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Joint Committee on Administrative Rules
Illinois General Assembly

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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

■ UNEMPLOYMENT BENEFITS

The DEPARTMENT OF EMPLOYMENT SECURITY adopted amendments to the Parts titled Claims, Adjudication, Appeals and Hearings (56 IAC 2720; 44 Ill Reg 8601), Employment (56 IAC 2732; 44 Ill Reg 8604) and Recovery of Benefits (56 IAC 2835; 44 Ill Reg 8607) all effective 8/27/20, replacing emergency amendments that were effective 5/15/20. These rulemakings implement provisions of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act that concern Pandemic Unemployment Assistance (PUA). Amendments to Part 2720 allow DES to post correspondence to claimants' online accounts and notify them of these communications by e-mail. Notices will be sent by U.S. Mail to claimants who do not provide an e-mail address or who request

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*.

notification by mail. The Part 2732 rulemaking establishes that when DES determines a claimant's eligibility for PUA, it will review the claimant's reported wages for the quarters that include the period for which a claim is being made. If DES determines that the claimant is eligible for PUA, that does not constitute a determination that the services performed by the

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Proposed Rulemakings

■ TEACHING STANDARDS

The STATE BOARD OF EDUCATION proposed amendments to the Part titled Standards for All Illinois Teachers (23 IAC 24; 44 Ill Reg 14574) that establish Culturally Responsive Teaching and Leading (CRTL) standards for Illinois educator preparation programs. The CRTL standards, developed by a network

Emergency Rule, Page 3

of current teachers, administrators, education advocacy group leaders, and representatives of higher education institutions, are intended to insure that educators are responsive to the diverse cultural identities (including race, ethnicity, religion, gender identity, sexual orientation, physical/developmental ability, and

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

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individual during that period are excluded from the CARES Act's definition of employment. A determination of eligibility for PUA also does not preclude DES, or a court of competent jurisdiction, from determining in the future that these services did constitute "employment" under the Act (which would make the claimant ineligible for PUA for that period). Finally, amendments to Part 2835 establish the percentage of overpaid benefits that may be reclaimed from various State and federal unemployment programs, including PUA (25-50% for non-fraud cases; 100% in cases of fraud), and the statute of limitations for DES to recoup overpaid benefits (2-5 years for non-fraud cases; indefinite in cases of fraud). Persons claiming PUA benefits are affected by these rulemakings.

Questions/requests for copies of the 3 DES rulemakings: Kevin Lovellette, DES, 33 S. State St., Room 930, Chicago IL 60603, 3 1 2 / 7 9 3 - 1 2 2 4 , Kevin.Lovellette@illinois.gov

■ **HEALTH INSURANCE**

The DEPARTMENT OF INSURANCE adopted a new Part titled Temporary Health Coverage Requirements During an Epidemic or Public Health Emergency (50 IAC 2040; 44 Ill Reg 6693) effective 8/28/20, replacing an emergency rule effective 4/20/20 at 44 Ill Reg 7766. The new Part prevents issuers of group health insurance policies and stand-alone dental

plans from canceling coverage for non-payment of premiums during epidemics or public health emergencies when the Governor has issued a stay-at-home order or generally closed non-essential businesses. The provisions of this Part also apply during any extension of the disaster proclamation period. (These rules do not apply to short-term, limited duration or excepted benefit policies.) When such an emergency is in effect, issuers must allow employers to continue covering employees that would normally lose coverage due to layoffs or reduction in their working hours. For employers with 20 or more workers, the insurance issuer cannot prevent eligible employees from electing continuation coverage under COBRA or the State's HMO Act as long as at least one worker remains actively employed. For health insurance coverage that is not issued through the Exchange established under the federal Affordable Care Act, special enrollment procedures shall be waived for persons who have lost workplace insurance coverage so that the enrollee's new policy becomes effective the day after the prior coverage terminated. Issuers must also allow insured persons, upon request, to defer premium payments without interest for at least 60 calendar days from each original premium due date. For insured persons who missed premium payments prior to 4/20/20 but whose coverage has not yet been terminated, the issuer shall not cancel or refuse to renew coverage for nonpayment for at least 60 days after this Part takes

effect. Deadlines for binder payments must be extended at least 30 days beyond the normal applicable deadline. Communications from an issuer to an insured person must clearly state that the insured still has an obligation to pay back deferred premiums or potentially be subject to billing for unpaid claims. Policies that cover prescription drugs must cover off-formulary drugs if no formulary drug is available to the insured, without prior authorization, step-therapy requirements, higher cost sharing or other additional conditions. Insured persons must also be allowed to obtain at least 90-day supplies of maintenance medications upon refill of a prescription, except for categories of drugs prone to abuse such as opioids and stimulants. Those affected by this emergency rule include small businesses and other employers that provide health insurance coverage to their employees.

