

*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.*

## Adopted Rules

### STUDENT LOANS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted a new Part titled Student Loan Servicing Rights Act (38 IAC 1010; 44 Ill Reg 11368), effective 10/9/20, implementing provisions of the Act (PA 100-540) that license and regulate private servicers of student loans. An application fee of \$1,000 and a background investigation fee of \$800 must be paid upon initial application for a license, and an additional \$1,000 fee upon each renewal. Other fees include \$500 to request a hearing (may be waived in cases of financial hardship), \$510/day for examinations, \$500 for notices of change of ownership/control and \$50 for notices of change in officers/directors. Licensees must maintain secured-access websites and toll-free telephone service numbers through which

### COVID-19 ACTIONS

Numerous Executive Orders and emergency rules have been issued in response to the COVID-19 pandemic. 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 will be summarized in The Flinn Report as they are published in the *Illinois Register*.

they can communicate with borrowers regarding their existing loans. Licensees also must provide complete information to borrowers about alternative repayment and loan forgiveness options, how to apply for these options, and explaining the difference between forgiveness (waiving payment of all or part of a

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## Emergency Rulemakings

### DRIVERS' LICENSES

The SECRETARY OF STATE adopted an emergency amendment to Issuance of Licenses (92 IAC 1030; 44 Ill Reg 16534) effective 9/22/20, amending previous emergency rules effective 6/30/20 (44 Ill Reg 11898) and 8/7/20 (44 Ill Reg 13823) for the remainder of their 150-day term. The emergency

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amendment allows all driver's licenses, State identification cards, instruction permits, and other driving permits to remain valid for the duration of the Gubernatorial Disaster Proclamations and another 110 (previously 100) days thereafter. This extension applies to any licenses, permits or ID cards that

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

## Adopted Rules

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loan) and forbearance (postponing or reducing payments). Other provisions outline requirements for recordkeeping, notices to borrowers, payment processing, audit reports, and periodic examinations by DFPR. Examinations will rate licensees on a scale of 1 (fully compliant) to 5 (critically deficient). Those affected by this rulemaking include private student loan servicers/ issuers and their customers.

*Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington St., Springfield IL*

*62786, 217/785-0813, fax 217/557-4451.*

### ■ HOTEL TAXES

The DEPARTMENT OF REVENUE adopted amendments to Hotel Operators' Occupation Tax Act (86 IAC 480; 44 Ill Reg 2706) effective 9/25/20, implementing Public Act 100-213. The rulemaking expands the definition of hotels subject to the tax (formerly included inns, motels, tourist homes/courts, and lodging/rooming/apartment houses) to include hunting lodges, camps, cabins, and third-party platform rentals of apartments, houses and

rooms. It also provides that, effective 7/1/17, the Hotel Operators Occupation Tax (HOOT) does not apply to certain gross rental receipts paid by an entity organized and operated exclusively for religious purposes. In order for the hotel operator to claim the exemption, the religious entity must use the rented facilities in furtherance of the purposes for which it was organized (e.g., worship services, retreats, seminars) and the hotel operator must cite the religious entity's current Exemption Identification Number. In certain cases, the

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## Emergency Rules

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are scheduled to expire while the disaster proclamations are in effect or within the first 60 days after the proclamations expire.

*Questions/requests for copies: Brenda Glahn, SOS, 298 Howlett Bldg., Springfield IL 62756, [bglahn@ilsos.gov](mailto:bglahn@ilsos.gov)*

### SPORTS WAGERING

The ILLINOIS GAMING BOARD adopted an emergency amendment to Sports Wagering (11 IAC 1900; 44 Ill Reg 16503) effective 9/22/20 for a maximum of 150 days. The emergency rule requires sports wagering software systems to be tested and recertified every 6 months and requires any further changes to a system that has been tested, certified and installed to be in

compliance with the emergency rule. Changes to core functions (placement, recording and resolution of wagers or system security and integrity) must be tested and certified prior to installation on a live sports wagering system. A master sports wagering licensee must notify the IGB Administrator before installing any substantial change to a core function. The Administrator or his/her designee may order that the substantial change be tested and certified prior to installation. If such an order is not issued within 3 business days after the notification, the licensee may proceed with installation of the system change. Notification is not required for changes to non-core functions unless the change impacts or is related to a core function. If an unanticipated incident or disruption requires an emergency system change, the licensee must

report the incident to IGB and must notify the Administrator immediately upon implementation of the emergency system change (prior notification is not required in an emergency situation). All changes to any system must be recorded on a change log, which must be made available to IGB upon request. Master sports wagering licensees must also include detailed information on the software management process in their internal control systems. Master sports wagering licensees are affected by this emergency rule.

