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July 17, 2020 Volume 44, Issue 29

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2020

Issue#	Rules Due Date	Date of Issue
1	December 23, 2019	January 3, 2020
2	December 30, 2019	January 10, 2020
3	January 6, 2020	January 17, 2020
4	January 13, 2020	January 24, 2020
5	January 21, 2020	January 31, 2020
6	January 27, 2020	February 7, 2020
7	February 3, 2020	February 14, 2020
8	February 10, 2020	February 21, 2020
9	February 18, 2020	February 28, 2020
10	February 24, 2020	March 6, 2020
11	March 2, 2020	March 13, 2020
12	March 9, 2020	March 20, 2020
13	March 16, 2020	March 27, 2020
14	March 23, 2020	April 3, 2020
15	March 30, 2020	April 10, 2020
16	April 6, 2020	April 17, 2020
17	April 13, 2020	April 24, 2020
18	April 20, 2020	May 1, 2020
19	April 27, 2020	May 8, 2020
20	May 4, 2020	May 15, 2020
21	May 11, 2020	May 22, 2020
22	May 18, 2020	May 29, 2020

23	May 26, 2020	June 5, 2020
24	June 1, 2020	June 12, 2020
25	June 8, 2020	June 19, 2020
26	June 15, 2020	June 26, 2020
27	June 22, 2020	July 6, 2020
28	June 29, 2020	July 10, 2020
29	July 6, 2020	July 17, 2020
30	July 13, 2020	July 24, 2020
31	July 20, 2020	July 31, 2020
32	July 27, 2020	August 7, 2020
33	August 3, 2020	August 14, 2020
34	August 10, 2020	August 21, 2020
35	August 17, 2020	August 28, 2020
36	August 24, 2020	September 4, 2020
37	August 31, 2020	September 11, 2020
38	September 8, 2020	September 18, 2020
39	September 14, 2020	September 25, 2020
40	September 21, 2020	October 2, 2020
41	September 28, 2020	October 9, 2020
42	October 5, 2020	October 16, 2020
43	October 13, 2020	October 23, 2020
44	October 19, 2020	October 30, 2020
45	October 26, 2020	November 6, 2020
46	November 2, 2020	November 13, 2020
47	November 9, 2020	November 20, 2020
48	November 16, 2020	November 30, 2020
49	November 23, 2020	December 4, 2020
50	November 30, 2020	December 11, 2020
51	December 7, 2020	December 18, 2020
52	December 14, 2020	December 28, 2020

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Cannabis Business Incubator and Sponsorship Program
- 2) Code Citation: 14 Ill. Adm. Code 651
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
651.10	New Section
651.15	New Section
651.20	New Section
651.25	New Section
- 4) Statutory Authority: Implementing and authorized by the Cannabis Regulation and Tax Act [410 ILCS 705/1-10 and 7-15] and the Department of Commerce and Economic Opportunity Law [20 ILCS 605/605-55].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rules identify the eligibility requirements and process for Early Approval Adult Use Dispensing and Cultivation Organization Licensees participation in the Cannabis Business Incubator and Sponsorship Programs.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this rulemaking: Comments regarding these rules shall be presented in writing within 45 days after the date of this issue of the *Illinois Register* to:

Jolene Clarke

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULES

Rules Administrator
Department of Commerce and Economic Opportunity
500 E. Monroe
Springfield IL 62701

217/557-1820
fax: 217/524-3701
jolene.clarke@illinos.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on any Regulatory Agenda because the enabling legislation was signed into law after the Department's most recent submission.

The full text of the Proposed Rules is identical to that of the text of the Emergency Rules for this Part, and begins in this issue of the *Illinois Register* on page 11811.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program
- 2) Code Citation: 14 Ill. Adm. Code 700
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
700.10	New Section
700.20	New Section
700.30	New Section
700.40	New Section
700.50	New Section
700.60	New Section
700.70	New Section
700.80	New Section
700.90	New Section
700.100	New Section
700.110	New Section
- 4) Statutory Authority: Implementing Section 605-1045 and authorized by Sections 605-1045(a), 605-1045(c) of the Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program [20 ILCS 605/605-1045].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rules implement the Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program authorized by PA 101-636, Section 3-10 (new 20 ILCS 605/605-1045). The proposed rules provide the administrative framework required for the Department to administer this program which provides financial support to units of local government that have incurred necessary expenditures due to the COVID-19 public health emergency.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULES

- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this rulemaking: Comments regarding these rules shall be presented in writing within 45 days after the date of this issue of the *Illinois Register* to:

Jolene Clarke
Rules Administrator
Department of Commerce and Economic Opportunity
500 E. Monroe
Springfield IL 62701

217/557-1820
fax: 217/524-3701
jolene.clarke@illinos.gov
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: The proposed rules implement the Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program which provides financial support to units of local government throughout most of the State that have incurred necessary expenditures due to the COVID-19 public health emergency.
 - B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping, financial management, and reporting
 - C) Types of professional skills necessary for compliance: Accounting, grant administration and financial management
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on any Regulatory Agenda because the enabling legislation was signed into law after the Department's most recent submission.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULES

The full text of the Proposed Rules is identical to that of the text of the Emergency Rules for this Part, and begins in this issue of the *Illinois Register* on page 11824.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Claimant's Availability For Work, Ability to Work and Active Search for Work
- 2) Code Citation: 56 Ill. Adm. Code 2865
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2865.210	Amendment
2865.215	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 409, 500, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/409, 500, 1700 and 1701].
- 5) A Complete Description of the Subjects and Issues Involved: The "systematic and sustained" and "prospects not good" work search requirements should not be applicable when unemployment is at an unprecedented level as a result of the COVID-19 pandemic and many individuals will likely return to their former employment when the pandemic subsides. These rules are being amended to remove these more stringent requirements while an individual will be collecting Extended Benefits during the pandemic.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
2865.100	Amendment	44 Ill. Reg. 5176; March 27, 2020
2865.105	Amendment	44 Ill. Reg. 5176; March 27, 2020
2865.110	Amendment	44 Ill. Reg. 5176; March 27, 2020
- 11) Statement of Statewide Policy Objective: These proposed amendments neither create nor expand a State mandate.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Kevin Lovellette, Chief Legal Counsel
Illinois Department of Employment Security
33 South State Street – Room 930
Chicago IL 60603

312/793-1224
fax: 312/793-5645
Kevin.Lovellette@illinois.gov

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the First Notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The proposed rulemaking may have an impact on small businesses, small municipalities and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80 and 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as a small business, small municipality or not-for-profit corporation as part of any written comments submitted to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking has no direct effect on small businesses, small municipalities and not-for-profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: No reporting or bookkeeping is required for compliance.
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- 15) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because this rulemaking is intended to address an immediate emergency situation.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments for this Part and begins in this issue of the *Illinois Register* on page 11840.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: WIC Vendor Management Code
- 2) Code Citation: 77 Ill. Adm. Code 672
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
672.100	Amendment
672.425	Amendment
- 4) Statutory Authority: Implementing and authorized by the WIC Vendor Management Act [410 ILCS 255].
- 5) A Complete Description of the Subjects and Issues Involved: The Vendor Management (VM) Code states that WIC Participants, Proxies or Department Representatives may select any WIC Foods in stock at the Vendor Site for their use. During the change to an Electronics Benefit Transfer (EBT) system from a paper check based system, some pharmacy chains indicated to the Illinois WIC Program that their multi-state integrated point of sale (POS) system would only allow infant formula to be redeemed. This rulemaking allows a Pharmacy-only Vendors to be exempt from providing foods that are not infant formula a WIC participant, proxy or Department Representative when presenting an EBT card for WIC benefits. It also adds definitions for Illinois EBT, eWIC, and Pharmacy-only Vendor.
- 6) Published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning these amendments within 45

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will affect State of Illinois licensed pharmacies.
 - B) Reporting, bookkeeping or other procedures required for compliance: Pharmacy
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: This rulemaking will affect State of Illinois licensed pharmacies.
- A) Types of businesses subject to the proposed rule:
44-45 Retail Trade
 - B) Categories that the agency reasonably believes the rulemaking will impact, including:
 - ii. regulatory requirements
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on either of the two most recent regulatory agendas because it was not anticipated by the Department when those agendas were published.

The full text of the Proposed Amendments is identical to that of the text of the Emergency amendment for this Part, and begins in this issue of the *Illinois Register* on page 11847.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Developmental Disabilities Services
- 2) Code Citation: 89 Ill. Adm. Code 144
- 3) Section Number: 144.30 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing Section 18.2 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/18.2] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].
- 5) A Complete Description of the Subjects and Issues Involved: This emergency rulemaking is being done to bring the rule in compliance with PA 101-636. Pursuant to PA 101-636, and subject to federal approval, providers of community-based services and supports to individuals with developmental disabilities will increase wages for non-executive staff by \$1.00 per hour effective July 1, 2020 with at least 80 cents per hour of those funds to be provided for a direct increase to non-executive staff wages, with priority given to direct care staff; and by \$0.50 per hour, effective January 1, 2021, with at least 40 cents per hour of those funds to be provided for a direct increase to non-executive staff wages, with priority given to direct care staff.
- 6) Published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? None
- 7) Will this rulemaking replace any emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 62762

217/785-9772

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: All community providers of services to people with developmental disabilities.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis:

- A) Types of businesses subject to the proposed rule:

62 Health Care and Social Assistance
- B) Categories that the agency reasonably believes the rulemaking will impact, including:
 - i. hiring and additional staffing;
 - ix. compensation and benefits

15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on either of the two most recent regulatory agendas because it was not anticipated by the Department when those agendas were published.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

The full text of the Proposed Amendment is identical to that of the text of the Emergency Amendment for this Part, and can be found in this issue of the *Illinois Register* on page 11861.

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Merit Commission
- 2) Code Citation: 80 Ill. Adm. Code 50
- 3) Section Number: 50.150 Proposed Action:
New Section
- 4) Statutory Authority: Implementing and authorized by Sections 8-9a of the Secretary of State Merit Employment Code [15 ILCS 310] and PA 101-640.
- 5) A Complete Description of the Subjects and Issues Involved: This new Section authorizes the Secretary of State to extend for the duration of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038 issued on March 9, 2020, as extended, and for a period of 90 days thereafter the time for holding hearings, rendering decisions, filing complaints, filing and serving other documents pursuant to Section 9 of the Secretary of State Merit Employment Code
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Pamela Wright
Office of the General Counsel
298 Howlett Building
Springfield IL 62756

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

pwright@ilsos.gov

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: No small businesses will be impacted by this rulemaking.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

The full text of the Proposed Amendment is identical to that of the text of the Emergency Amendment for this Part, and begins in this issue of the *Illinois Register* on page 11878.

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Procedures and Standards
- 2) Code Citation: 92 Ill. Adm. Code 1001
- 3) Section Number: 1001.800 Proposed Action: New Section
- 4) Statutory Authority: 625 ILCS 5/2-104(b) and Gubernatorial Executive Order numbers 2020-08 and 2020-44.
- 5) A Complete Description of the Subjects and Issues Involved: This new Section extends for the duration of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038 issued on March 9, 2020, as extended, and for a period of 30 days thereafter the time for holding administrative hearings
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1001.400	Amendment	44 Ill. Reg. 2246; January 31, 2020
1001.440	Amendment	44 Ill. Reg. 2246; January 31, 2020
1001.441	Amendment	44 Ill. Reg. 2246; January 31, 2020
1001.442	Amendment	44 Ill. Reg. 2246; January 31, 2020
1001.444	Amendment	44 Ill. Reg. 2246; January 31, 2020
1001.465	Amendment	44 Ill. Reg. 2246; January 31, 2020
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

Pamela Wright
Office of the General Counsel
298 Howlett Building
Springfield, IL 62756

pwright@ilsos.gov
217/785-3094

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: No small businesses will be impacted by this rulemaking.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

The full text of the Proposed Amendment is identical to that of the text of the Emergency Amendment for this Part, and begins in this issue of the *Illinois Register* on page 11882.

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1010.240	Amendment
1010.630	New Section
- 4) Statutory Authority: 625 ILCS 5/2-104(b) and PA 101-640
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking extends for the duration of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-38 issued on March 9, 2020, as extended, and for a period of 120 days thereafter the expiration date of all vehicle registrations. In addition, proposed changes to 1010.240 updates the authorization and user agreements for approved ERT service providers to issue registrations renewal stickers via an Electronic Registration Transaction.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1010.540	Amendment	44 Ill. Reg. 3341; March 6, 2020
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a State mandate as described in Section 3(b) of the State Mandates Act.
- 12) Time, Place, and Manner in which interested persons may comment on this rulemaking:

Pamela Wright
Office of the General Counsel

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

298 Howlett Building
Springfield IL 62756

pwright@ilsos.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Licensed vehicles dealers, remittance agents, and currency exchanges
 - B) Reporting, bookkeeping or other procedures required for compliance: Same as current practices for issuing renewal stickers in person.
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule:
 - 42 Wholesale Trade
 - 44-45 Retail Trade
 - 48-49 Transportation and Warehousing
 - 54 Professional, Scientific, and Technical Services
 - 81 Other Services (except Public Administration)
 - B) Categories that the agency reasonably believes the rulemaking will impact, including:
 - ii. regulatory requirements;
 - vi. equipment and material needs;
 - vii. training requirements;
 - viii. record keeping;
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

The full text of the Proposed Amendments begins on the next page:

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1010
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section	
1010.10	Owner – Application of Term
1010.20	Secretary and Department

SUBPART B: TITLES

Section	
1010.110	Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120	Salvage Certificate – Assignments and Reassignments
1010.130	Exclusiveness of Lien on Certificate of Title
1010.140	Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150	Transferring Certificates of Title Upon the Owner's Death
1010.160	Repossession of Vehicles by Lienholders and Creditors
1010.170	Junking Notification
1010.180	Specially Constructed Vehicles – Defined
1010.185	Specially Constructed Vehicles – Required Documentation for Title and Registration
1010.190	Issuance of Title and Registration Without Standard Ownership Documents – Bond
1010.193	Procedures for Application for Title for Vehicles Purchased at Mechanic's Lien Sales
1010.195	Procedures and Disclosures for Vehicles Previously Titled in Areas Flooded as a Result of a Natural Disaster

SUBPART C: REGISTRATION

Section	
1010.200	Homemade Trailers – Title and Registration

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- 1010.210 Application for Registration
- 1010.220 Vehicles Subject to Registration – Exceptions
- 1010.230 Refusing Registration or Certificate of Title
- 1010.240 Registration Plates To Be Furnished by the Secretary of State
- 1010.245 Electronic Registration and Titling (ERT) Program Provisions
- 1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND
CANCELLATION OF REGISTRATION

Section

- 1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration
- 1010.310 Improper Use of Evidences of Registration
- 1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles
- 1010.330 Operation of Vehicle Without Proper Illinois Registration
- 1010.350 Suspension or Revocation
- 1010.360 Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

Section

- 1010.410 Temporary Registration – Individual Transactions
- 1010.420 Temporary Permit Pending Registration In Illinois
- 1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State
- 1010.425 Non-Resident Drive-Away Permits
- 1010.426 Seven Day Permits
- 1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for Compensation and Tow Trucks
- 1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment
- 1010.450 Special Plates
- 1010.451 Purple Heart License Plates
- 1010.452 Special Event License Plates
- 1010.453 Retired Armed Forces License Plates
- 1010.454 Gold Star License Plates
- 1010.455 Collectible License Plates
- 1010.456 Sample License Plates For Motion Picture and Television Studios

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1010.457	Korean War Veteran License Plates
1010.458	Collegiate License Plates
1010.459	Universal Plate Decal
1010.460	Special Plates for Members of the United States Armed Forces Reserves
1010.465	Requests for General Issuance Specialty License Plates
1010.470	Dealer Plate Records
1010.480	State of Illinois In-Transit Plates

SUBPART F: FEES

Section	
1010.510	Determination of Registration Fees
1010.520	When Fees Returnable
1010.530	Circuit Breaker Registration Discount
1010.540	Fees
1010.550	Determining Age of Vehicle

SUBPART G: MISCELLANEOUS

Section	
1010.610	Unlawful Acts, Fines and Penalties
1010.620	Change of Engine
1010.630	Extension of Expiration Dates

SUBPART H: SECOND DIVISION VEHICLES

Section	
1010.705	Reciprocity
1010.710	Vehicle Proration
1010.715	Proration Fees
1010.720	Vehicle Apportionment
1010.725	Trip Leasing
1010.730	Intrastate Movements, Foreign Vehicles
1010.735	Interline Movements
1010.740	Trip and Short-term Permits
1010.745	Signal 30 Permit for Foreign Registration Vehicles (Repealed)
1010.750	Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
1010.755	Mileage Tax Plates
1010.756	Suspension or Revocation of Illinois Mileage Weight Tax Plates

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1010.760 Transfer for "For-Hire" Loads
1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
1010.775 Certificate of Safety

1010.APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement
1010.APPENDIX B International Registration Plan
1010.APPENDIX C Affirmation Supporting Salvage Certificate
1010.APPENDIX D Specialty License Plates Request Form

AUTHORITY: Authorized by Section 2-104(b) of, and implementing Chapters 3 and 5 of, the Illinois Vehicle Code [625 ILCS 5].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. 8521, effective April 28, 1998; amended at 22 Ill. Reg. 22059, effective January 1, 1999; amended at 25 Ill. Reg. 7731, effective June 6, 2001; emergency amendment at 25 Ill. Reg. 14201, effective October 22, 2001, for a maximum of 150 days; emergency expired March 20,

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

2002; amended at 26 Ill. Reg. 14282, effective September 16, 2002; amended at 27 Ill. Reg. 4790, effective February 27, 2003; amended at 29 Ill. Reg. 8915, effective June 10, 2005; amended at 31 Ill. Reg. 2668, effective January 29, 2007; amended at 32 Ill. Reg. 17253, effective October 15, 2008; amended at 32 Ill. Reg. 17590, effective October 16, 2008; amended at 34 Ill. Reg. 3673, effective March 5, 2010; amended at 34 Ill. Reg. 10202, effective June 29, 2010; amended at 35 Ill. Reg. 1652, effective January 13, 2011; amended at 35 Ill. Reg. 8240, effective May 16, 2011; amended at 36 Ill. Reg. 7674, effective May 2, 2012; amended at 36 Ill. Reg. 14745, effective September 24, 2012; amended at 36 Ill. Reg. 17094, effective November 20, 2012; emergency amendment at 36 Ill. Reg. 17580, effective November 28, 2012, for a maximum of 150 days; amended at 37 Ill. Reg. 4340, effective March 22, 2013; amended at 37 Ill. Reg. 8941, effective June 14, 2013; amended at 37 Ill. Reg. 12578, effective July 17, 2013; amended at 39 Ill. Reg. 5106, effective March 20, 2015; amended at 42 Ill. Reg. 212, effective December 19, 2017; amended at 42 Ill. Reg. 14450, effective July 23, 2018; amended at 43 Ill. Reg. 3945, effective March 15, 2019; amended at 44 Ill. Reg. 2014, effective December 31, 2019; emergency amendment at 44 Ill. Reg. 5831, effective March 17, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6641, effective April 9, 2020, for the remainder of the 150 days; emergency amendment effective March 17, 2020, as amended April 9, 2020, repealed at 44 Ill. Reg. 11595, effective June 30, 2020; emergency amendment at 44 Ill. Reg. 11890, effective June 30, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. _____, effective _____.

SUBPART C: REGISTRATION

Section 1010.240 Registration Plates To Be Furnished by the Secretary of State

- a) General Provisions
 - 1) The Secretary of State may issue registration plates and/or stickers at facilities and offices maintained by the Secretary of State in Springfield ~~or~~, Chicago, or at other locations.
 - 2) In addition, the Secretary of State may, in his or her discretion, cause registration plates and/or stickers to be issued by financial institutions or retail merchants, and applications for renewal of registrations for such vehicles as the Secretary of State may designate to be received and processed for transmittal to the Secretary of State by the financial institutions or retail merchants. For that purpose, the Secretary of State may deposit Illinois registration plates and/or stickers with the financial institutions or retail merchants. In addition, the Secretary may cause

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registration plates and stickers to be issued pursuant to Section 1010.245 ~~of this Part~~ and may cause registration renewal stickers to be issued by retail merchants.

- 3) The Secretary may further cause registration and title applications to be serviced and remitted, by licensed remittance agents, to the Secretary of State, as provided in the Vehicle Code.
 - 4) The term "financial institution", for the purposes of this Part, shall mean any federal or state chartered bank, savings and loan, credit union, armored carrier, and ~~any~~ currency exchange, either directly or indirectly through an armored carrier. The term shall also include insurance companies and licensees under the Sales Finance Agency Act [205 ILCS 660] and the Consumer Installment Loan Act [205 ILCS 670]. The term "retail merchant", for the purposes of this Part, shall mean a business that is engaged in the sale of goods or services to the general public and that has one or more permanently established places of business in Illinois.
 - 5) The Secretary may, in his or her discretion, cause registration plates and stickers to be issued by motor vehicle dealers. ~~However, motor vehicle dealers shall only issue registration plates and stickers or renew vehicle registrations in the course of transactions involving the sale or lease of vehicles.~~
 - 6) With the exception of electronic registration and titling service providers, as set forth in Section 1010.245(b), no entity or person, other than the Secretary, ~~will~~ be allowed to sell license plates or registration stickers over the internet.
- b) Application for Participation in the Over-The-Counter Sales Program
- 1) The Secretary of State ~~will~~ accept the application of any financial institution or retail merchant to participate in the over-the-counter program, if the Secretary of State makes a determination that the establishment of the institution or retail merchant in the program will provide a beneficial service to the general public and will be cost effective for the Secretary of State to administer for the People of the State of Illinois, and that the institution or retail merchant can provide sufficient security for both the handling of State fees and taxes collected and the

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handling and storage of registration plates and/or stickers.

- 2) In making the determination required by subsection (b)(1), the Secretary of State ~~will~~shall consider, but shall not be limited by, the following factors:
- A) Tentative acceptance of the terms contained in the Financial Institution/Retail Merchant License Plate/Sticker Agreement between the Secretary of State's Office and the institution or retail merchant;
 - B) Previous participation by the institution or retail merchant in the program and, if any, the circumstances surrounding its leaving the program;
 - C) Current participation by the institution or retail merchant in the over-the-counter sales program at other locations;
 - D) Submission by the institution or retail merchant of a current copy of its blanket or fidelity bond, or if no such bond is maintained and the institution or retail merchant is a self-insurer, then a certificate of deposit payable to the Secretary of State, or an irrevocable letter of credit from a third party bank to the Secretary of State in an amount sufficient to protect the Secretary of State in the same manner as the Secretary would be protected if the blanket or fidelity bond were in force;
 - E) Total passenger registration for the county;
 - F) Total number of over-the-counter passenger sales in the community and county in the previous registration year;
 - G) Estimated annual registration plate and sticker sales for this location;
 - H) Estimated volume of walk-in traffic at this location;
 - I) Population of the community;

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- J) Population of the county;
- K) Number of banks in the community currently participating in the program in relation to the total number of banks in the community;
- L) Number of savings and loans in the community currently participating in the program in relation to the total number of savings and loans in the community;
- M) Number of currency exchanges in the community currently participating in the program in relation to the total number of currency exchanges in the community;
- N) Number of credit unions in the community currently participating in the program in relation to the total number of credit unions in the community;
- O) Number of retail merchants in the community currently participating in the program in relation to the total number of retail merchants in the community;
- P) Locations of other institutions in the community currently in the program;
- Q) Total number of institutions in the community currently in the program;
- R) Financial stability;
- S) Total full time and part time employees at proposed selling location;
- T) Selling location if different from main location;
- U) Selling area within the institution or retail merchant;
- V) Business days and hours the institution or retail merchant is open to the public.

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NOTICE OF PROPOSED AMENDMENTS

- 3) Miscellaneous Provisions
- A) Over-the-counter program, for purposes of this Section, shall mean the program in which the Secretary of State, by contractual agreement, authorizes a financial institution or retail merchant to sell license plates and/or renewal stickers to the general public, at a particular location.
- B) The acceptance of any application will be~~shall~~, in addition to the requirements in subsection (b)(1), ~~be~~ dependent upon the applicant agreeing to all of the terms of and signing the Financial Institution/Retail Merchant License Plate/Sticker Agreement and the institution's or retail merchant's being in good standing and licensed by the Department of Financial and Professional Regulation or any other licensing agency, whether local, State or ~~federal~~Federal, that regulates the institution.
- C) A financial institution or retail merchant participating in the over-the-counter program may sell license plates and/or renewal stickers to the public only during a face-to-face transaction.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART G: MISCELLANEOUS

Section 1010.630 Extension of Expiration Dates

- a) Pursuant to the powers vested in him or her by Public Act 101-640, the Secretary of State hereby extends, for the duration of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038, issued on March 9, 2020, as extended by subsequent disaster proclamations, and for a period of 120 days thereafter, the expiration dates of any motor vehicle registrations that were expired as of the last day of the proclaimed disaster, and those that expire within the first 90 days following the last day of the proclaimed disaster. This extension applies to, but is not limited to, those set forth in the following statutes:

625 ILCS 5/3-414
625 ILCS 5/3-414.1
625 ILCS 5/3-414.5

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625 ILCS 5/3-402.1

625 ILCS 5/3-407

- b) To be eligible for the extensions set forth in this Section, vehicles must be otherwise eligible for registration.
- c) Any penalties imposed due to the late filing of vehicle registrations shall be waived for any vehicles subject to this Part and registered within the extended time period provided by this Section. Any vehicle registered beyond the applicable extended time period shall be subject to any penalties imposed due to the late filing of vehicle registrations.
- d) These extension periods may be altered or rescinded by the Secretary of State through the adoption of an emergency rule.

(Source: Added at 44 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number: 1030.160 Proposed Action:
New Section
- 4) Statutory Authority: 625 ILCS 5/2-104(b), 15 ILCS 335/2(b)(2), and PA 101-640
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking extends the expiration dates of all driver's licenses, instruction permits, permits and identification cards for the duration of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-38 issued on March 9, 2020, as extended, and for a period of 95 days thereafter.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a State mandate as described in Section 3(b) of the State Mandates Act.
- 12) Time, Place, and Manner in which interested persons may comment on this rulemaking:

Pamela Wright
Office of the General Counsel
298 Howlett Building
Springfield IL 62756

pwright@ilsos.gov

- 13) Initial Regulatory Flexibility Analysis:

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: No small businesses will be impacted by this rulemaking.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

The full text of the Proposed Amendment is identical to that of the text of the Emergency Amendment for this Part, and begins in this issue of the *Illinois Register* on page 11898.

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Rules of the Road – Person with Disabilities Parking Program
- 2) Code Citation: 92 Ill. Adm. Code 1100
- 3) Section Number: 1100.50 Proposed Action: New Section
- 4) Statutory Authority: 625 ILCS 5/2-104(b) and PA 101-640
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking extends for the duration of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-38 issued on March 9, 2020, and for a period of 60 days thereafter the expiration dates of all person with disabilities motorist decal or device.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a State mandate as described in Section 3(b) of the State Mandates Act.
- 12) Time, Place, and Manner in which interested persons may comment on this rulemaking:

Pamela Wright
Office of the General Counsel
298 Howlett Building
Springfield IL 62756

pwright@ilsos.gov
- 13) Initial Regulatory Flexibility Analysis:

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: No small businesses will be impacted by this rulemaking.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

The full text of the Proposed Amendment is identical to that of the text of the Emergency Amendment for this Part, and begins in this issue of the *Illinois Register* on page 11906.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Special Education
- 2) Code Citation: 23 Ill. Adm. Code 226
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
226.75	Amendment
226.530	Amendment
226.800	Amendment
- 4) Statutory Authority: 105 ILCS 5/14-8.02
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being modified to align with the enactment of PA 101-124, effective January 1, 2020. This PA requires the State Board to adopt rules to establish criteria, standards, and competencies for bilingual interpreters who attend Individual Education Program (IEP) meetings to assist a parent who has limited English proficiency. This rulemaking creates a "qualified interpreter" position for this purpose and sets the standards for what an individual must complete to be eligible as a qualified interpreter. Other cleanup changes are made as well.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
226.335	New Section	44 Ill. Reg. 7881; May 8, 2020
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Azita Kakvand
Illinois State Board of Education
100 North First Street
Springfield IL 62777-0001

217/782-6510
rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not anticipated at the time the Regulatory Agenda was filed.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226

SPECIAL EDUCATION

SUBPART A: GENERAL

Section

- 226.10 Purpose
- 226.50 Requirements for a Free Appropriate Public Education (FAPE)
- 226.60 Charter Schools
- 226.75 Definitions

SUBPART B: IDENTIFICATION OF ELIGIBLE CHILDREN

Section

- 226.100 Child Find Responsibility
- 226.110 Evaluation Procedures
- 226.120 Reevaluations
- 226.125 Specific Learning Disability: Dyslexia
- 226.130 Additional Procedures for Students Suspected of or Having a Specific Learning Disability
- 226.135 Additional Procedures for Students Suspected of or Having an Intellectual Disability
- 226.140 Modes of Communication and Cultural Identification
- 226.150 Evaluation to be Nondiscriminatory
- 226.160 Medical Review
- 226.170 Criteria for Determining the Existence of a Specific Learning Disability (Repealed)
- 226.180 Independent Educational Evaluation
- 226.190 Reevaluation (Repealed)

SUBPART C: THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Section

- 226.200 General Requirements

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 226.210 IEP Team
- 226.220 Development, Review, and Revision of the IEP
- 226.230 Content of the IEP
- 226.240 Determination of Placement
- 226.250 Child Aged Three Through Five
- 226.260 Child Reaching Age Three

SUBPART D: PLACEMENT

- Section
- 226.300 Continuum of Alternative Placement Options
- 226.310 Related Services
- 226.320 Service to Students Living in Residential Care Facilities
- 226.330 Placement by School District in State-Operated or Nonpublic Special Education Facilities
- 226.340 Nonpublic Placements by Parents Where FAPE is at Issue
- 226.350 Service to Parentally-Placed Private School Students
- 226.360 Placement by School Districts in Remote Educational Programs

SUBPART E: DISCIPLINE

- Section
- 226.400 Disciplinary Actions
- 226.410 Manifestation Determination Review (Repealed)
- 226.420 Appeals (Repealed)
- 226.430 Protection for Children Not Yet Eligible for Special Education (Repealed)
- 226.440 Referral to and Action by Law Enforcement and Judicial Authorities (Repealed)

SUBPART F: PROCEDURAL SAFEGUARDS

- Section
- 226.500 Language of Notifications
- 226.510 Notification of Parents' Rights
- 226.520 Notification of District's Proposal
- 226.530 Parents' Participation
- 226.540 Consent
- 226.550 Surrogate Parents
- 226.560 Mediation
- 226.570 State Complaint Procedures

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

SUBPART G: DUE PROCESS

Section	
226.600	Calculation of Timelines
226.605	Request for Hearing; Basis (Repealed)
226.610	Information to Parents Concerning Right to Hearing
226.615	Procedure for Request
226.620	Denial of Hearing Request (Repealed)
226.625	Rights of the Parties Related to Hearings
226.630	Qualifications, Training, and Service of Impartial Due Process Hearing Officers
226.635	Appointment, Recusal, and Substitution of Impartial Due Process Hearing Officers
226.640	Scheduling the Hearing and Pre-Hearing Conference
226.645	Conducting the Pre-Hearing Conference
226.650	Child's Status During Due Process Hearing (Repealed)
226.655	Expedited Due Process Hearing
226.660	Powers and Duties of Hearing Officer
226.665	Record of Proceedings
226.670	Decision of Hearing Officer; Clarification
226.675	Monitoring and Enforcement of Decisions; Notice of Ineligibility for Funding
226.680	Reporting of Decisions (Repealed)
226.690	Transfer of Parental Rights

SUBPART H: ADMINISTRATIVE REQUIREMENTS

Section	
226.700	General
226.710	Policies and Procedures
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226.735	Work Load for Special Educators
226.740	Records; Confidentiality
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226.760	Evaluation of Special Education
226.770	Fiscal Provisions
226.780	Procedures for Withdrawal Hearings before the Regional Board of School Trustees

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SUBPART I: PERSONNEL

Section	
226.800	Personnel Required to be Qualified
226.810	Special Education Teaching Approval
226.820	Authorization for Assignment
226.830	List of Independent Evaluators
226.840	Qualifications of Evaluators
226.850	List of Qualified Workers
226.860	List of Other Employees Qualifying for Reimbursement

AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code [105 ILCS 5].

SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; emergency expired June 24, 1986; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days; emergency expired November 23, 1990; amended at 15 Ill. Reg. 40, effective December 24, 1990; amended at 16 Ill. Reg. 12868, effective August 10, 1992; emergency amendment at 17 Ill. Reg. 13622, effective August 3, 1993, for a maximum of 150 days; emergency expired December 31, 1993; amended at 18 Ill. Reg. 1930, effective January 24, 1994; amended at 18 Ill. Reg. 4685, effective March 11, 1994; amended at 18 Ill. Reg. 16318, effective October 25, 1994; amended at 19 Ill. Reg. 7207, effective May 10, 1995; amended at 20 Ill. Reg. 10908, effective August 5, 1996; amended at 21 Ill. Reg. 7655, effective July 1, 1997; Part repealed, new Part adopted at 24 Ill. Reg. 13884, effective August 25, 2000; amended at 27 Ill. Reg. 8126, effective April 28, 2003; amended at 31 Ill. Reg. 9915, effective June 28, 2007; amended at 32 Ill. Reg. 4828, effective March 21, 2008; amended at 34 Ill. Reg. 17433, effective October 28, 2010; amended at 35 Ill. Reg. 8836, effective May 26, 2011; peremptory amendment, pursuant to PA 97-461, at 35 Ill. Reg. 14836, effective August 22, 2011;

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amended at 36 Ill. Reg. 12648, effective July 18, 2012; amended at 36 Ill. Reg. 12870, effective July 24, 2012; amended at 37 Ill. Reg. 16788, effective October 2, 2013; amended at 40 Ill. Reg. 2220, effective January 13, 2016; emergency amendment at 44 Ill. Reg. 5917, effective March 25, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6675, effective April 9, 2020, for the remainder of the 150 days; amended at 44 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 226.75 Definitions

~~Assistive Technology Device: See 34 CFR 300.5.~~

"Behavioral Intervention" means an ~~an~~ intervention based on the methods and empirical findings of behavioral science that is ~~and~~ designed to positively influence a child's actions or behaviors ~~positively~~.

"Business Day" means Monday through Friday, except for federal and State holidays.

~~Case Study Evaluation: See "Evaluation".~~

~~Day; Business Day; School Day: See 34 CFR 300.11.~~

~~Developmental Delay: See 34 CFR 300.8 and 300.111(b). Delay in physical development, cognitive development, communication development, social or emotional development, or adaptive development (may include children from three through nine years of age).~~

"Disability" means the ~~IDEA identifies~~ 13 disabilities identified in the federal Individuals with Disabilities Education Act ~~as the basis for students' eligibility~~ for special education and related services. These disabilities (autism, deaf-blindness, deafness, emotional disability, hearing impairment, intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment) shall be defined as set forth in 34 CFR 300.8(c). In addition, for purposes of this Part, "autism" shall include, but not be limited to, any Autism Spectrum Disorder that adversely affects a child's educational performance.

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"Domain" means an ~~:- An~~ aspect of a child's functioning or performance that must be considered in the course of designing an evaluation. The domains are health, vision, hearing, social and emotional status, general intelligence, academic performance, communication status, and motor abilities.

"Equipment" has the meaning ascribed in ~~(a programmatic definition, not intended to coincide with the definition of "equipment" given in the Requirements for Accounting, Budgeting, Financial Reporting, and Auditing at 23 Ill. Adm. Code 100.20):~~ See 34 CFR 300.14.

"Evaluation" has the meaning ascribed in ~~:- See~~ 34 CFR 300.15.

"Extended School Year Services" has the meaning ascribed in ~~:- See~~ 34 CFR 300.106(b).

"Functional Behavioral Assessment" means an ~~:- An~~ assessment process for gathering information regarding the target behavior, its antecedents and consequences, controlling variables, the student's strengths, and the communicative and functional intent of the behavior, for use in developing behavioral interventions.