DOI also adopted an amendment to Construction and Filing of Accident and Health Insurance Policy Forms (50 IAC 2001; 44 Ill Reg 6218) effective 8/28/20, clarifying the use of corporate names in consumer facing documents, marketing materials, and web pages. The name of the actual insurer must be stated on all its forms; use of a trade name, parent company name, division name, insurance group designation, slogan, symbol or other device that does not

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Proposed Rulemakings

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socioeconomic class) among their students. The rulemaking changes the name of the Part to Culturally Responsive Teaching and Leading Standards for All Illinois Educators; expands its scope to include all educator licenses endorsed for teaching, school support personnel, and administrators (currently, the Part applies only to teaching licenses); and requires that, effective 10/1/21, any preparation program or course of study leading to educator licensure or certification in Illinois must align its content with the standards in the Part. CRTL standards established in this Part are as follows:

—Self-awareness and relationships to others: Educators will affirm students' backgrounds and identities; learn about students' communities, cultures, histories, and lives outside of school; recognize how their own cultural identities, biases and perceptions affect their teaching; and assess how certain behaviors (e.g., racism, sexism, homophobia, unearned privilege, Eurocentrism), can be mitigated. The educator will also recognize that "there is not always one 'correct' way of doing or understanding something", that "what is seen as 'correct' is most often based on our lived experiences"; and think critically about the institutions in which they find themselves.

— Systems of oppression: Educators will understand that certain systems in society create inequities and oppressive conditions that they must actively work against. Educators will

HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH adopted emergency amendments to Hospital Licensing Requirements (77 IAC 250; 44 Ill Reg 14804) effective 8/24/20 for a maximum of 150 days. The new emergency rules replace previous emergency rules that were repealed effective 8/24/20. These emergency rules establish procedures through which licensed hospitals may set up alternate care facilities for overflow patients at remote or temporary locations, or increase bed capacity and/or re-allocate bed designations between clinical services (e.g., to/ from an Intensive Care Unit), for the duration of the Gubernatorial Disaster Proclamations related to

understand how the system of inequity has impacted them as an educator; be aware of the effects of power and privilege; understand how a system of inequity creates rules regarding student punishment that negatively impact students of color; and understand "how a system of inequity reinforces certain truths as the norm".

— Students as individuals: Educators will approach students as individuals within the context of their families and communities and learn from/about students' culture, language and learning styles to make instruction more meaningful. They will engage with student's families and communities outside the classroom; inform parents of what their child is expected to

Emergency Rule

COVID-19. Hospitals may increase or re-allocate beds, or take previously increased bed capacity out of circulation, without prior notification to DPH provided DPH is notified within 30 days after the action. The emergency rule also suspends various requirements for existing hospitals (e.g., minimum size of patient rooms) when necessary to respond to an influx of COVID-19 patients and establishes the minimum standards for temporary alternate care facilities.

*Questions/requests for copies:
Erin Conley, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043,
dph.rules@illinois.gov*

learn, know and do; share their classroom policies with student's families and align them to the values and cultural norms of those families; and provide multiple opportunities for parents to communicate in their language and method of preference.

— Students as co-creators: Educators will center learning around students' experiences, with emphasis on prioritizing historically marginalized students. They will encourage and affirm personal experiences that students share in the classroom; consistently solicit students' input on the curriculum; co-create, with students, collective expectations

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Adopted Rules

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disclose the name of the actual issuer is prohibited if it obscures the true identity of the issuer.

Questions/requests for copies of the 2 DOI rulemakings: Ryan Gillespie, DOI, 320 W. Washington St., Springfield IL 62767, 217/558-2746.

■ INTERNET SALES TAX

The DEPARTMENT OF REVENUE adopted an amendment to Use Tax (86 IAC 150; 44 Ill Reg 7855) effective 8/26/20, implementing provisions of Public Acts 101-9 and 101-604 concerning the collection of 6.25% Illinois use tax by marketplace facilitators. It replaces an emergency rule that was effective 12/23/19 and expired 5/20/20. Effective 1/1/20, marketplace facilitators must collect and remit 6.25% Illinois use tax on their sales to Illinois customers if, within any 12-month period, they conduct at least 200 transactions with Illinois customers or collect at least \$100,000 in gross receipts from Illinois customers. Marketplace facilitators are defined as persons or entities that list or advertise tangible personal property items for sale, collect payment from the customer, and transmit payment to the seller (e.g., Amazon, eBay). Use tax does not apply to entities that provide only advertising and leave financial arrangements to the buyer and seller (e.g., Craigslist); those that merely handle financial transactions (e.g., PayPal); or offer only non-tangible items such as discount coupons (e.g., Groupon).

It also does not apply to transactions that are subject to State or local sales taxes (e.g., online food-ordering and delivery services) or to certain specialized online marketplaces. Marketplace facilitators that are or may be subject to use tax must determine on a quarterly basis whether they have met either the gross sales or 200-transaction threshold in the preceding 12 months. Those that do meet this test must begin filing regular use tax returns; those that do not must continue to monitor their sales quarterly. Those affected by this rulemaking include small businesses and other customers of marketplace facilitators.

