

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

Emergency Rules

■ UNEMPLOYMENT BENEFITS

The DEPARTMENT OF EMPLOYMENT SECURITY adopted emergency amendments to the Part titled Claimant's Availability For Work, Ability to Work and Active Search for Work (56 IAC 2865; 44 Ill Reg 5457) effective 3/13/20 for a maximum of 150 days. A companion proposed rulemaking appears in this week's *Illinois Register* at 44 Ill Reg 5175. These rules allow persons who have been laid off due to the COVID-19 pandemic to apply for unemployment benefits. Criteria for being deemed able to work and available for work (prerequisites for receiving benefits) have been expanded to include circumstances in which the claimant is limited to working from home due to COVID-19 related closures or restrictions. Numerous small businesses and their

COVID-19 ACTIONS

Numerous Executive Orders and emergency rules have been issued in response to the COVID-19 pandemic. The latest Executive Orders of the Governor concerning this pandemic can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies in response to the pandemic will be summarized in The Flinn Report as they are published in the *Illinois Register*.

employees are affected by this emergency rule.

Questions/requests for copies/comments on the proposed rulemaking through 5/11/20: Thomas D. Chan, DES, 33 S. State St., Room 910, Chicago IL 60603, 312/793-2338, Thomas.D.Chan@illinois.gov

Proposed Rulemakings

■ EMERGENCY SERVICES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to the Part titled Emergency Medical Services, Trauma Center, Comprehensive Stroke Center, Primary Stroke Center and Acute Stroke Ready Hospital Code (77 IAC 515; 44 Ill Reg 5184) implementing PA 100-1082 by adding provisions for Pre-Hospital Advanced Practice Registered Nurses (PHAPRNs) and Pre-Hospital Physician Assistants (PHPAs) and updating requirements for hospital certification as an Emergency Department Approved for Pediatrics (EDAP), Standby Emergency Department Approved for Pediatrics (SEDP), or Pediatric Critical Care Center (PCCC). The rulemaking also updates the composition of the Illinois Emergency Medical

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ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.
PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.
PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.
QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.
RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Adopted Rules

■ RETIREMENT SAVINGS

The OFFICE OF THE TREASURER adopted amendments to Secure Choice Savings Plan (74 IAC 721; 43 Ill Reg 14069), effective 3/12/20, updating the Secure Choice Savings Program to reflect recent legislation and other changes. The rulemaking adds traditional IRAs as an option (in addition to Roth IRAs), expands the definition of an employer eligible to participate in

the Program to include client employers of professional employer organizations (PEOs; entities that handle personnel management for one or more workers who perform services for a client employer on an ongoing basis, rather than temporarily), and expands the definition of a qualified retirement plan to include Taft-Hartley plans (multi-employer, defined benefit pension plans). For purposes of the Program, wages paid to employees by a

PEO on behalf of a client employer shall be deemed to have been paid by the client employer. PEOs shall annually provide the Treasurer with a list of all Illinois client employers with whom they have contracts; the Secure Choice Account Administrator will contact these clients to facilitate enrollment of their employees. For purposes of determining whether an employer has 25 or more employees

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Emergency Rules

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UNCLAIMED PROPERTY

The OFFICE OF THE STATE TREASURER adopted an emergency amendment to Revised Uniform Unclaimed Property Act (74 IAC 760; 44 Ill Reg 5488) effective 3/16/20 for a maximum of 150 days. The emergency amendment allows abandoned property claims of \$2,000 or less (formerly \$500 or less) to be processed without manual review by Treasurer's office employees, since the Treasurer's office has been closed due to the COVID-19 outbreak.

Questions/requests for copies: Sara Meek, Office of the Treasurer, 219 State House, Springfield IL 62706, 217/524-0530, fax 217/785-2777, SMeek@illinoistreasurer.gov

JCAR PROCEDURES

The JOINT COMMITTEE ON ADMINISTRATIVE RULES

adopted an emergency amendment to the Part titled Review of Proposed Rulemaking (1 IAC 220; 44 Ill Reg 5470) effective 3/17/20 for a maximum of 150 days. A companion proposed amendment appears in this week's *Register* at 44 Ill Reg 5178. These amendments require State agencies to file Second Notices of proposed rulemakings by e-mail as PDF documents instead of by regular mail or in person. JCAR has made this change to better enable remote site work by agency employees and in respect of social distancing policies during the COVID-19 pandemic.

