

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

DRIVER’S LICENSES

The SECRETARY OF STATE proposed amendments to Issuance of Licenses (92 IAC 1030; 48 Ill Reg 7994) that establish a minimum vision standard for drivers who have monocular vision (i.e., in only one eye; such drivers are restricted to vehicles with both left and right rearview mirrors) and allow for an evaluation by a certified driver rehabilitation specialist to be considered if the driver is unable to meet the minimum vision standard. The rulemaking also creates a new restriction (J52) under which persons with Class B or C Commercial Driver’s Licenses may also operate farm vehicles. SOS states that this restriction is intended to accommodate school bus drivers who hold Class B CDLs and, under current rule, cannot also obtain a J50 or J51 restriction allowing them to operate farm vehicles.

Questions/requests for copies/comments through 7/15/24: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, 217-785-3094, pwright@ilsos.gov

**Adopted Rules, Page 3
Second Notices, Page 4**

• UNCLAIMED PROPERTY

The OFFICE OF THE TREASURER proposed amendments to the Part titled Revised Uniform Unclaimed Property Act (74 IAC 760; 48 Ill Reg 8047) implementing PA 103-148, which requires enhanced outreach efforts by the State Treasurer for unclaimed property where the apparent owner is a State agency or a unit of local government. Claim forms for property worth more than \$5,000 (currently, \$2,000) must be either notarized or completed electronically at the Treasurer’s

website under penalty of perjury. (Currently, only notarized claim forms are accepted.) The Treasurer may, however, require a notarized signature for claims submitted via the website if needed to establish ownership of the property. The PA and the rulemaking also include as unclaimed property reportable to the State Treasurer missing heir funds and property tax overpayments currently reported to county treasurers. Other provisions address virtual currency that cannot be liquidated, owner interest, reporting, filing of claims, securities, and examinations. Small businesses and small municipalities that have claims to unclaimed property may be affected.

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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

(cont. from page 1)

Questions/requests for copies/comments through 7/15/24: Sara Meek, Office of the Treasurer, 219 State House, Springfield IL 62706, 217-836-0030, fax 217-782-2777, SMeek@illinoistreasurer.gov

▪ REAL ESTATE APPRAISAL

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled Real Estate Appraiser Licensing (68 IAC 1455; 48 Ill Reg 7918) implementing 3 Public Acts and other updates. In accordance with recommendations from a federal task force on property appraisal and valuation equity, and to remove barriers to entry into the appraisal profession, DFPR is introducing alternative means of obtaining the required experience for licensed appraisers. Alternative experience programs approved by the national Appraiser Qualification Board (AQB) or practicum courses may be substituted for the traditional supervisory trainee experience (which requires the trainee to work with an already licensed supervisory appraiser). The rulemaking also establishes a process by which Associate Real Estate Trainee Appraisers may submit requests for reconsideration of their experience appraisal logs. Effective 1/1/26, trainee applicants must complete an 8-hour course and exam on valuation bias and fair housing laws, and renewing licensees must complete a 4-hour AQB-approved course on the same subject every renewal cycle. While the valuation bias/fair housing

courses may be counted toward continuing education (CE) requirements, sexual harassment prevention training (required of all DFPR-licensed professionals during each renewal cycle) is not included in CE. DFPR may now issue non-disciplinary citations or warning letters, not made public, to licensees who are not in compliance with continuing education requirements, and may issue fines of \$500 for a first instance of noncompliance, \$1,000 for a second instance, and \$2,000 for a third instance (which will be made public). Other provisions charge renewal fees for each renewal period rather than annually; clarify supervisor and trainee requirements; allow licensees to be in inactive status for up to 2 renewal periods (4 years); include violations of federal, State or local antidiscrimination laws among the acts that constitute unprofessional conduct subject to disciplinary action; remove provisions allowing licenses to be denied or suspended for failure to pay child support, State taxes or student loans; require a criminal history records check for all initial license applicants; and clarify that results of a successfully completed AQB-approved examination are valid for 24 months after the date of the exam. Real estate appraisers, trainees, and their employers are affected by this rulemaking.

Questions/requests for copies/comments through 7/15/24: Craig Cellini, DFPR, 320 W. Washington St., 2nd Floor, Springfield IL 62786, 217-785-0810, fax 217-557-4451.

▪ FILM PRODUCTION

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY proposed amendments to the Part

titled Illinois Film and Production Services Tax Credit Program (14 IAC 528; 48 Ill Reg 7901) implementing PA 102-700. The rulemaking defines “above the line” services (rendered by the producer, executive producer, director, screenwriter, lead/supporting cast, and others with creative or financial control of a production), “below the line” services (rendered by personnel who work off camera and provide primarily technical assistance) and “related party transactions” (involving parties related by common ownership or that are material investors in the production or production company). Applicants for the film and production services tax credit must disclose all related party transactions, including the name of the related party, the nature of the relationship, and the amount of the transactions. Above the line salaries that may be claimed as Illinois labor expenditures are capped at 40% of total Illinois production spending, or 12% for above the line salaries provided by related parties. Below the line services provided by a related party are limited to fair market value. Production spending on goods and services such as equipment and studio rental or special effects packages is also limited to fair market value. Film, TV and internet production companies producing shows in Illinois are affected.