*Questions/requests for copies: Agostino Lorenzini, IGB, 160 N. LaSalle St., Chicago IL 60601, [IGB.RuleComments@igb.illinois.gov](mailto:IGB.RuleComments@igb.illinois.gov)*

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# Proposed Rulemaking

## SCHOOLS

The STATE BOARD OF EDUCATION proposed amendments to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 44 Ill Reg 16402) implementing PA 101-254. The PA and this rulemaking update and clarify requirements for civics education at the elementary and high school levels. Beginning with the 2020-21 school year, elementary schools must teach at least one semester of civics education in 6<sup>th</sup>, 7<sup>th</sup> or 8<sup>th</sup> grade that aligns with Illinois learning standards for social science and focuses on government institutions, discussion of current and societal issues, service learning, and simulations of the democratic process. At least one semester of similar civics instruction is also required in high school. Additionally, no student shall be graduated from 8<sup>th</sup> grade without receiving required instruction in American history, patriotism and the principles of representative government and giving evidence of comprehensive knowledge of these subjects,

### SNAP BENEFITS

The DEPARTMENT OF HUMAN SERVICES adopted peremptory amendments to Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 44 Ill Reg 16551) effective 10/1/20. The peremptory rule updates gross and net income eligibility standards to reflect 2021 cost of living adjustments, and also updates standard income deductions and deductions for utility, housing and medical expenses. Net monthly income standards are increasing by \$23 to \$57/month, and gross monthly income standards by \$27 to \$115/month, depending on household size. Standard

which may include a written test or the teacher's evaluation of the student's work. SBE states that this rulemaking is intended to clarify that passage of a written examination on American history and civics (e.g., U.S. and Illinois Constitution tests) is required only once, and that completion of the

## Peremptory Rule

deductions for households of 4 or more persons are increasing by \$3-\$13/month; shelter deductions by \$17/month; and utility deductions (heating, air conditioning, electricity) by \$7 to \$28/month. The standard homeless shelter deduction is increasing by \$4 (from \$152 to \$156/month). The standard medical deductions are unchanged. Finally, maximum monthly benefits are increasing by \$10 to \$60/month.

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

exam in elementary or middle school satisfies high school graduation requirements.

*Questions/requests for copies/comments through 11/23/20: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, 217/782-6510, [rules@isbe.net](mailto:rules@isbe.net)*

## Emergency Rules

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### TANF BENEFITS

The DEPARTMENT OF HUMAN SERVICES adopted an emergency amendment to Temporary Assistance for Needy Families (89 IAC 112; 44 Ill Reg 16513) effective 10/1/20 for a maximum of 150 days. An identical

proposed amendment appears in this week's *Illinois Register* at 44 Ill Reg 16400. The emergency and proposed rules implement the annual TANF benefit increase under PA 101-103, which requires monthly benefits to be equal to at least 30% of the most recent Federal Poverty Level income guidelines for the applicable household size. The minimum

child-only TANF grant is now \$239 (formerly \$234) per month for one child and the minimum TANF grant for a single child and caretaker relative is \$431 (formerly \$423) per month.

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# Adopted Rules

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religious organization may also need to produce records demonstrating that the event or activity held at the hotel was in furtherance of its organizational purpose or mission. Examples of when the tax exemption does and does not apply are included. Other provisions outline the documentation required for retreat centers operated by religious organizations to claim the HOOT exemption when they rent rooms or facilities to other religious organizations. Those affected by this rulemaking include hotel operators and non-profit religious organizations.

*Questions/requests for copies: Debra M. Boggess, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844*

## ■ VEHICLE REGISTRATION

The SECRETARY OF STATE adopted an amendment to Certificates of Title, Registration of Vehicles (92 IAC 1010; 44 Ill Reg 3341) effective 9/25/20, increasing from \$7.50 to \$9.50 the fee that businesses offering over the counter title and registration services may charge customers for those services. The fee is in addition to the fee SOS charges for the title, plate or sticker itself. Businesses that provide vehicle title and registration services will be affected.

