemakings: Clerk's Office, PCB, 60 E. Van Buren St., Suite 630, Chicago IL 60605. Please reference Docket R18-23. Copies of the Board's opinion and order can be requested at 312/814-3620 or downloaded at [pcb.illinois.gov](http://pcb.illinois.gov).*

## Second Notices

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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 April 18, 2023, meeting in Springfield. 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.

### IL COMMUNITY COLLEGE BOARD

Administration of the Illinois Public Community College Act (23 IAC 1501; 46 Ill Reg 14828) proposed 9/9/22

### DEPT OF HUMAN SERVICES

Permanent Supportive Housing and Bridge Subsidy Model for Persons with Mental Illnesses (59 IAC 145; 46 Ill Reg 20109) proposed 12/27/22

### DEPT OF NATURAL RESOURCES

Dog Training on Department-Owned or -Managed Sites (17 IAC 950; 47 Ill Reg 1797) proposed 2/10/23

Hound Running Areas (17 IAC 970; 47 Ill Reg 1804) proposed 2/10/23

Land and Water Conservation Fund (LWCF) Grant Program (17 IAC 3030; 47 Ill Reg 1286) proposed 1/27/23

Boat Access Area Development Program (17 IAC 3035; 47 Ill Reg 1291) proposed 1/27/23

### DEPT OF REVENUE

Uniform Penalty and Interest Act (86 IAC 700; 46 Ill Reg 20172) proposed 12/27/22