"General Curriculum" means the ~~:- The~~ curriculum adopted ~~and~~/or used by a local school district or by the schools within a district for nondisabled students; the content of the program, as opposed to the setting in which it is offered.

"Individualized Education Program Team" or "IEP Team" has the meaning ascribed in ~~:- See~~ 34 CFR 300.23.

"Independent Educational Evaluation" has the meaning ascribed in ~~:- See~~ 34 CFR 300.502(a)(3)(i).

"Individualized Education Program" or "IEP" has the meaning ascribed in ~~:- See~~ 34 CFR 300.22. An IEP shall be considered "linguistically and culturally appropriate" if it addresses the language and communication needs of a student as a foundation for learning, as well as any cultural factors that may affect the student's education.

"Individualized Family Service Plan" or "IFSP" has the meaning ascribed in ~~:- See~~ 34 CFR 300.24.

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"Interpreter" means a person fluent in English and in the necessary language of the parent and who can accurately speak, read, and readily interpret the necessary second language, or a person who can accurately sign and read sign language.

"Interpretation services" means the verbal interpretation of English into another language and of the other language into English. "Interpretation services" may also include sight translations of written text into spoken word.

"Least Restrictive Environment" or "(LRE" has the meaning ascribed in):- See 34 CFR 300.114.

"Limited English Proficient" has the meaning ascribed in :- See 34 CFR 300.27.

"Native Language" has the meaning ascribed in :- See 34 CFR 300.29.

"Parent" has the meaning ascribed in:- See 34 CFR 300.30.

"Personally Identifiable" (with reference to information) has the meaning ascribed in:- See 34 CFR 300.32.

"Preferred Language" means a parent's or guardian's native language or any other language with which the parent or guardian requests interpretation services. "Preferred language" does not include artificial or constructed languages, including, but not limited to, Klingon, Dothraki, Elvish, or Esperanto.

"Qualified Bilingual Specialist" means an :- An individual who holds the qualifications described in Section 226.800(f).

"Qualified Interpreter" means a school staff member or other personnel who is:

bilingual and demonstrably qualified and competent to interpret;

trained in providing the interpretations requested and sufficiently knowledgeable in both languages and of any specialized terminology needed; and

trained in ethics of interpretation.

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"Qualified Personnel" means staff: ~~Staff~~ members or other individuals who hold the certificate, educator or professional license, registration, or credential that is required for the performance of a particular task.

"Qualified Specialist" means an: ~~An~~ individual who holds the applicable qualifications described in Subpart I.

"Related Services" has the meaning ascribed in: ~~See~~ 34 CFR 300.34.

"School Code" or "Code" means the Illinois School Code [105 ILCS 5].

"School Day" means any day, including a partial day, that children are in attendance at school for instructional purposes.

"School District" means a: ~~A~~ public school district established under Article 10 or Article 34 of the School Code ~~[105 ILCS 5/Art. 10 or 34]~~ or a charter school established under Article 27A of the School Code ~~[105 ILCS 5/Art. 27A]~~.

"Special Education" has the meaning ascribed in: ~~See~~ 34 CFR 300.39.

"Student Record" has the meaning ascribed in: ~~See~~ Section 2 of the Illinois School Student Records Act [105 ILCS 10/2] and 23 Ill. Adm. Code 375.10 (Student Records).

"Supplementary Aids and Services" has the meaning ascribed in: ~~See~~ 34 CFR 300.42.

"Transition Services" has the meaning ascribed in: ~~See~~ 34 CFR 300.43.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART F: PROCEDURAL SAFEGUARDS

Section 226.530 Parents' Participation

With respect to parents' participation in meetings, school districts shall conform to the requirements of 34 CFR 300.322 and 300.501. For purposes of 34 CFR 300.322(a)(1), "notifying parents of the meeting early enough to ensure that they will have an opportunity to attend" means the district shall provide written notification no later than ten days prior to the

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proposed date of the meeting. In addition, the district shall take whatever action is necessary to facilitate the parent's understanding of and participation in the proceedings at a meeting, including arranging for and covering the expense of a qualified ~~an~~ interpreter, as described in Section 226.800(1), for parents whose native language is other than English or for an interpreter licensed pursuant to the Interpreter for the Deaf Licensure Act of 2007 [225 ILCS 443] for parents who are deaf.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART I: PERSONNEL

Section 226.800 Personnel Required to be Qualified

- a) General
 - 1) Each school district, or the special education cooperative of which it is a member, shall employ sufficient professional personnel and personnel not holding Illinois educator licensure to deliver and supervise the full continuum of special education and related services needed by the eligible students who reside in the district or districts served by the cooperative. The number and types of personnel employed shall be based on students' need rather than administrative convenience.
 - 2) Each school district or special education cooperative shall periodically submit to the State Board of Education, on forms supplied by the State Board, the roster of the individuals who will be or are providing special education or related services. The State Board may request any additional documentation needed in order to verify that each individual holds the qualifications that are required for his or her assignments.
 - 3) Reimbursement for personnel expenditures shall be made by the State Board with respect to only those individuals who are qualified, pursuant to this Subpart I, to *deliver services to students with IEPs* [105 ILCS 5/14-1.10 and 14-13.01] and whose positions are listed either in Section 226.850 or 226.860 of this Part, or pursuant to 23 Ill. Adm. Code 25.48 (Short-Term Emergency Approval in Special Education) when applicable.
 - 4) Each school district or special education cooperative shall develop and implement a comprehensive personnel development program for all

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personnel involved with the education of children with disabilities.

- b) Professional Instructional Personnel
Each individual employed in a professional instructional capacity shall:
- 1) hold a valid professional educator license endorsed for special preschool-age 21 and meet the qualifications required for the teaching area pursuant to 23 Ill. Adm. Code 25.43; or
 - 2) hold a valid professional educator license endorsed in another teaching area and approval issued by the State Board of Education specific to the area of responsibility (see Section 226.810); or
 - 3) be employed pursuant to an authorization for assignment issued to the employing entity under Section 226.820; or
 - 4) hold short-term emergency approval issued pursuant to 23 Ill. Adm. Code 25.48.
- c) An individual assigned as a career and technical coordinator shall be required to hold approval for this position, which shall be granted provided that the individual submits an application demonstrating that he or she:
- 1) has two years' teaching experience;
 - 2) holds a valid professional educator license with either a special preschool-age 21 endorsement or a secondary endorsement; and
 - 3) has completed at least 16 semester hours of college coursework, which shall at least include each of the areas identified in subsections (c)(3)(A) through (D) and may include one or more of the areas identified in subsections (c)(3)(E) through (H):
 - A) Survey of the exceptional child;
 - B) Diagnosis of, and characteristics of the student with, all the disabilities encompassed by the Learning Behavior Specialist I (LBS I) credential;

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- C) Adaptations or modifications of the general curriculum to meet the needs of students with the disabilities encompassed by the LBS I credential;
 - D) Career and technical programming for students with disabilities;
 - E) Methods appropriate for teaching children with all the disabilities encompassed by the LBS I credential;
 - F) Guidance and counseling;
 - G) Educational and psychological diagnosis;
 - H) Career and technical education.
- d) An individual assigned as a teacher coordinator shall be required to hold approval for this position, which shall be granted provided that the individual submits an application demonstrating that he or she:
- 1) holds a valid professional educator license with either a special preschool-age 21 endorsement for the disability area of assignment issued pursuant to 23 Ill. Adm. Code 25.43 or a secondary endorsement with special education approval in the applicable disability area issued pursuant to Section 226.810;
 - 2) has completed a course in career and technical programming for students with disabilities; and
 - 3) has at least one year's work experience outside the field of education or has completed at least one course in either guidance and counseling or career and technical education.
- e) An individual assigned as a business manager's assistant shall hold a valid professional educator license endorsed for chief school business official pursuant to 23 Ill. Adm. Code 25.345.
- f) **Qualified Bilingual Specialists**
Professional staff otherwise qualified pursuant to this Section shall be considered "qualified bilingual specialists" if they submit the required application and meet

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the applicable requirements set forth in this subsection (f).

- 1) A holder of a valid professional educator license with a special preschool-age 21 endorsement in the area of responsibility issued pursuant to 23 Ill. Adm. Code 25.43 shall successfully complete a language examination in the non-English language of instruction and shall have completed coursework covering:
 - A) Psychological/educational assessment of students with disabilities who have limited English proficiency;
 - B) Theoretical foundations of bilingual education and English as a second language, including the study of first and second language acquisition; and
 - C) Methods and materials for teaching students of limited English proficiency or students with disabilities who have limited English proficiency.
- 2) A holder of a valid professional educator license with an early childhood, elementary, secondary, or special preschool-age 21 endorsement who also holds special education approval in the area of responsibility (see Section 226.810) shall successfully complete a language examination in the non-English language of instruction and shall have completed the coursework listed in subsections (f)(1)(A), (B), and (C).
- 3) A holder of a valid professional educator license with an early childhood, elementary, secondary, or special kindergarten-grade 12 or preschool-age 21 endorsement who also holds an endorsement to teach bilingual education or English as a second language shall have completed coursework covering:
 - A) Methods for teaching in the special education area of assignment;
 - B) Psychological/educational assessment of students with disabilities who have limited English proficiency, or psychological diagnosis for children with all types of disabilities; and
 - C) Characteristics of students, or characteristics of students with

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limited English proficiency specifically, in the special education area of assignment.

- 4) A holder of a valid educator license with stipulations endorsed for transitional bilingual educator issued pursuant to 23 Ill. Adm. Code 25.90 and endorsed for the language of assignment shall have completed two years of successful teaching experience and have completed coursework covering:
 - A) Survey of children with all types of disabilities;
 - B) Assessment of the bilingual student, or psychological/educational assessment of the student with disabilities who has limited English proficiency;
 - C) Theoretical foundations of bilingual education and English as a second language, including the study of first and second language acquisition;
 - D) Methods for teaching in the special education area of assignment; and
 - E) Characteristics of students, or characteristics of students with limited English proficiency specifically, in the special education area of assignment.
- 5) A holder of a valid professional educator license with a school support personnel endorsement for school counselor, school social worker, school psychologist, or speech and language pathologist shall successfully complete an examination in the non-English language and shall have completed coursework in assessment of the bilingual student or psychological/educational assessment of the student with disabilities who has limited English proficiency.
- g) **Directors and Assistant Directors of Special Education**
Each school district, or the special education cooperative of which it is a member, shall employ a full-time director of special education, who shall be the chief administrative officer of the special education programs and services of the district or cooperative entity.

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- 1) Each director or assistant director of special education shall hold a valid professional educator license endorsed for director of special education issued pursuant to 23 Ill. Adm. Code 25.365 and a master's degree, including 30 semester hours of coursework distributed among all the areas specified in 23 Ill. Adm. Code 25.365(b). Beginning July 1, 2005, directors and assistant directors of special education shall be subject to the requirements of 23 Ill. Adm. Code 29.140 (Director of Special Education).
 - 2) Each school district or the special education cooperative of which it is a member, shall submit to the State Board of Education a letter identifying the individual employed as the director of special education by his or her full name and Illinois Educator Identification Number. If the individual is qualified as required, the State Board shall confirm that the individual is the State-approved director of special education for the school district or special education cooperative.
- h) Supervisors
- 1) Each school district or special education cooperative shall employ sufficient supervisory personnel to provide consultation to and coordination of special education services.
 - 2) Each individual performing a supervisory function shall hold one of the following:
 - A) a valid professional educator license with a special preschool-age 21 endorsement in the area to be supervised, and a supervisory endorsement issued pursuant to 23 Ill. Adm. Code 25.497, with two years' teaching experience in that area; or
 - B) a valid professional educator license with a school support personnel endorsement, and a supervisory endorsement issued, with two years' experience in the area to be supervised; or
 - C) a valid professional educator license with an administrative endorsement issued under 23 Ill. Adm. Code 25.Subpart E and either a special preschool-age 21 endorsement for the area to be supervised or special education approval in that area.

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- i) **Chief Administrator of Special School**
The chief administrator of a special school shall hold a valid professional educator license with a general administrative, principal or director of special education endorsement issued pursuant to 23 Ill. Adm. Code 25.335, 25.337, or 25.365 and either:
- 1) an endorsement or approval that is specific to at least one of the disabilities prevalent in the students served by the school, if the school serves students who are deaf or hard of hearing, blind or visually impaired, or speech- and language-impaired; or
 - 2) an endorsement as Learning Behavior Specialist I that either is unlimited or specific to one of the disabilities prevalent in the students served by the school (see 23 Ill. Adm. Code 25.46); or
 - 3) approval as an LBS I issued by the State Board of Education pursuant to Section 226.810 and 23 Ill. Adm. Code 25.47 (Special Provisions for the Learning Behavior Specialist I Approval) that either is unlimited or specific to one of the disabilities prevalent in the students served by the school.
- j) **Other Professional Personnel**
Each individual employed in a professional capacity not specified in subsections (a) through (i) shall, as appropriate to his or her assignment, hold:
- 1) a valid professional educator license endorsed for school support personnel appropriate to the area of responsibility (see 23 Ill. Adm. Code 25, Subpart D); or
 - 2) a valid professional license or permission to practice, if the individual's profession is governed by such a requirement and either no educational credential in the same or a related field is issued by the State Board of Education (e.g., for a physical therapist) or the School Code permits the individual to perform the functions assigned; or
 - 3) a credential, regardless of title, issued by a professional association or organization in the relevant field, when no educational credential in the same or a related field is issued by the State Board of Education and no

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license or permission to practice is required by the State (e.g., for a music therapist or a daily living skills specialist). Evidence of the individual's credential shall be kept on file by the school district or special education cooperative and presented to the State Board of Education upon request.

- k) Personnel Not Holding Educator Licensure
- 1) Each professional individual not holding educator licensure issued under Article 21B of the School Code ~~[105 ILCS 5/Art. 21B]~~ employed in a special education class, program, or service, and each individual providing assistance at a work site, shall function under the general direction of a professional staff member.
 - 2) Each program assistant or aide, whether providing instructional or noninstructional services, as well as each nonemployee providing any service in the context of special education, shall function under the direct supervision of a professional staff member.
 - A) Nothing in this subsection (k) authorizes individual student aides or others who do not hold an appropriate professional license to perform any nursing activity, as nursing activity may be defined in the Nurse Practice Act [225 ILCS 65] and rules governing that Act (68 Ill. Adm. Code 1300), including any procedures and duties requiring a medical order (e.g., tube feedings, catheterizations, administration of medications, tracheal suctioning, tube insertions, blood draws, dressing changes), except as may be otherwise authorized under State law.
 - B) The provisions of this subsection (k) do not apply to paraprofessional educators licensed under Section 21B-20 of the School Code ~~[105 ILCS 5/21B-20]~~ nor to educational interpreters approved pursuant to 23 Ill. Adm. Code 25.550 (Approval of Educational Interpreters).
 - 3) Each school district shall provide training experiences appropriate to the nature of their responsibilities to the individuals discussed in subsections (k)(1) and (2). Training shall be in lieu of the requirements for personnel not holding educator licensure set forth in 23 Ill. Adm. Code 1, Subpart F.

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1) Qualified Interpreters1) A qualified interpreter must:

A) Meet all employment eligibility requirements of the school district.

B) Demonstrate proficiency in English and the target language by passing State-approved language proficiency tests. A State-approved language proficiency test may include the following domains: listening, speaking, and reading (if the language exists in written form). An individual is exempt from the testing requirements of this subsection (1)(1)(B) if he or she meets any of the following:

i) For an English language proficiency test exemption, the individual possesses a post-secondary degree in which the official language of instruction, as documented, is English.

ii) For a target language proficiency test exemption, the individual:

- possesses a post-secondary degree in which the official language of instruction, as documented, is the target language;
- possesses the State Seal of Biliteracy with a minimum score of Advanced Low in the target language;
- receives a score of 4 or higher on the AP language test in the target language;
- currently possesses, or has possessed, an educator license with stipulations endorsed for transitional bilingual educator or a professional educator license endorsed in LBSII/Bilingual Special Education Specialist; or

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- currently possesses an Administrative Office of the Illinois Courts Court Interpreter Certification, a Certified Medical Interpreter Certification, or an Advanced Proficiency Level Interpreter License under 68 Ill. Adm. Code 1515, and the individual has completed additional coursework on special education terminology, as referenced in subsection (1)(1)(C).
- iii) In the instance of a target language for which an exam does not yet exist, a reliable alternative assessment or documentation of proficiency in that language shall be established by the State Board if it is not feasible for the State Board to otherwise offer a test in that language within a reasonable amount of time.
- C) Complete at least three hours of training on special education terminology and protocol.
- D) Complete at least nine hours of training:
 - i) on:
 - interpreting in and out of English;
 - interpretation standards of practice, ethics and confidentiality;
 - the role of the interpreter and role boundaries; and
 - respect, impartiality, professionalism, cultural awareness, and advocacy for communication and cultural needs; and
 - ii) that includes videos demonstrating proper and improper interpretation techniques.
- E) After completing the required training:

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- i) successfully complete, with a score of 80% or higher, a written examination to demonstrate knowledge of:
 - special education terminology and protocol;
 - interpretation standards and techniques; and
 - interpretation ethics; and
 - ii) successfully complete an oral examination, with a score of 70% or higher, to demonstrate proficiency in:
 - interpreting in and out of English, through consecutive or simultaneous interpreting; and
 - sight translation.
- 2) To maintain the designation of "Qualified Interpreter", an individual must, at least once every two years, participate in at least six hours of ongoing professional development related to interpretation in the following categories:
- A) Confidentiality.
 - B) Accuracy.
 - C) Impartiality.
 - D) Interpreter ethics and professionalism.
 - E) Cultural awareness.
 - F) Special Education processes.
 - G) Special Education vocabulary.
 - H) Language acquisition.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Claimant's Availability For Work, Ability to Work and Active Search for Work
- 2) Code Citation: 56 Ill. Adm. Code 2865
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2865.100	Amendment
2865.105	Amendment
2865.110	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 409, 500, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/409, 500, 1700 and 1701].
- 5) Effective Date of Rules: July 1, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules is on file in the Department of Employment Security's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 5176; March 27, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? Yes. 2865.100, 2865.105, and 2865.110 were amended by emergency rule at 44 Ill. Reg. 5458, March 27, 2020.
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: If an individual is off work through no fault of their own, they can seek unemployment insurance benefits from IDES. In general, to be

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eligible, claimants are required to be able to work, available for work, and actively seeking work. Under rules existing before the emergency rules became effective, an individual who has become unemployed because of COVID-19 may have difficulty meeting the able and available requirements if they have been asked or ordered to stay at home. This rule explains that an individual will still be considered to have met the able and available requirements even if they limit their work search to jobs that would allow them to work from home (e.g., transcribing, data entry, virtual assistant services).

- 16) Information and questions regarding these adopted rules shall be directed to:

Kevin Lovellette, Chief Legal Counsel
Illinois Department of Employment Security
33 South State Street – Room 930
Chicago IL 60603

312/793-1224
fax: 312/793-5645

Kevin.Lovellette@illinois.gov

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER f: ELIGIBILITY FOR BENEFITS

PART 2865

CLAIMANT'S AVAILABILITY FOR WORK, ABILITY TO WORK
AND ACTIVE SEARCH FOR WORK

SUBPART A: GENERAL PROVISIONS

Section	
2865.1	Definitions
2865.50	Union Registration in Satisfaction of Active Search Provisions
2865.55	Requirements For Union Local Certification
2865.60	Procedures for Approval as a Certified Union

SUBPART B: REGULAR BENEFITS

Section	
2865.100	Work Search Requirements for Regular Unemployment Insurance Benefits
2865.105	Able to Work
2865.110	Available for Work
2865.115	Actively Seeking Work
2865.120	Suitability Of Work – Labor Standards
2865.125	Availability for Part-Time Work Only
2865.130	Director's Approval of Training
2865.135	Availability For Work And Active Search For Work: Attendance At Training Courses
2865.140	Regular Attendance in Approved Training
2865.145	Ineligibility to Receive Benefits for Failure to Participate in Reemployment Services
2865.150	Profiling/Referral to Reemployment Services

SUBPART C: EXTENDED BENEFITS

Section	
2865.205	Applicability of Rules for Eligibility for Regular Benefits
2865.210	Systematic and Sustained Search for Work
2865.215	When an Individual's Prospects for Finding Work Shall Be Deemed To Be Good

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AUTHORITY: Implementing and authorized by Sections 409, 500, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405].

SOURCE: Adopted at 10 Ill. Reg. 11887, effective July 1, 1986; amended at 14 Ill. Reg. 18466, effective November 5, 1990; amended at 17 Ill. Reg. 17917, effective October 4, 1993; amended at 18 Ill. Reg. 4160, effective March 3, 1994; emergency amendment at 18 Ill. Reg. 17764, effective November 28, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 6555, effective April 28, 1995; amended at 29 Ill. Reg. 1927, effective January 24, 2005; amended at 33 Ill. Reg. 9675, effective August 1, 2009; amended at 35 Ill. Reg. 6154, effective March 25, 2011; amended at 43 Ill. Reg. 6522, effective May 14, 2019; emergency amendment at 44 Ill. Reg. 5458, effective March 13, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 11787, effective July 1, 2020.

SUBPART B: REGULAR BENEFITS

Section 2865.100 Work Search Requirements for Regular Unemployment Insurance Benefits

- a) Unless otherwise instructed, the claimant must establish that he or she is able to work, available for work and actively seeking work during each week for which he or she is claiming benefits.
 - 1) The claimant must register with the Illinois Employment Service unless otherwise instructed by the local office for one of the following reasons:
 - A) The claimant's unemployment is due to a labor dispute at his or her last employing unit even if the claimant is not involved in the dispute;
 - B) The claimant's unemployment is due to a temporary lay-off not exceeding 10 weeks in duration;
 - C) The claimant is a member of a labor union whose placement service has been certified by the Department under this Part;
 - D) The claimant is still attached to a regular job but he or she is only partially employed due to a temporary reduction in hours;

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- E) The claimant is a seasonal worker who is between seasons and has a reasonable expectation of returning to the same job in the next succeeding season. For example, park, golf course and landscape workers would fall within this subsection (a)(1)(E) during a winter shutdown;
 - F) The claimant is an academic worker, such as a teacher or school administrator, or a non-academic employee, such as a food service worker or school bus driver, who is seeking work at an educational institution or for a company that contracts with an educational institution during a period between academic years or terms;
 - G) The claimant is a construction worker seeking construction work, whether or not he or she belongs to a union that operates a hiring hall defined in Section 2865.50;
 - H) The claimant is enrolled and participating in training, whether or not that training is approved under Section 500C5 of the Act;
 - I) The claimant is a resident of a state that borders Illinois and has filed a claim in this State; ~~or~~
 - J) The Department determines that, based on local labor market information, registration with the Illinois Employment Service would not increase the likelihood of the claimant's return to work;
or:
 - K) [The claimant's unemployment is due to a temporary lay-off resulting from a temporary closing attributable to the COVID-19 virus.](#)
- 2) The claimant must show that he or she is conducting a thorough, active and reasonable search for appropriate work on his or her own by keeping records of what he or she is doing to find work, including:
- A) The names and addresses of the employing units contacted and the names of the specific persons contacted, if possible;
 - B) The dates, methods and results of the contacts;

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- C) The types of work that the claimant has been seeking, including wages and hours requested or desired; and
 - D) Any other information regarding work search efforts.
- b) The claimant shall provide the written records required by this Section to the Department whenever requested, under Section 2720.115, or, in the event of a Claims Adjudicator's interview, an appeal or a hearing in which work search is an issue. Even if the claimant has been denied benefits, he or she must either continue to certify by telephone (see Section 2720.112) or complete and file the Claim Certification through the internet every 2 weeks and meet the eligibility requirements of the Act for each week for which he or she expects payment upon reversal of that denial.

(Source: Amended at 44 Ill. Reg. 11787, effective July 1, 2020)

Section 2865.105 Able to Work

- a) An individual is able to work when he or she is physically and mentally capable of performing work for which he or she is otherwise qualified. An individual is considered able to work to the full extent permitted by 20 CFR 604, effective February 15, 2007, except when inconsistent with the express holding of published Illinois case law.

EXAMPLE: A claimant who had been a clerk at a retail store is responsible for a minor child who is prevented from attending school due to closures resulting from the COVID-19 virus. The claimant must stay home from work to watch his/her child until school reopens. However, the claimant is able to perform work that could be performed from the isolation of his/her home (e.g., transcribing, data entry, virtual assistant services). While the claimant has most recently worked at retail locations, he/she is able to work due to his/her ability to work at home.

- b) The focus is upon the individual's condition, the employer's willingness to hire him or her is not relevant.
- 1) **EXAMPLE:** An individual is 60 years old, worked as a warehouseman for 40 years and is physically able to continue doing so. Employers' reluctance to hire him, because of his age, does not render him unable to

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work.

2) **EXAMPLE:** An individual tests positive for tuberculosis, a contagious disease, and, by law, is not permitted to continue working as a school teacher. He applies for jobs as a school teacher. It is the individual's condition, not school districts' unwillingness to hire him, that renders him unable to work. The individual would be considered able to work if he was seeking jobs that the law permitted him to perform and that he was physically and mentally capable of performing.

3) **EXAMPLE:** The individual has been discharged from numerous jobs because of repeated absenteeism due to habitual alcohol and drug use. When he reports to his local office, he reeks of alcohol and slurs his words. This individual will be determined to be unable to perform any type of work. It is his condition, not an employer's unwillingness to hire him, that renders him unable to work.

c) The focus is upon any work for which the individual is qualified, not limited to his or her usual or most recent job.

EXAMPLE: An individual, who is 7 months pregnant, quits her job as an assembler because the job is strenuous and requires her to be constantly on her feet. She applies for desk work as a telephone receptionist, a job for which she is qualified. She would be determined to be able to work.

d) The best evidence that an individual with a disability is able to work in a particular occupation is that he or she has actually performed the work.

EXAMPLE: An individual has cerebral palsy, which impairs his bodily functions and reduces his work output. However, he has training and experience as a computer operator and has shown that he is capable, within his physical limitations, of performing the work. He would be determined to be able to work.

(Source: Amended at 44 Ill. Reg. 11787, effective July 1, 2020)

Section 2865.110 Available for Work

a) An individual is available for work, even if he or she imposes conditions upon

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the acceptance of work, unless a condition so narrows opportunities that he or she has no reasonable prospect of securing work. An individual is considered available for work to the full extent permitted by 20 CFR 604, effective February 15, 2007, except when inconsistent with the express holding of published Illinois case law.

EXAMPLE 1: An individual who lives in a remote rural area limits his availability to jobs within walking distance of his home. If few jobs for which he is qualified are located within walking distance of his home, it could be found that he has no reasonable prospect of securing the work and therefore would not be available for work.

EXAMPLE 2: A claimant who had been a clerk at a retail store is responsible for a minor child who is prevented from attending school due to closures resulting from the COVID-19 virus. The individual must stay home to watch his/her child until school reopens. However, the claimant is able to perform work that could be performed from the isolation of his/her home (e.g., transcribing, data entry, virtual assistant services) and makes himself/herself available to perform that work. While the claimant is not currently available for work at a retail location, he/she is available for work due to his/her availability for work that could be performed from home.

- b) If domestic circumstances prevent an individual from working during the normal days and hours that exist in his or her occupation (or other work for which he or she is qualified), he or she is unavailable for work.
- 1) **EXAMPLE:** An individual, who was employed as a security guard, has children who require full-time care. The individual is able to obtain child care during evenings only, leaving him free to work nights only. Because there is a labor market for night-shift security guards, he would be determined to be available for work.
 - 2) **EXAMPLE:** An individual and her husband obtain a divorce, and she is awarded custody of their children. She then quits her job as a hospital respiratory therapist because she is required to work rotating shifts and be on emergency call and because she wishes to spend all nights and weekends with her children. She states that she still applies for work as a respiratory therapist, but has had to eliminate from her list most hospitals

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because they will not guarantee day-shift work, the only time for which she will arrange child care. She would be determined to be unavailable for work.

- 3) **EXAMPLE:** When the individual is laid off from her job as a bank teller, she, in turn, lays off her babysitter, who is not needed so long as the individual is at home. She states that, if she is offered a job, she will rehire her babysitter. Despite the fact that she currently has no babysitter, this individual would be determined to be available to work.
- c) If the individual demands a wage that is unreasonable and, thereby, prices himself or herself out of the labor market, he or she is unavailable for work. Whether a wage demand is unreasonable is determined by factors including, but not limited to: the individual's prior wages and qualifications, the prevailing wage, labor laws, union agreements, and the length of unemployment; generally, the individual must lower his or her wage demand the longer he or she is unemployed.
- 1) **EXAMPLE:** An individual worked for 25 years as a bookkeeper for a small but prosperous business that was eventually bought out. She last earned \$600 per week. Upon re-entering the labor market, she discovers that her wage demand – inflated by her many years of service – is much greater than that most employers are willing to pay. In the early weeks of unemployment, she may seek work paying \$600 per week, based upon her prior wages and her qualifications. In ensuing weeks, she must lower her wage expectations. As her unemployment approaches 26 weeks (or the time when an "extended benefits" period might begin), she must further lower her wage expectations. If, as time goes by, she adapts her wage expectations to meet market conditions, she would be determined to be available for work.
 - 2) **EXAMPLE:** The individual is a union electrician. After 20 weeks of unemployment, he still insists upon the wage he was last paid, that is union scale. He explains that the union has agreements affecting a substantial percentage of the jobs in his locality and, were he to accept a job paying below union scale, he would be disciplined by being denied future job opportunities. His insistence upon union scale is not unreasonable. However, if he is seeking work in another locality, where his union is not active, his wage demand with respect to that locality is

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unreasonable.

- 3) **EXAMPLE:** The individual worked as a fast food counter clerk, earning \$0.50 above minimum wage. During the first weeks of unemployment, he sought work paying that same wage. For the next few weeks, he sought work paying minimum wage. Even though he has now been unemployed for 25 weeks, he has not reduced his wage expectation any further. This is not unreasonable: to require him to seek work paying less than minimum wage would violate minimum wage laws.

- d) If there are no work opportunities that an individual can reach from his or her home, he or she is unavailable for work. If the individual unreasonably restricts the distance or time he or she will travel to work, he is unavailable for work. Reasonableness is determined by factors including, but not limited to: where work opportunities are located, the customs of workers similarly situated (as to location or occupation), the types and costs of transportation, physical capabilities, and the length of unemployment; generally, an individual is expected to extend the area in which he or she will seek work the longer he or she is unemployed. Generally, in metropolitan areas, 1½ hours, each way, is not an unreasonable travel time.
 - 1) **EXAMPLE:** An individual owns no car, and there is no public transportation near his home. He used to obtain work through a temporary help service that transported him to clients' job sites. He no longer works as a temporary. He states that he will work for any employer, provided it will furnish transportation to the job. He would be determined to be unavailable for work since the majority of employers do not furnish transportation for their employees.

 - 2) **EXAMPLE:** The individual resides in a suburb 30 miles northwest of downtown Chicago. He was last employed as an attorney, working in a small practice in that suburb, where his travel time to work was 10 minutes. In the first weeks of unemployment, he unsuccessfully sought work in his community and neighboring suburbs. Although he has now been unemployed for 2 months, he still does not seek work in downtown Chicago, to which most attorneys commute, because rush hour travel time would be nearly 1½ hours each way. He would be determined to be unavailable for work, because he has not extended the area in which he will seek work, commuting to downtown Chicago is customary for

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workers in his occupation, and 1½ hours travel time is not unreasonable.

- 3) **EXAMPLE:** Although the individual is ~~developmentally disabled~~~~mentally retarded~~, she is capable of working in certain unskilled occupations. At her last job, she swept floors in a local drug store. Her father testifies that she must work within walking distance of home, because, if she rides public transportation, she becomes confused and lost. In this case, the individual's restriction upon distance to work is reasonable, provided that work opportunities continue to exist within walking distance of her home, in which case she will be determined to be available for work.

- e) If an individual's personal habits are inconsistent with the type of work he or she is seeking, he or she is unavailable for work.

EXAMPLE: The individual, a punch press operator, was discharged because she would not cut her waist-length hair or wear a hair net or remove oversized rings she wore on her fingers; her hair and rings are considered safety hazards. She states that she is seeking work as a punch press operator, but that she will not work for any employer who requires her to cut her hair or wear a hair net or remove her rings. She would be determined to be unavailable for work.

- f) An individual shall not be held unavailable for work on the basis of refusing to consider particular work that he or she honestly believes would violate sincere religious or moral convictions. However, an individual shall be held unavailable if his or her convictions eliminate virtually all of the labor market.

EXAMPLE: For many years, an individual was a hot dog vendor, working in sports stadiums on Saturdays and Sundays. The individual states that he will no longer work in the food service industry, nor will he work on Sunday. He explains that he has recently married and that his wife has introduced him to religion. Among the tenets of his religion are strict dietary laws, forbidding even handling of many commonplace foods; also, Sunday is prescribed as a day of rest. If it is determined that his religious convictions are sincere, he would not be held unavailable for work solely on the basis of refusing to consider food service or Sunday work, even though these may have been suitable previously. Still, he must demonstrate that he is available for other types of work at other times.

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- g) If the individual is self-employed, availability depends upon the nature and extent of that self-employment; whether the individual's investment of time or capital prevents him or her from accepting other work in the labor market.

EXAMPLE: The individual worked as a secretary in a real estate agency. When she was laid off, she grew depressed, until she watched a cable television show. The host explained how to buy property without making down payments and how to enhance cash-flow. It sounded so easy that she immediately rearranged the den in her house to serve as an office. In the morning, she would read newspapers and make telephone calls. She went to foreclosure sales and auctions. Most afternoons and evenings, she would inspect properties. She also applied for jobs in her usual occupation, secretary. This individual would be determined available for work, if the trier of fact finds that she had not yet made a substantial commitment to her own business. If, however, she had purchased properties, and was involved in the management of those properties to the extent that it would conflict with normal working hours, she would be determined to be unavailable for work.

- h) Whether a seasonal worker is available for work during the off-season is determined by whether there is some prospect of obtaining work in his or her customary occupation. If there is no prospect of obtaining that work, the individual must seek other work for which he or she is qualified.

EXAMPLE: The individual is a golf course maintenance man. The courses at which he works are open from April through October. He has never been employed during the off-season. On his work search record, for weeks in January, he indicates that he is seeking work in the field of lawn care and maintenance, for which there are no prospects of work. He would be determined unavailable for work.

- i) Whenever an individual appears to be imposing a condition upon his or her acceptance of work, it is essential to establish whether he or she is merely expressing a preference as opposed to actually imposing a condition.

EXAMPLE: The individual last earned \$7.50 per hour, the prevailing wage in her occupation. During her interview with the claims adjudicator, she states that she will accept \$9.00 per hour for similar work. During the interview, the adjudicator reviews her work search record and asks what

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the wages were for her contacts during the period under review. The work search contacts were for work paying closer to \$7.50 than \$9.00. This might indicate that \$9.00 was a preference, not a condition. Therefore, she would be determined to be available for work.

- j) The best evidence that an individual is "available for work" is that he or she readily secures work, despite the imposition of a condition.

EXAMPLE: The individual is laid off from her job in an occupation that ordinarily provides daytime work only. She files a claim for benefits, and, on an initial questionnaire, she writes that she will work nights only, because her child care arrangements have changed. That week, she makes employer contacts for night-shift work. As a result of that work search, she readily secures work beginning the next week. She would be determined to be available for work for the prior week.