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

## ■ DCFS EMPLOYEE ETHICS

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to the Part titled Employee Conflict of Interest (89 IAC 437; 43 Ill Reg 13853) effective 9/28/20, implementing aspects of the State Officials and Employees Ethics Act, Executive Order 2018-12, and recommendations of the DCFS Office of Inspector General. The rulemaking defines a “conflict of interest” as a personal interest that could result in an employee using his or her official position for private gain, giving preferential treatment to any person or entity, impeding government efficiency or economy, failing to act impartially in the conduct of official duties, or engaging in conduct that adversely affects the confidence of the public. The definition of “decisionmaking function” is expanded to include personal involvement or direct supervisory responsibility for any part of the contract or grant process (formerly, child care related decisions such as placement, referral, and facility licensing/supervision). Employees are prohibited from using their official positions, or using Department property or funds, to benefit their own economic, private or personal interests or the interests of others with whom the employee has a personal, familial or business relationship. Employees are also prohibited from taking part in any decisionmaking function that impacts a person or entity with whom that employee, or a member of the employee’s immediate

family, has a personal relationship or an economic interest. In accordance with Executive Order 2018-12, no employee shall participate in hiring, supervision or evaluation of an employee with whom they have a familial relationship (spouse, parents/grandparents, children/grandchildren, aunt/uncle, niece/nephew, first cousins, and parallel relationships created through marriage or civil union) although they may work in the same location. Any person seeking employment, promotion or transfer must disclose to the Ethics Officer any familial relationship to a person working in the same location or within its chain of command; failure to disclose such a relationship may result in disciplinary action, up to and including discharge. If a DCFS employee holds or is seeking licensure as a foster family, home day care provider, or child care facility operator, or is applying to adopt a child or seeking adoption assistance, compliance determination must be conducted by an agency other than the Department, or by another Department regional office, and carried out by persons who have no significant personal or working relationship with the applicant/licensee. Other provisions implement Ethics Act restrictions regarding gifts from prohibited sources; secondary employment; payment for speeches or written presentations made in an official capacity; procurement restrictions; and disclosure of economic and personal interests. The rulemaking

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## Emergency Rules

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*Questions/requests for copies/comments on the proposed rulemaking through 11/23/20: Tracie Drew, DHS, 100 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62762, 217/785-9772.*

### ■ NURSING ASSISTANTS

The DEPARTMENT OF PUBLIC HEALTH adopted an emergency amendment to Long-Term Care Assistants and Aide Training Programs Code (77 IAC 395; 44 Ill Reg 16526), effective 9/25/20 through 11/2/20, replacing a previous emergency rule (44 Ill Reg 7936, effective 4/21/20) and emergency amendment to emergency rule (44 Ill Reg 16329, effective 9/15/20) that both expired on 9/17/20. This new emergency rule terminates the Temporary Nursing Assistant (TNA) Program effective 11/2/20. No new TNAs may be hired after 9/18/20. Persons currently working as TNAs may not work in that capacity after 11/2/20, but hours worked as a TNA may be counted towards the clinical instruction requirements for

CNA certification. TNAs, their instructors and their employers are affected by this emergency rule.

*Questions/requests for copies: Elizabeth Paton, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl., Springfield IL 62761, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

### PRISONS

The DEPARTMENT OF CORRECTIONS adopted an emergency amendment to Records of Offenders (20 IAC 107; 44 Ill Reg 16495) effective 9/24/20 for a maximum of 150 days. The emergency rule allows time spent in a county jail as a result of Executive Order 2020-13 and subsequent orders suspending DOC intake of new inmates from county jails (due to the COVID-19 pandemic) to count toward the minimum of 60 days that an offender in DOC custody must serve before he or she becomes eligible for earned discretionary sentence credit.

*Questions/requests for copies: Echo Beekman, DOC, 1301 Concordia Court, P.O. Box 19277,*

*Springfield IL 62794-9277, 217/558-2200, ext. 6507, [echo.beekman@doc.illinois.gov](mailto:echo.beekman@doc.illinois.gov)*

### TORTURE COMMISSION

The TORTURE INQUIRY AND RELIEF COMMISSION adopted emergency amendments to Organization, Public Information, Procedures and Rulemaking (2 IAC 3500; 44 Ill Reg 16543) effective 9/25/20 for a maximum of 150 days. The emergency amendments reverse an earlier rulemaking effective 7/29/20 (44 Ill Reg 13427) that was improperly adopted via the internal/required rulemaking process under Section 5-15 of the Illinois Administrative Procedure Act (which does not require public comment or JCAR review). A proposed rulemaking containing TIRC's intended policy changes will be filed at a later date.