Questions/requests for copies/ comments on the proposed rulemaking through 5/11/20: Vicki Thomas, JCAR, 700 Stratton Bldg., Springfield IL 62706, jcar@ilga.gov

DRIVER'S LICENSES

The SECRETARY OF STATE adopted an emergency amendment to Issuance of

Licenses (92 IAC 1030; 44 Ill Reg 5476) effective 3/16/20 for a maximum of 150 days. A companion proposed amendment appears in this week's *Register* at 44 Ill Reg 5345. These amendments (filed in response to a federal court case) allow driver's license applicants to wear religious head coverings in their driver's license photographs if: 1) the head covering does not cover any area of the open face and 2) the driver attests that his or her sincerely held religious belief requires the head covering to be worn in public, that this covering is not removed in public unless necessary, and that it is not removed as a matter of courtesy or protocol, such as when in court. (Previously, religious head coverings were allowed under more limited conditions.)

Questions/requests for copies/ comments on the proposed rulemaking through 5/11/20: Brenda Glahn, SOS, 298 Howlett Bldg., Springfield IL 62756, bglahn@ilsos.gov

Proposed Rulemakings

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Services for Children Advisory Board. Hospitals that provide emergency care to children and APRNs and PAs working in emergency medical services are affected.

■ HIV/AIDS TREATMENT

DPH proposed amendments to the Parts titled Control of Sexually Transmissible Infections Code (77 IAC 693; 44 Ill Reg 5330) and HIV/AIDS Confidentiality and Testing Code (77 IAC 697; 44 Ill Reg 5336) implementing Executive Order 2019-8, which allows DPH to share HIV/AIDS Registry data with the Department of Healthcare and Family Services for the sole purpose of facilitating treatment of persons living with HIV. The rulemakings outline how this data is to be handled and shared to preserve confidentiality. DPH also proposed amendments to the Part titled AIDS Drug Assistance Program (77 IAC 692; 44 Ill Reg 5325) updating income eligibility thresholds to reflect the 2020 Federal Poverty Level guidelines. (The eligibility threshold for the AIDS Drug Assistance Program is 300% of FPL based on household size.)

Questions/requests for copies/comments on the 3 DPH rulemakings through 5/11/20: Erin Conley, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 2 1 7 / 7 8 5 - 9 2 1 2 , dph.rules@illinois.gov

Peremptory Rule

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted peremptory amendments to Pay Plan (80 IAC 310; 44 Ill Reg 5496) effective 3/13/20, implementing collective bargaining agreements (effective 7/1/19 through 6/30/23) with two Teamsters bargaining units representing employees of the Departments of Central Management Services, Corrections, Human Services, Natural Resources, State Police, Veterans Affairs, and

Transportation. The peremptory rules include general pay increases ranging from 1.5% to 3.95% for each year of the contract; a stipend of up to \$2,500 for employees on active payroll between 7/1/15 and 6/30/19; and unfreezing of in-hire (new employee) rates that were frozen during the previous contract period (2015-2019).

Questions/requests for copies: Lisa Fendrich, CMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7976, fax 217/524-4570, CMS.PayPlan@illinois.gov

■ BOILER SAFETY

The BOARD OF BOILER AND PRESSURE VESSEL RULES proposed an amendment to the Part titled Boiler and Pressure Vessel Safety (41 IAC 2120; 44 Ill Reg 4749) updating incorporated national safety codes to their most recent editions (2018 and 2019). Facilities that have boilers or pressure vessels subject to inspection by the Office of the State Fire Marshal are affected.