(Source: Amended at 44 Ill. Reg. 11787, effective July 1, 2020)

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- 1) Heading of the Part: Fee Schedule for the Office of State Guardian
- 2) Code Citation: 59 Ill. Adm. Code 301
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
301.10	Amendment
301.30	Amendment
301.50	Amendment
301.60	Amendment
- 4) Statutory Authority: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955].
- 5) Effective Date of Rules: June 30, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? The rulemaking does not include incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act.
- 8) A copy of the adopted rules is on file in the Guardianship and Advocacy Commission's Chicago office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 13902; December 6, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: There were grammatical as well as wording changes to sections 301.30 (a), 301.50 (c), and 301.60 (b) in order to clarify sentences.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: The rulemaking adjusts the rules for Office of State Guardian fees, including increasing fees, streamlining fees, and updating the procedure for changing the fee schedule.
- 16) Information and questions regarding these adopted rules shall be directed to:

Kenya A. Jenkins-Wright
General Counsel
Guardianship and Advocacy Commission
160 N. LaSalle, S-500
Chicago IL 60601

312/793-5900 or 866/333-3362 (TTY)
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The full text of the Adopted Amendments begins on the next page:

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TITLE 59: MENTAL HEALTH
CHAPTER III: GUARDIANSHIP AND ADVOCACY COMMISSIONPART 301
FEE SCHEDULE FOR THE OFFICE OF STATE GUARDIAN

Section	
301.10	Authority and Purpose
301.20	Definitions
301.30	Assessment of Fees
301.40	Notice
301.50	Collection of Fees
301.60	Fee Schedules

AUTHORITY: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955] and Section 27-1 of the Probate Act of 1975 [755 ILCS 5].

SOURCE: Adopted and codified at 6 Ill. Reg. 15019, effective November 24, 1982; amended at 7 Ill. Reg. 8528, effective July 6, 1983; amended at 14 Ill. Reg. 17964, effective November 15, 1990; amended at 24 Ill. Reg. 13016, effective August 21, 2000; amended at 36 Ill. Reg. 12090, effective August 1, 2012; amended at 44 Ill. Reg. 11800, effective June 30, 2020.

Section 301.10 Authority and Purpose

- a) **Authority.** The Office of State Guardian exists as a division of the Guardianship and Advocacy Commission created by the Guardianship and Advocacy Act (GAC Act) [20 ILCS 3955] and shall serve as guardian of the person or estate, or both, for a ward when it has been appointed to do so by a court. The GAC Act further charges that the Commission shall evaluate a ward's ability to pay for guardianship services received and charge fees for those services. Section 27-1 of the Probate Act of 1975 [755 ILCS 5/~~27-1~~] permits a guardian to be awarded reasonable fees for services rendered pursuant to the guardianship appointment, upon approval of the court.
- b) **Purpose.** The purpose of this Part and its fee schedules is to establish the procedures to be used in assessing fees against a ward or a ward's estate. A one-time initial fee shall be assessed for the establishment of the guardianship case. Fees shall be assessed monthly for guardianship services. Additional fees shall be assessed for guardianship petitioning and the sale or management of real or

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personal property. ~~The Office of State Guardian shall not petition for fees if financial hardship to the ward would result.~~

(Source: Amended at 44 Ill. Reg. 11800, effective June 30, 2020)

Section 301.30 Assessment of Fees

a) Assessment – In General

- 1) Except as provided in subsections (c) ~~and~~; (e) ~~and (f)~~, all wards with liquid assets on the date of the OSG's appointment shall be assessed a one-time case opening fee for establishment of the case by OSG. Rates are set forth in Section 301.60. ~~The rate of the case opening fee shall be \$300 when OSG serves as guardian of the person, \$500 when OSG serves as guardian of the estate, and \$1,000 when OSG serves as guardian of both the person and estate.~~ Case opening fees shall be assessed for each appointment, including a re-appointment as guardian for the same ward more than 6 months after the termination of a prior appointment, temporary or otherwise, involving similar powers and duties.
- 2) A monthly fee for guardianship services other than petitioning for appointment of guardians and sale or management of real or personal property shall be assessed against all wards with liquid assets on any day during the month, in accordance with the schedule set forth in Section 301.60. ~~The fee for the OSG's services as guardian of the person shall be \$150 per month. The fee for the OSG's services as guardian of the estate shall be a sliding scale rate up to a maximum of \$1,000 per month, based upon the highest value of the ward's liquid assets on any day during the month.~~ In addition, in all cases in which ~~where~~ OSG serves as representative payee under programs administered by the Social Security Administration, the Railroad Retirement Board, or similar programs, or serves as protective payee for the receipt of private pension funds, the fee for providing representative payee services shall be in accordance with Social Security Administration and Railroad Retirement Board regulations and/or guidelines.
- 3) Fees for guardianship petitioning services shall be assessed upon the entry of a court order finally disposing of the petition for appointment of a guardian, in accordance with the schedule set forth in Section 301.60.

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Guardianship petitioning fees shall be in addition to case opening fees, monthly guardianship services fees, and fees for the sale or management of real or personal property. ~~The rate for guardianship petitioning fees shall be \$500.~~

- 4) Fees for the sale of real or personal property shall be assessed when a sale is completed, or at the time of the final account. If no sale takes place during the OSG's term as guardian, fees for management of real or personal property shall be assessed at the time of the final account, in either case, in accordance with the fee schedule set forth in Section 301.60. Fees for the sale or management of a ward's property shall be in addition to case opening, monthly guardianship services, and guardianship petitioning fees, in accordance with the fee schedule in Section 301.60. ~~The rate for real property sale fees shall be \$1,000 at the time of the sale. The rate for real property management fees shall be determined using a sliding scale up to a maximum of \$1,000, based upon the value of the real property at the time of the annual or final account. The rate for personal property sale or management fees shall be determined using a sliding scale up to a maximum of \$700, based upon the value of the personal property at the time of the sale, or if the property is not sold, at the time of the final account.~~
 - 5) ~~No assessment of fees for guardianship services shall request an amount greater than that which has been established by the fee schedule in effect at the time the ward is provided notice of the assessment of fees.~~
 - 56) No fees for guardianship services shall be assessed on estates if OSG determines that financial hardship would result for the ward.
- b) Assessments – Valuation of Property. ~~When~~Where OSG seeks to assess fees for the management of property that is not sold during the course of administration of a ward's estate, the value of the property in question shall be estimated by any reasonable methods acceptable to the court. Unless specifically ordered by the court to do so, OSG shall not retain an appraiser at estate expense to establish the value of a ward's property if the appraisal is not otherwise required for responsible management of the estate.
 - c) Assessments – Court Approval. All fee assessments made by OSG shall be subject to court approval.

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- d) Assessments – On Exhausted Estates
- 1) In estates that may be exhausted by existing claims, ~~OSG~~the Office of State Guardian may petition for its fees in spite of the fact that the granting of these fees by the court might result in some or all of these claims going totally or partially unpaid.
 - 2) Proper notice of the petition for fees shall be mailed to each known claimant before the hearing is to take place.
- e) Assessments – On Entitlements. Fees shall not be assessed on income or support derived from Medicaid or TANF. Income or support derived from Social Security and Medicare shall be subject to OSG fee assessment unless the funds have been expressly earmarked for another purpose.
- f) ~~Assessments—Hardship and Waiver. No fees shall be assessed if financial hardship to the ward would result. Guardianship fees will be terminated in the month following the death of the ward.~~

(Source: Amended at 44 Ill. Reg. 11800, effective June 30, 2020)

Section 301.50 Collection of Fees

- a) Pay Collection and Liability for Payment – In General. Office of State Guardian shall take reasonable steps to collect fees from parties holding estate funds when fees have been assessed. Liability for fee payment shall be limited to the ward's estate.
- b) Collection of Case Opening Fees. Case opening fees shall be collected by OSG upon the entry of the court's order approving its petition for fees.
- c) Collection of Monthly Guardianship Fees. Monthly fees shall be collected by OSG on a regular basis at the time the fees are assessed, after entry of an order appointing ~~OSG~~Office of State Guardian but only ~~when~~where prior court approval has been obtained to collect the fee on an ongoing basis. The petition for court~~Court~~ approval will be filed~~should be obtained~~ at the earliest reasonable opportunity.

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- d) Collection of Monthly Representative Payee Fees. In all cases which OSG serves as representative payee under programs administered by the Social Security Administration, the Railroad Retirement Board, or similar programs, or serves as protective payee for the receipt of private pension funds, the fee for providing representative payee services shall be in accordance with Social Security Administration and Railroad Retirement Board regulations.
- ~~ed~~) Collection of Fees For Guardianship Petitioning. Fees for guardianship petitioning shall be collected after the entry of the order appointing the guardian or other final disposition of the petition, or at the time of the next or final accounting account.
- ~~fe~~) Collection of Fees for Sale or Management of Property. Fees for the sale or management of a ward's real or personal property shall be incurred collected after the sale is completed, or at the time of the next or final account.
- ~~g~~) Collection of Fees for the Sale of Property. Fees for the sale of a ward's real or personal property shall be collected after the sale is completed.
- ~~hf~~) Collection of Fees for Preparation and Filing of State or Federal Income Tax Returns. Fees for the preparation and filing of a ward's State or federal income tax return shall be assessed at the time of filing of the tax return, for each tax year in which a return is filed, and collected after the tax return is prepared and when ~~prior~~ court approval has been obtained to collect the fee. Court approval should be obtained at the earliest reasonable opportunity.
- ~~ig~~) Collection of Fees for the Settlement of a Personal Injury Cause of Action. Fees for the settlement of a ward's personal injury cause of action shall be collected at the time of the approval of the settlement by the probate court.
- ~~jh~~) Collection of Fees for the Establishment of a Recognized Trust for the Purpose of Protecting or Conserving the Ward's Financial Estate. Fees for establishing a recognized trust for the purpose of conserving a ward's guardianship estate or protecting the ward's assets, and for petitioning the court for the approval of the trust, shall be collected at the time of the approval of the establishment of the trust by the probate court.
- ~~ki~~) Collection – Hardship and Waiver. No fees shall be collected if financial hardship to the ward would result. OSG~~The Office of State Guardian~~ may waive

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or reduce fees assessed if the costs of collection would far exceed the fees due.

- lj) Collection – Impact on Creditors. ~~OSG~~~~The Office of State Guardian~~ may collect fees even when claims of creditors of the ward may be compromised, so long as no financial hardship to the ward or the ward's dependents would result.

(Source: Amended at 44 Ill. Reg. 11800, effective June 30, 2020)

Section 301.60 Fee Schedules

- a) Statutory Authority for Assessment of Fees. The Commission, under Section ~~5(i)705(i)~~ of the GAC Act, is given the power to collect fees for its legal and guardianship services.
- b) Procedure for Changing Fee Schedule. The following fees constitute a base rate as of July 1, 2020. The fees included in this schedule shall automatically increase on the first day of each State fiscal year thereafter in accordance with the increase, if any, in the consumer price index (urban consumers, Chicago Metro Area, as published by the Bureau of Labor Statistics <https://www.bls.gov/cpi/regional-resources.htm>), but in no event more than 5% per year. Any changes in the fees based on CPI changes will be reflected in the Part and will be made available to the public by GAC at <http://gac.illinois.gov>~~No changes will be made in this fee schedule without prior approval by the Commission and submission of its revision pursuant to the Illinois Administrative Procedure Act [5 ILCS 100].~~
- c) Schedule for the Assessment of One-Time Case Opening Fees
- | | |
|--|----------------------------------|
| 1) Guardianship of the Person | \$ 500 300 |
| 2) Guardianship of the Estate | \$ 750 500 |
| 3) Guardianship of the Person and Estate | \$1000 |
- d) Schedule for the Assessment of Monthly Guardianship Services Fees
- | | |
|------------------|----------------------------------|
| 1) Person Cases | \$ 250 150 |
| 2) Estate Cases: | |

ILLINOIS GUARDIANSHIP AND ADVOCACY COMMISSION

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Total Value of Liquid Assets Monthly Fee

\$24,999 and below \$300200

\$25,000 and above Usual, customary and reasonable fees, for public or appointed guardians in the county where the case is filed

25,000 - 49,999 300

50,000 - 99,999 400

100,000 - 249,999 500

250,000 and above 1,000

3) Representative Payee Cases The monthly fee will be in compliance with current Social Securitysocial security and Railroad Retirementrailroad retirement regulations and/or guidelines.

e) Assessment of Guardianship Petitioning Fees \$500

f) Real and Personal Property

1) Assessment of Fees for the Sale of Real Property \$1,000

2) Assessment of Fees for the Management of real propertyReal Property, for property not sold, Property Not Soldshall be limited to costs incurred.

Net Sale Value of Property or Estimated Value Fee Amount

\$ 5,000 - 9,999 \$ 250

10,000 - 19,999 300

20,000 - 29,999 350

30,000 - 39,999 400

40,000 - 49,999 450

ILLINOIS GUARDIANSHIP AND ADVOCACY COMMISSION

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50,000 – 59,999	500
60,000 – 69,999	600
70,000 – 79,999	700
80,000 – 89,999	800
90,000 – 99,999	900
100,000 and above	1,000

3g) Schedule for the Assessment of Fees for the Sale of Personal Property

Net Sale Value of Property or Estimated Value	Fee Amount
\$3,000 – 9,999	\$150
<u>10,000 or above</u>	<u>2% of the net sale value of property</u>
10,000 – 19,999	200
20,000 – 29,999	250
30,000 – 39,999	300
40,000 – 49,999	350
50,000 – 59,999	400
60,000 – 69,999	450
70,000 – 79,999	500
80,000 – 89,999	550
90,000 – 99,999	600
100,000 and above	700

gh) Schedule for the Preparation and Filing of State or Federal Income Tax Returns

- 1) For each federal Income Tax return filed \$100
- 2) For each state Income Tax return filed \$50

ILLINOIS GUARDIANSHIP AND ADVOCACY COMMISSION

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hi) Schedule for the Settlement of a Personal Injury Cause of Action

For each personal injury cause of action
approved by the probate court \$500

ij) Schedule for the Establishment of a Recognized Trust for the Purpose of
Protecting or Conserving the Ward's Financial Estate and Petitioning the Court for
Establishment of the Trust

For each trust approved by the
probate court \$500

(Source: Amended at 44 Ill. Reg. 11800, effective June 30, 2020)

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Cannabis Business Incubator and Sponsorship Programs
- 2) Code Citation: 14 Ill. Adm. Code 651
- 3)

<u>Section Numbers</u> :	<u>Emergency Actions</u> :
651.10	New Section
651.15	New Section
651.20	New Section
651.25	New Section
- 4) Statutory Authority: Implementing the Cannabis Business Incubator and Sponsorship Programs and authorized by the Cannabis Regulation and Tax Act [410 ILCS 705/15-15] and the Department of Commerce and Economic Opportunity Law [20 ILCS 605/605-55].
- 5) Effective Date of Rules: July 2, 2020
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: The Department has not specified an expiration date.
- 7) Date Filed with the Index Department: July 2, 2020
- 8) A statement that a copy of the emergency rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection: The Department maintains a copy of the adopted rule including any reference materials in its principal office in Springfield, Illinois and is available for public inspection.
- 9) Reason for Emergency: PA 101-27 directs the Department to implement an incubator and sponsorship program to support persons that have been disproportionately impacted by the enforcement of cannabis-related laws. These programs are an essential part of the licensing process for early approval applicants. The timely implementation of the incubator and sponsorship programs are essential to the success of Social Equity Applicants, therefore, promoting equity in the legal adult use cannabis industry.
- 10) A Complete Description of the Subjects and Issues Involved: The proposed rules identify the eligibility requirements and process for Early Approval Adult Use Dispensing and Cultivation Organization Licensees participation in the Cannabis Business Incubator and Sponsorship Programs.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

- 11) Are there any other rulemakings pending on this Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805].
- 13) Information and questions regarding these emergency rules shall be directed in writing to:

Jolene Clarke
Rules Administrator
Department of Commerce and Economic Opportunity
500 E. Monroe
Springfield IL 62701

217/557-1820
217/524-3701
jolene.clarke@illinois.gov

The full text of the Emergency Rules begins on the next page:

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 651

CANNABIS BUSINESS INCUBATOR AND SPONSORSHIP PROGRAMS

Section

651.10 Purpose

EMERGENCY

651.15 Definitions

EMERGENCY

651.20 Cannabis Business Incubator Program

EMERGENCY

651.25 Cannabis Business Sponsorship Program

EMERGENCY

AUTHORITY: Implementing the Cannabis Business Incubator and Sponsorship Programs and authorized by the Cannabis Regulation and Tax Act [410 ILCS 705] and the Department of Commerce and Economic Opportunity Law [20 ILCS 605].

SOURCE: Emergency rules adopted at 44 Ill. Reg. 11811, effective July 2, 2020, for a maximum of 150 days.

Section 651.10 Purpose**EMERGENCY**

This Part identifies the eligibility requirements and process for Early Approval Adult Use Dispensing and Cultivation Organization Licensees' participation in the Cannabis Business Incubator and Sponsorship Programs.

Section 651.15 Definitions**EMERGENCY**

The following definitions are applicable to the Cannabis Business Incubator and Sponsorship Programs:

"Act" means the Cannabis Regulation and Tax Act [410 ILCS 705]. Article 15 of the Act authorizes these programs.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

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"Department" means the Illinois Department of Commerce and Economic Opportunity.

"Host" means:

an Early Approval Adult Use Dispensing or Cultivation Organization License holder that provides a loan of at least \$100,000 and provides mentorship to one or more licensees that qualify as Social Equity Applicants; or

a Social Equity Applicant intending to seek a license as part of a Social Equity Inclusion Plan.

"Incubate" means providing direct financial assistance and training necessary to engage in licensed cannabis industry activity similar to that of the host licensee. [410 ILCS 705/15-15(b)(8)(d) and 15-20(d)(4)]

"Loan" means a traditional financial arrangement governed by a written document establishing the terms of repayment and term of that document. Loan, as used in the Cannabis Business Incubator Program, does not include instruments of convertible debt or other forms of financial arrangements differing from that of a traditional loan. Transfers of these loans are prohibited.

"Mentor" means an Early Approval Adult Use Dispensing or Cultivation Organization license holder that participates in the Cannabis Business Sponsorship Program.

"Mentorship" means a mentor providing business guidance in the start-up and operation of a successful cannabis business. Mentorship can include, but is not limited to, offering advice on developing a business plan, cultivating cannabis products, securing real estate, developing a cannabis product supply chain, soliciting investment in cannabis businesses, navigating legal compliance for cannabis businesses, and networking with other participants in the cannabis industry.

"Ownership Interest" means a substantial economic benefit gained by the Early Approval Adult Use Dispensing or Cultivation Organization Licensee from a Social Equity Applicant being incubated or sponsored by the licensee, but not to

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include the payment of fair market value consideration for goods provided by the host.

"Sponsor" means an Early Approval Adult Use Dispensing Organization License holder that enters into a no interest loan agreement with a value of at least \$200,000 to a Social Equity Applicant that intends to seek a license.

**Section 651.20 Cannabis Business Incubator Program
EMERGENCY**

- a) Through the Cannabis Business Incubator Program, the Department may approve hosts that provide the following required services to a Social Equity Applicant intending to seek a license, or a licensee that qualifies as a Social Equity Applicant. All such services shall commence by March 31, 2020 and shall be substantially completed by March 31, 2021. The host shall:
 - 1) agree to provide incubation services to a Social Equity Applicant intending to seek a license, or a licensee that qualified as a Social Equity Applicant for at least one year. Those services shall include mentorship;
 - 2) provide a loan of at least \$100,000, with the loan complying with the following conditions:
 - A) the interest rate shall not exceed 12% and the repayment term shall be no less than 5 years, with the first payment being due no less than one year from the execution of the loan documents. If the host charges fees in connection with the loan, then the annual percentage rate of the loan shall not exceed 12%;
 - B) if the Social Equity Applicant defaults on this loan, no penalties, fees, or costs shall be charged and the borrower's liability shall not exceed the principal balance and accrued interest; and
 - C) securing this loan with a controlling interest in the Social Equity Applicant's license (whether by agreeing to use the license as collateral or requiring a majority equity pledge of the borrower's owners, or by any other mechanism to secure control over a license upon default under the loan) is strictly prohibited;

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

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- 3) in the event the host does not charge interest on the loan, hold no more than a 10% ownership interest in the licensee; and
 - 4) abide by all other statutory restrictions on ownership, including, but not limited to, those expressed in Section 15-30(k) of the Act.
- b) The Department shall review those hosts engaged in the incubation of a Social Equity Applicant intending to seek a license, or a licensee that qualifies as a Social Equity Applicant. Hosts with multiple licenses are allowed to combine the loan maximums of this Section into a lesser number of Social Equity Applicants. For example, a host that possesses 4 licenses may provide a total of \$400,000 in loans to 2 Social Equity Applicants.
- c) Incubation services shall be provided to a Social Equity Applicant engaging in a similar licensed cannabis activity as the host. For example, a medical cannabis dispensing organization that obtains an Early Approval Adult Use Dispensing Organization License shall incubate a Social Equity Applicant that obtains or is seeking to obtain a Conditional Adult Use Dispensing Organization License.
- d) During the term of the incubation services, hosts shall not enter into agreements with Social Equity Applicants in which the host receives payment for the services provided to the Social Equity Applicant, including, but not limited to, legal fees. This prohibition does not include real estate agreements in which the Social Equity Applicant agrees to lease or license space from the host (or an affiliate of the host) at no higher than market rates for cannabis-related business. The term of any lease or license agreement must not exceed the time necessary to complete the incubation services unless the Social Equity Applicant has the option to terminate the lease or license after one year of incubation services without payment of any fee or penalty. Additionally, delinquency on real estate lease or license payments cannot be the sole cause to default on any loan or for any action that would impair the Social Equity Applicant's continued licensure. Once the incubation services are complete, the host shall provide the Department, for 5 years, with documentation of any agreements related to payments for services between the host and incubated business, including, but not limited to, revenue sharing agreements and service contracts. These agreements would result in the host acquiring ownership interest in the incubated business that may trigger the application of the ownership cap. (See Sections 15-36(d) and 20-30(j) of the Act.)

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- e) Hosts are prohibited from charging fees related to loans and services provided through the Cannabis Business Incubator Program.
- f) Hosts shall be required to document all incubation-related services provided to Social Equity Applicants. These records shall detail the hours and types of services provided. Those services include, but are not limited to, mentoring, training, networking, assistance with real estate, and acquisition of financing. Additionally, hosts shall keep records on loans provided to Social Equity Applicants, loan terms, and history of repayment.
- g) The organizational and ownership records must show that the revenue, profits or losses of the Social Equity Applicant are realized by those owners that satisfy the requirements of being a Social Equity Applicant. Contracts that provide for substantial economic benefit of a license to be realized by a third party shall not satisfy the social equity component of the Departmental staff review.
- h) Application Process
 - 1) Applications. Applications will be reviewed on a first-come, first-served basis, when the application is deemed complete in accordance with programmatic and application requirements.
 - 2) Those applications that have been received by the Department and are incomplete shall not be reviewed until a complete application is received. Receipt of an incomplete application will not reserve an applicant's position in the Department's review process.
 - 3) A staff review by the Department will be conducted to determine whether all the required information is contained in the application.
 - 4) The applications shall be reviewed for the presence and totality of the following elements:
 - A) A comprehensive mentoring strategy to provide the incubated organization with assistance with:
 - i) Development of business plans;
 - ii) Marketing;

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- iii) Networking;
 - iv) Security plans;
 - v) Product handling;
 - vi) Design of physical space;
 - vii) Real estate acquisition; and
 - viii) Acquisition of capital beyond the loan, as required by subsection (a)(3).
- B) Loan interest charged.
 - C) Any ongoing assistance to be offered to the Social Equity Applicant beyond the initial year of incubation.
 - D) A schedule of fees and expenses that may be charged as part of the program.
 - E) Any mentoring of Social Equity Applicants that was done prior to application should be reported in detail including any of the comprehensive mentoring strategy components under subsection (h)(4)(A).
- 5) Length of Review. Provided that all the required contents of the application are complete and adequate, the Department will notify the applicant within 45 days after the receipt of the complete application of its preliminary approval or denial.
- i) Preliminarily Approved Incubator Programs; Reporting and Final Approval. Incubator programs that receive preliminary approval shall provide semiannual reports to the Department using the form provided by the Department. These reports shall include descriptions of services rendered to Social Equity Applicants, status of loan repayment, the progress of the incubated Social Equity Applicant in achieving viability, and any other information requested by the Department. The Department will review the report for completeness and to

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verify whether the host has continued to provide the preliminarily approved services. Each satisfactory report will be deemed a verified report. If a host does not submit a report or the Department cannot verify that the preliminarily approved incubator services were provided on a consistent basis throughout the reporting period, the Department may exclude that period (or any appropriate portion of the reporting period) from consideration in determining completion of the 12-month incubator program requirement.

- 1) Incubator programs shall submit two semiannual reports to the Department that will be due on the following dates:
 - A) October 15, 2020; and
 - B) April 15, 2021.
- 2) If a Social Equity Applicant does not complete the Incubator Program, the host shall:
 - A) find another Social Equity Applicant to incubate. If the host chooses this option, time spent incubating Social Equity Applicants shall be aggregated in order to meet the one year program requirement;
 - B) proceed with the Cannabis Business Sponsorship Program; or
 - C) make a contribution of the lesser of either 3% total sales during June 1, 2018 through May 31, 2019 or \$100,000 to either the Cannabis Business Development Fund or to a community college for a cannabis training or education program.
- 3) If a Social Equity Applicant ends its participation in the incubation program after 6 months but before one year, the Department may deem the program complete if the Social Equity Applicant provides the Department with information sufficient to verify that the host was willing to continue the program, that the Social Equity Applicant voluntarily ended its participation and was satisfied with the services being offered, and that the Social Equity Applicant or its principals received no consideration to terminate participation in the program;

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

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- 4) After the second semiannual report has been deemed verified, the Department will issue the host a final approval letter verifying completion of the minimum requirements of the Cannabis Business Incubator Program.
- j) **Records Retention.** Hosts shall retain records relating to the Cannabis Business Incubator Program for 5 years from date of submission of the final quarterly report or from the date of the final approval letter, whichever is later.
- k) **Compliance with Laws; Notice to Department.** Notice of any change in host status or participation in the Cannabis Business Incubator Program shall be sent to the Department in writing within 5 business days after the change takes effect.
- l) **Access to Legal Authorities; Audits.** A host must permit any agent authorized by the Department, the Illinois Department of Agriculture, the Illinois Department of Financial and Professional Regulation, the Illinois Attorney General, the Illinois Auditor General, or any other legal authority, upon presentation of credentials, to have full access to and the right to examine any documents, papers and records of the hosts involving transactions related to the Program. The Department, at its own discretion, may require hosts to submit to an audit of all documentation related to the Cannabis Business Incubator Program, including, but not limited to, all logs of time spent on mentorship activities.

**Section 651.25 Cannabis Business Sponsorship Program
EMERGENCY**

- a) Through the Cannabis Business Sponsorship Program, the Department may approve sponsors that provide the following required services to licensees that qualify as a Social Equity Applicant. The sponsors shall:
 - 1) *participate in the sponsorship program for at least 2 years; and*
 - 2) *provide an interest-free loan of at least \$200,000 to a Social Equity Applicant [410 ILCS 705/15-20 (d)(5)], with a period of disbursement to the Social Equity Applicant over no longer than 2 years. Repayment terms shall be no less than 5 years, with the first payment being due no less than one year from the execution of the loan documents. Loan funds shall be used for day-to-day operating expenses and shall not be used for specialized purposes, including, but not limited to, legal expenses.*

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- b) Ownership Interest. *An Early Approval Adult Use Dispensing Organization Licensee:*
- 1) *shall not take an ownership stake in the Social Equity Applicant [410 ILCS 705/15-15(b)(8)(E)]; or*
 - 2) *that applies for a second site license shall not take more than a 10% ownership stake in any cannabis business establishment receiving sponsorship services for that site. [410 ILCS 705/15-20(d)(5)]*
- c) The restriction on ownership contained in Sections 15-15 and 15-20 of the Act does not prohibit hosts from entering into agreements with Social Equity Applicants in which the sponsor receives payment for the services provided to the Social Equity Applicant. For example, a sponsor may enter into an agreement in which the Social Equity Applicant acquires cannabis product and packaging from the host in exchange for a 2% share of the Social Equity Applicant's revenue that represents a fair market value for products provided. Revenue sharing agreements could lead to a determination of ownership triggering the application of the statutory limit on ownership.
- d) Sponsors with multiple licenses are allowed to combine the loan maximums of this Section to benefit a smaller number of Social Equity Applicants. For example, a sponsor that possesses 3 licenses may choose to combine the maximum loan allowed by this Section for the 3 licenses to provide a total of \$600,000 in loans to one Social Equity Applicant.
- e) Sponsors shall be required to document any support services provided to Social Equity Applicants. These records shall detail the hours and the services. These services include, but are not limited to, mentoring, training, networking, and assistance with real estate and with acquisition of financing. Additionally, sponsors shall keep records on loans provided to Social Equity Applicants, loan terms, and history of repayment.
- 1) This documentation shall be compiled into a final report to be submitted to the Department at the end of the two-year sponsorship program. After review, the Department shall issue a letter verifying the completion of the minimum requirements of the program.

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- 2) All records shall be kept for a period of 5 years after award of the license that triggered the social equity inclusion plan requirement.
- f) Sponsors are prohibited from charging fees for activities undertaken, which may include, but are not limited to, space allocation as a part of the sponsor's Social Equity Plan. Nothing in this Section shall be construed to prohibit the Social Equity Applicant and the sponsor from entering into separate agreements for services-for-fee arrangements outside the Sponsor's Social Equity Plan, but those arrangements shall in no instance be connected to, or required as a part of, the Social Equity Applicant's participation in the Cannabis Business Sponsorship Program.
- g) Application Process
- 1) Applications. Complete formal applications will be reviewed on a first-come, first-served basis, in accordance with programmatic and application requirements.
 - 2) Those applications that have been received by the Department and are incomplete shall not be reviewed until the complete application is received. Receipt of an incomplete application will not reserve an applicant's position in the Department's review process.
 - 3) Staff Review. A staff review by the Department will be conducted to determine whether all the required information is contained in the application.
 - 4) Submission of Required Information
 - A) The applications shall include the following elements:
 - 1) The granting of an interest-free loan to the Social Equity Applicant in the amount of at least \$200,000 for each license sought under Sections 15-15 and 15-20 of the Act.
 - 2) Listing of additional loans provided to Social Equity Applicants, beyond those required by this Section, if any, and interest rates charged on those loans.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

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- 3) Any ongoing assistance to be offered to the Social Equity Applicant beyond the initial year of sponsorship.
- B) Length of Review. Provided that all the required contents of the application are complete and adequate, the Department will notify the applicant, within 45 days after the receipt of the complete application, of its approval or denial.
- h) Access to Legal Authorities; Audits. A sponsor must permit any agent authorized by the Department, the Illinois Department of Agriculture, the Illinois Department of Financial and Professional Regulation, the Illinois Attorney General, the Illinois Auditor General, or any other legal authority, upon presentation of credentials, to have full access to and the right to examine any documents, papers, and records of the sponsors involving transactions related to the Program. The Department, at its own discretion, shall require sponsors to submit to an audit of all documentation related to the Cannabis Business Sponsorship Program, including, but not limited to, all logs of time spent on mentorship activities.
- i) Compliance with Laws; Notice to Department. All activities undertaken under this Section shall be performed in compliance with all applicable laws. Notice of any change in sponsorship status or participation in the Cannabis Business Sponsorship Program shall be sent to the Department in writing within 5 business days after the change takes effect.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program
- 2) Code Citation: 14 Ill. Adm. Code 700
- 3)

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
700.10	New Section
700.20	New Section
700.30	New Section
700.40	New Section
700.50	New Section
700.60	New Section
700.70	New Section
700.80	New Section
700.90	New Section
700.100	New Section
700.110	New Section
- 4) Statutory Authority: Implementing Section 605-1045 and authorized by Sections 605-1045(a), 605-1045(c) of the Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program [20 ILCS 605/605-1045].
- 5) Effective Date of Rules: July 2, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: The Department has not specified an expiration date.
- 7) Date Filed with the Index Department: July 2, 2020
- 8) A statement that a copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection: The Department maintains a copy of the adopted rules including any reference materials in its principal office in Springfield, Illinois and is available for public inspection.
- 9) Reason for Emergency: To provide for the expeditious and timely implementation of the Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program, the General Assembly amended the Illinois Administrative Procedure Act through PA 101-636, Section 3-5, by adding new section 5 ILCS 100/5-45.1, which deems the adoption of emergency rules pursuant to 5 ILCS 100/5-45.1 and PA 101-636, Section 3-

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10 (new 20 ILCS 605/605-1045) necessary in the public interest, safety and welfare. Specifically, the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136, (CARES Act), which funds the Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program, requires that all expenditures be necessary and related to the COVID-19 public health emergency and that the expenditures must be incurred by December 30, 2020.

- 10) A Complete Description of the Subjects and Issues Involved: The rules implement the Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program authorized by PA 101-636, Section 3-10 [20 ILCS 605/605-1045]. The rules provide the administrative framework required for the Department to administer this program which provides financial support to units of local government that have incurred necessary expenditures due to the COVID-19 public health emergency.
- 11) Are there any other rulemakings pending on this Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805].
- 13) Information and questions regarding these emergency rules shall be directed in writing to:

Jolene Clarke
Rules Administrator
Department of Commerce and Economic Opportunity
500 E. Monroe
Springfield IL 62701

217/557-1820
fax: 217/524-3701
jolene.clarke@illinois.gov

The full text of the Emergency Rules begins on the next page:

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 700

LOCAL CORONAVIRUS URGENT REMEDIATION EMERGENCY
(OR LOCAL CURE) SUPPORT PROGRAM

Section

700.10 Purpose

EMERGENCY

700.20 Definitions

EMERGENCY

700.30 GATA Requirements

EMERGENCY

700.40 Allocation Eligibility Requirements

EMERGENCY

700.50 Restrictions on the Use of Program Funds

EMERGENCY

700.60 Eligible and Ineligible Costs for Incurred Expenses

EMERGENCY

700.70 Third Party Administrator

EMERGENCY

700.80 Allocations to Units of Local Government

EMERGENCY

700.90 Certification Process for Allocations Based on Proportionate Population

EMERGENCY

700.100 Process for Reimbursement Requests Under Section 700.80(c)

EMERGENCY

700.110 Monitoring and Records Retention

EMERGENCY

AUTHORITY: Implementing Section 605-1045 and authorized by Sections 605-1045(a), 605-1045(c) of the Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program [20 ILCS 605/605-1045].

SOURCE: Emergency rules adopted at 44 Ill. Reg. 11824, effective July 2, 2020, for a maximum of 150 days.

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NOTICE OF EMERGENCY RULES

**Section 700.10 Purpose
EMERGENCY**

The purpose of the Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program is to *administer federal funds from the Coronavirus Relief Fund provided to the State pursuant to section 5001 of the federal CARES Act to provide financial support to units of local government for purposes authorized by section 5001 of the CARES Act and related federal guidance and any subsequent guidance issued by the U.S. Department of the Treasury. Upon receipt of such funds, and appropriations for their use, the Department shall administer a program to provide financial support to units of local government that have incurred necessary expenditures due to the COVID-19 public health emergency.* [20 ILCS 605/605-1045(a)].

**Section 700.20 Definitions
EMERGENCY**

The following definitions are applicable to the Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program:

"CARES Act" means the Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136).

"Certified Public Health Department" means a unit of local government, which is a local public health department certified by the Illinois Department of Public Health.

"COVID-19" means the novel coronavirus disease deemed COVID-19 by the World Health Organization on February 11, 2020 [20 ILCS 605/605-1045(d)(1)].

"Department" means the Department of Commerce and Economic Opportunity.

"Disproportionately Impacted Area" means those ZIP Codes most severely affected by the COVID-19 Crisis, to be determined based on positive COVID-19 case per capita rates, and high rates in at least one of the following poverty-related categories relative to other ZIP Codes within their region:

share of population consisting of children age 6 to 17 in households with income less than 125% of the federal poverty level;

share of population consisting of adults over age 64 in households with

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income less than 200% of the federal poverty level;

share of population in household with income less than 150% of the federal poverty level; and

share of population consisting of children ages 5 and under in households with income less than 185% of the federal poverty level.

The Department, using the criteria above, may determine different eligibility thresholds when allocating funding for the Allotment Tiers.

"GATA" means the Grant Accountability and Transparency Act [30 ILCS 708].

"GATA Rule" means 44 Ill. Adm. Code 7000.

"Incurred expenses" means services were performed for or goods were received by units of local government to respond directly to the public health emergency with respect to COVID-19.

"LGDF formula" means the Local Government Distributive Formula established by the Illinois Department of Revenue.

"Local CURE Program" means the Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program.