*Questions/requests for copies: Rob Olmstead, TIRC, 100 W. Randolph St., Suite 10-300, Chicago IL 60601, 312/814-1094.*

## Adopted Rules

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also outlines the duties of the DCFS Ethics Officer and the Conflict of Interest Committee. Changes since 1<sup>st</sup> Notice clarify the definition of personal relationship and require payments or reimbursements related to service on an advisory board or board of directors, or to an award

or recognition, to be reported to the DCFS Ethics Officer when they exceed \$200, or a more stringent limit established by statute or Executive Order, during a single fiscal year. Those affected by this rulemaking include small businesses or non-profits that may have personal or professional relationships with employees of DCFS.

*Questions/requests for copies: Jeff Osowski, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701-1498, 217.524-1983, TDD 217/524-3715, fax 217/557-0692, [cfpolicy@illinois.gov](mailto:cfpolicy@illinois.gov)*

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## Adopted Rules

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### ■ VIDEO GAMING

The ILLINOIS GAMING BOARD adopted amendments to Video Gaming (General) (11 IAC 1800; 44 Ill Reg 10061) effective 9/25/20, replacing an emergency rule that was effective 5/27/20. The rulemaking authorizes IGB to serve documents, including notices of licensing actions and hearings, upon licensees by e-mail; requires licensees and license applicants to accept service by e-mail; and requires applicants and licensees to update their designated e-mail addresses at least annually.

*Questions/requests for copies: Agostino Lorenzini, IGB, 160 N. LaSalle St., Chicago IL 60601, [IGB.RuleComments@igb.illinois.gov](mailto:IGB.RuleComments@igb.illinois.gov)*

### BHE REPEALER

The BOARD OF HIGHER EDUCATION repealed the Part titled Graduation Incentive Grants (23 IAC 1002; 44 Ill Reg 10840) effective 9/22/20 to reflect Public Act 101-149. The PA and this repealer abolish a defunct BHE grant program for public universities that offered incoming students written contracts pledging to provide the courses, programs, and services necessary to enable the student to graduate within 4 years (2 years for incoming community college graduates).

*Questions/requests for copies: Karen Helland, BHE, 1 N. Old State Capitol Plaza, Suite 333, Springfield IL 62701-1377, 217/557-7358, fax 217/782-8548, [helland@ibhe.org](mailto:helland@ibhe.org)*

### COURT OF CLAIMS

The SECRETARY OF STATE adopted an amendment to Court of Claims Regulations (74 IAC 790; 44 Ill Reg 5722) effective 9/25/20, replacing an emergency amendment that was effective 3/20/20 and expired 8/16/20. The rulemaking extends the statute of limitations for filing claims with the Illinois Court of Claims for the duration of the COVID-19 Gubernatorial Disaster Proclamations and another 30 days thereafter.

*Questions/requests for copies: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, 217/785-3094, [pwright@ilsos.gov](mailto:pwright@ilsos.gov)*

## Second Notices

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The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be listed in next week's *Illinois Register* and considered at the October 14, 2020 JCAR meeting. Other items not published in the *Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

### DEPT OF CHILDREN AND FAMILY SERVICES

Licensing Standards for Day Care Homes (89 IAC 406; 44 Ill Reg 10846) proposed 6/26/20

Licensing Standards for Group Day Care Homes (89 IAC 408; 44 Ill Reg 10852) proposed 6/26/20

### DEPT OF HEALTHCARE & FAMILY SERVICES

Hospital Services (89 IAC 148; 44 Ill Reg 10065) proposed 6/12/20

### DEPT OF HUMAN SERVICES

General Administrative Provisions (89 IAC 10; 44 Ill Reg 5991) proposed 4/17/20

### DEPT OF INSURANCE

Tie Breaking When Conducting and Administering a Board of Trustee Election (50 IAC 4451; 44 Ill Reg 11394) proposed 7/10/20