Questions/requests for copies/comments through 5/11/20: Office of the State Fire Marshal, 1035 Stevenson Dr., Springfield IL 62703-4259, fax 217/785-4184.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT

SERVICES proposed amendments to Pay Plan (80 IAC 310; 44 Ill Reg 4757) making the Pay Plan generally applicable for Fiscal Year 2021; updating merit compensation system salary range tables; adding new position titles and removing obsolete titles; making technical cleanups and revisions to various Sections and Tables affected by recent peremptory rules; and updating the effective date for the list of divided classes (positions represented by more than one bargaining unit) to 2/25/20.

Questions/requests for copies/comments through 5/11/20: Lisa Fendrich, CMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7976, fax 217/524-4570, CMS.PayPlan@illinois.gov

Adopted Rules

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(thereby making its employees eligible for automatic Program enrollment) total employee count will be based on employer contribution and wage reports submitted to the Department of Employment Security. Entities reporting at least 25 employees for all four quarters of the calendar year will be deemed to have met the 25-employee threshold; if fewer than 25 employees are reported for any quarter, the entity will not meet this threshold. The Illinois Secure Choice Savings Board shall submit its annual report by January 1 of the year following the fiscal year for which the report is made and shall make the report available on the Program website. Small businesses and non-profits with 25 or more employees may be affected by this rulemaking.

Questions/requests for copies: Sara Meek, Office of the Treasurer, 219 State House, Springfield IL 62706, 217/524-0530, fax 217/785-2777, SMeek@illinoistreasurer.gov

■ SALES TAX EXEMPTIONS

The DEPARTMENT OF REVENUE adopted amendments to Retailers' Occupation Tax (86

IAC 130; 43 Ill Reg 13190), effective 3/16/20, implementing various Public Acts. The rulemaking expands the sales tax exemption for manufacturing machinery and equipment to include items purchased for graphic arts production; updates and explains what items are considered "machinery and equipment" exempt from tax; and establishes a sales tax exemption for items used in the construction and operation of data centers that have been granted certificates of exemption by the Department of Commerce and Economic Opportunity. Small businesses engaged in manufacturing or graphic arts production are affected.

Questions/requests for copies: Richard S. Wolters, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.

SNAP BENEFITS

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 43 Ill Reg 11905) effective 3/11/20, replacing an emergency amendment that was effective 10/1/19 (43 Ill Reg 11953). The rulemaking implements Public Act

101-566, which changes the SNAP Employment and Training (E&T) program from a mandatory to a voluntary program open to all individuals receiving SNAP benefits. (Formerly, all non-exempt SNAP recipients who were subject to the SNAP work requirement and resided in counties where E&T providers were available were required to participate in the program.) SNAP households that receive Temporary Assistance for Needy Families (TANF) must still participate in work and training programs required by TANF. Additionally, SNAP recipients who are employed or required to register for employment must not voluntarily quit a job or reduce their work hours without good cause. Participants must be receiving SNAP benefits for every month that they receive SNAP E&T services. Services may be provided by contracted providers, community-based organizations, or community colleges/universities, to whom SNAP recipients may be referred for employment, education or training activities.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the April 21, 2020 JCAR meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

NOTE: At this time the March meeting remains scheduled for March 31. Agencies may now submit Second Notices via e-mail rather than by regular mail or in person (see "JCAR Procedures" under Emergency Rules, page 2).

DEPT ON AGING

Community Care Program (89 IAC 240; 44 Ill Reg 1724) proposed 1/24/20

IL GAMING BOARD

Riverboat and Casino Gambling (86 IAC 3000; 44 Ill Reg 1752) proposed 1/24/20

STATE BOARD OF EDUCATION

Driver Education (23 IAC 252; 43 Ill Reg 13384) proposed 11/22/19

Joint Committee on Administrative Rules

Senator Bill Cunningham, *co-chair*

Representative Tom Demmer

Senator Kimberly Lightford

Representative Michael Halpin

Senator Tony Muñoz

Representative Frances Ann Hurley

Senator Sue Rezin

Representative Steven Reick

Senator Paul Schimpf

Representative André Thapedi

Senator Chuck Weaver

Representative Keith Wheeler, *co-chair*

**Vicki Thomas
Executive Director**