"Local government" or "unit of local government" means any unit of local government as defined in Article VII, Section 1 of the Illinois Constitution [20 ILCS 605/605-1045(d)(2)].

"Local Health Protection Grant Program Formula" means the formula established by the Illinois Department of Public Health (see 77 Ill. Adm. Code 615.210).

"Substantially dedicated use" means the payroll expenses for employees whose services were focused on mitigating or responding to the COVID public health emergency. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to COVID. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously

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unbudgeted functions substantially dedicated to mitigating or responding to COVID are also included.

"Third party administrator" means a service provider selected by the Department to provide operational assistance with the administration of the Local CURE Program [20 ILCS 605/605-1045(d)(3)].

**Section 700.30 GATA Requirements
EMERGENCY**

- a) The Department will be excepted from the following Grant Accountability and Transparency Act [30 ILCS 708] requirements:
 - 1) The Department will not be required to issue a notice of funding opportunity (NOFO);
 - 2) Applications will not be subject to a merit-based review process;
 - 3) In lieu of the uniform grant agreement, the Department will utilize a certification form for the units of local government to complete in order to receive funding.

- b) The Department and units of local government must still comply with the following GATA requirements:
 - 1) Local CURE Program payments are considered "other financial assistance" under 2 CFR 200.40(a)(6).
 - 2) The Department shall create a CSFA entry on the GATA portal for the disbursement of the Local CURE Program funds and shall record on the GATA portal the payments made to units of local government.
 - 3) Local CURE Program payments made to units of local government are considered to be federal financial assistance subject to the Single Audit Act (31 USC 7501-7507) and the related provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200): 2 CFR 200.303 regarding internal controls; 2 CFR 200.330 through 200.332 regarding subrecipient monitoring and management; subpart E regarding cost eligibility

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requirements; and subpart F regarding audit requirements.

- 4) Units of local government must have a current registration on SAM.gov to receive a reimbursement payment. Units of local government do not need to register or be pre-qualified in the GATA Grantee Portal.
- 5) Units of local government may not use funds received under the Local CURE Program to pay an entity that is listed on the federal or state debarred and suspended list.

**Section 700.40 Allocation Eligibility Requirements
EMERGENCY**

Local governments are eligible for Local CURE Program allocations under this Part if they meet the following criteria:

- a) The unit of local government is within the State of Illinois, except that units of local government, or portions thereof, located within the five Illinois counties that received direct allotments from the CARES Act fund will not be included in the Local CURE Program; and
- b) The unit of local government incurred necessary expenses due to the COVID-19 public health emergency.

**Section 700.50 Restrictions on the Use of Program Funds
EMERGENCY**

- a) The Local CURE Program expenditures must follow the requirements of the CARES Act. Accordingly, payments to units of local government under the Local CURE program may only be used to cover costs that:
 - 1) Are necessary expenditures incurred due to the public health emergency with respect to COVID-19;
 - 2) Were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the unit of local government; and
 - 3) Were incurred during the period that begins on March 1, 2020 and ends

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December 30, 2020.

- b) The Department reserves the right to reduce the period of allowable costs to units of local government to meet the CARES Act spending deadline of December 30, 2020. The deadline can be extended by the Department if the CARES Act is amended and authorizes a subsequent deadline or the U.S. Department of the Treasury guidance is amended at a later date.

**Section 700.60 Eligible and Ineligible Costs for Incurred Expenses
EMERGENCY**

- a) Eligible incurred expenses include the following five categories of costs and meet the criteria established in Section 700.50, which establishes the restrictions on use of Local CURE Program funds:
- 1) Medical expenses, including but not limited to: expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, costs of providing COVID-19 testing, and emergency medical response expenses;
 - 2) Public health expenses, including but not limited to: expenses for communication and enforcement by local governments of public health orders related to COVID-19;
 - 3) Payroll expenses for public safety, public health, health care, human services, and similar employees whose services were substantially dedicated to mitigating or responding to COVID-19;
 - 4) Expenses for actions taken to facilitate compliance with COVID-19 related public health measures;
 - 5) Any other COVID-19 related expenses reasonably necessary to the function of government that satisfy the Local CURE Program eligibility criteria. Local governments must document how expenses are related to COVID-19.
- b) Ineligible costs for incurred expenses by local governments include the following and do not meet the criteria established in Section 700.50:

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- 1) Governmental revenue shortfall replacement;
- 2) Damages covered by insurance;
- 3) Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency;
- 4) Expenses associated with the provision of economic support in connection with COVID-19; and
- 5) Reimbursement to donors for donated items or services;
- 6) Workforce bonuses other than hazard pay or overtime;
- 7) Severance pay;
- 8) Legal settlements;
- 9) Indirect costs or administrative costs; and
- 10) Incurred expenses that have been or will be reimbursed through another State or federal funding opportunity.

**Section 700.70 Third Party Administrator
EMERGENCY**

The Department may enter into agreements with one or more third party administrators to provide operational assistance with the administration of the Local CURE Program, including, but not limited to, reviewing documentation submitted and recommending approval of financial support payments to local governments and providing technical assistance to local governments.

**Section 700.80 Allocations to Units of Local Government
EMERGENCY**

- a) A portion of the funds (80%) appropriated for the Local CURE Program will be allotted to municipalities and counties based on proportionate population. In consultation with the Illinois Department of Revenue, the method of distribution for this allotment will be utilizing the LGDF formula.

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- b) A portion of the funds (5%) appropriated for the Local CURE Program will be allotted to Certified Local Public Health Departments based on the Illinois Department of Public Health's State Fiscal Year 2020 Local Health Protection Grant program formula that is based on proportionate population and poverty rates within the jurisdiction.
- c) A portion of the funds (8%) appropriated for the Local CURE Program will be allotted for units of local government eligible to receive financial support under this Part, that do not qualify for an allotment under subsection (a) or (b). These units of local government can apply for reimbursement for eligible Local CURE Program expenses up to an amount of county allotment set by the Department, based on funding availability. The Department will allot funds on per capita basis by county, applications will be submitted for pro rata share with preference going to units of local government located or serving a disproportionately impacted area. Units of local government that qualify for an allotment under subsection (a) or (b) cannot receive an additional allotment under this subsection (c).
- d) Funding allotments assigned or requested by units of local government under subsections (a), (b) and (c), but for which reimbursement has not been sought by November 1, 2020, may be forfeited, and additional funding distributed to other local governments under subsection (e). This deadline for reimbursement requests can be extended by the Department if the CARES Act is amended and authorizes a subsequent deadline or the U.S. Department of the Treasury guidance is amended later. The Local CURE Program allotments described in this Section 700.80 are contingent upon and subject to the availability of sufficient appropriated funds. On or after November 1, 2020, the Department is provided discretion to adjust allotments and distributions to units of local government based on the best interests of the State.
- e) Any funds forfeited by units of local government pursuant to subsection (d), plus a portion of the funds (7%) appropriated for the Local CURE Program, will be reserved by the Department for:
 - 1) distribution among units of local government based on the demonstrated needs of the units of local government; and
 - 2) costs of the Department associated with the administration of the Local CURE Program, including the third party administrator contract fee.

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Local CURE Program funds that have not been claimed by a unit of local government, other than as set forth in subsection (a), (b), or (c), will be reallocated based on the needs of the State and the Department will notify units of local government of any redistribution.

Section 700.90 Certification Process for Allocations Based on Proportionate Population EMERGENCY

- a) Eligible units of local government, as defined in this Part, will be notified by the Department or third party administrator regarding the maximum allotment based on proportionate population, as described in Section 700.80(a) and (b). If the Department decides, based on the best interest of the State, to distribute funds described in Section 700.80(e) using a proportionate population formula, the Department and units of local government shall follow the process set forth in this Section 700.90 to submit a certification and request funds. A unit of local government does not need to register or be pre-qualified with the GATA Grantee Portal.
- b) Notification of Allotment
 - 1) The notification of allotment will contain a certification form for the unit of local government to complete which will require the entity to certify, among other things, that as a recipient of financial support under the Local CURE Program, the unit of local government shall:
 - A) use the funds in accordance with the requirements of the Local CURE Program;
 - B) provide access to financial records in accordance with audit and record retention requirements;
 - C) only request reimbursement for expenses related to the COVID-19 public health emergency;
 - D) repay to the Department any funds received but not used for the purposes of the Local CURE Program;

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- E) not seek reimbursement for incurred expenses, as more fully described in Section 700.50, that have been or will be reimbursed through another State or federal funding opportunity;
 - F) comply with all applicable federal and State laws and rules;
 - G) include Local CURE funding in the applicable financial statement and/or audit of the unit of local government;
 - H) not seek reimbursement for costs paid to an entity on the federal and state debarred and suspended list; and
 - I) state whether it intends to spend the full allotment.
- 2) Units of local government may also be required to complete additional documents required by the State to disburse funds.
- c) Completed certification materials must be signed by the unit of local government's authorized representative and received by the Department, or the Department's authorized third party administrator, by the certification submission deadline to be set by the Department.
- d) Funds will be paid on a reimbursement basis for eligible costs incurred by units of local government. After the unit of local government submits its completed certification to the Department or the third party administrator, the unit of local government may request funds up to the amount of the stated allotment provided in the notification. To request funds, the unit of local government must submit to the Department or third-party administrator:
- 1) a report certifying the costs, as required by 2 CFR 200.415, and providing the categories set forth in Section 700.60(a) for which reimbursement is sought and the amounts within each category;
 - 2) support documents for the incurred expenses to demonstrate that the costs meet the eligible expense requirements;
 - 3) proof of payment of the expenses;

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- 4) documentation regarding how expenses are necessary and related to COVID-19.
- e) The Department or third party administrator will review the documents submitted to ensure the costs are allowed by the Local CURE Program and within the assigned allocation. If the costs submitted are approved, the Department will then process the reimbursement request and disburse funds to the unit of local government pursuant to State procedures.
- f) By November 1, 2020, all units of local government must submit all reimbursement requests not to exceed the formula amount within the certification. The deadline can be extended by the Department if the CARES Act is amended and authorizes a subsequent deadline or the U.S. Department of the Treasury guidance is amended later.
- g) All Local CURE Program funds which were allotted but unclaimed after November 1, 2020, may be reallocated to other units of local government based on need. The deadline can be extended by the Department if the CARES Act is amended and authorizes a subsequent deadline or the U.S. Department of the Treasury guidance is amended later.
- h) All requests for allotment will be processed, and vouchers issued by the Department and/or the third party administrator on or before December 30, 2020. The deadline can be extended by the Department if the CARES Act is amended and authorizes a subsequent deadline or the U.S. Department of the Treasury guidance is amended later.
- i) The Department is provided the discretion to modify the process described herein as needed to implement the Local CURE Program.

**Section 700.100 Process for Reimbursement Requests Under Section 700.80(c)
EMERGENCY**

- a) For units of local government that are applying for Local CURE Program funds pursuant to Section 700.80(c), the Department will announce funding availability and application procedures on its website as funding becomes available. An application must be completed, signed by the unit of local government's authorized representative and received by the Department or its third party administrator by the required deadline to be set by the Department.

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- b) Units of local government chosen to receive funds shall sign a certification which will contain a certification which will require the entity to certify, among other things, that as a recipient of financial support under the Local CURE Program, the unit of local government shall:
- 1) use the funds in accordance with the requirements of the Local CURE Program;
 - 2) only request reimbursement for expenses related to the COVID-19 public health emergency;
 - 3) repay to the Department any funds received but not used for the purposes of the Local CURE Program;
 - 4) not seek reimbursement for incurred expenses, as more fully described in Section 700.50, that have been or will be reimbursed through another State or federal funding opportunity;
 - 5) provide access to financial records in accordance with audit and record retention requirements; include Local CURE funding in the applicable financial statement and/or audit of the unit of local government;
 - 6) not seek reimbursement for costs paid to an entity on the federal and state debarred and suspended list; and
 - 7) comply with all applicable federal and State laws and rules.
- c) In addition to the certification, the unit of local government must submit to the Department or third-party administrator:
- 1) a report certifying the costs as required by 2 CFR 200.415, detailing the categories set forth in Section 700.60(a) for which reimbursement is sought, and the amounts within each category;
 - 2) support documents for the incurred expenses, and in compliance with Section 700.60, which will demonstrate that the costs meet the eligible expense requirements;

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- 3) proof of payment of the expenses for which reimbursement is sought; and
 - 4) documentation regarding how expenses are necessary and related to COVID-19.
- d) The Department or third party administrator will review the reimbursement request and documents submitted to ensure the costs are allowed by the Local CURE Program and within the maximum allowable amount. The Department will then process the reimbursement of costs submitted that are eligible under Section 700.60(a) and disburse funds to the unit of local government pursuant to State procedures.
 - e) All applications for reimbursement will be processed, and vouchers issued by the Department and/or the third party administrator on or before December 30, 2020 in accordance with Section 700.80(c). The deadline can be extended by the Department if the CARES Act is amended and authorizes a subsequent deadline or the U.S. Department of the Treasury guidance is amended later.
 - f) If the Department decides, based on the best interest of the State, to distribute funds described in Section 700.80(e) using a process similar to the requirements of Section 700.80(c), the Department and units of local government shall follow the process set forth in this Section 700.100 to apply for and request funds.
 - g) The Department has the discretion to modify the process described herein as needed to implement the Local CURE Program. The Local CURE Program applications described are contingent upon and subject to the availability of sufficient appropriated funds.

**Section 700.110 Monitoring and Records Retention
EMERGENCY**

- a) The Department or a third party administrator will conduct monitoring of the Local CURE Program to ensure funds were spent in accordance with the Local CURE Program statute and these administrative rules.
- b) Units of local government shall provide, upon the Department's request, documents and information relevant to any applications and funds received pursuant to the Local CURE Program. The Department and/or its agents may make site visits as warranted.

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- c) The Department reserves the right to seek a refund from the unit of local government if it finds the unit of local government made a false or fraudulent claim for funds or the funds were spent on ineligible expenses. The Department also may seek a refund from a unit of local government if the federal government or the Department finds that the unit of local government did not properly spend the funds or was reimbursed for ineligible costs under Sections 700.50 and 700.60, or costs that were reimbursed through another federal or State program.
- d) Units of local government that request or receive funds under the Local CURE program shall maintain for three (3) years from the date of submission of the final request for reimbursement, adequate books, all financial records and supporting documents, statistical records and all other records pertinent to the Local CURE Program. If any litigation, claim or audit is started before the expiration of the retention period, the records must be retained until all litigation, claims or audit exceptions involving the records have been resolved and final action taken.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Claimant's Availability for Work, Ability to Work and Active Search for Work
- 2) Code Citation: 56 Ill. Adm. Code 2865
- 3)

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
2865.210	Amendment
2865.215	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 409, 500, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405].
- 5) Effective Date of Rules: July 6, 2020
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: These rules will not expire before the end of the 150 day period.
- 7) Date Filed with the Index Department: July 6, 2020
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Given the COVID-19 pandemic and the increased unemployment rate, Extended Benefits have triggered "on" in Illinois, and this rule modification provides flexibility in the additional, more stringent work search requirements for Extended Benefits as many individuals are temporarily unemployed due to a business's temporary closure or loss of work and will likely return to their former employment. This flexibility is provided for in federal law in response to the pandemic.
- 10) A Complete Description of the Subjects and Issues Involved: The "systematic and sustained" and "prospects not good" work search requirements should not be applicable when unemployment is at an unprecedented level as a result of the COVID-19 pandemic and many individuals will likely return to their former employment when the pandemic subsides. These rules are being amended to remove these more stringent requirements while an individual will be collecting Extended Benefits during the pandemic.
- 11) Are there any other rulemakings to this Part Pending? Yes

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<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
2865.100	Amendment	44 Ill. Reg. 5176; March 27, 2020
2865.105	Amendment	44 Ill. Reg. 5176; March 27, 2020
2865.110	Amendment	44 Ill. Reg. 5176, March 27, 2020

- 12) Statement of Statewide Policy Objective: This rulemaking neither creates nor expands a State mandate.
- 13) Information and questions regarding these emergency rules shall be directed to:

Kevin Lovellette, Chief Legal Counsel
Illinois Department of Employment Security
33 South State Street – Room 930
Chicago IL 60603

312/793-1224
fax: 312/793-5645
Kevin.Lovellette@illinois.gov

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER f: ELIGIBILITY FOR BENEFITS

PART 2865

CLAIMANT'S AVAILABILITY FOR WORK, ABILITY TO WORK
AND ACTIVE SEARCH FOR WORK

SUBPART A: GENERAL PROVISIONS

Section

- 2865.1 Definitions
- 2865.50 Union Registration in Satisfaction of Active Search Provisions
- 2865.55 Requirements For Union Local Certification
- 2865.60 Procedures for Approval as a Certified Union

SUBPART B: REGULAR BENEFITS

Section

- 2865.100 Work Search Requirements for Regular Unemployment Insurance Benefits
- EMERGENCY
- 2865.105 Able to Work
- EMERGENCY
- 2865.110 Available for Work
- EMERGENCY
- 2865.115 Actively Seeking Work
- 2865.120 Suitability Of Work – Labor Standards
- 2865.125 Availability for Part-Time Work Only
- 2865.130 Director's Approval of Training
- 2865.135 Availability For Work And Active Search For Work: Attendance At Training Courses
- 2865.140 Regular Attendance in Approved Training
- 2865.145 Ineligibility to Receive Benefits for Failure to Participate in Reemployment Services
- 2865.150 Profiling/Referral to Reemployment Services

SUBPART C: EXTENDED BENEFITS

Section

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2865.205 Applicability of Rules for Eligibility for Regular Benefits

2865.210 Systematic and Sustained Search for Work

EMERGENCY

2865.215 When an Individual's Prospects for Finding Work Shall Be Deemed To Be Good

EMERGENCY

AUTHORITY: Implementing and authorized by Sections 409, 500, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405].

SOURCE: Adopted at 10 Ill. Reg. 11887, effective July 1, 1986; amended at 14 Ill. Reg. 18466, effective November 5, 1990; amended at 17 Ill. Reg. 17917, effective October 4, 1993; amended at 18 Ill. Reg. 4160, effective March 3, 1994; emergency amendment at 18 Ill. Reg. 17764, effective November 28, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 6555, effective April 28, 1995; amended at 29 Ill. Reg. 1927, effective January 24, 2005; amended at 33 Ill. Reg. 9675, effective August 1, 2009; amended at 35 Ill. Reg. 6154, effective March 25, 2011; amended at 43 Ill. Reg. 6522, effective May 14, 2019; emergency amendment at 44 Ill. Reg. 5458, effective March 13, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 11787, effective July 1, 2020; emergency amendment at 44 Ill. Reg. 11840, effective July 6, 2020, for a maximum of 150 days.

SUBPART C: EXTENDED BENEFITS

Section 2865.210 Systematic and Sustained Search for Work

EMERGENCY

- a) An individual shall be deemed to have made a systematic and sustained search for work if he or she can present the tangible evidence, described in subsection (b), to the local unemployment office that he or she was engaged in such an effort to find work during a week of unemployment.
- b) The tangible evidence required by subsection (a) shall consist of, but not be limited to, all of the following:
 - 1) A showing that the individual persistently reviewed the newspaper advertisements for work and made an effort to contact the employers placing the advertisements, on each working day during every week for which he or she is applying for extended benefits;
 - 2) A showing that the individual actually made significant (at least five per

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week) personal contacts with prospective employers and applied for work on at least three working days during each week for which he or she is applying for extended benefits;

- 3) A showing that he or she had been frequently contacting his or her union hall for information regarding work prospects, if applicable; and
 - 4) Registration with the State Employment Service.
- c) If the failure to make a showing of sustained and systematic job search on a particular day or days by the means indicated in subsection (b) is due to attending interviews, taking tests and/or physical examinations or commuting from one place to another to search for work or engaging in any other similar undertaking, he or she shall not be determined to have failed to meet the requirements of subsection (a) for that particular day or days.
- d) This Section shall not apply to weeks beginning on or after March 7, 1993 and before January 1, 1995.
- e) This Section shall not apply to weeks beginning on or after May 17, 2020, with respect to individuals whose unemployment is directly impacted by COVID-19. The provisions of this subsection (e) are applicable to the extent permitted by section 4102(b) of the Families First Coronavirus Response Act (P.L. 116-127, Division D, Emergency Unemployment Insurance Stabilization and Access Act of 2020 (EUISAA)).

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 11840, effective July 6, 2020, for a maximum of 150 days)

Section 2865.215 When an Individual's Prospects for Finding Work Shall Be Deemed To Be Good

EMERGENCY

- a) An individual filing for extended benefits who has a definite date to return to work for a former employer or who has a bona fide offer of work to begin within four weeks shall be classified as having good prospects for returning to work in his or her customary occupation. This means that, should this individual refuse an offer of work, that refusal shall be adjudicated pursuant to Section 603 of the Act and Section 409K3(c)(iii) shall not apply to this individual.

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- b) Whether an individual's prospects of finding work in his or her customary occupation are good shall be determined at the time that he or she files his or her initial claim for extended benefits. However, the classification shall be included in any determination of refusal of work under Section 409K3(c) of the Act, and at the time, shall be subject to review.

EXAMPLE: An individual files a claim for extended benefits and reports that he will return to his former employer on March 31. He does not return to work for his former employer on March 31 and then refuses an offer of work on April 14. This refusal of work shall be adjudicated in accordance with the provisions of Section 409K3(c) because the individual's prospects of returning to his customary occupation were not good because he did not return to work for his former employer as scheduled.

- c) If the claimant does not start work on the designated date, then his or her prospects of finding work in his or her customary occupation shall no longer be considered good.
- d) The individual must provide the name, address and starting date of employment for any employer whom the individual claims as a basis for having his or her prospects of finding work in his or her customary occupation found to be good.
- e) An individual can also show that his or her prospects of finding work in his or her customary occupation are good by showing that he or she was recently employed in his or her customary occupation, that he or she recently completed training in that occupation or that new opportunities for employment in his or her customary occupation recently became available.
- f) This Section shall not apply to weeks beginning on or after March 7, 1993 and before January 1, 1995.
- g) This Section shall not apply to weeks beginning on or after May 17, 2020, with respect to individuals whose unemployment is directly impacted by COVID-19. The provisions of this subsection (g) are applicable to the extent permitted by section 4102(b) of the Families First Coronavirus Response Act (P.L. 116-127, Division D, Emergency Unemployment Insurance Stabilization and Access Act of 2020 (EUISAA)).

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(Source: Amended by emergency rulemaking at 44 Ill. Reg. 11840, effective July 6, 2020, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: WIC Vendor Management Code
- 2) Code Citation: 77 Ill. Adm. Code 672
- 3)

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
672.100	Amendment
672.425	Amendment
- 4) Statutory Authority: Implementing and authorized by the WIC Vendor Management Act [410 ILCS 255].
- 5) Effective Date of Emergency Rules: July 1, 2020
- 6) If the emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date Filed with the Index Department: July 1, 2020
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The Vendor Management (VM) Code states that WIC Participants, Proxies or Department Representatives may select any WIC Foods in stock at the Vendor Site for their use. During the change to an Electronics Benefit Transfer (EBT) system from a paper check based system, some pharmacy chains indicated to the Illinois WIC Program that their multi-state integrated point of sale (POS) system would only allow infant formula to be redeemed. Terminating those pharmacies from the WIC Program would place an unreasonable burden on WIC clients who need pharmacies to obtain both regular infant formula, but also medically necessary special formulas. This rulemaking allows a Pharmacy-only Vendors to be exempt from providing foods that are not infant formula a WIC participant, proxy or Department Representative when presenting an EBT card for WIC benefits. This rule is proposed as an emergency because it addresses a threat to public interest, including the safety and welfare of the citizens of Illinois.
- 10) A Complete Description of the Subject and Issues Involved: The Vendor Management (VM) Code states that WIC Participants, Proxies or Department Representatives may select any WIC Foods in stock at the Vendor Site for their use. During the change to an

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Electronics Benefit Transfer (EBT) system from a paper check based system, some pharmacy chains indicated to the Illinois WIC Program that their multi-state integrated point of sale (POS) system would only allow infant formula to be redeemed. This rulemaking allows a Pharmacy-only Vendors to be exempt from providing foods that are not infant formula a WIC participant, proxy or Department Representative when presenting an EBT card for WIC benefits. It also adds definitions for Illinois EBT, eWIC, and Pharmacy-only Vendor.

- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding these emergency rules shall be directed to: Interested persons may present their comments concerning these emergency rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Bldg., 3rd Floor
Springfield IL 62762

217/785-9772

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER i: MATERNAL AND CHILD HEALTH

PART 672
WIC VENDOR MANAGEMENT CODE

SUBPART A: GENERAL PROVISIONS

Section
672.100 Definitions
EMERGENCY
672.105 Incorporated and Referenced Materials
672.110 Purpose
672.115 Application of These Rules

SUBPART B: WIC VENDOR APPLICATION AND AUTHORIZATION PROCESS

Section
672.200 Geographic Distribution and Number of Vendors
672.205 Application Procedures
672.210 Authorization Criteria and Procedures
672.215 WIC Food List and Quantities
672.220 Criteria for Denial of Authorization
672.225 Denial of Authorization

SUBPART C: WIC VENDOR EDUCATION

Section
672.300 Initial WIC Retail Training by the Department
672.305 Initial WIC Retail Training by a Vendor
672.310 Annual WIC Retail Training Program
672.315 Compliance Training Workshop (Repealed)

SUBPART D: WIC VENDOR AUTHORIZATION AND RESPONSIBILITIES

Section
672.400 Authorization
672.405 WIC Vendor Contract Requirement

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- 672.410 Expiration of WIC Vendor Authorization and Contract
- 672.415 Food Instrument Processing
- 672.420 Specifications for Rejection of Food Instruments
- 672.425 WIC Retail Vendor Responsibilities

EMERGENCY

- 672.430 Payment Obligation
- 672.435 Conflict of Interest
- 672.440 Unlawful Discrimination
- 672.445 Amendments Resulting From a Change in Statute or Regulation
- 672.450 Assignment or Transfer
- 672.455 Civil Law Suits
- 672.460 Voluntary Withdrawal from the WIC Vendor Contract
- 672.465 Notices

SUBPART E: WIC VENDOR COMPLIANCE AND SANCTIONS

Section

- 672.500 Compliance Monitoring Inspections
- 672.505 Federally Mandated Vendor Sanctions
- 672.510 State Agency Vendor Sanctions
- 672.515 Vendor Rights Regarding Notice and Appeal
- 672.520 Breach of Contract
- 672.525 Notice of Violation (Repealed)

SUBPART F: RULES OF PRACTICE AND PROCEDURES IN
ILLINOIS WIC RETAIL VENDOR ADMINISTRATIVE HEARINGS

Section

- 672.600 Hearings
- 672.605 Parties to Hearings (Repealed)
- 672.610 Appearance and Representation of a Party
- 672.615 Commencement of an Action (Repealed)
- 672.620 Motions (Repealed)
- 672.625 Discovery (Repealed)
- 672.630 Form of Papers (Repealed)
- 672.635 Service (Repealed)
- 672.640 Pre-Hearing Conferences (Repealed)
- 672.645 Conduct of Hearings (Repealed)
- 672.650 Subpoenas (Repealed)

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- 672.655 Burden of Proof (Repealed)
672.660 Administrative Law Judge's Report and Final Decision (Repealed)
672.665 Records of Proceedings (Repealed)
672.670 Miscellaneous (Repealed)

672.APPENDIX A Illinois Regional Map

AUTHORITY: Implementing and authorized by the WIC Vendor Management Act [410 ILCS 255].

SOURCE: Adopted at 14 Ill. Reg. 19984, effective December 1, 1990; amended at 16 Ill. Reg. 17734, effective December 15, 1992; amended at 18 Ill. Reg. 2450, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 13125, effective August 12, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 606, effective January 9, 1995; amended at 19 Ill. Reg. 16086, effective November 20, 1995; amended at 21 Ill. Reg. 3960, effective March 15, 1997; recodified from the Department of Public Health to the Department of Human Services at 21 Ill. Reg. 9323; emergency amendment at 22 Ill. Reg. 3127, effective January 22, 1998, for a maximum of 150 days; emergency expired on June 20, 1998; amended at 22 Ill. Reg. 18960, effective October 1, 1998; emergency amendment at 23 Ill. Reg. 4553, effective April 2, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10843, effective August 23, 1999; amended at 24 Ill. Reg. 7509, effective May 1, 2000; amended at 26 Ill. Reg. 15001, effective October 1, 2002; peremptory amendment at 30 Ill. Reg. 14602, effective September 1, 2006; emergency amendment at 44 Ill. Reg. 11847, effective July 1, 2020, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 672.100 Definitions**EMERGENCY**

"Act" means the WIC Vendor Management Act [410 ILCS 255].

"Administrative Law Judge" means any person appointed by the Secretary to preside at an Administrative Hearing.

"Applicant" means the individual, partnership, limited partnership, unincorporated association, limited liability company, or corporation applying to be a WIC Retail Vendor.

"Application" means the application forms and other required materials submitted

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by a Business Entity to notify the Department that the Business Entity desires to become a WIC Retail Vendor.

"Approved Source" means a wholesaler, retailer or manufacturer of infant formula listed by the Department as an approved purchase point for infant formula.

"Authorization" means the approval of an Applicant who has met the WIC Vendor criteria and possesses a properly executed, valid WIC Vendor Contract as a WIC Retail Vendor.

"Business Entity" means the retail business which an Applicant or authorized WIC Vendor operates at a particular Vendor Site.

"Corporate Officer" means the identity of the officer of a Corporation as set forth in its Articles of Incorporation as filed with the Secretary of State wherein such entity is incorporated.

"CSFP" means the Commodity Supplemental Food Program which is a Federal food assistance program through which the Department or its Representative provide U.S. Government commodities to low-income women, infants and children and eligible elderly.

"Department" means the Illinois Department of Human Services. (Section 3(a) of the Act)

"Department Estimated Cost" means estimated prices based on indicators including wholesale prices for WIC foods and the self reported Vendor prices on the Vendor Retail Price Survey, which are averaged and weighted by Store Type and Region.

"Department Representative" or "Representative of the Department" means an employee or authorized agent of the Department.

["EBT" means Electronic Benefit Transfer and is a benefit distribution system that uses electronic funds transfer.](#)

"Education Visit/Visit" means a survey of an applicant/Vendor site where the monitor and the designated store representative review the criteria for authorization as a retail WIC Vendor.

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"Expired Food" means WIC approved infant formula available to WIC Participants on a store shelf which exceeds the stamped date printed on the food item labeled as "use before" date, printed on the item.

"Fifty Percent Vendor" means any vendor that makes more than half of its Food Stamp eligible sales from the transaction of WIC food instruments.

"Fine" means an amount of money imposed as a penalty.

"Food Instrument" or "FI" means a negotiable voucher issued by a Local Agency that specifies the quantity, size and type of authorized foods available to a WIC Participant within a designated time period, which can subsequently be taken to a Vendor in exchange for the specified quantities of food.

"Food Stamp Eligible Sales" means revenue from food that may legally be purchased with the Food Stamp Link Card.

"Food Voucher" means Food Instrument.

"Grocery Store" means a fixed and permanent retail store whose primary business is the sale of food.

"IAPA" means the Illinois Administrative Procedure Act [5 ILCS 100].

["Illinois eWIC" means a card with a magnetic strip that contains WIC food benefits for a WIC household to purchase WIC-approved foods at authorized WIC Retail Vendors using EBT.](#)

"Illinois WIC Retail Food Delivery System" means the system in which Participants obtain WIC foods by submitting a Food Voucher to a WIC Retail Vendor.

"Invalid Vendor" is a rejection label which means a Food Instrument deposited or mailed by a Vendor which has been encoded and rejected by the Department's contract bank for the following reasons: the Food Instrument has not been stamped with the Vendor Number, the Vendor Number is unauthorized, unreadable, not in the space indicated, or a counterfeit Vendor Stamp is used. Typed or handwritten numbers shall not be accepted.

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"Limited Liability Company" means a company organized and existing under the Limited Liability Company Act [805 ILCS 180].

"Local Agency" means a public or private, non-profit health or human services agency which provides health services, either directly or through contract, in accordance with the USDA WIC Regulations, the Act, or this Part.

"Minimum Supply of WIC Foods" means the Department published list of the minimum required quantities, sizes, and types of WIC Foods which must be maintained in stock at all times by a Vendor.

"Participant" means authorized pregnant women, breast feeding women, postpartum women, infants or children who are receiving supplemental foods or Food Instruments under the WIC Program.

"Participant Access" means the determination by the Department as to the availability of authorized Vendors within a geographic area.

"Participant/Vendor Ratio" means the total number of WIC Participants redeeming Food Instruments through WIC Retail Vendors in a given region divided by the total number of WIC Retail Vendors in the same region.

"Pharmacy" means any store, shop, department, or other place, at a fixed and permanent location, having the capability to dispense and sell or offer for sale at retail value by a licensed pharmacist drugs, medicines, poisons, and liquid foods, prescribed for an individual by dentists, veterinarians, and physicians licensed to practice medicine in all its branches.

"Pharmacy-only Vendor" means any free-standing Pharmacy that has been authorized by the Department to accept Illinois eWIC as a WIC Retail Vendor and to provide only infant formula and medical food to WIC Participants, Proxies of WIC Participants or Department Representatives.

"Posted Shelf Price" means the displayed price of WIC Foods charged to the general public, identifying the price of the specific WIC Food item including any sales price or discounts. When no price is posted, the Posted Shelf Price shall be deemed to be the average price for a particular food item based on the Retail Vendor Price Survey for stores of like size and location.

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"Probation" means a period of time during which the Vendor will be under increased scrutiny by the Department.

"Proxy" means a person who is authorized by the Local Agency and the WIC Participant to accept and/or redeem Food Instruments on a participant's behalf.

"Region" means a geographic area in the State of Illinois which is identified by specific boundaries determined by the Department. (See Section 672.Appendix A.)

"Retail Vendor Price Survey" means the current prices, reported to the Department, by a Vendor or a Department Representative, as charges for WIC Foods.

"Secretary" means the Secretary of the Illinois Department of Human Services or designee.

"Store Type" means the classification of WIC Retail Vendors by the number of active customer check-out lanes/cash registers. One or two lanes is a type 1 Vendor Site. Three or four lanes is a type 2 Vendor Site. Five to seven lanes is type 3 Vendor Site. Eight or more lanes is a type 4 Vendor Site. A Pharmacy is a type 5 Vendor Site and a WIC Food Center is a type 6 Vendor Site.

"USDA" means the United States Department of Agriculture.

"USDA WIC Regulations" means the Regulations of the United States Department of Agriculture, Food and Consumer Service, Special Supplemental Nutrition Program for Women, Infants, and Children (7 CFR 246 (1999)).

"Vendor" or "WIC Retail Vendor" means the individual, partnership, limited partnership, unincorporated association, limited liability company, or corporation authorized by the Department to accept Food Instruments and to provide supplemental food to WIC Participants, Proxies of WIC Participants or Department Representatives.

"Vendor Number" means the number assigned to an authorized Vendor by the Department for validating Food Instruments.

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"Vendor Site" means a fixed and permanent location, operating as a Business Entity, listed in the WIC Vendor Application, which has been authorized by the Department for purposes of delivery of WIC Foods to WIC Participants or the Proxy of a WIC Participant.

"Vendor Stamp" means the stamp provided to a Vendor by the Department for validating Food Instruments.

"Violation" means an infringement of Federal or State rules or statutes or local laws.

"WIC Food Centers" are WIC food distribution sites through which the Department or its Representative provide the direct distribution of WIC foods.

"WIC Food List" means the published list of the State of Illinois authorized WIC Foods.

"WIC Foods" means those competitively priced foods which have been placed on the WIC Food List, which have been determined by the Department to be nutritionally qualified for the WIC Program in the State of Illinois.

"WIC Participant Identification Card" means the card issued by a Local Agency to a Participant for purposes of the WIC Program.

"WIC Retail Vendor Contract or WIC Vendor Agreement" means an agreement signed by the WIC Retail Vendor and the Department for the provision of WIC Foods to Participants, the Proxies of WIC Participants or Department Representatives. A valid WIC Retail Vendor Contract is binding only between the Department and the officer, partner or sole proprietor who originally signed the Vendor Application. It authorizes the contractor to operate as a WIC Vendor.