Questions/requests for copies/comments through 7/15/24: Gina Arterberry, DCEO, 607 E. Adams St., 12th Fl., Springfield IL 62701, 217-524-8974, Gina.M.Arterberry@Illinois.gov

Adopted Rules

▪ GROCERY STORES

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted a new Part titled Grocery Store Initiative Grant Program (14 IAC 645; proposed at 47 Ill Reg 19258) effective 5/16/24 at 48 Ill Reg 8084, implementing the Grocery Initiative Act by establishing a grant/loan program for grocery stores located in “food deserts”. The Act and this Part define a food desert as a census tract that has a poverty rate of at least 20% or a median income at or below 80% of the State or metropolitan area median income, and in which at least 500 residents or at least 33% of the population lives more than 10 miles in rural areas or more than ½ mile in urban areas from the nearest grocery store. Applicants must own or be planning to establish an eligible grocery store in a food desert; own no more than 4 (changed since 1st Notice from 5) stores in Illinois; sell or plan to sell primarily grocery products, including fresh produce; derive no more than 30% of annual revenue from tobacco and alcohol sales; and accept SNAP and WIC benefits. Grants or loans to new grocery stores may be used to fund market and site feasibility studies; salaries and benefits for workers; rent or down payment to acquire a facility; purchase ownership of an existing or

closed grocery store; capital improvements, including land acquisition, renovations, demolition, or equipment purchases; or other costs that DCEO determines eligible. Grants (amounting to no more than 20% of total program funding) may also be awarded to co-operatives or non-profit or for-profit corporations for upgrading equipment to make it more energy efficient. DCEO will post Notices of Funding Opportunity (NOFOs) when funding becomes available. DCEO may also prioritize applicants that are units of local government; that earn less than \$5 million in annual revenue; that own or seek to establish groceries in low-income/high poverty areas; or that are located farther away from existing grocery stores in comparison to other applicants. Grant recipients must comply with the Grant Accountability and Transparency Act (GATA) and the Project Labor Agreement Act. Since 1st Notice, DCEO has clarified various aspects of the application process and criteria for awarding grants and loans. Small businesses, small municipalities, and non-profit entities may be affected by this rulemaking.

Questions/requests for copies: Gina Arterberry, DCEO, 607 E. Adams St., 12th Fl., Springfield IL 62701, 217-524-8974, Gina.M.Arterberry@Illinois.gov

AIR POLLUTION

The POLLUTION CONTROL BOARD adopted amendments to Air Quality Standards (35 IAC 243; proposed at 48 Ill Reg 4283) effective 5/16/24 at 48 Ill Reg 8097, implementing recent amendments to the federal National Ambient Air Quality Standards (NAAQS) that make a technical adjustment to an ozone measurement factor and add a new method for measuring particulate matter.

WATER POLLUTION

PCB also adopted amendments to Sewer Discharge Criteria (35 IAC 307; proposed at 47 Ill Reg 18866) effective 5/16/24 at 48 Ill Reg 8106, implementing federal wastewater pretreatment rules adopted by the U.S. Environmental Protection Agency in the first half of 2023. The rulemaking adopts USEPA effluent limitation guidelines for water discharged from steam electric power generating facilities.

Questions/requests for copies of the 2 PCB rulemakings: Don A. Brown, PCB, 60 E. Van Buren St., Suite 630, Chicago IL 60605, 312-814-3461, don.brown@illinois.gov. Please reference docket R24-15 for Part 243 and docket R24-6 for Part 307.

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 June 4, 2024 meeting in Chicago. Further comments concerning these rulemakings should be addressed to JCAR at jcar@ilga.gov.

DEPT OF CENTRAL MANAGEMENT SERVICES

State Employees Group Health Insurance Program (80 IAC 2210; 48 Ill Reg 4272) proposed 3/22/24

DEPT OF CHILDREN AND FAMILY SERVICES

Permanency Planning (89 IAC 315; 48 Ill Reg 85) proposed 1/5/24

ILLINOIS STATE BOARD OF EDUCATION

Career and Technical Education (23 IAC 256; 48 Ill Reg 2297) proposed 2/16/24

DEPT OF REVENUE

Income Tax (86 IAC 100; 48 Ill Reg 5234) proposed 4/5/24

OFFICE OF THE STATE FIRE MARSHAL

Requirements for the Participation and Certification of Fire Protection Personnel
(41 IAC 141; 48 Ill Reg 4345) proposed 3/22/24

DEPT OF TRANSPORTATION

School Bus Safety Equipment Test Pilot Program (92 IAC 448; 47 Ill Reg 15257) proposed 10/27/23

Diesel Emission Inspection Program (92 IAC 460; 47 Ill Reg 15634) proposed 11/3/23

Next JCAR Meeting: Tuesday, June 4, 11 a.m.

Room C-600, Bilandic Bldg., 160 N. LaSalle St., Chicago
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

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