"Women, Infants and Children Nutrition Program" and "WIC" mean the Federal Special Supplemental Nutrition Program for Women, Infants and Children authorized by Section 17 of the Child Nutrition Act of 1966, as amended (42 USC 1786). (Section 3(a) of the Act)

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 11847, effective July 1, 2020, for a maximum of 150 days)

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SUBPART D: WIC VENDOR AUTHORIZATION AND RESPONSIBILITIES

Section 672.425 WIC Retail Vendor Responsibilities**EMERGENCY**

- a) The Vendor shall monitor the WIC Foods approved by the USDA and shall furnish only the prescribed quantities, types and brands of food specified on the Food Instrument. Pharmacies or drug stores shall be exempt from the minimum stock requirements of those foods that are not in the infant package. However, these establishments must have the ability to supply special formula in the necessary quantities upon request within 24 hours.
- b) The Vendor shall accept Food Instruments only within the time limits indicated on the Food Instruments and shall not receive payment for Food Instruments submitted before the "First Day to Use" or after the "Last Day to Use".
- c) The Vendor shall be responsible for payment and replacement of a lost, stolen or destroyed Vendor Number Stamp.
- d) The Vendor shall display the price of WIC Foods, charged to the general public, in clear view of customers, identifying the price of the specific WIC Food item.
- e) The Vendor shall provide WIC Foods to Participants, Proxies or Department Representatives at the same price or less than the price charged to non-WIC customers.
- f) The Vendor shall accept Food Instruments only from WIC Participants, Proxies or Department Representatives who present a WIC Participant Identification Card.
- g) The Vendor shall not issue a WIC Participant, Proxy or Department Representative any document (e.g., rain check) purporting to give the WIC Participant, Proxy or Department Representative the right to buy a WIC Food item or non-WIC Food item after the Food Instrument is signed by the Participant, Proxy or Department Representative. The Vendor shall not exchange any WIC Food item under any circumstances.
- h) The Vendor shall charge the Department sale prices. The value of coupons and discounts shall be deducted from the price charged to the Department. The Participant, Proxy or Department Representative shall not be given cash for the

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difference.

- i) The Vendor shall participate in an annual WIC training program as specified in Section 672.310.
- j) The Vendor shall be responsible for all Food Instruments accepted and processed for payment by current and former employees at the Vendor Site. The Vendor shall also be responsible for the accuracy of any information submitted to the Department by such employees. The Vendor shall be responsible for reviewing Food Instruments which have been accepted to make certain that the total cost does not exceed the posted shelf prices or the prices charged to non-WIC customers.
- k) The Vendor shall abide by the USDA WIC Regulations, the Act, and this Part.
- l) The Vendor and his Business Entity shall be subject to review by the Department or USDA for the time period covering any present or previous Authorization. Documents to be maintained by the Vendor shall include but not be limited to:
 - 1) Original purchase order, including purchase order date; and
 - 2) Original vendor invoices, showing date, showing date received, revealing description of items received, showing vendor model or item number, listing stock keeping unit identification number of item received (if different than the vendor unit ID number), listing quantity received by item, identifying item unit costs, furnishing item cost extension (item cost multiplied by item quantity received), and showing initials of employee receiving and counting inventory on behalf of store. The Vendor shall maintain all records of purchases, gross sales receipts, and invoices of all WIC and non-WIC Foods for a period not less than 3 years. The original of such records shall be made available to the Department or USDA upon reasonable request. The Vendor shall also provide the Department and USDA the opportunity to inspect all Food Instruments located at the Vendor Site or under the control of the Vendor.
- m) The Vendor shall respond truthfully and accurately to Department initiated requests for Retail Vendor Price Surveys, verification of ownership of the Business Entity or Vendor Site, proof of WIC and non-WIC purchases and sales, and proof of the volume of alcoholic beverage sales. Such responses shall be in

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writing and be provided within 15 calendar days after receipt of the Department's request.

- n) The Vendor shall maintain all refrigerated areas at temperature of 40 degrees F or below.
- o) The Vendor shall not exchange Food Instruments for any form of currency, or other items of value, nor provide the Participant, Proxy or Department Representative with any amount of currency or coin as change from a partial WIC Food transaction.
- p) The Vendor shall not seek restitution from WIC Participants, Proxies or Department Representatives for Food Instruments not paid by the Department or fines levied by the Department, a financial institution or the Department's contract bank. The Vendor shall not seek or receive restitution from the Department for monetary penalties for rejected Food Instruments.
- q) The Vendor shall not charge sales taxes for WIC Foods, as the Department is exempt from such tax under tax number E9984-0987-03.
- r) The Vendor shall reimburse the Department for any Food Instruments redeemed in violation of the USDA WIC Regulations, the Act, this Part or the WIC Vendor Contract.
- s) Neither Authorization as a WIC Vendor nor the WIC Vendor Contract constitutes employment between the Vendor and the Department as a State employee or provides eligibility for any employee benefits provided by the State of Illinois.
- t) The Vendor shall offer the same courtesies to WIC Participants, Proxies or Department Representatives as offered to other customers.
- u) When material information included in the Vendor's Application changes, the Vendor, by Certified Mail, shall notify the Department in writing, within 30 calendar days.
- v) The Vendor shall not deny a Participant, Proxy or Department Representative any WIC Foods indicated on the Food Instrument that the Vendor has in stock. When the WIC Participant, Proxy or Department Representative presents an Illinois eWIC card for WIC benefits, a pharmacy or drug store designated as a Pharmacy-

DEPARTMENT OF HUMAN SERVICES

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only Vendor shall be exempt from providing foods that are not infant formula or medical food.

- w) Neither the Vendor, nor his employee, shall require that a Participant, Proxy or Department Representative exchange their selection of WIC Foods because the WIC Foods selected exceed the maximum value of the Food Instrument. Nor shall the Vendor request or accept any remuneration for the difference between the Participant selected WIC Foods and the maximum value of the Food Instrument.
- x) The vendor shall allow WIC Participants, Proxies or Department Representatives freedom to select any WIC Foods in stock at the Vendor Site, unless the WIC Participant, Proxy or Department Representative presents an Illinois eWIC card for WIC benefits at a pharmacy or drug store designated as a Pharmacy-only Vendor, then that pharmacy or drug store shall be exempt from providing foods that are not infant formula or medical food.
- y) The Vendor shall not maintain in shelf stock any WIC Foods that meet the definition of "Expired Food". (See Section 672.100.)
- z) The Vendor shall not accept for payment or credit an unsigned Food Instrument.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 11847, effective July 1, 2020, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Developmental Disabilities Services
- 2) Code Citation: 89 Ill. Adm. Code 144
- 3) Section Number: 144.30 Emergency Action: Amendment
- 4) Statutory Authority: Implementing Section 18.2 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/18.2] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].
- 5) Effective Date of Emergency Rule: July 1, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date Filed with the Index Department: July 1, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rulemaking is being done to bring the rule in compliance with PA 101-636 which requires the Department to adopt rules, including emergency rules, to implement the relevant provisions of PA 101-636. The adoption of this emergency rule is deemed to be necessary for the public interest, safety and welfare.
- 10) A Complete Description of the Subject and Issues: This emergency rulemaking is being done to bring the rule in compliance with PA 101-636. Pursuant to PA 101-636, and subject to federal approval, providers of community-based services and supports to individuals with developmental disabilities will increase wages for non-executive staff by \$1.00 per hour effective July 1, 2020 with at least 80 cents per hour of those funds to be provided for a direct increase to non-executive staff wages, with priority given to direct care staff; and by \$0.50 per hour, effective January 1, 2021, with at least 40 cents per hour of those funds to be provided for a direct increase to non-executive staff wages, with priority given to direct care staff.

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- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding this emergency rule shall be directed to:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Bldg., 3rd Floor
Springfield IL 62762

217/785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendment begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: MEDICAL PROGRAMSPART 144
DEVELOPMENTAL DISABILITIES SERVICES

Section

144.1	Incorporation By Reference
144.5	Determination of Program (Active Treatment) Costs
144.25	ICF/MR Service Criteria
144.30	Developmental Disability Provider Rate Adjustments
<u>EMERGENCY</u>	
144.50	Inspection of Care and Rate Setting Appeal Process
144.75	Comprehensive Functional Assessments and Reassessments (Repealed)
144.100	Exceptional Care Needs of Clients with Developmental Disabilities
144.102	High Medical/High Personal Care Needs of Individuals with Developmental Disabilities
144.105	Individual Program Plan (IPP) (Repealed)
144.125	Specialized Care – Behavior Development Programs
144.150	Specialized Care – Health and Sensory Disabilities
144.160	Base Nursing in Facilities Licensed as ICF/DD-16s including Small Scale (4 and 6 bed) ICF/DD-16s
144.165	Medication Administration in Facilities Licensed as ICF/DD-16s including Small Scale Residential Facilities (4 and 6 beds) ICF/DD-16s
144.175	Functional Needs
144.200	Service Needs – Medical Care (Repealed)
144.205	Service Needs – Medical and Therapy Services (Repealed)
144.225	Individual Rights (Repealed)
144.230	Reconciliation of Resident Funds
144.250	Discharge Planning/Maximum Growth Potential Plan (Repealed)
144.275	Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities
144.300	Reimbursement for Program (Active Treatment) Costs in Small Scale Residential Facilities (4 and 6 bed) ICF/DD-16s
144.325	Capital Rate Calculation
144.TABLE A	Overview of Staff Intensity Scale of Maladaptive Behaviors

DEPARTMENT OF HUMAN SERVICES

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144.TABLE B	Staff Intensity Scale
144.TABLE C	IPP Outcomes (Repealed)
144.TABLE D	Guidelines for Determining Levels of Functioning
144.TABLE E	Standardized Adaptive Functional Assessment

AUTHORITY: Implementing Section 18.2 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/18.2] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

SOURCE: Adopted at 14 Ill. Reg. 4166, effective March 9, 1990; Section 144.275 recodified from 89 Ill. Adm. Code 146.225 at 14 Ill. Reg. 7651; amended at 14 Ill. Reg. 17988, effective October 29, 1990; amended at 15 Ill. Reg. 14084, effective September 24, 1991; emergency amendment at 15 Ill. Reg. 16148, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3497, effective February 28, 1992; amended at 16 Ill. Reg. 5898, effective March 20, 1992; amended at 17 Ill. Reg. 8478, effective June 1, 1993; amended at 17 Ill. Reg. 11480, effective July 16, 1993; emergency amendment at 17 Ill. Reg. 15126, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; emergency amendment repealed at 17 Ill. Reg. 22582, effective December 20, 1993; emergency amendment at 18 Ill. Reg. 11314, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16619, effective October 27, 1994; amended at 19 Ill. Reg. 2890, effective February 22, 1995; amended at 19 Ill. Reg. 7906, effective June 5, 1995; amended at 20 Ill. Reg. 6916, effective May 6, 1996; emergency amendment at 20 Ill. Reg. 7426, effective May 24, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9072, effective June 28, 1996; amended at 20 Ill. Reg. 11326, effective August 1, 1996; amended at 20 Ill. Reg. 12465, effective August 30, 1996; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 9287, effective May 15, 1998; amended at 23 Ill. Reg. 932, effective January 6, 1999; emergency amendment at 24 Ill. Reg. 6431, effective March 31, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13404, effective August 18, 2000; emergency amendment at 34 Ill. Reg. 16983, effective November 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 4005, effective February 23, 2011; emergency amendment at 40 Ill. Reg. 7855, effective May 13, 2016, for a maximum of 150 days; amended at 40 Ill. Reg. 13016, effective August 26, 2016; emergency amendment at 40 Ill. Reg. 14366, effective October 7, 2016, for a maximum of 150 days; emergency amendment to emergency rule at 40 Ill. Reg. 15181, effective October 19, 2016, for the remainder of the 150 days; amended at 41 Ill. Reg. 2950, effective February 24, 2017; emergency amendment at 43 Ill. Reg. 7649, effective July 1, 2019, for a maximum of 150 days; amended at 43 Ill. Reg. 14116, effective November 20, 2019; emergency amendment at 44 Ill. Reg. 11861, effective July 1, 2020, for a maximum of 150 days.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

Section 144.30 Developmental Disability Provider Rate Adjustments
EMERGENCY

- a) Adjustments in FY 18 and FY 19
Pursuant to PA 100-23 and PA 100-587, providers of services to individuals with developmental disabilities shall ensure that all wages earned by front-line direct care personnel are at least \$1.25 per hour higher than those wages that existed on July 31, 2017.
- b) Adjustments in FY 20
Pursuant to PA 101-10, rates established for providers of services to individuals with developmental disabilities effective July 1, 2019 shall be increased 3.5 percent above rates in effect on June 30, 2019, subject to federal approval. Providers shall determine whether to allocate the entirety or a portion of the 3.5 percent to the wages of direct care staff.
- c) Adjustments in FY 21
Pursuant to Public Act 101-0636 and subject to federal approval of the increases, providers of community-based services and supports to individuals with developmental disabilities shall increase wages for non-executive staff as follows:
- 1) Effective July 1, 2020, by \$1.00 per hour, with at least eighty (80) cents per hour of those funds to be provided for a direct increase to non-executive staff wages, with priority given to direct care staff; and
 - 2) Effective January 1, 2021, by \$0.50 per hour, with at least forty (40) cents per hour of those funds to be provided for a direct increase to non-executive staff wages, with priority given to direct care staff.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 11861, effective July 1, 2020, for a maximum of 150 days)

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NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: General Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1200
- 3) Section Number: 1200.20 Emergency Action: Amendment
- 4) Statutory Authority: Section 5-45(b) of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100/5-45(b)] confers rulemaking authority upon a covered agency if the agency finds that an emergency exists requiring adoption of a rule upon fewer days than is required for general rulemaking under Section 5-40 of the IAPA. Section 5-45(a) of the IAPA [5 ILCS 100/5-45(a)] defines an "emergency" as "any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare". As described in item 9 below, the present COVID-19 outbreak has created a situation in which the present inability of the Illinois Labor Relations Board (Board) and parties before the Board to serve documents by e-mail threatens the public interest, safety, and welfare.
- 5) Effective Date of Rule: July 6, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: The emergency amendment will expire at the end of the 150-day period or upon adoption of permanent rules, whichever comes first.
- 7) Date Filed with the Index Department: July 6, 2020
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Illinois Labor Relations Board's principal office and is available for public inspection.
- 9) Reason for Emergency: Because of COVID-19, many municipal offices and labor organization offices are closed or have reduced hours. As a result, there is no way to ensure that mail sent by the Board is actually being received by the parties to Board proceedings. E-mail is a way of serving documents that can be received anywhere with assurance of delivery.

Additionally, this rule will enable a reduction in needed trips to the post office by Board employees, agents of public employers, agents of labor organizations, and other interested parties. This reduction will, in turn, lessen the number of physical objects

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changing hands that can provide vectors for disease transmission. In this way, the proposed rulemaking will promote public health goals during the COVID-19 outbreak.

- 10) A Complete Description of the Subjects and Issues Involved: Section 10-75 of the Administrative Procedure Act (IAPA) [5 ILCS 100/10-75] permits an agency to establish requirements for serving certain notices via e-mail. It authorizes an agency to require any attorney representing a party to a hearing, and any person to the extent they are subject to licensure, permitting or regulation by the agency, to accept service of documents by e-mail. Section 10-75 applies to all administrative proceedings under Section 10-25 (contested cases) and 10-50 (decisions and orders) of the IAPA.

In conformity with Section 10-75 of the IAPA, the emergency rulemaking amends Section 1200.20 to authorize e-mail service by the Board.

- 11) Are there any other rulemakings pending to this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 13) Information and questions regarding this rulemaking shall be directed to:

Illinois Labor Relations Board
160 N. LaSalle St. Ste. 400
Chicago IL 60601

312/793-6380
Anna.Hamburg-Gal@Illinois.gov

The full text of the Emergency Amendment begins on the next page:

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER IV: ILLINOIS LABOR RELATIONS BOARDPART 1200
GENERAL PROCEDURES

Section

1200.3	General Statement of Purpose
1200.5	Board Information and Business Hours
1200.7	Board Meetings
1200.10	Definitions
1200.20	Filing and Service of Documents
<u>EMERGENCY</u>	
1200.30	Computation and Extensions of Time
1200.40	Authority of Administrative Law Judges
1200.45	Motions
1200.50	Recording of Hearings and Payment of Court Reporting Services
1200.60	Closing Arguments and Briefs Before An Administrative Law Judge
1200.70	Representation of Parties
1200.80	Ex Parte Communications
1200.90	Subpoenas
1200.100	Transfer of Jurisdiction
1200.105	Consolidation of Proceedings
1200.110	Amicus Curiae Briefs (Repealed)
1200.120	Voluntary Settlement or Adjustment of Disputes
1200.130	Rules of Evidence
1200.135	Appeals Procedures, Board Review and Court Review
1200.140	Briefs
1200.143	Declaratory Rulings
1200.145	Filing of Contracts
1200.150	Conflicts of Interest
1200.160	Variances and Suspensions of Rules
1200.170	Board Member Meeting Attendance by Means other than Physical Presence

AUTHORITY: Implementing and authorized by the Illinois Public Labor Relations Act [5 ILCS 315].

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NOTICE OF EMERGENCY AMENDMENT

SOURCE: Emergency rule adopted at 8 Ill. Reg. 17314, effective September 11, 1984, for a maximum of 150 days; adopted at 9 Ill. Reg. 1846, effective January 25, 1985; amended at 11 Ill. Reg. 6428, effective March 27, 1987; amended at 12 Ill. Reg. 20096, effective November 18, 1988; amended at 14 Ill. Reg. 19896, effective November 30, 1990; amended at 17 Ill. Reg. 15588, effective September 13, 1993; amended at 20 Ill. Reg. 7391, effective May 10, 1996; amended at 27 Ill. Reg. 7365, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 15557, effective September 22, 2003, for a maximum of 150 days; emergency amendment expired February 18, 2004; amended at 28 Ill. Reg. 4166, effective February 19, 2004; emergency amendment at 28 Ill. Reg. 7540, effective May 12, 2004, for a maximum of 150 days; emergency expired October 8, 2004; amended at 28 Ill. Reg. 15154, effective November 1, 2004; emergency amendment at 37 Ill. Reg. 5897, effective April 22, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 14064, effective August 23, 2013; amended at 37 Ill. Reg. 20637, effective December 13, 2013; emergency amendment at 39 Ill. Reg. 10641, effective July 15, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 15803, effective November 25, 2015; amended at 40 Ill. Reg. 10892, effective August 1, 2016; expedited correction at 41 Ill. Reg. 4520, effective August 1, 2016; amended at 41 Ill. Reg. 6566, effective May 26, 2017; emergency amendment at 44 Ill. Reg. 11866, effective July 6, 2020, for a maximum of 150 days.

Section 1200.20 Filing and Service of Documents**EMERGENCY**

- a) All documents may be filed in either the Board's Springfield or Chicago office.
- b) Whenever this Part or 80 Ill. Adm. Code 1210, 1220 or 1230 requires that a document be on a form developed by the Board, the document may be prepared on a form obtained either from a Board office or from the Board's website. Minor deviations in the form of a document shall not be grounds for objecting to the document. Minor deviations are those concerning form rather than substance that do not prejudice the other parties to a proceeding.
- c) Documents may be filed by any of the following methods:
 - 1) By actual delivery of documents to the Board;
 - 2) By first class, registered or certified United States mail or by commercial parcel delivery company; or
 - 3) By email, to the Board's designated email address for electronic filing, provided that any and all attachments are in Microsoft Word format (.doc)

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY AMENDMENT

or .docx) or in Portable Document Form (.pdf). The Board may direct parties to provide hard copies of documents filed by e-mail.

- d) All petitions and intervening claims filed in representation proceedings, and all amendments to those documents, shall be served on the appropriate parties by the Board by certified mail, ~~or~~ by regular mail accompanied by affidavit or certificate of service, or by email in accordance with subsection (h).
- e) All documents, except those listed in subsection (d), shall be served by the party filing the document on all other parties to the proceedings. The following documents shall not be subject to this requirement:
 - 1) position statements and evidence submitted to the Board in the course of any investigation of an unfair labor practice charge;
 - 2) position statements and evidence submitted to the Board in the course of any investigation of an objection to an election;
 - 3) showing of interest evidence described in Section 1210.80; and
 - 4) evidence of majority support referenced in Section 1210.160(c).
- f) When a party is represented in a proceeding before the Board, service shall be on the party's representative. When a party is not represented, service shall be on the party. The document shall not be considered properly served unless accompanied by proof of service. Proof of service shall consist of a written statement, signed by the party effecting service, detailing the name of the party served and the date and manner of service.
- g) In all matters, a document shall be considered filed with the Board on the date that it is:
 - 1) postmarked;
 - 2) tendered to a delivery service;
 - 3) transmitted by e-mail, in accordance with Section 1200.20(c)(3); or
 - 4) received before the close of the Board's business hours by personal

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delivery in either of the Board's offices.

h) Service by Email in Contested Board Proceedings

- 1) "Documents issued by the Board in connection with a Board proceeding" include complaints, notices of hearing, Executive Director dismissals, hearing orders, recommended decisions and orders, and Board decisions and orders. Documents issued by the Board in connection with a Board proceeding may be served by email in lieu of other methods of service specified in this Part.
- 2) Any attorney representing a party to a proceeding or other party representative shall provide the Board with at least one email address as required by Section 1200.70 and shall accept service by email at that address. A party represented by an attorney may provide the email address of the attorney.
- 3) The Board will request that unrepresented parties to a Board proceeding consent to accept service by email of documents issued by the Board in connection with that Board proceeding by designating an email address at which they will accept service.
- 4) Any person or entity providing such an email address shall update that email address if it is changed. Any person or entity who regularly practices before the Board shall verify that email address on an annual basis.
- 5) Any person or entity who submits an email address under this Section may designate up to two additional secondary email addresses at which the person or entity consents to accept service. The Board shall serve the documents to both the designated primary and secondary email addresses.
- 6) The Board will not serve by email any documents that contain the following:
 - A) a Social Security or individual taxpayer identification number;
 - B) a driver's license number;

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- C) a financial account number;
 - D) a debit or credit card number;
 - E) any other information that could reasonably be deemed personal, proprietary, confidential, or trade secret information; or
 - F) any information about or concerning a minor.
- 7) Service by email is deemed complete on the day of transmission. The Board shall confirm delivery by requesting an automated delivery receipt from the recipient. If the Board does not receive a delivery receipt, the Board shall contact the intended recipient and request an email confirmation that the recipient has received the document. If the Board is unable to obtain written confirmation that the recipient has received the document, the Board shall serve the document by other means.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 11866, effective July 6, 2020, for a maximum of 150 days)

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NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Unfair Labor Practice Proceedings
- 2) Code Citation: 80 Ill. Adm. Code 1220
- 3) Section Number: 1220.20 Emergency Action: Amendment
- 4) Statutory Authority: Section 5-45(b) of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100/5-45(b)] confers rulemaking authority upon a covered agency if the agency finds that an emergency exists requiring adoption of a rule upon fewer days than is required for general rulemaking under Section 5-40 of the IAPA. Section 5-45(a) of the IAPA [5 ILCS 100/5-45(a)] defines an "emergency" as "any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare". As described in item 9 below, the present COVID-19 outbreak has created a situation in which the present inability of charging parties to serve their charges by e-mail threatens the public interest, safety, and welfare.
- 5) Effective Date of Rule: July 6, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: The emergency amendment will expire at the end of the 150-day period or upon adoption of permanent rules, whichever comes first.
- 7) Date Filed with the Index Department: July 6, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Illinois Labor Relations Board's principal office and is available for public inspection.
- 9) Reason for Emergency: Because of COVID-19, many municipal offices and labor organization offices are closed or have reduced hours. As a result, there is no way to ensure that a charge sent by a charging party to a respondent in an unfair labor practice proceeding is actually being received. E-mail is a way of serving documents that can be received anywhere with assurance of delivery.

Additionally, this rule will enable a reduction in needed trips to the post office by charging parties. This reduction will, in turn, lessen the number of physical objects changing hands that can provide vectors for disease transmission. In this way, the proposed rulemaking will promote public health goals during the COVID-19 outbreak.

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- 10) A Complete Description of the Subjects and Issues Involved: The emergency rulemaking amends Section 1220.20 to authorize e-mail service of a charge by the charging party upon a respondent, with the respondent's permission.
- 11) Are there any other rulemakings pending to this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 13) Information and questions regarding this emergency rule shall be directed to:

Illinois Labor Relations Board
160 N. LaSalle St. Ste. 400
Chicago IL 60601

312/793-6380
Anna.Hamburg-Gal@Illinois.gov

The full text of the Emergency Amendment begins on the next page:

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER IV: ILLINOIS LABOR RELATIONS BOARDPART 1220
UNFAIR LABOR PRACTICE PROCEEDINGS

Section

1220.10 General Statement of Purpose

1220.20 Filing of a Charge

EMERGENCY

1220.30 Appointment of Counsel (Renumbered)

1220.40 Charge Processing and Investigation, Complaints and Responses

1220.50 Hearings

1220.60 Consideration by the Board (Repealed)

1220.65 Deferral to Arbitration

1220.70 Requests for Preliminary Relief

1220.80 Compliance Procedures

1220.90 Sanctions

1220.100 Unfair Labor Practice Charges Involving Fair Share Fees

1220.105 Appointment of Counsel

1220.TABLE A "Adjusted Income" Standards for Appointment of Counsel in Unfair Labor Practice Cases

AUTHORITY: Implementing Sections 10 and 11 of the Illinois Public Labor Relations Act [5 ILCS 315].

SOURCE: Emergency rule adopted at 8 Ill. Reg. 16043, effective August 22, 1984, for a maximum of 150 days; adopted at 9 Ill. Reg. 1898, effective January 25, 1985; amended at 11 Ill. Reg. 6481, effective March 27, 1987; amended at 12 Ill. Reg. 20122, effective November 18, 1988; amended at 14 Ill. Reg. 19959, effective November 30, 1990; amended at 17 Ill. Reg. 15628, effective September 13, 1993; amended at 20 Ill. Reg. 7415, effective May 10, 1996; amended at 27 Ill. Reg. 7436, effective May 1, 2003; emergency amendment at 44 Ill. Reg. 11873, effective July 6, 2020, for a maximum of 150 days.

Section 1220.20 Filing of a ChargeEMERGENCY

ILLINOIS LABOR RELATIONS BOARD

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- a) An unfair labor practice charge may be filed with the Board by an employer, a labor organization, or an employee.
- b) Unfair labor practice charges shall be on a form developed by the Board, shall be signed by the charging party, and shall contain:
 - 1) the name, address, telephone number and affiliation, if any, of the charging party;
 - 2) the name, address, telephone number and affiliation, if any, of the respondent;
 - 3) the name, address and telephone number of the charging party's representative;
 - 4) a clear and complete statement of facts supporting the alleged unfair labor practice, including dates, times and places of occurrence of each particular act alleged, and the Sections of the Act alleged to have been violated;
 - 5) a statement as to whether a grievance concerning the same, similar or related issue as the charge is pending; and
 - 6) a statement of the relief sought, provided that the statement shall not limit the Board's ability to award relief based on the record.
- c) The charging party shall serve a copy of the charge upon the respondent. Service may be made personally, or by registered mail, certified mail, regular mail, or private delivery service. With the permission of the person receiving the charge, service may be made by fax transmission, [by email](#), or by any other agreed-upon method. The Board shall serve a courtesy copy of the charge upon the respondent, but timely service of a copy of the charge within the meaning of Section 11(a) of the Act is the exclusive responsibility of the charging party and not of the Board.
- d) Unfair labor practice charges must be filed with the Board and served on the respondent no later than 6 months after the alleged unfair labor practice occurred.
- e) Before the Executive Director issues a complaint for hearing or dismissal, the charging party may amend its unfair labor practice charge. Filing, service, and

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proof of service of an amended charge shall be made in accordance with 80 Ill. Adm. Code 1200.20.

- f) The charging party may withdraw an unfair labor practice charge. If the charge is pending at the investigative or hearing stage, the charging party may write a letter to the Executive Director, requesting that the charge be withdrawn. Upon receipt of the request, the Executive Director will grant or deny the request for withdrawal of the charge. If the charge is pending before the Board, the charging party may write a letter to the General Counsel requesting the charge be withdrawn. Upon receipt of the request, the General Counsel will grant or deny the request for withdrawal of the charge.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 11873, effective July 6, 2020, for a maximum of 150 days)

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Merit Commission
- 2) Code Citation: 80 Ill. Adm. Code 50
- 3) Section Number: 50.150 Emergency Action:
New Section
- 4) Statutory Authority: Implementing and authorized by Sections 8-9a of the Secretary of State Merit Employment Code [15 ILCS 310] and PA 101-640.
- 5) Effective Date of Emergency Rule: June 30, 2020
- 6) If this emergency rule will expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of 150 days or the date on which the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038 issued on March 9, 2020, terminates, as extended, whichever occurs first.
- 7) Date Filed with the Index Department: June 30, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: As the COVID-19 pandemic evolves, the Secretary of State continues to review its processes and procedures, as well as emergency rules that have been previously filed, to ensure the needs of the Agency and the public are best met. Revised emergency rules in accordance with recent PA 101-640 are being filed.
- 10) A Complete Description of the Subject and Issues Involved: This new Section authorizes the Secretary of State to extend for the duration of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038 issued on March 9, 2020, as extended, and for a period of 90 days thereafter the time for holding hearings pursuant to Section 9 of the Secretary of State Merit Employment Code.
- 11) Are there any other rulemakings to this Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

- 13) Information and questions regarding this emergency rule shall be directed to:

Brenda Glahn
Senior Legal Advisor
298 Howlett Building
Springfield IL 62756

blgahn@ilsos.gov

The full text of the Emergency Amendment begins on the next page:

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER II: SECRETARY OF STATE MERIT COMMISSIONPART 50
MERIT COMMISSION

Section

50.10	Meetings of the Merit Commission
50.20	Classification Plan
50.30	Personnel Rules
50.40	Jurisdiction B Exemptions
50.50	Orders of Compliance
50.60	Disciplinary Hearings and Demotions
50.70	Geographical Transfers
50.80	Allocation Appeals
50.90	Layoff Appeals
50.100	Personnel Code and Personnel Rule Violations
50.110	Record of Hearings and General Procedural Rules
50.120	Authority of the Hearing Officer
50.130	Authority of Commission Over Hearing Officer
50.140	Administrative Review
50.150	Extension of Hearing Dates

[EMERGENCY](#)

AUTHORITY: Implementing and authorized by Sections 8-9a of the Secretary of State Merit Employment Code [15 ILCS 310].

SOURCE: Filed September 15, 1977; amended at 7 Ill. Reg. 17496, effective January 1, 1984; amended at 8 Ill. Reg. 1988, effective February 10, 1984; codified at 8 Ill. Reg. 15000; amended at 11 Ill. Reg. 6285, effective April 15, 1987; amended at 35 Ill. Reg. 12801, effective July 14, 2011; amended at 39 Ill. Reg. 436, effective December 18, 2014; emergency amendment at 44 Ill. Reg. 5820, effective March 17, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6630, effective April 9, 2020, for the remainder of the 150 days; emergency rule effective March 17, 2020, as amended April 9, 2020, repealed at 44 Ill. Reg. 11585, effective June 30, 2020; emergency amendment at 44 Ill. Reg. 11878, effective June 30, 2020, for a maximum of 150 days.

[Section 50.150 Extension of Hearing Dates](#)

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

EMERGENCY

Pursuant to the powers vested in him by Public Act 101-640, the Secretary of State hereby extends for the duration of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038 issued on March 9, 2020, as extended by subsequent disaster proclamations, and for a period of 90 days thereafter, the date for all hearings conducted pursuant to Section 9 of the Secretary of State Merit Employment Code. This extension period may be rescinded by the Secretary of State through the adoption of an emergency rulemaking.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 11878, effective June 30, 2020, for a maximum of 150 days)

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Procedures and Standards
- 2) Code Citation: 92 Ill. Adm. Code 1001
- 3) Section Number: 1001.800 Emergency Action:
New Section
- 4) Statutory Authority: 625 ILCS 5/2-104(b) and Gubernatorial Executive Order numbers 2020-08 and 2020-44.
- 5) Effective Date of Emergency Rule: June 30, 2020
- 6) If this emergency rule will expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of 150 days or the date on which the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-38 issued on March 9, 2020, and as extended by subsequent proclamations, terminates, whichever occurs first.
- 7) Date Filed with the Index Department: June 30, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: As the COVID-19 pandemic evolves, the Secretary of State continues to review its processes and procedures, as well as emergency rules that have been previously filed, to ensure the needs of the agency and the public are best met. Revised emergency rules in accordance with recent Gubernatorial Executive Order numbers 2020-08 and 2020-44 are being filed.
- 10) A Complete Description of the Subject and Issues Involved: The longer this disaster related shut-down continues, the larger the backlog becomes for requests for hearings and other matters. Upon re-opening for business, we have conducted normal operations, as well as begun to address the backlog of transactions. Executive Order 2020-44 provides for an additional 30 days after the disaster proclamation in Gubernatorial Proclamation number 2020-038 expires, and as extended.
- 11) Are there any rulemakings to the Part pending? Yes

Section Numbers:Proposed Actions:Illinois Register Citations:

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

1001.400	Amendment	44 Ill. Reg. 2246; January 31, 2020
1001.440	Amendment	44 Ill. Reg. 2246; January 31, 2020
1001.441	Amendment	44 Ill. Reg. 2246; January 31, 2020
1001.442	Amendment	44 Ill. Reg. 2246; January 31, 2020
1001.444	Amendment	44 Ill. Reg. 2246; January 31, 2020
1001.465	Amendment	44 Ill. Reg. 2246; January 31, 2020

12) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.

13) Information and questions regarding this emergency rule shall be directed to:

Brenda Glahn
Senior Legal Advisor
298 Howlett Building
Springfield IL 62756

blgahn@ilsos.gov

The full text of the Emergency Amendment begins on the next page:

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1001
PROCEDURES AND STANDARDS

SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section

1001.10	Applicability
1001.20	Definitions
1001.30	Right to Counsel
1001.40	Appearance of Attorney
1001.50	Special Appearance
1001.60	Substitution of Parties
1001.70	Commencement of Actions; Notice of Hearing
1001.80	Motions
1001.90	Form of Papers – Original Documents Required
1001.100	Conduct of Formal Hearings
1001.110	Orders; Notification; Time Limits on Obtaining Relief
1001.120	Record of Hearings
1001.130	Invalidity

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section

1001.200	Applicability
1001.210	Definitions
1001.220	Hearings: Notice; Location; Procedures; Record
1001.230	Rules of Evidence
1001.240	Scope of Hearings
1001.250	Decisions and Orders
1001.260	Rehearings
1001.270	Judicial Review
1001.280	Invalidity

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS IN
DRIVER'S LICENSE SUSPENSIONS AND REVOCATIONS

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Section

1001.300	Applicability
1001.310	Definitions
1001.320	Right to Representation
1001.330	Record and Reports
1001.340	Location of Hearings
1001.350	Duties and Responsibilities
1001.360	Decisions; Time Limits on Obtaining Relief
1001.370	Invalidity

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section

1001.400	Applicability; Statement of Principle and Purpose
1001.410	Definitions
1001.420	General Provisions Relating to the Issuance of Restricted Driving Permits
1001.430	General Provisions for Reinstatement of Driving Privileges after Revocation
1001.440	Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations
1001.441	Procedures for Breath Alcohol Ignition Interlock Device Conditioned RDPs
1001.442	BAIID Provider Certification Procedures and Responsibilities; Certification of BAIIDs; Inspections; BAIID Installer's Responsibilities; Decertification of a BAIID Provider
1001.443	Breath Alcohol Ignition Interlock Device Multiple Offender – Compliance with Interlock Program
1001.444	Monitoring Device Driving Permit (MDDP) Provisions
1001.450	New Hearings
1001.460	Requests for Modification of Revocations and Suspensions
1001.465	Cancellation of Driving Privileges; Hearing to Contest and Show Cause Hearing
1001.470	Renewal, Correction and Cancellation of RDPs
1001.480	Unsatisfied Judgment Suspensions
1001.485	Reinstatement Application Based Upon Issuance of Drivers License in a State Which is a Member of the Driver License Compact
1001.490	Invalidity

SUBPART E: FORMAL MEDICAL HEARINGS

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

Section

1001.500	Applicability
1001.510	Definitions
1001.520	Procedure
1001.530	Conduct of Medical Formal Hearings
1001.540	Subsequent Hearings

SUBPART F: ZERO TOLERANCE SUSPENSION OF DRIVING PRIVILEGES;
PERSONS UNDER THE AGE OF 21 YEARS; IMPLIED CONSENT
HEARINGS; RESTRICTED DRIVING PERMITS

Section

1001.600	Applicability
1001.610	Definitions
1001.620	Burden of Proof
1001.630	Implied Consent Hearings; Religious Exception
1001.640	Implied Consent Hearings; Medical Exception
1001.650	Rebuttable Presumption
1001.660	Alcohol and Drug Education and Awareness Program
1001.670	Petitions for Restricted Driving Permits
1001.680	Form and Location of Hearings
1001.690	Invalidity

SUBPART G: MOTOR VEHICLE FRANCHISE ACT

Section

1001.700	Applicability
1001.710	Definitions
1001.720	Organization of Motor Vehicle Review Board
1001.730	Motor Vehicle Review Board Meetings
1001.740	Board Fees
1001.750	Notice of Protest
1001.760	Hearing Procedures
1001.770	Conduct of Protest Hearing
1001.780	Mandatory Settlement Conference
1001.785	Technical Issues
1001.790	Hearing Expenses; Attorney's Fees
1001.795	Invalidity

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NOTICE OF EMERGENCY AMENDMENT

SUBPART H: MISCELLANEOUS

Section

1001.800 Extension of Hearing Dates

EMERGENCY

1001.APPENDIX A BAIID Regions and Minimum Installation/Service Center Site Location Guidelines (Repealed)

AUTHORITY: Subpart A implements Sections 2-113, 2-118, 6-108, 6-205, and 6-206 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5]. Subpart B implements Chapter 7 and is authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, and 2-114, and Ch. 7 of the Illinois Vehicle Code. Subpart C implements Sections 6-205(c) and 6-206(c)3 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code. Subpart D is authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code. Subpart E implements Sections 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, and 6-908 and is authorized by Sections 2-103, 2-104, 6-906, and 6-909 of the Illinois Vehicle Code. Subpart F implements Sections 2-113, 2-118, 6-208.2, 11-501.1, and 11-501.8 and is authorized by Sections 2-103, 2-104, and 11-501.8 of the Illinois Vehicle Code. Subpart G implements and is authorized by the Motor Vehicle Franchise Act [815 ILCS 710].

SOURCE: Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803, effective October 1, 1989; amended at 14 Ill. Reg. 2601, effective February 15, 1990; amended at 14 Ill. Reg. 16041, effective October 1, 1990; emergency amendment at 16 Ill. Reg. 19926, effective December 8, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2047, effective January 27, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6274, effective May 1, 1993; amended at 17 Ill. Reg. 8528, effective June 1, 1993; emergency amendment at 18 Ill. Reg. 7916, effective May 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15127, effective September 21, 1994; emergency amendment at 19 Ill. Reg. 54, effective January 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6667, effective May 1, 1995; emergency amendment at 20 Ill. Reg. 1626, effective January 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8328, effective June 12, 1996; emergency amendment at 20 Ill. Reg. 9355, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15773, effective November 28, 1996; amended at 23 Ill. Reg. 692, effective January 15, 1999; amended at 24 Ill. Reg. 19257, effective December 15, 2000; expedited correction at 25 Ill. Reg. 7352, effective December 15, 2000; emergency amendment at 25 Ill. Reg. 13790,

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effective October 15, 2001, for a maximum of 150 days; emergency expired on March 13, 2002; emergency amendment at 25 Ill. Reg. 14979, effective November 9, 2001, for a maximum of 150 days; emergency expired on April 7, 2002; amended at 26 Ill. Reg. 9380, effective June 13, 2002; amended at 26 Ill. Reg. 13347, effective August 21, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 14706, effective September 20, 2002, for a maximum of 150 days; emergency expired on February 16, 2003; amended at 27 Ill. Reg. 5969, effective March 31, 2003; amended at 27 Ill. Reg. 13577, effective August 1, 2003; amended at 28 Ill. Reg. 12123, effective September 1, 2004; amended at 28 Ill. Reg. 15804, effective November 19, 2004; amended at 31 Ill. Reg. 6185, effective May 1, 2007; amended at 31 Ill. Reg. 14837, effective November 1, 2007; amended at 33 Ill. Reg. 282, effective January 1, 2009; emergency amendment at 35 Ill. Reg. 3848, effective February 15, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 10934, effective June 21, 2011; amended at 36 Ill. Reg. 7300, effective April 30, 2012; amended at 37 Ill. Reg. 5844, effective April 19, 2013; amended at 39 Ill. Reg. 2718, effective February 6, 2015; amended at 40 Ill. Reg. 834, effective December 31, 2015; amended at 40 Ill. Reg. 6158, effective March 23, 2016; amended at 41 Ill. Reg. 473, effective December 28, 2016; amended at 42 Ill. Reg. 16921, effective September 5, 2018; emergency amendment at 44 Ill. Reg. 5824, effective March 17, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6634, effective April 9, 2020, for the remainder of the 150 days; emergency rule effective March 17, 2020, as amended April 9, 2020, repealed at 44 Ill. Reg. 11588, effective June 30, 2020; emergency amendment at 44 Ill. Reg. 11882, effective June 30, 2020, for a maximum of 150 days.

SUBPART H: MISCELLANEOUS

Section 1001.800 Extension of Hearing Dates
EMERGENCY

- a) Pursuant to the power vested in him by Section 2-104(b) of the Motor Vehicle Code [625 ILCS 5/2-104(b)] and Gubernatorial Executive Order numbers 2020-08 and 2020-44, the Secretary of State extends the time periods for conducting hearings and for issuing orders pursuant to Section 2-118(a) of the Illinois Vehicle Code as follows:
- 1) For all hearings which were held on or before March 9, 2020, but for which final orders have not been entered as of June 1, 2020, final orders shall be entered on or before October 1, 2020.
 - 2) For all hearing requests received on or before June 1, 2020, but for which no hearing has been held as of June 1, 2020, a hearing shall be held not

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later than October 1, 2020, and final orders for those hearings shall be entered not later than 120 days after the date of the hearing.

- 3) For all hearing requests received after June 1, 2020, but before July 1, 2020, a hearing shall be held within 120 days after the date on which the request was received, and final orders for those hearings shall be entered not later than 120 days after the date of the hearing.
- b) The extensions of time provided for in this Section shall not apply to any hearing requests received on or after July 1, 2020.
- c) This extension period may be rescinded by the Secretary of State through the adoption of an emergency rulemaking.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 11882, effective June 30, 2020, for a maximum of 150 days)

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- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) Section Number: 1010.630 Emergency Action:
New Section
- 4) Statutory Authority: 625 ILCS 5/2-104(b) and PA 101-640
- 5) Effective Date of Emergency Rule: June 30, 2020
- 6) If this emergency rule will expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of 150 days or the date on which the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-38 issued on March 9, 2020, terminates, and as extended, whichever occurs first.
- 7) Date Filed with the Index Department: June 30, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: As the COVID-19 pandemic evolves, the Secretary of State continues to review its processes and procedures, as well as emergency and proposed rules that have been previously filed, to ensure the needs of the agency and the public are best met. Revised proposed rules in accordance with recent PA 101-640 are being filed.
- 10) A Complete Description of the Subject and Issues Involved: This emergency rulemaking extends for the duration of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-38 issued on March 9, 2020, as extended, and for a period of 120 days thereafter the expiration date of all vehicle registrations.
- 11) Are there any rulemakings to the Part pending? Yes

<u>Section Number</u> : 1010.540	<u>Proposed Action</u> : Amendment	<u>Illinois Register Citation</u> : 44 Ill. Reg. 3341; March 6, 2020
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- 12) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a State mandate as described in Section 3(b) of the State Mandates Act.

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- 13) Information and questions regarding this emergency rule shall be directed to:

Carrie Leitner
Vehicle Services Department
298 Howlett Building
Springfield IL 62756

cleitner@ilsos.gov

The full text of the Emergency Amendment begins on the next page:

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NOTICE OF EMERGENCY AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1010
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section	
1010.10	Owner – Application of Term
1010.20	Secretary and Department

SUBPART B: TITLES

Section	
1010.110	Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120	Salvage Certificate – Assignments and Reassignments
1010.130	Exclusiveness of Lien on Certificate of Title
1010.140	Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150	Transferring Certificates of Title Upon the Owner's Death
1010.160	Repossession of Vehicles by Lienholders and Creditors
1010.170	Junking Notification
1010.180	Specially Constructed Vehicles – Defined
1010.185	Specially Constructed Vehicles – Required Documentation for Title and Registration
1010.190	Issuance of Title and Registration Without Standard Ownership Documents – Bond
1010.193	Procedures for Application for Title for Vehicles Purchased at Mechanic's Lien Sales
1010.195	Procedures and Disclosures for Vehicles Previously Titled in Areas Flooded as a Result of a Natural Disaster

SUBPART C: REGISTRATION

Section	
1010.200	Homemade Trailers – Title and Registration

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- 1010.210 Application for Registration
- 1010.220 Vehicles Subject to Registration – Exceptions
- 1010.230 Refusing Registration or Certificate of Title
- 1010.240 Registration Plates To Be Furnished by the Secretary of State
- 1010.245 Electronic Registration and Titling (ERT) Program Provisions
- 1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND
CANCELLATION OF REGISTRATION

Section

- 1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration
- 1010.310 Improper Use of Evidences of Registration
- 1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles
- 1010.330 Operation of Vehicle Without Proper Illinois Registration
- 1010.350 Suspension or Revocation
- 1010.360 Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

Section

- 1010.410 Temporary Registration – Individual Transactions
- 1010.420 Temporary Permit Pending Registration In Illinois
- 1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State
- 1010.425 Non-Resident Drive-Away Permits
- 1010.426 Seven Day Permits
- 1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for Compensation and Tow Trucks
- 1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment
- 1010.450 Special Plates
- 1010.451 Purple Heart License Plates
- 1010.452 Special Event License Plates
- 1010.453 Retired Armed Forces License Plates
- 1010.454 Gold Star License Plates
- 1010.455 Collectible License Plates
- 1010.456 Sample License Plates For Motion Picture and Television Studios

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1010.457	Korean War Veteran License Plates
1010.458	Collegiate License Plates
1010.459	Universal Plate Decal
1010.460	Special Plates for Members of the United States Armed Forces Reserves
1010.465	Requests for General Issuance Specialty License Plates
1010.470	Dealer Plate Records
1010.480	State of Illinois In-Transit Plates

SUBPART F: FEES

Section	
1010.510	Determination of Registration Fees
1010.520	When Fees Returnable
1010.530	Circuit Breaker Registration Discount
1010.540	Fees
1010.550	Determining Age of Vehicle

SUBPART G: MISCELLANEOUS

Section	
1010.610	Unlawful Acts, Fines and Penalties
1010.620	Change of Engine
1010.630	Extension of Expiration Dates

[EMERGENCY](#)

SUBPART H: SECOND DIVISION VEHICLES

Section	
1010.705	Reciprocity
1010.710	Vehicle Proration
1010.715	Proration Fees
1010.720	Vehicle Apportionment
1010.725	Trip Leasing
1010.730	Intrastate Movements, Foreign Vehicles
1010.735	Interline Movements
1010.740	Trip and Short-term Permits
1010.745	Signal 30 Permit for Foreign Registration Vehicles (Repealed)
1010.750	Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
1010.755	Mileage Tax Plates

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1010.756	Suspension or Revocation of Illinois Mileage Weight Tax Plates
1010.760	Transfer for "For-Hire" Loads
1010.765	Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
1010.770	Required Documents for Trucks and Buses to detect "intrastate" movements
1010.775	Certificate of Safety
1010.APPENDIX A	Uniform Vehicle Registration Proration and Reciprocity Agreement
1010.APPENDIX B	International Registration Plan
1010.APPENDIX C	Affirmation Supporting Salvage Certificate
1010.APPENDIX D	Specialty License Plates Request Form

AUTHORITY: Authorized by Section 2-104(b) of, and implementing Chapters 3 and 5 of, the Illinois Vehicle Code [625 ILCS 5].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. 8521, effective April 28, 1998; amended at 22 Ill. Reg. 22059, effective January 1, 1999; amended at 25 Ill. Reg. 7731, effective June 6, 2001; emergency amendment at 25 Ill. Reg.

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14201, effective October 22, 2001, for a maximum of 150 days; emergency expired March 20, 2002; amended at 26 Ill. Reg. 14282, effective September 16, 2002; amended at 27 Ill. Reg. 4790, effective February 27, 2003; amended at 29 Ill. Reg. 8915, effective June 10, 2005; amended at 31 Ill. Reg. 2668, effective January 29, 2007; amended at 32 Ill. Reg. 17253, effective October 15, 2008; amended at 32 Ill. Reg. 17590, effective October 16, 2008; amended at 34 Ill. Reg. 3673, effective March 5, 2010; amended at 34 Ill. Reg. 10202, effective June 29, 2010; amended at 35 Ill. Reg. 1652, effective January 13, 2011; amended at 35 Ill. Reg. 8240, effective May 16, 2011; amended at 36 Ill. Reg. 7674, effective May 2, 2012; amended at 36 Ill. Reg. 14745, effective September 24, 2012; amended at 36 Ill. Reg. 17094, effective November 20, 2012; emergency amendment at 36 Ill. Reg. 17580, effective November 28, 2012, for a maximum of 150 days; amended at 37 Ill. Reg. 4340, effective March 22, 2013; amended at 37 Ill. Reg. 8941, effective June 14, 2013; amended at 37 Ill. Reg. 12578, effective July 17, 2013; amended at 39 Ill. Reg. 5106, effective March 20, 2015; amended at 42 Ill. Reg. 212, effective December 19, 2017; amended at 42 Ill. Reg. 14450, effective July 23, 2018; amended at 43 Ill. Reg. 3945, effective March 15, 2019; amended at 44 Ill. Reg. 2014, effective December 31, 2019; emergency amendment at 44 Ill. Reg. 5831, effective March 17, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6641, effective April 9, 2020, for the remainder of the 150 days; emergency rule effective March 17, 2020, as amended April 9, 2020, repealed at 44 Ill. Reg. 11595, effective June 30, 2020; emergency amendment at 44 Ill. Reg. 11890, effective June 30, 2020, for a maximum of 150 days.

SUBPART G: MISCELLANEOUS

Section 1010.630 Extension of Expiration DatesEMERGENCY

- a) Pursuant to the powers vested in him by Public Act 101-640, the Secretary of State hereby extends for the duration of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038, issued on March 9, 2020, as extended by subsequent disaster proclamations, and for a period of 120 days thereafter, the expiration dates of any motor vehicle registrations which were expired as of the last day of the proclaimed disaster, and those which expire within the first 90 days following the last day of the proclaimed disaster. This extension applies to, but is not limited to, those set forth in the following statutes:

625 ILCS 5/3-414

625 ILCS 5/3-414.1

625 ILCS 5/3-414.5

625 ILCS 5/3-402.1

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625 ILCS 5/3-407

- b) To be eligible for the extensions set forth in this Section, vehicles must be otherwise eligible for registration.
- c) Any penalties imposed due to the late filing of vehicle registrations shall be waived for any vehicles subject to this rule and registered within the extended time period provided by this extension. Any vehicle registered beyond the applicable extended time period shall be subject to any penalties imposed due to the late filing of vehicle registrations.
- d) These extension periods may be altered or rescinded by the Secretary of State through the adoption of an emergency rule.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 11890, effective June 30, 2020, for a maximum of 150 days)

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- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number: 1030.160 Emergency Action:
New Section
- 4) Statutory Authority: 625 ILCS 5/2-104(b), 15 ILCS 335/2(b)(2), and Public Act 101-0640
- 5) Effective Date of Emergency Rule: June 30, 2020
- 6) If this emergency rule will expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of 150 days or the date on which the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-38 issued on March 9, 2020, terminates, as extended, whichever occurs first.
- 7) Date Filed with the Index Department: June 30, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: As the COVID-19 pandemic evolves, the Secretary of State continues to review its processes and procedures, as well as emergency and proposed rules that have been previously filed, to ensure the needs of the agency and the public are best met. Revised proposed rules in accordance with recent PA 101-640 are being filed.
- 10) A Complete Description of the Subject and Issues Involved: This rulemaking extends the expiration dates of all driver's licenses, instruction permits, permits and identification cards for the duration of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-38 issued on March 9, 2020, as extended, and for a period of 95 days thereafter.
- 11) Are there any rulemakings to the Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.
- 13) Information and questions regarding this emergency rule shall be directed to:

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Brenda Glahn
Senior Legal Advisor
298 Howlett Building
Springfield IL 62756

blgahn@ilsos.gov

The full text of the Emergency Amendment begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.5	Procedure for Obtaining a Standard Driver's License or Identification Card
1030.6	Procedure for Obtaining a Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a)
1030.7	Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5)
1030.8	Procedure for Obtaining a Real ID Compliant Driver's License or Identification Card
1030.10	What Persons Shall Not Be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License (Renumbered)
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.22	Medical Examiner's Certificate – CLP or CDL Holders
1030.25	Safe Driver License Renewals
1030.26	Identification Cards for IDOC/IDJJ Applicants
1030.27	Identification Cards for Youth in Care
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers (Repealed)
1030.65	Instruction Permits
1030.66	Adult Driver Education
1030.70	Driver's License Testing/Vision Screening

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- 1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
- 1030.80 Driver's License Testing/Written Test
- 1030.81 Endorsements
- 1030.82 Charter Bus Driver Endorsement Requirements
- 1030.83 Hazardous Material Endorsement
- 1030.84 Vehicle Inspection
- 1030.85 Driver's License Testing/Road Test
- 1030.86 Multiple Attempts – Written and/or Road Tests
- 1030.88 Exemption of Facility Administered Road Test
- 1030.89 Temporary Driver's Licenses and Temporary Instruction Permits
- 1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
- 1030.91 Person with a Disability Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Endorsement or Learner's Permit
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.150 Veteran Designation on Driver's License or Identification Card
- [1030.160 Extension of Expiration Dates](#)

EMERGENCY

- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents – Applicants for a Standard Identification Card, Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit (Non-Real ID)
- 1030.APPENDIX C Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-

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105.1(a-5)

1030.APPENDIX D Acceptable Identification Documents – Applicants for a Real ID
Compliant Driver's License or Identification Card

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5] and Section 2(b)(2) of the Illinois Identification Card Act [15 ILCS 335].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a

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maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at

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34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013; amended at 37 Ill. Reg. 14176, effective September 1, 2013; amended at 37 Ill. Reg. 19342, effective November 28, 2013; amended at 38 Ill. Reg. 7946, effective March 28, 2014; emergency amendment at 38 Ill. Reg. 8429, effective April 4, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 12515, effective July 1, 2014; amended at 38 Ill. Reg. 16366, effective July 21, 2014; amended at 38 Ill. Reg. 20039, effective October 1, 2014; amended at 39 Ill. Reg. 1182, effective January 5, 2015; amended at 39 Ill. Reg. 5083, effective March 23, 2015; amended at 39 Ill. Reg. 8028, effective May 21, 2015; amended at 39 Ill. Reg. 11531, effective July 28, 2015; amended at 39 Ill. Reg. 14930, effective October 29, 2015; amended at 40 Ill. Reg. 1882, effective January 12, 2016; amended at 40 Ill. Reg. 7330, effective May 2, 2016; amended at 40 Ill. Reg. 13637, effective September 19, 2016; amended at 40 Ill. Reg. 15397, effective October 26, 2016; amended at 41 Ill. Reg. 438, December 29, 2016; amended at 41 Ill. Reg. 3009, effective February 24, 2017; amended at 41 Ill. Reg. 13665, effective October 30, 2017; amended at 42 Ill. Reg. 1886, effective January 3, 2018; amended at 42 Ill. Reg. 2891, effective January 29, 2018; amended at 42 Ill. Reg. 4969, effective March 5, 2018; amended at 42 Ill. Reg. 11499, effective June 8, 2018; amended at 42 Ill. Reg. 20548, effective October 30, 2018; amended at 43 Ill. Reg. 3724, effective March 4, 2019; amended at 43 Ill. Reg. 5322, effective April 24, 2019; amended at 44 Ill. Reg. 2041, effective December 31, 2019; emergency amendment at 44 Ill. Reg. 5477, effective March 16, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 5839, effective March 17, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6650, effective April 9, 2020, for the remainder of the 150 days; emergency amendment at 44 Ill. Reg. 10011, effective May 21, 2020, for a maximum of 150 days; emergency rule effective March 17, 2020, as amended April 9, 2020, repealed at 44 Ill. Reg. 11603, effective June 30, 2020; emergency amendment at 44 Ill. Reg. 11898, effective June 30, 2020, for a maximum of 150 days.

Section 1030.160 Extension of Expiration Dates**EMERGENCY**

- a) Pursuant to the powers vested in him by Public Act 101-640, the Secretary of State hereby extends for the duration of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038 issued on March 9, 2020, as extended by subsequent disaster proclamations, and for a period of 95 days thereafter, the expiration dates of any driver's licenses, instruction permits,

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permits and identification cards which were expired as of the last day of the proclaimed disaster, and those which expire within the first 60 days following the last day of the proclaimed disaster. This extension applies to, but is not limited to, those documents set forth in the following statutes:

625 ILCS 5/6-105
625 ILCS 5/6-105.1
625 ILCS 5/6-107.1
625 ILCS 5/6-107.4
625 ILCS 5/6-115
625 ILCS 5/6-205
625 ILCS 5/6-206.1
625 ILCS 5/6-507.5
625 ILCS 5/6-106.1
625 ILCS 5/6-113(c)
15 ILCS 335/4
15 ILCS 335/8

- b) All conditions and restrictions under which the driver's licenses, instruction permits, permits and identification cards were issued shall remain in full force and effect during the period of this extension. This extension period may be rescinded by the Secretary of State through the adoption of an emergency rule.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 11898, effective June 30, 2020, for a maximum of 150 days)

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- 1) Heading of the Part: Rules of the Road – Persons with Disabilities Parking Program
- 2) Code Citation: 92 Ill. Adm. Code 1100
- 3) Section Number: 1100.50 Emergency Action: New Section
- 4) Statutory Authority: 625 ILCS 5/2-104(b) and PA 101-640.
- 5) Effective Date of Emergency Rule: June 30, 2020
- 6) If this emergency rule will expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of 150 days or the date on which the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-38 issued on March 9, 2020, terminates, as extended whichever occurs first.
- 7) Date Filed with the Index Department: June 30, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: As the COVID-19 pandemic evolves, the Secretary of State continues to review its processes and procedures, as well as emergency rules that have been previously filed, to ensure the needs of the agency and the public are best met. Revised emergency rules in accordance with recent PA 101-640 are being filed.
- 10) A Complete Description of the Subject and Issues Involved: The longer this disaster related shut-down continues, the larger the backlog becomes for issuance of permits and other matters. Upon re-opening for business, we have conducted normal operations, as well as begun to address the backlog of transactions. This emergency rule allows for an additional 95 days until expiration on any person with disabilities motorist decal or device expiring during the proclaimed disaster and for an additional 60 days following the last day of the proclaimed disaster.
- 11) Are there any rulemakings to the Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a State mandate as described in Section 3(b) of the State Mandates Act.

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- 13) Information and questions regarding this emergency rule shall be directed to:

Brenda Glahn
Senior Legal Advisor
298 Howlett Building
Springfield IL 62756

blgahn@ilsos.gov

The full text of the Emergency Amendment begins on the next page:

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NOTICE OF EMERGENCY AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1100

RULES OF THE ROAD – PERSONS WITH DISABILITIES PARKING PROGRAM

Section

- 1100.5 Definitions
- 1100.10 Application Procedures for Plates and Decals or Devices
- 1100.15 Authorized Issuing Agents for Person with Disabilities Parking Decals or Devices
- 1100.20 Person with Disabilities Parking Decals or Devices
- 1100.25 Random Professional License Number Checks with the Department of Financial and Professional Regulation
- 1100.30 Corporations, School Districts and Special Education Cooperatives
- 1100.35 Revocation of Plates and Decals or Devices
- 1100.40 Revocation Authority for Plates and Decals or Devices (Repealed)
- [1100.50 Extension of Expiration Dates](#)

[EMERGENCY](#)

AUTHORITY: Implementing and authorized by Section 3-616 of the Illinois Vehicle Title and Registration Law and Section 11-1301.2 of the Illinois Rules of the Road [625 ILCS 5].

SOURCE: Adopted at 4 Ill. Reg. 11, p. 74, effective February 29, 1980; codified at 6 Ill. Reg. 12703; amended at 9 Ill. Reg. 12868, effective August 2, 1985; amended at 12 Ill. Reg. 8448, effective May 2, 1988; old Part repealed and new Part adopted at 22 Ill. Reg. 2280, effective January 1, 1998; amended at 30 Ill. Reg. 917, effective January 6, 2006; amended at 37 Ill. Reg. 19866, effective November 27, 2013; emergency amendment at 44 Ill. Reg. 5847, effective March 17, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6658, effective April 9, 2020, for the remainder of the 150 days; emergency rule effective March 17, 2020, as amended April 9, 2020, repealed at 44 Ill. Reg. 11618, effective June 30, 2020; emergency amendment at 44 Ill. Reg. 11906, effective June 30, 2020, for a maximum of 150 days.

[Section 1100.50 Extension of Expiration Dates](#)[EMERGENCY](#)

[Pursuant to the powers vested in him by Public Act 101-640, the Secretary of State hereby extends for the duration of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038 issued on March 9, 2020, as extended by subsequent disaster](#)

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proclamations, and for a period of 95 days thereafter, the expiration dates of any person with disabilities motorist decal or device issued pursuant to Section 11-1301.2 of the Illinois Vehicle Code, which was expired as of the last day of the proclaimed disaster, and those which expire within the first 60 days following the last day of the proclaimed disaster.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 11906, effective June 30, 2020, for a maximum of 150 days)

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Public Library Non-Resident Services
- 2) Code Citation: 23 Ill. Adm. Code 3050
- 3) Section Number: 3050.20 Emergency Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 4-17 of the Illinois Local Library Act [75 ILCS 5], and authorized by Section 30-55.60 of the Public Library District Act of 1991 [75 ILCS 16] and Section 8.25 of The State Mandates Act [30 ILCS 805]
- 5) Effective Date of Rule: July 1, 2020
- 6) If this emergency rule is to expire before the end of the 150 day period, please specify the date on which it is to expire: The emergency amendment will expire at the end of the 150-day period.
- 7) Date Filed with the Index Department: July 1, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file at the Illinois State Library and is available for public inspection.
- 9) Reason for Emergency: A requirement of the Public Library Non-Resident Services is for public library boards to set the non-resident fee and report that fee, or decision not to participate in the non-resident card program, to their regionally library system within 30 days of taking board action. Since board of trustees may not have met during the pandemic, more time is being provided to public library boards to take action on the issue of non-resident fees.
- 10) A Complete Description of the Subjects and Issues Involved: A requirement of the Public Library Non-Resident Services is for public library boards to set the non-resident fee and report that fee, or decision not to participate in the non-resident card program, to their regionally library system within 30 days of taking board action. Since board of trustees may not have met during the pandemic, more time is being provided to public library boards to take action on the issue of non-resident fees.
- 11) Are there any other rulemakings pending on this Part? No

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- 12) Statement of Statewide Policy Objective: To ensure compliance with Public Library Non-Resident Services (23 Ill. Adm. Code 3050) and maintain full-membership status as a member of an Illinois Library System.
- 13) Information and questions regarding this emergency rule shall be directed to:

Joseph Natale
Chief Deputy Director
Illinois State Library
Gwendolyn Brooks Building
Springfield IL 62701-1796

217/558-4185
jnatale@ilsos.net

The full text of the Emergency Amendment begins on the next page:

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NOTICE OF EMERGENCY AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATEPART 3050
PUBLIC LIBRARY NON-RESIDENT SERVICES

Section

3050.10	Definitions
3050.20	Public Library Responsibilities
<u>EMERGENCY</u>	
3050.25	Applying for a Non-Resident Library Card
3050.30	Regional Library System Responsibilities
3050.40	Options for Non-Resident Library Cards
3050.50	Criteria for Non-Resident Library Cards
3050.60	Non-Resident Fee Formula
3050.70	Non-Resident Property Owner and Leasee
3050.80	Contractual Services
3050.90	State Mandates Act Exemption

AUTHORITY: Implementing and authorized by Section 4-7 of the Illinois Local Library Act [75 ILCS 5], and authorized by Section 30-55.60 of the Public Library District Act of 1991 [75 ILCS 16] and Section 8.25 of the State Mandates Act [30 ILCS 805].

SOURCE: Adopted at 26 Ill. Reg. 5974, effective July 1, 2002; amended at 39 Ill. Reg. 5253, effective March 20, 2015; amended at 44 Ill. Reg. 2010, effective January 7, 2020; emergency amendment at 44 Ill. Reg. 11910, effective July 1, 2020, for a maximum of 150 days.

Section 3050.20 Public Library ResponsibilitiesEMERGENCY

- a) The public library board of trustees shall annually take action to decide whether to issue non-resident library cards during the ensuing 12 months. At that time, the non-resident library card fee formula and fee, if applicable, to be used will be determined and adopted. Due to the COVID-19 pandemic, a public library board of trustees that was unable to meet to determine the annual non-resident fee that expired during the effective dates of Executive Order 2020-007 and subsequent extensions, has until October 15, 2020 to take action on non-resident services.

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- b) The public library board of trustees shall notify the regional library system within 30 days after the action taken and effective dates and fee formula as determined in this Part.
- c) The participating public library shall continue to honor the non-resident library cards issued by the library for the full term of purchase.
- d) Participating public libraries shall cooperate with other participating area public libraries and the regional library system and adjacent regional library systems to determine the appropriate non-resident service areas as stated in Section 3050.25.
- e) Nothing in this Part requires a public library to participate in the non-resident library card program. Non-participation in the non-resident library card program does not preclude a public library from applying for and receiving grant funds from the Illinois State Library as long as the public library complies with requirements of the specific grant program.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 11910, effective July 1, 2020, for a maximum of 150 days)

STATE BOARD OF ELECTIONS

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Vote by Mail Expansion
- 2) Code Citation: 26 Ill. Adm. Code 225
- 3)

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
225.10	New Section
225.20	New Section
225.30	New Section
- 4) Statutory Authority: Authorized by Section 5-45.1 of the Administrative Procedure Act [5 ILCS 100/45.1] and Sections 2B-55 and 2B-60 of the Election Code [10 ILCS 5/2B-55, 2B-60].
- 5) Effective Date of Emergency Rules: July 2, 2020
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: This rulemaking is not set to expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: July 2, 2020
- 8) A copy of the emergency rules, including any material incorporation by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The General Assembly finds that the expeditious and timely implementation of Article 2B of the Election Code through emergency rulemaking is deemed necessary for the public interest, safety, and welfare [5 ILCS 100/5-45.1].
- 10) A Complete Description of the Subjects and Issues Involved: The regulations implement PA 101-642, effective June 16, 2020, concerning an expansion of vote by mail for the November 2020 general election in response to COVID-19. The rules clarify that an election authority is not required to send a vote by mail application to an elector who has already applied to vote by mail for the 2020 general election. The rules identify the minimum content required for a vote by mail application to be accepted by an election authority. The rules also provide that an elector's delivery to the appropriate election authority of a vote by mail application containing the minimum content required in this rule constitutes the elector's certification that the statements set forth in the elector's vote by mail application are true and correct.

STATE BOARD OF ELECTIONS

NOTICE OF EMERGENCY RULES

- 11) Are there any other rulemakings to this Part pending? No
- 12) Statement of Statewide Policy Objective: This emergency rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 13) Information and questions regarding these emergency rules shall be directed to:

Marni M. Malowitz
General Counsel
Illinois State Board of Elections
100 W. Randolph St., Suite 14-100
Chicago IL 60601

312/814-6462

The full text of the Emergency Rules begins on the next page:

STATE BOARD OF ELECTIONS

NOTICE OF EMERGENCY RULES

TITLE 26: ELECTIONS
CHAPTER 1: STATE BOARD OF ELECTIONSPART 225
VOTE BY MAIL EXPANSION

Section

225.10 Applicability and Definitions

EMERGENCY

225.20 Distribution of Vote by Mail Applications for the 2020 General Election

EMERGENCY

225.30 Processing of Vote by Mail Applications for the 2020 General Election

EMERGENCY

AUTHORITY: Authorized by Section 5-45.1 of the Illinois Administrative Procedure Act [5 ILCS 100] and Sections 2B-55 and 2B-60 of the Election Code [10 ILCS 5].

SOURCE: Emergency rules adopted at 44 Ill. Reg. 11914, effective July 2, 2020, for a maximum of 150 days.

Section 225.10 Applicability and Definitions
EMERGENCY

- a) This Part implements Article 2B of the Election Code (see P.A. 101-642), setting forth certain modifications to the administration and conduct of the elections for the November 2020 General Election in response to Coronavirus Disease 2019 (COVID-19).

- b) Definitions.

"Article 2B" means Article 2B of the Election Code (Conduct of the 2020 General Election).

"Election Code" or "Code" means 10 ILCS 5.

Section 225.20 Distribution of Vote by Mail Applications for the 2020 General Election
EMERGENCY

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An election authority is not required to send an application for an official vote by mail ballot under Section 2B-15(b) of the Code to any elector who has previously submitted a vote by mail application to the appropriate election authority for the 2020 general election, unless the election authority rejected the elector's vote by mail application.

**Section 225.30 Processing of Vote by Mail Applications for the 2020 General Election
EMERGENCY**

a) An election authority shall reject any application for an official vote by mail ballot if the application does not contain the following:

- 1) The name of the elector;
- 2) The elector's duly registered address and city or township; and
- 3) A statement:

A) Substantially in the following form:

I hereby make application for an official ballot or ballots to be voted by me at such election, and I agree that I shall return the ballot or ballots to the official issuing them the ballot prior to the closing of the polls on the date of the election or, if returned by mail, postmarked no later than election day, for counting no later than during the period for counting provisional ballots, the last day of which is the 14th day following election day. I understand that this application is made for an official vote by mail ballot or ballots to be voted by me at the election specified in this application and that I must submit a separate application for an official vote by mail ballot or ballots to be voted by me at any subsequent election. Under penalties as provided by law pursuant to Section 29-10 of the Election Code, the undersigned certifies that the statements set forth in this application are true and correct; and

B) For purposes of this Section, the statement will be considered substantially in the form specified in subsection (a)(3)(A) if it includes the following:

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- i) A statement of intention to make application for the applicant's official ballot;
 - ii) An agreement to return the ballot in person prior to the closing of the polls on election day or by mail postmarked no later than election day; and
 - iii) A certification that the statements in the application are true and correct.
- b) The elector's delivery to the appropriate election authority of a vote by mail application containing the information required by subsection (a) shall constitute the elector's certification that the statements set forth in the elector's vote by mail application are true and correct.
- c) An election authority may not reject an application to vote by mail on the basis that the application does not contain the signature of the elector.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

- 1) Heading of the Part: Child Support Services
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) Register Citation of Proposed Rulemaking: 44 Ill. Reg. 10350; June 19, 2020
- 4) Explanation: An erroneous definition of "Department" was added to Section 160.5 prior to publication of this rulemaking. The correct definition is:

"Department" means the Department of Healthcare and Family Services.

JCAR regrets this error and any confusion it may have caused.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

The following second notices were received during the period of April 27, 2020 through May 4, 2020. These rulemakings are scheduled for the May 19, 2020 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
6/13/20	<u>Office of the Attorney General</u> , Hospital Financial Assistance under the Fair patient Billing Act (77 Ill. Adm. Code 4500)	3/6/20 44 Ill. Reg. 3337	5/19/20
6/13/20	<u>Illinois Gaming Board</u> , Sports Wagering (11 Ill. Adm. Code 1900)	1/3/20 44 Ill. Reg. 84	5/19/20
6/13/20	<u>Department of Revenue</u> , Retailers' Occupation Tax (86 Ill. Adm. Code 130)	1/24/20 44 Ill. Reg. 1811	5/19/20
6/13/20	<u>Illinois Student Assistance Commission</u> , Illinois National Guard (ING) Grant Program (23 Ill. Adm. Code 2730)	2/21/20 44 Ill. Reg. 3143	5/19/20
6/13/20	<u>Illinois Student Assistance Commission</u> , Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2733)	2/21/20 44 Ill. Reg. 3154	5/19/20
6/13/20	<u>Illinois Student Assistance Commission</u> , Monetary Award Program (MAP) (23 Ill. Adm. Code 2735)	2/21/20 44 Ill. Reg. 3167	5/19/20
6/13/20	<u>Illinois Student Assistance Commission</u> , Adult Vocational Community College	2/21/20 44 Ill. Reg. 3179	5/19/20

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

Scholarship Program (23 Ill. Adm. Code
2745)

6/13/20	<u>Illinois Student Assistance Commission,</u> Golden Apple Scholars of Illinois Program (23 Ill. Adm. Code 2764)	2/21/20 44 Ill. Reg. 3185	5/19/20
6/13/20	<u>Illinois Student Assistance Commission,</u> AIM High Grant Pilot Program (23 Ill. Adm. Code 2766)	2/21/20 44 Ill. Reg. 3194	5/19/20
6/17/20	<u>Department of Agriculture, Cannabis</u> <u>Regulation and Tax Act (8 Ill. Adm. Code</u> <u>1300)</u>	3/13/20 44 Ill. Reg. 3586	5/19/20

SECRETARY OF STATE

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES
OBJECTION TO AND SUSPENSION OF EMERGENCY RULE

Heading of the Part: Business Corporations Act

Code Citation: 14 Ill. Adm. Code 150

Section Number: 150.740

Date of JCAR Objection and Suspension: May 20, 2020

Date Notice of Emergency Rule published in the *Illinois Register*: 44 Ill. Reg. 7944; May 8, 2020

Date JCAR Statement of Objection and Suspension published in the *Illinois Register*: 44 Ill. Reg. 10029; June 5, 2020

Summary of Action Taken by the Agency: At its meeting on May 20, 2020, the Joint Committee on Administrative Rules voted to object to and suspend the Emergency Amendment to Emergency Rule filed by the Secretary of State on April 27, 2020. The Committee cited that the Secretary of State could not, by rulemaking alone, set aside statutory requirements the Secretary of State must adhere to in reviewing, approving and effectuating official paper filing of documents by businesses. In response to the Objection and Suspension, the Secretary of State agreed to seek an Executive Order setting aside the statutory deadlines. Executive Order 2020-39, as extended by Executive Order 2020-44, has waived the statutory requirements. The Secretary of State's Office is requesting that JCAR now withdraw its Suspension.

SECRETARY OF STATE

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES
OBJECTION TO AND SUSPENSION OF EMERGENCY RULE

Heading of the Part: General Not For Profit Corporations (Emergency Amendment to Emergency Rule)

Code Citation: 14 Ill. Adm. Code 160

Section Number: 160.30

Date of JCAR Objection and Suspension: May 20, 2020

Date Notice of Emergency Rule published in the *Illinois Register*: 44 Ill. Reg. 7951; May 8, 2020

Date of JCAR Statement of Objection and Filing Suspension published in the *Illinois Register*: 44 Ill. Reg. 10030; June 5, 2020

Summary of Action Taken by the Agency: At its meeting on May 20, 2020, the Joint Committee on Administrative Rules voted to object to and suspend the Emergency Amendment to Emergency Rule filed by the Secretary of State on April 27, 2020. The Committee cited that the Secretary of State could not, by rulemaking alone, set aside statutory requirements the Secretary of State must adhere to in reviewing, approving and effectuating official paper filing of documents by businesses. In response to the Objection and Suspension, the Secretary of State agreed to seek an Executive Order setting aside the statutory deadlines. Executive Order 2020-39, as extended by Executive Order 2020-44, has waived the statutory requirements. The Secretary of State's Office is requesting that JCAR now withdraw its Suspension.

SECRETARY OF STATE

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES
OBJECTION TO AND SUSPENSION OF EMERGENCY RULE

Heading of the Part: Uniform Limited Partnership Act (Emergency Amendment to Emergency Rule)

Code Citation: 14 Ill. Adm. Code 171

Section Number: 171.90

Date of JCAR Objection and Suspension: May 20, 2020

Date Notice of Emergency Rule published in the *Illinois Register*: 44 Ill. Reg. 7961; May 8, 2020

Date of JCAR Statement of Objection and Filing Suspension published in the *Illinois Register*: 44 Ill. Reg. 10032; June 5, 2020

Summary of Action Taken by the Agency: At its meeting on May 20, 2020, the Joint Committee on Administrative Rules voted to object to and suspend the Emergency Amendment to Emergency Rule filed by the Secretary of State on April 27, 2020. The Committee cited that the Secretary of State could not, by rulemaking alone, set aside statutory requirements the Secretary of State must adhere to in reviewing, approving and effectuating official paper filing of documents by businesses. In response to the Objection and Suspension, the Secretary of State agreed to seek an Executive Order setting aside the statutory deadlines. Executive Order 2020-39, as extended by Executive Order 2020-44, has waived the statutory requirements. The Secretary of State's Office is requesting that JCAR now withdraw its Suspension.

SECRETARY OF STATE

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES
OBJECTION TO AND SUSPENSION OF EMERGENCY RULE

Heading of the Part: Limited Liability Company Act (Emergency Amendment to Emergency Rule)

Code Citation: 14 Ill. Adm. Code 178

Section Number: 178.70

Date of JCAR Objection and Suspension: May 20, 2020

Date Notice of Emergency Rule published in the *Illinois Register*: 44 Ill. Reg. 7966; May 8, 2020

Date of JCAR Statement of Objection and Filing Suspension published in the *Illinois Register*: 44 Ill. Reg. 10033; June 5, 2020

Summary of Action Taken by the Agency: At its meeting on May 20, 2020, the Joint Committee on Administrative Rules voted to object to and suspend the Emergency Amendment to Emergency Rule filed by the Secretary of State on April 27, 2020. The Committee cited that the Secretary of State could not, by rulemaking alone, set aside statutory requirements the Secretary of State must adhere to in reviewing, approving and effectuating official paper filing of documents by businesses. In response to the Objection and Suspension, the Secretary of State agreed to seek an Executive Order setting aside the statutory deadlines. Executive Order 2020-39, as extended by Executive Order 2020-44, has waived the statutory requirements. The Secretary of State's Office is requesting that JCAR now withdraw its Suspension.

DEPARTMENT OF CORRECTIONS

JULY 2020 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Public Information, Rulemaking and Organization, (2 Ill. Adm. Code 850)

1) Rulemaking:

- A) Description: This amendment is necessary to reflect the current organizational structure of the Department.
- B) Statutory Authority: [730 ILCS 3-2-2 and 3-2-5]
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date Agency anticipates First Notice: On or before January 1, 2021.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277

217/558-2200, extension 6507

- G) Related rulemakings and other pertinent information: None

- b) Part (Heading and Code Citation): Records of Offenders, (20 Ill. Adm. Code 107)

1) Rulemaking:

- A) Description: This amendment is necessary to provide for required civic responsibility courses for additional programming PA 101-41; sentence credits for higher education and retroactive program credit per PA 101-

DEPARTMENT OF CORRECTIONS

JULY 2020 REGULATORY AGENDA

440 and to adopt regular rulemaking for the emergency rulemaking filed at 44 Ill. Reg. 6091.

- B) Statutory Authority: [730 ILCS 5/3-7-1] and [735 ILCS 5/8-802]
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date Agency anticipates First Notice: On or before January 1, 2021.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277

217/558-2200, extension 6507

- G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Reimbursement for Expenses, (20 Ill. Adm. Code 110)

- 1) Rulemaking:
 - A) Description: This repealer is necessary per PA 101-441.
 - B) Statutory Authority: [730 ILCS 5/3-7-6 and 3-2-2]
 - C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or

DEPARTMENT OF CORRECTIONS

JULY 2020 REGULATORY AGENDA

during the First Notice Period per instructions that will be indicated on the Notice.

D) Date Agency anticipates First Notice: On or before January 1, 2021.

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277

217/558-2200, extension 6507

G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Rules of Conduct, (20 Ill. Adm. Code 120)

1) Rulemaking:

A) Description: This amendment is necessary correct the language requiring an employee authorized to carry a firearm, who has been admitted as an inpatient in a mental health hospital, to produce a waiver from lifting the prohibition to possess a firearm or ammunition in accordance with 430 ILCS 65/10(c).

B) Statutory Authority: 730 ILCS 5/3-2-2 and 3-7-1, 5 ILCS 430/5-15, 10-10, 10-15, and 20-70, 18 USC 922 and 720 ILCS 5/24-3.1(4).

C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.

D) Date Agency anticipates First Notice: On or before January 1, 2021.

DEPARTMENT OF CORRECTIONS

JULY 2020 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
- (217) 558-2200, extension 6507
- G) Related rulemakings and other pertinent information: None
- e) Part (Heading and Code Citation): School District #428, (20 Ill. Adm. Code 405)
- 1) Rulemaking:
- A) Description: Amendments are required to update the Rulemaking in accordance with the division between IDOC and IDJJ as IDOC is governed by the regulations of the Illinois Community College Board (ICCB), not the Illinois State Board of Education (ISBE).
- B) Statutory Authority: Implementing 730 ILCS 5/3-2-2, 3-6-2, 3-6-3, 3-8-3, 3-9-1, 3-10-2, and 3-12-3] and 105 ILCS 5/13-40 through 13-45 and authorized by 730 ILCS 5/3-2-2 and 3-7-1.
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date Agency anticipates First Notice: On or before January 1, 2021.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None

DEPARTMENT OF CORRECTIONS

JULY 2020 REGULATORY AGENDA

F) Agency contact person for information:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277

217/558-2200, extension 6507

G) Related rulemakings and other pertinent information: Nonef) Part (Heading and Code Citation): Health Care, (20 Ill. Adm. Code 415)1) Rulemaking:

A) Description: This amendment is necessary to comply with PA 97-323.

B) Statutory Authority: 730 ILCS 5/3-2-2, 3-6-2, 3-7-2, 3-8-2, 3-10-2, 3-10-3, and 5-2-6.

C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.

D) Date Agency anticipates First Notice: On or before January 1, 2021.

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277

DEPARTMENT OF CORRECTIONS

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217/558-2200, extension 6507

G) Related rulemakings and other pertinent information: Noneg) Part (Heading and Code Citation): Assignment of Committed Persons, (20 Ill. Adm. Code 420)1) Rulemaking:A) Description: This rulemaking is necessary to provide corrected language for sentence credit as set forth by PA 99-938 and to ensure proper awards for successful completion of programs and assignments.B) Statutory Authority: 730 ILCS 5/3-2-2, 3-6-3, 3-8-3, and 3-10-3.C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.D) Date Agency anticipates First Notice: On or before January 1, 2021.E) Effect on small businesses, small municipalities or not-for-profit corporations: NoneF) Agency contact person for information:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277

217/558-2200, extension 6507

G) Related rulemakings and other pertinent information: Noneh) Part (Heading and Code Citation): Chaplaincy Services and Religious Practices, (20 Ill. Adm. Code 425)

DEPARTMENT OF CORRECTIONS

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- 1) Rulemaking:
 - A) Description: This rulemaking is required to comply with current law and practice as it relates to accommodations for religious diets.
 - B) Statutory Authority: [730 ILCS 5/3-7-1]
 - C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
 - D) Date Agency anticipates First Notice: On or before January 1, 2021.
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: None
 - F) Agency contact person for information:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277

217/558-2200, extension 6507
 - G) Related rulemakings and other pertinent information: None
- i) Part (Heading and Code Citation): Work Release Programs, (20 Ill. Adm. Code 455)
 - 1) Rulemaking:
 - A) Description: This rulemaking is necessary to provide that, for permanent party residents assigned as cooks, a food service sanitation certificate is preferred but not required.
 - B) Statutory Authority: [730 ILCS 5/3-7-1]

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- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date Agency anticipates First Notice: On or before January 1, 2021.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277
- 217/558-2200, extension 6507
- G) Related rulemakings and other pertinent information: None
- j) Part (Heading and Code Citation): Release of Committed Persons, (20 Ill. Adm. Code 470)
- 1) Rulemaking:
- A) Description: This rulemaking is necessary to include the requirement for notification of no less than 14 days prior to release of any offender released early due to an award of earned discretionary sentence credit.
- B) Statutory Authority: [730 ILCS 5/3-2-2, 3-14-1, 3-14-2, and 3-14-3].
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.

DEPARTMENT OF CORRECTIONS

JULY 2020 REGULATORY AGENDA

D) Date Agency anticipates First Notice: On or before January 1, 2021.

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
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217/558-2200, extension 6507

G) Related rulemakings and other pertinent information: None

k) Part (Heading and Code Citation): Security, (20 Ill. Adm. Code 501)

1) Rulemaking:

A) Description: This amendment is necessary to implement the Department's practice that only persons of the same gender as the offender may perform or observe strip searches of offenders and to clarify that canine searches can not be performed on humans.

B) Statutory Authority: [720 ILCS 5/7-1, 7-3, 7-9, and 31A-1.1]; [725 ILCS 5/103-1 et seq.]; and [730 ILCS 5/3-2-2, 3-4-3, 3-6-2, 3-6-4, 3-7-2, 3-7-4, 3-8-1, 3-8-7, 3-8-8, and 3-10-8].

C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.

D) Date Agency anticipates First Notice: On or before January 1, 2021.

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

DEPARTMENT OF CORRECTIONS

JULY 2020 REGULATORY AGENDA

F) Agency contact person for information:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
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217/558-2200, extension 6507

G) Related rulemakings and other pertinent information: Nonel) Part (Heading and Code Citation): Discipline and Grievances, (20 Ill. Adm. Code 504)1) Rulemaking:

A) Description: This amendment is necessary to provide for the adoption of a receipt process for offender grievances and restructuring of restrictive housing.

B) Statutory Authority: [730 ILCS 5/3-2-2, 3-5-2, 3-6-3, 3-8-7, 3-8-8, 3-10-8, and 3-10-9].

C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.

D) Date Agency anticipates First Notice: On or before January 1, 2021

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court

DEPARTMENT OF CORRECTIONS

JULY 2020 REGULATORY AGENDA

P. O. Box 19277
Springfield IL 62794-9277

217/558-2200, extension 6507

G) Related rulemakings and other pertinent information: None

m) Part (Heading and Code Citation): Closed Maximum Security Facility, (20 Ill. Adm. Code 505)

1) Rulemaking:

A) Description: The Department intends to repeal this Part as it no longer operates facilities under this designation.

B) Statutory Authority: [730 ILCS 5/3-2-2].

C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.

D) Date Agency anticipates First Notice: On or before January 1, 2021.

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277

217/558-2200, extension 6507

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF CORRECTIONS

JULY 2020 REGULATORY AGENDA

n) Part (Heading and Code Citation): Rights and Privileges, (20 Ill. Adm. Code 525)

1) Rulemaking:

- A) Description: This rulemaking is necessary to comply with PA 96-1513, codify rules for implementation of video visitation, revise the process under which the Department reviews incoming publications, and to revise mail procedures with regard to intrastate facility correspondence.
- B) Statutory Authority: [730 ILCS 5/3-2-2, 3-7-1, 3-7-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9].
- C) Scheduled meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date Agency anticipates First Notice: On or before January 1, 2021.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield IL 62794-9277

217/558-2200, extension 6507
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JULY 2020 REGULATORY AGENDA

I. DIVISION OF BANKING

- a) Part (Heading and Code Citation): Student Loan Servicing Rights Act (38 Ill. Adm. Code 1010)
- 1) Rulemaking:
- A) Description: This new Part will implement the Student Loan Servicing Rights Act [110 ILCS 992] in relation to licensing fees, operations, and supervision. With respect to fees and operations, the provisions include the establishment of license fees, examination fees, hearing fees, and assessments; requirements for servicers to provide notice of changes in their application; servicer website requirements; requirements to furnish borrowers with information regarding alternative repayment and loan forgiveness options; requirements related to account information, payment processing, an cosigner payments; maintenance of general books and records; record retention requirements; and electronic record requirements. With respect to supervision, the provisions address preparation of independent audit reports and examination timing, ratings, and implementation.
- B) Statutory Authority: Student Loan Servicing Rights Act [110 ILCS 992]
- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date Agency anticipates First Notice: July 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Businesses engaged in student loan servicing
- F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813 fax: 217/557-4451

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JULY 2020 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: Rules for this new part were originally filed on November 16, 2018 (42 Ill. Reg. 20189) but were later withdrawn on October 21, 2019 (43 Ill. Reg. 12935).

II. DIVISION OF FINANCIAL INSTITUTIONS

- a) Part (Heading and Code Citation): Illinois Credit Union Act (38 Ill Adm. Code 190)

1) Rulemaking:

- A) Description: PA 101-567, requires the Department to adopt rules under the Credit Union Act to establish maximum rates of reasonable compensation for Directors and committee members. The Department would consider including, but not limited to, total assets, tax exempt status, and the best interest of members.
- B) Statutory Authority: Illinois Credit Union Act [205 ILCS 305]
- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date Agency anticipates First Notice: August 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813 fax: 217/557-4451

- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JULY 2020 REGULATORY AGENDA

b) Part (Heading and Code Citation): Transmitters of Money Act (TOMA) (38 Ill Adm. Code 205)

1) Rulemaking:

A) Description: Change the fees assessed for a Transmitters of Money Act (TOMA) license application, renewal of a TOMA license, and various service fees. Also, change the penalty fees for failure to timely apply for renewal of a license and failure to timely submit financial documents. The fee structure for renewal of a TOMA license would be calculated based on the total dollar of transactions instead of a flat fee per license. Migrating to a volume-based fee model will allow the Department to focus on where increased risks are shifting.

B) Statutory Authority: Transmitters of Money Act (TOMA) [205 ILCS 657]

C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

D) Date Agency anticipates First Notice: August 2020

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813 fax: 217/557-4451

G) Related rulemakings and other pertinent information: Illinois is one of the top states for money transmissions, however, Illinois fees are significantly lower than other states that have already migrated to a volume-based fee structure as reflected below in the table. Given the same number of licensees and volume of activity would result in approximately the following fee income in other states per licensee:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JULY 2020 REGULATORY AGENDA

III. DIVISION OF PROFESSIONAL REGULATION

- a) Part (Heading and Code Citation): Illinois Architecture Practice Act of 1989 (68 Ill. Adm. Code 1150)
- 1) Rulemaking:
- A) Description: Certain Sections will likely be amended as a result of Public Act 101-346, the sunset reauthorization of the Act. Technical clean up changes/updates may also be made.
- B) Statutory Authority: Illinois Architecture Practice Act of 1989 [225 ILCS 305]
- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date Agency anticipates First Notice: August 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed architects may be affected.
- F) Agency contact person for information:
- Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786
- 217/785-0813 fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): Professional Counselor and Clinical Professional Counselor Licensing Act (68 Ill. Adm. Code 1375)
- 1) Rulemaking:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JULY 2020 REGULATORY AGENDA

- A) Description: Various Sections may be amended to address changes as a result of the sunset reauthorization of the Act (100th General Assembly) among other legislative changes since then. Technical clean-up changes may also be made.
- B) Statutory Authority: Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date Agency anticipates First Notice: July 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed professional counselors may be affected.
- F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813 fax: 217/557-4451

- G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Professional Geologist Licensing Act (68 Ill. Adm. Code 1252)
- 1) Rulemaking:
 - A) Description: Various Sections may be amended to address changes as a result of the sunset reauthorization of the Act (100th General Assembly). Updates to the curriculum requirements as well as technical clean-up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation will also be needed.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JULY 2020 REGULATORY AGENDA

- B) Statutory Authority: Professional Geologist Licensing Act [225 ILCS 745]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date Agency anticipates First Notice: September 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed geologists may be affected.
- F) Agency contact person for information:
- Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786
- 217/785-0813 fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- d) Part (Heading and Code Citation): Illinois Professional Land Surveyor Act of 1989 (68 Ill Adm. Code 1270)
- 1) Rulemaking:
- A) Description: Certain Sections will likely be amended as a result of Public Act 101-313, the sunset reauthorization of the Act. Technical clean up changes/updates may also be made.
- B) Statutory Authority: Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330]
- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date Agency anticipates First Notice: September 2020

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JULY 2020 REGULATORY AGENDA

E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed professional land surveyors may be affected.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813 fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Marriage and Family Therapy Licensing Act (68 Ill. Adm. Code 1283)

1) Rulemaking:

A) Description: Certain Sections may be amended as a result of PA 100-372, which was the sunset reauthorization of the Act, to include technical clean up changes/updates such as recent changes in education standards.

B) Statutory Authority: Marriage and Family Therapy Licensing Act [225 ILCS 55]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date Agency anticipates First Notice: September 2020

E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed marriage and family therapists may be affected.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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Springfield IL 62786

217/785-0813 fax: 217/557-4451

G) Related rulemakings and other pertinent information: Nonef) Part (Heading and Code Citation): Rules for Administration of the Compassionate Use of Medical Cannabis Pilot Program (68 Ill. Adm. Code 1290)1) Rulemaking:A) Description: PA 101-363 requires the Department to adopt rules regarding the return of product and change the selection criteria used in awarding licenses.B) Statutory Authority: Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130]C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.D) Date Agency anticipates First Notice: October 2020E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed cannabis dispensaries may be affected.F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813 fax: 217/557-4451

G) Related rulemakings and other pertinent information: PA 101-27 created the Cannabis Regulation and Tax Act which provided that it is lawful for persons 21 years of age or older to possess, use, and purchase limited amounts of cannabis for personal use in accordance with the Act. It also

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provided for the regulation and licensing of various entities and occupations engaged in cultivation, dispensing, processing, transportation, and other activities regarding cannabis for adult use. The new Act set forth duties of an Illinois Cannabis Regulation Oversight Officer, the Department of State Police, the Department of Agriculture, the Department of Financial and Professional Regulation, the Department of Public Health, the Department of Commerce and Economic Opportunity, the Department of Human Services, the Department of Revenue, the State Treasurer, the Illinois Criminal Justice Information Authority, and other governmental entities.

g) Part (Heading and Code Citation): Professional Engineering Practice Act of 1989 (68 Ill Adm. Code 1380)

1) Rulemaking:

A) Description: Certain Sections will likely be amended as a result of PA 101-310, the sunset reauthorization of the Act. Technical clean up changes/updates may also be made.

B) Statutory Authority: Professional Engineering Practice Act of 1989 [225 ILCS 325]

C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

D) Date Agency anticipates First Notice: September 2020

E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed professional engineers may be affected.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813 fax: 217/557-4451

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G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citation): Clinical Psychologist Licensing Act (68 Ill. Adm. Code 1400)

1) Rulemaking:

A) Description: PA 101-84, which has been sent to the Governor, made several changes to the Act therefore rules will need to be promulgated with various updates and technical clean-up changes may also be made.

B) Statutory Authority: Clinical Psychologist Licensing Act [225 ILCS 15]

C) ScheduleD meeting/hearing date: No meetings or hearings have been scheduled.

D) Date Agency anticipates First Notice: December 2020

E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed clinical psychologists may be affected.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813 fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citation): Illinois Public Accounting Act (68 Ill. Adm. Code 1420)

1) Rulemaking:

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- A) Description: PA 100-419 amended several Sections of the Illinois Public Accounting Act. The changes included allowing for CPA firm mobility, allowing for continuing education reciprocity with other jurisdictions and updates for the Peer Review process. The proposed rules implement these statutory changes and bring Illinois up to par with other states' practices in regulating the CPA professions.
- B) Statutory Authority: Illinois Public Accounting Act [225 ILCS 450]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date Agency anticipates First Notice: November 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Certified public accountants may be affected.
- F) Agency contact person for information:
- Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786
- 217/785-0813 fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- j) Part (Heading and Code Citation): Illinois Roofing Industry Licensing Act (68 Ill. Adm. Code 1460)
- 1) Rulemaking:
- A) Description: Various Sections will need to be amended to address changes as a result of the sunset reauthorization of the Act.
- B) Statutory Authority: Illinois Roofing Industry Licensing Act [225 ILCS 335]

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- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date Agency anticipates First Notice: August 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed roofing contractors and applicants for licensure may be affected.
- F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813 fax: 217/557-4451

- G) Related rulemakings and other pertinent information: None

k) Part (Heading and Code Citation): Clinical Social Work and Social Work Practice Act (68 Ill. Adm. Code 1470)

1) Rulemaking:

- A) Description: PA 101-568 requires the Department to adopt rules allowing an applicant who is enrolled in an approved program for a master's degree in social work to sit for the authorized examination for licensed social workers in the final semester of the program. Certain Sections will also need to be amended as a result of PA 100-414, the sunset reauthorization of the Act including date references for ethics the handbook and technical updates/clean-up.
- B) Statutory Authority: Clinical Social Work and Social Work Practice Act [225 ILCS 20]
- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

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- D) Date Agency anticipates First Notice: October 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed social workers and clinical social workers may be affected.
- F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813 fax: 217/557-4451

- G) Related rulemakings and other pertinent information: None

- l) Part (Heading and Code Citation): The Structural Engineering Practice Act of 1989 (68 Ill Adm. Code 1480).

- 1) Rulemaking:

- A) Description: Certain Sections will likely be amended as a result of PA 101-312, the sunset reauthorization of the Act. Technical clean up changes/updates may also be made.
- B) Statutory Authority: Structural Engineering Practice Act of 1989 [225 ILCS 340]
- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date Agency anticipates First Notice: September 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed structural engineers may be affected.
- F) Agency contact person for information:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813 fax: 217/557-4451

- G) Related rulemakings and other pertinent information: None

IV. DIVISION OF REAL ESTATE

- a) Part (Heading and Code Citation): Auction License Act (68 Ill. Adm. Code 1440)

1) Rulemaking:

- A) Description: Certain Sections will likely be amended as a result of PA 101-345, the sunset reauthorization of the Act, which has been sent to the Governor. Technical clean up changes/updates may also be made.
- B) Statutory Authority: Auction License Act [225 ILCS 407]
- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date Agency anticipates First Notice: December 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department does not anticipate that the rule amendments will have any significant effect on small businesses, municipalities or not-for-profits.
- F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813 fax: 217/557-4451

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Real Estate Appraiser Licensing (68 Ill. Adm. Code 1455)

1) Rulemaking:

A) Description: PA 101-357, which was the sunset reauthorization of the Act, included numerous changes to the Real Estate License Act of 2000 to modernize and clarify language in the Act. The rules will also need to address changes to advertising provisions, regulations for offices, definitions, continuing education requirements and curriculum requirements.

B) Statutory Authority: Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458]

C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

D) Date Agency anticipates First Notice: October 2020

E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department does not anticipate that the rule changes will have a substantial effect on small businesses, municipalities or not-for-profit entities.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813 fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- a) Part (Heading and Code Citation): Child Support Services (89 Ill. Adm. Code 160)
- 1) Rulemaking:
- A) Description: Proposed amendments may be necessary as the result of recent legislative action.
- B) Statutory Authority: Authorized by [305 ILCS 5/4-1.6]; [305 ILCS 5/12-13]; [750 ILCS 5/505 et seq.] and [750 ILCS 46/1 et seq.]
- C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in the above referenced rulemaking.
- D) Date Agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department is unaware of any affect rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:
- Steffanie Garrett
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
Springfield IL 62763-0002
- HFS.Rules@Illinois.gov
- G) Related rulemakings and other pertinent information: None
- b) Parts (Heading and Code Citations): Special Eligibility Groups (89 Ill. Adm. Code 118), Medical Assistance Programs (89 Ill. Adm. Code 120), Covering All Kids Health

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Insurance Program (89 Ill. Adm. Code 123), Children's Health Insurance Program (89 Ill. Adm. Code 125), Veterans' Health Insurance Program (89 Ill. Adm. Code 128), Children's Behavioral Health (89 Ill. Adm. Code 139), Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146), Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147), Hospital Services (89 Ill. Adm. Code 148), Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 Ill. Adm. Code 149), Hospital Reimbursement Changes (89 Ill. Adm. Code 152), and Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153).

1) Rulemaking:

- A) Description: Proposed amendments may be necessary as the result of legislative action. The Department's rulemaking may include, but not be limited to, changes in eligibility, services, programs, quality or reimbursement rates. Depending on the timing of the legislative mandates or budget agreements, emergency rules may be necessary. Specifically, this may include rulemakings for a new eligibility group for noncitizens over the age of 65 and new methodologies for hospital assessments and payments.
- B) Statutory Authority: Authorized by 305 ILCS 5/12-13.
- C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in the above referenced rulemaking.
- D) Date Agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department is unaware of any affect rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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Steffanie Garrett
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
Springfield IL 62763-0002

HFS.Rules@Illinois.gov

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Medical Payment (89 Ill. Adm. Code 140)

1) Rulemaking:

A) Description: Proposed amendments may be necessary as the result of legislative action. The Department's rulemaking may include, but not be limited to, changes in eligibility, services, programs, quality or reimbursement rates. Depending on the timing of the legislative mandates or budget agreements, emergency rules may be necessary.

Proposed amendments may be necessary to update how medi-car, service car and ground ambulance service providers should document attempts to obtain a Physician Certification Statement and pharmacy reimbursement methodologies.

B) Statutory Authority: Authorized by [305 ILCS 5/12-13].

C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in the above referenced rulemaking.

D) Date Agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department is unaware of any affect rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

Steffanie Garrett
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
Springfield IL 62763-0002

HFS.Rules@Illinois.gov

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF HUMAN RIGHTS

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- a) Part (Heading and Code Citation): Procedures of the Department of Human Rights (56 Ill. Adm. Code 2520).
- 1) Rulemaking:
- A) Description: The Rulemaking will revise the Department's procedures for the filing of documents, service of documents, verification of charges, and dismissal of charges; add provisions concerning the Department's process and implementation of Employer Disclosure Requirements pursuant to Section 2-108 of the Human Rights Act; and delete obsolete language pertaining to the Department's proceedings for Requests for Review.
- B) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and the Intergovernmental Cooperation Act [5 ILCS 220] and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: August 13, 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No anticipated effect other than the benefit of the option to electronically file documents.
- F) Agency contact person for information:

Mary M. (Betsey) Madden
Chief Legal Counsel & Ethics Officer
Illinois Department of Human Rights – Legal Division
100 W. Randolph Street, Suite 10-100
Chicago IL 60601

312/814-3386
Betsey.M.Madden@Illinois.gov
fax: 312/814-1436
TTY: 866/740-3953

DEPARTMENT OF HUMAN RIGHTS

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- G) Related rulemakings and other pertinent information: The Department anticipates emergency rules which are substantially the same as the proposed amendments.

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- a) Part (Heading and Code Citation): Office of Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies (59 Ill. Adm. Code 50)
- 1) Rulemaking:
- A) Description: This rulemaking will define "Reportable Referred Allegations" (see infra 50.30); revise the definition of "Administrative Action"; amend language to reflect the formalization of OIG's credible evidence determination process; amend language to reflect OIG's ability to refer certain allegations ("Reportable Referred Allegations") to agencies/facilities for appropriate administrative action; amend notification procedure language with respect to facilities and agencies' receipt of "Reportable Referred Allegations" (see supra 50.30); add appropriate language regarding the "Reportable Referred Allegation" notification procedures concerning administrative actions taken by facilities and agencies; and add appropriate language setting forth the written response procedures for agencies and facilities regarding the outcomes of "Reportable Referred Allegations".
- B) Statutory Authority: Implementing and authorized by Section 1-17 of the Department of Human Services Act [20 ILCS 1305].
- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: December 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations.
- F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services

DEPARTMENT OF HUMAN SERVICES

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100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Standards and Licensure Requirements for Community-Integrated Living Arrangements (59 Ill. Adm. Code 115)

1) Rulemaking:

- A) Description: Amendments to this rule will be made to align with Federal Home and Community Based Services regulations. Specifically, this rulemaking will address person-centered planning, conflict-of-interest-free case management and settings, monitors and receiverships, terminations and/or discharges, sex education training, and recipients' funds protection.
- B) Statutory Authority: Implementing the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135] and the Health Care Worker Background Check Act [225 ILCS 46] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104], and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].
- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: December 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations that provide community-integrated living arrangements.
- F) Agency contact person for information:

DEPARTMENT OF HUMAN SERVICES

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Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Family Assistance and Home-Based Support Programs for Persons with Mental Disabilities (59 Ill. Adm. Code 117)

1) Rulemaking:

- A) Description: This rulemaking is necessary to ensure the rule is consistent with current Program standards and practices that relate to the Family Assistance and Home-Based Support Programs by updating language regarding terminations and/or discharges, modifications to addresses, and program oversight; and repealing the Family Assistance Program.
- B) Statutory Authority: Implementing the Home-Based Support Services Law for Mentally Disabled Adults [405 ILCS 80/2-1] and the Family Assistance Law for Mentally Disabled Children [405 ILCS 80/3-1] and authorized by Section 2-16 of the Home-Based Support Services Law for Mentally Disabled Adults [405 ILCS 80/2-16], Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104], and Section 5 of the Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].
- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: December 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-

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for-profit corporations that provide community-integrated living arrangements.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: Noned) Part (Heading and Code Citation): Minimum Standards for Certification of Developmental Training Programs (59 Ill. Adm. Code 119)1) Rulemaking:

- A) Description: This rulemaking updates the language to be consistent with new federal Home and Community-Based Services waiver regulations which add flexibility to help increase integration into community-based day programs. Additionally, amendments will be made to address the name of the program and to include community integration as a separate billable service.
- B) Statutory Authority: Implementing Section 15.2 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.2] and the Health Care Worker Background Check Act [225 ILCS 46] and authorized by Section 15.2 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.2] .
- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: December 2020

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- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses that provide developmental disability services in community-based day programs.
- F) Agency contact person for information:
- Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762
- 217/785-9772
- G) Related rulemakings and other pertinent information: None
- e) Part (Heading and Code Citation): Medicaid Home and Community-Based Services Waiver Program for Individuals with Developmental Disabilities (59 Ill. Adm. Code 120)
- 1) Rulemaking:
- A) Description: This rulemaking updates the language to be consistent with new federal HCBS waiver regulations which add flexibility to help increase integration into community-based day programs.
- B) Statutory Authority: Implementing Section 3 of the Community Services Act [405 ILCS 30/3] and Sections 5-1 through 5-11 of the Public Aid Code [305 ILCS 5/5-1 through 5-11] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5]; 42 CFR 441.301.
- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].

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- D) Date Agency anticipates First Notice: December 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations that provide services in community-based residential settings.
- F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772
- G) Related rulemakings and other pertinent information: None
- f) Part (Heading and Code Citation): Maternal and Child Care Health Services Code (77 Ill. Adm. Code 630)
- 1) Rulemaking:
- A) Description: This rulemaking will update language, current terminology, and processes. It will also add language regarding maternal mortality.
- B) Statutory Authority: Implementing the Developmental Disability Prevention Act [410 ILCS 250], the Lead Poisoning Prevention Act [410 ILCS 45], the Phenylketonuria Testing Act [410 ILCS 240], the Autopsy Act [410 ILCS 505], the Infant Mortality Reduction Act [410 ILCS 220], the Problem Pregnancy Health Services and Care Act [410 ILCS 230], and the Illinois Family Case Management Act [410 ILCS 212], and authorized by Section 2310-25 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-25].
- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be

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held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].

- D) Date Agency anticipates First Notice: September 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

- F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

- G) Related rulemakings and other pertinent information: None

- g) Part (Heading and Code Citation): WIC Vendor Management Code (77 Ill. Adm. Code 672)

- 1) Rulemaking:

- A) Description: As result of WIC EBT, this rulemaking will update language, current terminology, processes, and sanctions in the WIC Vendor Management Code.
- B) Statutory Authority: Implementing and authorized by the WIC Vendor Management Act [410 ILCS 255].
- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: August 2020

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- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations.
- F) Agency contact person for information:
- Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762
- 217/785-9772
- G) Related rulemakings and other pertinent information: None
- h) Part (Heading and Code Citation): Electronic Prescription Monitoring Program (77 Ill. Adm. Code 2080)
- 1) Rulemaking:
- A) Description: This rulemaking is necessary to update the Prescription Monitoring Program (PMP) definitions and language to reflect current law and program needs. Specifically, these amendments will address mandated registration, electronic health record integration, unsolicited letters to pharmacies, access to the PMP, and the PMP Advisory and Peer Review Committees.
- B) Statutory Authority: Implementing and authorized by Sections 316, 317, 318, 319, 320 and 321 of Article III of the Illinois Controlled Substances Act [720 ILCS 570/316, 317, 318, 319, 320 and 321]; PA 100-564; PA 100-0125; and PA 100-1093.
- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].

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- D) Date Agency anticipates First Notice: December 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations that provide services under the Prescription Monitoring Program.
- F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

- G) Related rulemakings and other pertinent information: None

- i) Part (Heading and Code Citation): Child Care (89 Ill. Adm. Code 50)

- 1) Rulemaking:
- A) Description: This rulemaking will update and re-index the Maximum Income and Parent Fee by Family Size and Income Level based on the most recent Federal Poverty Levels.
- B) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13].
- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: August 2020

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- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations that provide child care services.
- F) Agency contact person for information:
- Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762
- 217/785-9772
- G) Related rulemakings and other pertinent information: None
- j) Part (Heading and Code Citation): Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)
- 1) Rulemaking:
- A) Description: In order to maintain the benefit levels, this rulemaking will increase the AABD Grant Adjustment and the Sheltered Care/Personal or Nursing Care Rates by the amount of the January SSA/SSI Cost of Living Adjustment (COLA).
- B) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13] and 20 CFR 416.2096.
- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: December 2020

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- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations that provide sheltered care or nursing care services.
- F) Agency contact person for information:
- Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762
- 217/785-9772
- G) Related rulemakings and other pertinent information: None
- k) Part (Heading and Code Citation): Supplemental Nutrition Assistance Program (SNAP)
(89 Ill. Adm. Code 121)
- 1) Rulemaking:
- A) Description: This rulemaking will revise the Air Conditioning/Heating Standard, the Limited Utility Standard, the Single Utility Standard, and the Telephone Standard if the annual review of these standards determines that an increase or decrease in these standards is needed. This rulemaking will revise the Net Monthly Income Eligibility Standards, the Gross Monthly Income Eligibility Standards, and the Deduction from Monthly Income for SNAP.
- B) Statutory Authority: Implementing and authorized by Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13] and 7 CFR 273.9.
- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: October 2020

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E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
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Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

l) Part (Heading and Code Citation): Program Definitions (89 Ill. Adm. Code 521)

1) Rulemaking:

A) Description: This rulemaking is necessary to update definitions to meet current program requirements.

B) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].

C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: December 2020

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not affect small businesses, small municipalities or not-for-profit corporations.

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F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: Nonem) Part (Heading and Code Citation): Customer Financial Participation (89 Ill. Adm. Code 562)1) Rulemaking:

- A) Description: This rulemaking is necessary to amend the financial requirements to promote greater equity and access to Vocational Rehabilitation services.
- B) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)]; 29 USC 709.
- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: December 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not affect small businesses, small municipalities or not-for-profit corporations.
- F) Agency contact person for information:

Tracie Drew, Bureau Chief

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Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

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G) Related rulemakings and other pertinent information: None

n) Part (Heading and Code Citation): Comparable Benefits (89 Ill. Adm. Code 567)

1) Rulemaking:

- A) Description: The revisions in this rulemaking will provide clear guidance to Division of Rehabilitation Services and Vocational Rehabilitation customers on utilization of comparable resources.
- B) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)], 29 USC 721(a)(8), and 34 CFR 361.47(b); 29 USC 709.
- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: December 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not affect small businesses, small municipalities or not-for-profit corporations.
- F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
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100 South Grand Avenue, East
Springfield IL 62762

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G) Related rulemakings and other pertinent information: Noneo) Part (Heading and Code Citation): Services (89 Ill. Adm. Code 590)1) Rulemaking:

- A) Description: This rulemaking will amend language regarding medical, psychological, and related services; training and related services; transportation services; and maintenance of services to align with federal regulations.
- B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625]; 29 USC 709.
- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: December 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not affect small businesses, small municipalities or not-for-profit corporations.
- F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

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- G) Related rulemakings and other pertinent information: None
- p) Part (Heading and Code Citation): Projects with Industry (89 Ill. Adm. Code 640)
- 1) Rulemaking:
- A) Description: This rule will be repealed because it is obsolete and no longer necessary.
- B) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].
- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: September 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not affect small businesses, small municipalities or not-for-profit corporations.
- F) Agency contact person for information:
- Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762
- 217/785-9772
- G) Related rulemakings and other pertinent information: None
- q) Part (Heading and Code Citation): Vending Facility Program for the Blind (89 Ill. Adm. Code 650)

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1) Rulemaking:

- A) Description: The rules that govern the Business Enterprise Program for the Blind will be put in sequential order. Furthermore, amendments to the following sections will also be made: Definitions, Rights and Responsibilities of Vendors in the Program, Training, Certification of Vendors, Awarding of Facilities, and Disciplinary Procedures for Vendors.
- B) Statutory Authority: Implementing the Randolph-Sheppard Vending Stand Act [20 USC 107] and authorized by the Blind Persons Operating Vending Facilities Act [20 ILCS 2420].
- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: December 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not affect small businesses, small municipalities or not-for-profit corporations.
- F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

- G) Related rulemakings and other pertinent information: None

r) Part (Heading and Code Citation): Program Description (89 Ill. Adm. Code 676)1) Rulemaking:

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- A) Description: This rulemaking will update and/or add new language regarding Electronic Visit Verification, Medicaid IMPACT enrollment, and Home and Community-Based Services, respite service planning, and form approval procedure.
- B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]; the SMART Act [305 ILCS 5/5-f(g)]; 42 CFR 440.
- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: December 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations that provide services under the Home Services Program.
- F) Agency contact person for information:
- Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762
- 217/785-9772
- G) Related rulemakings and other pertinent information: 89 Ill. Adm. Code 677; 89 Ill. Adm. Code 684; 89 Ill. Adm. Code 686
- s) Part (Heading and Code Citation): Customer Rights and Responsibilities (89 Ill. Adm. Code 677)
- 1) Rulemaking:

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- A) Description: This rulemaking will update and/or add new language regarding Electronic Visit Verification, Medicaid IMPACT enrollment, and Home and Community-Based Services.
- B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]; the SMART Act [305 ILCS 5/5-f(g)]; 42 CFR 440.
- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: December 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations that provide services under the Home Services Program.
- F) Agency contact person for information:
- Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
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- 217/785-9772
- G) Related rulemakings and other pertinent information: 89 Ill. Adm. Code 676; 89 Ill. Adm. Code 684; 89 Ill. Adm. Code 686
- t) Part (Heading and Code Citation): Determination of Need (DON) and Resulting Service Cost Maximums (SCMs) (89 Ill. Adm. Code 679)
- 1) Rulemaking:

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- A) Description: This rulemaking will update language to ensure the rule is consistent with current Program standards and practices that relate to federal Home and Community-Based Services regulations.
- B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]; 42 CFR 440.
- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: December 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations that provide services under the Home Services Program.
- F) Agency contact person for information:
- Tracie Drew, Bureau Chief
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100 South Grand Avenue, East
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- G) Related rulemakings and other pertinent information: 89 Ill. Adm. Code 681; 89 Ill. Adm. Code 682

u) Part (Heading and Code Citation): Prescreening (89 Ill. Adm. Code 681)

1) Rulemaking:

- A) Description: This rulemaking will update language to ensure the rule is consistent with current Program standards and practices that relate to federal Home and Community-Based Services regulations.

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- B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]; 42 CFR 440.
- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: December 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations that provide services under the Home Services Program.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
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- G) Related rulemakings and other pertinent information: 89 Ill. Adm. Code 679; 89 Ill. Adm. Code 682

v) Part (Heading and Code Citation): Eligibility (89 Ill. Adm. Code 682)

1) Rulemaking:

- A) Description: This rulemaking will update language to ensure the rule is consistent with current Program standards and practices that relate to federal Home and Community-Based Services regulations.
- B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]; 42 CFR 440.

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- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: December 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations that provide services under the Home Services Program.
- F) Agency contact person for information:
- Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762
- 217/785-9772
- G) Related rulemakings and other pertinent information: 89 Ill. Adm. Code 679; 89 Ill. Adm. Code 681
- w) Part (Heading and Code Citation): Service Planning and Provision (89 Ill. Adm. Code 684)
- 1) Rulemaking:
- A) Description: This rulemaking will update and/or add new language regarding Electronic Visit Verification, Medicaid IMPACT enrollment, Individual Provider requirements, Home and Community-Based Services, hospitalization service provision, and allowable service providers.
- B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]; the SMART Act [305 ILCS 5/5-f(g)]; 42 CFR 440.

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- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: December 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations that provide services under the Home Services Program.
- F) Agency contact person for information:
- Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762
- 217/785-9772
- G) Related rulemakings and other pertinent information: 89 Ill. Adm. Code 676; 89 Ill. Adm. Code 677; 89 Ill. Adm. Code 686
- x) Part (Heading and Code Citation): Provider Requirements, Type Services, and Rates of Payment (89 Ill. Adm. Code 686)
- 1) Rulemaking:
- A) Description: This rulemaking will update and/or add new language regarding Electronic Visit Verification, Medicaid IMPACT enrollment, and Home and Community-Based Services, changes in abuse, neglect, and exploitation reporting, and Electronic Home Response.
- B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]; the SMART Act [305 ILCS 5/5-f(g)]; 42 CFR 440.

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- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: December 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations that provide services under the Home Services Program.
- F) Agency contact person for information:
- Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762
- 217/785-9772
- G) Related rulemakings and other pertinent information: 89 Ill. Adm. Code 676; 89 Ill. Adm. Code 677; 89 Ill. Adm. Code 684
- y) Part (Heading and Code Citation): Illinois Long-Term Care Partnership Program (89 Ill. Adm. Code 688)
- 1) Rulemaking:
- A) Description: This rulemaking will update language to ensure the rule is consistent with current Program standards and practices that relate to the Long-Term Care Partnership Program.
- B) Statutory Authority: Long-Term Care Partnership Program Act [215 ILCS 132] and Section 3(g) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(g)].

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- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: December 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not affect small businesses, small municipalities or not-for-profit corporations.
- F) Agency contact person for information:
- Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762
- 217/785-9772
- G) Related rulemakings and other pertinent information: None
- z) Part (Heading and Code Citation): Special Education Program and Services (89 Ill. Adm. Code 765)
- 1) Rulemaking:
- A) Description: This rulemaking will amend language regarding the maximum class size allowed in special education classrooms for more than 60 percent of the day.
- B) Statutory Authority: Implementing Sections 3, 10, 11, and 13 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3, 10, 11, and 13].
- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be

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held if necessary, as required by the Illinois Administrative Procedure Act [5 ILCS 100].

- D) Date Agency anticipates First Notice: December 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not affect small businesses, small municipalities or not-for-profit corporations.
- F) Agency contact person for information:
- Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762
- 217/785-9772
- G) Related rulemakings and other pertinent information: None

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a) Part (Heading and Code Citation): Income Tax (86 Ill. Adm. Code 100)1) Rulemaking:

- A) Description: New rules will be added to Part 100 concerning the tax credit for Tech Prep Youth Vocational Programs (IITA Section 209); the reallocation of items under IITA Section 404; pass-through of investment credits from partnerships and Subchapter S corporations to their partners and shareholders; filing of refund claims and other collection matters, and interest computations.

Part 100 will be amended by adding rules and amending existing rules governing the computation of base income and net income under Article 2 of the IITA, the allocation and apportionment of base income under Article 3 of the IITA, and the filing of returns and payment of taxes under Articles 5 and 6 of the IITA.

Part 100 will be amended to update the provisions defining unitary business groups and computing the combined tax liability of unitary business groups.

Part 100 will be amended by adding rules providing guidance on the addition and subtraction modifications allowed in IITA Section 203, on the credit for residential property taxes paid in IITA Section 208, on the acceptance of substitute W-2s, electronic filing of returns, and rounding amounts on returns to the nearest dollar.

Part 100 will be amended to clarify definitions of terms in IITA Section 1501(a).

Part 100 will be amended to implement legislation enacted, including EDGE credits, limits on exemptions and credits for taxpayers with high adjusted gross incomes, the historic preservation and hospital credits, the foreign tax credit, the education credit, the research and development credit, the angel investment credit, the credit for instructional materials and supplies, the earned income credit, the adoption credit, the historic preservation credit, the River Edge Redevelopment zone historic property rehabilitation credit, the credits and subtractions allowed with respect to enterprise zones, credits for hiring veterans and ex-felons, bonus

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depreciation adjustments, withholding by employers, partnerships, Subchapter S corporations and trusts, changes to apportionment formulas and taxation of real estate investment trusts and their investors, the minimum wage credit, the data center investment credit, the surcharge on gaming licensees, the apprenticeship education expense credit, the enterprise zone and high impact business construction jobs credits, appeals to the Tax Tribunal, and the Illinois Secure Choice Savings Program Act.

Part 100 will be amended to provide additional guidance on nexus and on the Illinois income tax consequences of changes in federal income tax laws.

Finally, the Department will continue the updating and correction of Part 100.

- B) Statutory Authority: 35 ILCS 5/101 and 35 ILCS 5/1401
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 100 over the next six months. We anticipate filing rulemakings amending Part 100 on a regular basis during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: These rulemakings will affect any business that incurs an income tax filing obligation.
- F) Agency contact person for information:

Brian Stocker
Associate Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/782-2844

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- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): Retailers' Occupation Tax (86 Ill. Adm. Code 130)
- 1) Rulemaking:
- A) Description: Amendments will be made to update the Retailers' Occupation Tax regulations to reflect new statutory developments, decisional law and Department policies. Rulemakings will also be promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings and to delete outdated provisions. Included are changes to Section 130.340 governing the rolling stock exemption to reflect the provisions of PA 100-321 and changes to Sections 130.455 and 130.2013 to implement the provisions of PA 98-628 and PA 98-1080, which change the method of determining the "selling price" for first division and certain types of second division motor vehicles that are leased for defined periods in excess of one year. Changes will also be made to implement the provisions of PA 100-1101, which provides an exemption for sales by Illinois retailers to purchasers that are exempt by virtue of federal law, and for PA 101-649, which retroactively reinstated the exemption for certain persons for materials, parts, equipment, components and furnishings incorporated into an aircraft as part of the modification, refurbishment, completion, replacement repair or maintenance of the aircraft. Various regulations throughout Part 130 will also be amended or added as necessary in order to accommodate the new requirements for tax imposed by PA 101-604 on remote retailers and marketplace facilitators. Regulations governing the manner in which retailers document sales made to exempt organization, including sales made to teachers employed by an educational entity possessing an exemption identification number, will also be proposed.
- B) Statutory Authority: 35 ILCS 120/12
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 130 over the next six

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months. We anticipate filing rulemakings amending Part 130 on a regular basis during the next six months of this year.

- E) Effect on small business, small municipalities or not-for-profit corporations: Small businesses that sell tangible personal property at retail will be affected by these regulations.
- F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/782-2844

- G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Use Tax (86 Ill. Adm. Code 150)

1) Rulemaking:

- A) Description: Amendments will be made to update the Use Tax regulations to reflect new statutory developments, decisional law and Department policies. Various regulations in Part 150 will be amended as necessary to accommodate the new requirements for tax imposed upon remote retailers and marketplace facilitators by PA 101-604 and by PA 101-31 (Leveling the Playing Field For Illinois Retail Act)
- B) Statutory Authority: 35 ILCS 105/12
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 150 during the next six months of this year.

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- E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect persons subject to the Use Tax.
- F) Agency contact person for information:
- Jerilynn Troxell Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794
- 217/782-2844
- G) Related rulemakings and other pertinent information: None
- d) Part (Heading and Code Citation): Leveling the Playing Field For Illinois Retail Act (86 Ill. Adm. Code 131) (New Part)
- 1) Rulemaking:
- A) Description: A new part will be added to implement the provisions of PA 101-31, which enacted the Leveling the Playing Field For Illinois Retail Act. These regulations implement the new tax liabilities and requirements for remote retailers and explain the requirements for certified service providers and for the certified automated systems that can be utilized by remote retailers to comply with their new tax obligations. This new part will also explain the new tax liabilities and requirements for marketplace facilitators and marketplace sellers making sales over a marketplace. The rules will also outline the responsibilities of the Department and of local taxing jurisdictions under the new tax law. These regulations will also explain the new sourcing provisions that apply to sales made by remote retailers, as well as to sales made by marketplace facilitators, both their own sales and sales made on behalf of marketplace sellers making sales over the marketplace.
- B) Statutory Authority: 35 ILCS 185/1 et seq.; 35 ILCS 120/2

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- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rulemakings adding Part 131 during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: These rulemakings will affect remote retailers, marketplace sellers and marketplace facilitators making sales to Illinois purchasers. They will also affect business entities wishing to obtain certification as a certified service provider or who wish their automated sales tax calculation systems or be certified by the Department.
- F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/782-2844

- G) Related rulemakings and other pertinent information: Various regulations throughout the Retailers' Occupation Tax Part 130 and the Use Tax Part 150 will require amendment in order to accommodate the changes made by PA 101-604 and 101-31. The sourcing provisions of numerous local retailers' occupation taxes will also require amendment to accommodate these changes.

e) Part (Heading and Code Citation): Bingo License and Tax Act (86 Ill. Adm. Code 430)

1) Rulemaking:

- A) Description: Regulations will be updated to reflect the provisions of Public PA 93-742, which authorizes the Department to issue 3-year bingo licenses, including regular licenses, limited licenses or senior citizen restricted licenses; the provisions of PA 95-228, dealing with licensing; and the provisions of PA 97-1150, implementing the Criminal Code of

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2012. The regulations will also be amended to clarify definitions; record keeping requirements; the documentation required for a license application; the provisions of PA 99-177 regarding special permits, and the provisions of other recent legislation.

- B) Statutory Authority: 230 ILCS 25/1
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 430 during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Entities eligible for bingo licenses will be affected by these rulemakings.
- F) Agency contact person for information:

Brian Stocker
Associate Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/782-2844
- G) Related rulemakings and other pertinent information: There are no related rulemakings.

f) Part (Heading and Code Citation): Pull Tabs and Jar Games Act (86 Ill. Adm. Code 432)

1) Rulemaking:

- A) Description: Regulations will be amended to implement the amendments in PA 95-228 dealing with licensing and to clarify record keeping requirements and the documentation required for a license application, the amendments in PA 97-1150, implementing the Criminal Code of 2012, and other recent legislation.

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- B) Statutory Authority: 230 ILCS 20/1
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 432 during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Entities eligible for pull tabs and jar games licenses will be affected by these rulemakings.
- F) Agency contact person for information:
- Brian Stocker
Associate Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794
- 217/782-2844
- G) Related rulemakings and other pertinent information: There are no related rulemakings.
- g) Part (Heading and Code Citation): Uniform Penalty and Interest Act (86 Ill. Adm. Code 700)
- 1) Rulemaking:
- A) Description: The Department will amend the regulations in Part 700 to reflect recent amendments to the Uniform Penalty and Interest Act and Department policies.
- B) Statutory Authority: 20 ILCS 2505/2505-795
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

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- D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 700 during the next six months of this year.
- E) Effect on small business, small municipalities and not-for-profit corporations: These rulemakings will provide guidance for any business or not-for-profit corporation that incurs tax liabilities potentially subject to penalty or interest obligations under the Uniform Penalty and Interest Act.
- F) Agency contact person for information:
- Brian Stocker
Associate Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794
- 217/782-2844
- G) Related rulemakings and other pertinent information: None
- h) Part (Heading and Code Citation): Home Rule Municipal Retailers' Occupation Tax (86 Ill. Adm. Code 270)
- 1) Rulemaking:
- A) Description: Rules will be amended to reflect new statutory developments, decisional law and Department policies. Provisions governing sourcing found within this Part will be amended to accommodate the changes made for the tax liability of remote retailers and marketplace facilitators and marketplace sellers by PA 101-604 and PA 101-31. Similar changes will be made to all Parts that implement a local retailers' occupation tax.
- B) Statutory Authority: 35 ILCS 120/2-12; 120/12
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

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- D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 270 during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: These rulemakings will affect any small business that makes sales at retail in a jurisdiction imposing a local occupation tax.
- F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson Street, MC 5-500
Springfield IL 62794

217/782-2844

- G) Related rulemakings and other pertinent information: Similar changes will be made to all Parts that implement a local retailers' occupation tax.

i) Part (Heading and Code Citation): Non-Home Rule Municipal Retailers' Occupation Tax (86 Ill. Adm. Code 693)

1) Rulemaking:

- A) Description: Rules will be amended to reflect new statutory developments, decisional law and Department policies. Provisions governing sourcing found within this Part will be amended to accommodate the changes made for the tax liability of remote retailers and marketplace facilitators and marketplace sellers by PA 101-604 and PA 101-31. Similar changes will be made to all Parts that implement a local retailers' occupation tax.
- B) Statutory Authority: 35 ILCS 120/2-12; 120/12
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

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- D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 693 during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: These rulemakings will affect any small business that makes sales at retail in a jurisdiction imposing a local occupation tax.
- F) Agency contact person for information:
- Jerilynn Troxell Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson Street, MC 5-500
Springfield IL 62794
- 217/782-2844
- G) Related rulemakings and other pertinent information: Similar changes will be made to all Parts that implement a local retailers' occupation tax.
- j) Part (Heading and Code Citation): Home Rule County Retailers' Occupation Tax (86 Ill. Adm. Code 220)
- 1) Rulemaking:
- A) Description: Rules will be amended to reflect new statutory developments, decisional law and Department policies. Provisions governing sourcing found within this Part will be amended to accommodate the changes made for the tax liability of remote retailers and marketplace facilitators and marketplace sellers by PA 101-604 and PA 101-31. Similar changes will be made to all Parts that implement a local retailers' occupation tax.
- B) Statutory Authority: 35 ILCS 120/2-12; 120/12
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

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- D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 220 during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: These rulemakings will affect any small business that makes sales at retail in a jurisdiction imposing a local occupation tax.
- F) Agency contact person for information:
- Jerilynn Troxell Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson Street, MC 5-500
Springfield IL 62794
- 217/782-2844
- G) Related rulemakings and other pertinent information: Similar changes will be made to all Parts that implement a local retailers' occupation tax.
- k) Part (Heading and Code Citation): Special County Retailers' Occupation Tax for Public Safety (86 Ill. Adm. Code 670)
- 1) Rulemaking:
- A) Description: Rules will be amended to reflect new statutory developments, decisional law and Department policies. Provisions governing sourcing found within this Part will be amended to accommodate the changes made for the tax liability of remote retailers and marketplace facilitators and marketplace sellers by PA 101-604 and PA 101-31. Similar changes will be made to all Parts that implement a local retailers' occupation tax.
- B) Statutory Authority: 35 ILCS 120/2-12; 120/12
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

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- D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 670 during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: These rulemakings will affect any small business that makes sales at retail in a jurisdiction imposing a local occupation tax.
- F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson Street, MC 5-500
Springfield IL 62794

217/782-2844

- G) Related rulemakings and other pertinent information: Similar changes will be made to all Parts that implement a local retailers' occupation tax.

- l) Part (Heading and Code Citation): Regional Transportation Authority Retailers' Occupation Tax (86 Ill. Adm. Code 320)

1) Rulemaking:

- A) Description: Rules will be amended to reflect new statutory developments, decisional law and Department policies. Provisions governing sourcing found within this Part will be amended to accommodate the changes made for the tax liability of remote retailers and marketplace facilitators and marketplace sellers by PA 101-604 and PA 101-31. Similar changes will be made to all Parts that implement a local retailers' occupation tax.
- B) Statutory Authority: 35 ILCS 120/2-12; 120/12
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

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- D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 320 during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: These rulemakings will affect any small business that makes sales at retail in a jurisdiction imposing a local occupation tax.
- F) Agency contact person for information:
- Jerilynn Troxell Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson Street, MC 5-500
Springfield IL 62794
- 217/782-2844
- G) Related rulemakings and other pertinent information: Similar changes will be made to all Parts that implement a local retailers' occupation tax.
- m) Part (Heading and Code Citation): Metro East Mass Transit District Retailers' Occupation Tax (86 Ill. Adm. Code 370)
- 1) Rulemaking:
- A) Description: Rules will be amended to reflect new statutory developments, decisional law and Department policies. Provisions governing sourcing found within this Part will be amended to accommodate the changes made for the tax liability of remote retailers and marketplace facilitators and marketplace sellers by PA 101-604 and PA 101-31. Similar changes will be made to all Parts that implement a local retailers' occupation tax.
- B) Statutory Authority: 35 ILCS 120/2-12; 120/12
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

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- D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 370 during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: These rulemakings will affect any small business that makes sales at retail in a jurisdiction imposing a local occupation tax.
- F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson Street, MC 5-500
Springfield IL 62794

217/782-2844

- G) Related rulemakings and other pertinent information: Similar changes will be made to all Parts that implement a local retailers' occupation tax.

n) Part (Heading and Code Citation): Telecommunications Excise Tax (86 Ill. Adm. Code 495)

1) Rulemaking:

- A) Description: Rules will be amended to reflect new statutory developments, decisional law and Department policies. Provisions governing registration requirements will be added to the rules.
- B) Statutory Authority: 35 ILCS 630/17
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 495 during the next six months of this year.

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E) Effect on small business, small municipalities or not-for-profit corporations: These rulemakings will affect any small business that makes sales of telecommunications.

F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson Street, MC 5-500
Springfield IL 62794

217/782-2844

G) Related rulemakings and other pertinent information: None.

o) Part (Heading and Code Citation): State Tax Lien Registration Act (86 Ill. Adm. Code 715)

1) Rulemaking:

A) Description: A new part will be added to implement the State Tax Lien Registration Act.

B) Statutory Authority: 35 ILCS 750/1-35

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 715 during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect persons utilizing titling information or services.

F) Agency contact person for information:

Jerilynn Troxell Gorden

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Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/782-2844

G) Related rulemakings and other pertinent information: None

p) Part (Heading and Code Citation): Rental Purchase Agreement Occupation and Use Tax Act (86 Ill. Adm. Code 125)

1) Rulemaking:

A) Description: A new part will be added to implement the Rental Purchase Agreement Occupation and Use Tax Act.

B) Statutory Authority: 35 ILCS 180/40

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 125 during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect businesses that lease merchandise under rental purchase agreements and their customers.

F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/782-2844

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G) Related rulemakings and other pertinent information: None

q) Part (Heading and Code Citation): County Water Commission Retailers' Occupation Tax (86 Ill. Adm. Code 630)

1) Rulemaking:

A) Description: This rulemaking will repeal rules due to the statutory termination of the tax on June 1, 2016.

B) Statutory Authority: County Water Commission Act of 1985 [70 ILCS 3720/4]

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 630 during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/782-2844

G) Related rulemakings and other pertinent information: None

r) Part (Heading and Code Citation): County Water Commission Service Occupation Tax (86 Ill. Adm. Code 640)

1) Rulemaking:

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- A) Description: This rulemaking will repeal rules due to the statutory termination of the tax on June 1, 2016.
- B) Statutory Authority: County Water Commission Act of 1985 [70 ILCS 3720/4]
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 640 during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/782-2844

- G) Related rulemakings and other pertinent information: None

s) Part (Heading and Code Citation): County Water Commission Use Tax (86 Ill. Adm. Code 650)

1) Rulemaking:

- A) Description: This rulemaking will repeal rules due to the statutory termination of the tax on June 1, 2016.
- B) Statutory Authority: County Water Commission Act of 1985 [70 ILCS 3720/4]

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- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 650 during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/782-2844

- G) Related rulemakings and other pertinent information: None

t) Part (Heading and Code Citation): Property Tax Code (86 Ill. Adm. Code 110)

1) Rulemaking:

- A) Description: Section 110.115 will be amended to clarify, update or remove old language in non-homestead exemption proceedings in Section 110.115., and to correct a statutory timeframe for filing for administrative review of non-homestead exemptions in Section 110.145 from 20 days to 60 days. Neither rule has been changed since 1996. The rulemaking would remove mention of both the non-existent Board of Appeals and exemption field auditors, update exemption form numbers and examples, and remove several outdated filing requirements.

Section 110.116 will be amended to clarify that all prospective tenants are to receive a copy of the project's non-eviction policy and that the owners must have a written statement on file from all current tenants that they have received a copy of the non-eviction policy. It also changes a seven-

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line sentence into three easier to understand sentences, corrects a misspelled word and removes an unnecessary "The" in two headings.

Section 110.125 will be amended to eliminate the now non-existent Board of Appeals from the rule Section 110.155. This rulemaking is designed to update this 2000 version of Section 110.155 by eliminating references to the 1999 Public Act and by changing "handicapped individual" to "person with disabilities."

Section 110.135 will be amended to update this 1996 version of Section 110.135 by eliminating references to the now nonexistent Board of Appeals (now Board of Review), "photostatic" copy and the year 1996, to correct real "estate" to real "property," and to clarify by adding the words "affected" to taxing bodies and change the words "at fault" to "in error."

Section 110.145 will be amended to clarify, update or remove old language in non-homestead exemption proceedings in Section 110.115., and to correct a statutory timeframe for filing for administrative review of non-homestead exemptions in Section 110.145 from 20 days to 60 days. Neither rule has been changed since 1996. The rulemaking would remove mention of both the non-existent Board of Appeals and exemption field auditors, update exemption form numbers and examples, and remove several outdated filing requirements.

Section 110.155 will be amended to update this 2000 version of Section 110.155 by eliminating references to the 1999 Public Act and by changing "handicapped individual" to "person with disabilities."

Section 110.180 will be amended to eliminate the Department's requirement of having two signatures rather than one on the Department's grade request slip. It also upgrades language from "handicapped individuals" to "persons with disabilities."

- B) Statutory Authority: Implementing the Property Tax Code [35 ILCS 200] and authorized by Section 2505-625 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-625].
- C) Scheduled meeting/hearing dates: No schedule has been established.

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D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 110 during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Terry Shafer
Associate Counsel, Property Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/557-0965

G) Related rulemakings and other pertinent information: None

u) Part (Heading and Code Citation): Real Estate Transfer Tax (86 Ill. Adm. Code 120)

1) Rulemaking:

A) Description: Section 120.5 will be amended to eliminate language discussing requirements prior to 2004 in 120.5(a) and to add the notification that electronic signatures affixed to electronically transmitted transfer declarations are as legally binding as handwritten signatures. It also eliminates unnecessary language describing forms for transfers that occurred prior to 2000 and corrects the term "Web site" to "website." The rulemaking also updates the rule to comport with the Department's technology in allowing recorders of deeds to utilize an approved interface to electronically transfer declarations and order transfer stamps from the Department for recording in the county offices. This rulemaking also requires county assessment offices utilizing the Department's electronic transfer declaration system provide a file layout to both validate the information transmitted and for any other purpose as determined by the Department.

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- B) Statutory Authority: Implementing the Property Tax Code [35 ILCS 200] and authorized by Section 2505-625 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-625].
- C) Scheduled meeting/hearing dates: No schedule has been established.
- D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 120 during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Terry Shafer
Associate Counsel, Property Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/557-0965

- G) Related rulemakings and other pertinent information: None

v) Part (Heading and Code Citation): Motor Fuel Tax for Municipalities within Cook County (86 Ill. Adm. Code 696)

1) Rulemaking:

- A) Description: A new part (Part 696) will be added to implement the provisions of PA 101-31. The part will provide provisions for implementation of the new tax on motor fuel authorized for municipalities in Cook County.
- B) Statutory Authority: PA 101-31, adding new Section 8-11-2.3 to the Illinois Municipal Code [65 ILCS 5//8-11-2.3].
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

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- D) Date Agency anticipates First Notice: We anticipate filing such rulemakings amending Part 696 within the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: These rulemakings will affect municipalities imposing this new tax and any retailers selling motor fuel tax in such municipalities.
- F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 West Jefferson, MC 5-550
Springfield IL 62794

217/782-2844

- G) Related rulemakings and other pertinent information: None

w) Part (Heading and Code Citation): Local Government Revenue Recapture Act (86 Ill. Adm. Code 217) (New Part)

1) Rulemaking:

- A) Description: A new part (Part 217) will be added to implement the provisions of PA 101-628, which governs the Local Government Revenue Recapture Act, including the Certified Audit Pilot Project. The new part will include, but not be limited to, rules that implement the certified audit pilot project. New rules will concern the availability of the certification program required for participation in the project; the requirements and basis for the Department's establishment of just cause for approval or rejection of participation by taxpayers; procedures for assessment, collection and payment of liabilities or refund of overpayments and provisions for taxpayer to obtain informal and formal review of certified audit results; the nature, frequency, and basis for the Department's review of certified audits conducted by qualified practitioners, including the requirements for documentation, work-paper retention and access, and

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reporting; and requirements for conducting certified audits and for review of agreed-upon procedures.

- B) Statutory Authority: PA 101-628
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing such rulemakings amending Part 217 within the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: These rulemakings will affect municipalities that have initiated a tax compliance referral with the Department; small businesses for which a tax compliance referral has been submitted to the Department may participate in a limited scope audit under the Certified Audit Pilot Project.
- F) Agency contact person for information:
- Jerilynn Troxell Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 West Jefferson, MC 5-550
Springfield IL 62794
- 217/782-2844
- G) Related rulemakings and other pertinent information: None

SECRETARY OF STATE

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- a) Part (Heading and Code Citation): The Illinois State Library Grant Programs (23 Ill. Adm. Code 3035)
- 1) Rulemaking:
- A) Description: Update the incorporation by reference of the public library standards in Section 3035.115 (a); and clarify the purchase of "equipment" in Section 3035.220
- B) Statutory Authority: Implementing and authorized by the Illinois State Library Act [15 ILCS 320/18]
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: August 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No impact
- F) Agency contact person for information:
- Joseph Natale
Chief Deputy Director
Illinois State Library
Gwendolyn Brooks Building
300 South Second Street
Springfield IL 62701-1796
- fax: 217/557-2619
jnatale@ilsos.gov
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): Public Library Non-Resident Services (23 Ill. Adm. Code 3050)
- 1) Rulemaking:

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- A) Description of Rule: Implement non-resident library card privileges for students in an unincorporated areas in Illinois whose household falls at or below the U.S. Department of Agriculture's Income Eligibility Guidelines and for disabled veterans.
- B) Statutory Authority: Implementing and authorized by Section 4-7 of the Illinois Local Library Act [75 ILCS 5/4-7], and authorized by Section 30-55.60 of the Public Library District Act of 1991 [75 ILCS 16/30-55.60] and Section 8.25 of the State Mandates Act [30 ILCS 805/8.25].
- C) Scheduled meeting/hearing date: None
- D) Date Agency anticipates First Notice: August 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No impact
- F) Agency contact person for information:
- Joseph Natale
Chief Deputy Director
Illinois State Library
Gwendolyn Brooks Building
300 South Second Street
Springfield IL 62701-1796
- fax: 217/557-2619
jnatale@ilsos.gov
- G) Related information and other pertinent information: None

ILLINOIS STATE POLICE

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- a) Part (Heading and Code Citation): Firearm Dealer License Certification Act; 20 Ill. Adm. Code 1232.60
- 1) Rulemaking:
- A) Description: The rule will be amended in order to establish requirements for electronic surveillance related to retail locations as defined by the Firearm Dealer License Certification Act.
- B) Statutory Authority: Firearm Dealer License Certification Act, [430 ILCS 68] and authorized by Section 2605-15 of the Department of State Police Law, [20 ILCS 2605].
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The affect on small businesses was analyzed under a larger rulemaking on the Firearm Dealer License Certification Act, however, ISP will conduct further analysis based upon this section of the rulemaking.
- F) Agency contact person for information:
- Ms. Yvette Loizon
Chief Legal Counsel
Illinois State Police
801 South Seventh Street, Suite 1000-S
Springfield IL 62703
- 217/782-7858
- G) Related rulemakings and other pertinent information: None

ILLINOIS ADMINISTRATIVE CODE
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56 - 2520	11957
59 - 50	11959
86 - 100	11985
23 - 3035	12010
20 - 1232	12012