Questions/requests for copies: Jerilynn Troxell Gorden, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.

■ SCHOOLS

The STATE BOARD OF EDUCATION adopted amendments to Pupil Transportation Services Eligible for Reimbursement (23 IAC 120; 44 Ill Reg 7874) and Special Education (23 IAC 226; 44 Ill Reg 7881), both effective 8/27/20, addressing issues arising from the COVID-19 pandemic and suspension of in-person instruction. Companion emergency amendments to Part 226 were effective 3/25 and 4/9/20 (both expired 8/21) and on Part 120 were effective 3/30 and 4/9/20 (both expired 8/26). The Part 120 rulemaking allows school districts, during a Gubernatorial

Disaster Declaration, to receive reimbursement for transportation expenses beyond those normally incurred in transporting students, such as distribution of food, distribution and pick-up of student assignments, and use of vehicles to provide wi-fi connections. Amendments to Part 226 allow private facilities in which special education students have been placed under Section 14-7.02 of the School Code to continue to charge school districts for this expense for the duration of the Gubernatorial Disaster Proclamations and mandatory suspension of in-person instruction. Districts shall continue to pay approved per diem, tuition, and room and board expenses for affected students during this period. Private special education facilities may be affected.

■ APPRENTICESHIPS

SBE also adopted a new Part titled Registered Apprenticeship Program (23 IAC 255; 44 Ill Reg 4553) effective 8/27/20, implementing Public Act 100-992. The PA and the rulemaking allow high school students age 16 and older, in accordance with policies enacted by their school districts, to enroll in registered apprenticeship programs through which they can earn both a high school diploma and an industry-related occupational skills certificate. Eligible apprenticeship programs must be reviewed and approved by the US Department of Labor; include on the job learning and

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Proposed Rulemakings

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and agreements regarding the classroom/school environment; embed student leadership opportunities (e.g., peer-led discussion, student-led workshops/initiatives) into their experiences; and persistently solicit and respond to student feedback.

— **Leveraging student activism:** Educators will support and create opportunities for student advocacy and representation. They will help students identify how to develop opportunities and relationships for alliances; create a “risk-taking space” that promotes student activism and advocacy; facilitate student advocacy and activism with real world implications; and give students space to solve their own problems, negotiate their advocacy needs, and present their perspectives.

— **Family and community collaboration:** Educators will develop relationships with families and the community outside of the school setting; invite families and the community to share their opinions, feedback and concerns; and invite family and community members to teach about culturally specific topics aligned to the classroom curriculum or content area.

— **Content selections in all curricula:** Educators will identify how marginalized communities are represented in curricula and classroom resources; embrace and encourage progressive perspectives toward traditionally marginalized populations;

integrate the wide spectrum and fluidity of identities in the curriculum; ensure that text selections reflect students’ classroom, community and family culture; co-create content with students to include “a counternarrative to dominant culture”; and consider a broader modality of student assessments that may include performance portfolios, essays, community assessments, social justice work, action research projects, and recognition beyond academia as well as traditional assessments and exams.

— **Student representation in the learning environment:** Educators will ensure that the diversity of their student population is equally represented within the learning environment. The well-versed educator will provide exposure to underrepresented or misrepresented minority groups even when they are not present within the population of their school or community at large. Educators will verify that course materials, including material in libraries, labs, and learning centers/stations, as well as classroom or building decorations, are representative and inclusive of all students throughout the building or within the community at large.

Additionally, the rulemaking removes Sections that outline teaching standards in effect on and before 6/30/13. Professional teaching standards that have been in effect since 7/1/13 will remain in this Part. Those affected by this rulemaking include teachers, school administrators, school support personnel, student

teachers and candidates for these positions, and institutions offering educator preparation programs.

■ EDUCATOR CREDENTIALS

SBE also proposed amendments to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 44 Ill Reg 14484) that update requirements for earning a bilingual education endorsement and clarify the qualifications and reporting for teachers initially assigned to positions that existed or were established prior to the current educator licensure and endorsement structure. The rulemaking also requires directors of area vocational career centers to hold educator licenses with endorsements in career and technical education; updates terminology (e.g., changing “foreign” language to “world” language) and style; and removes a former exception from use of the Educator License Information System (ELIS) for districts that lacked the technological capacity to use the electronic system. School districts are affected by this rulemaking.

SPECIAL EDUCATION

SBE proposed amendments to Special Education (23 IAC 226; 44 Ill Reg 14630) reflecting various Public Acts. The rulemaking amends the procedures by which a school district that participates in a special education joint agreement withdraws from that

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related classroom instruction delivered by a high school or community college; pay training wages not less than the State minimum wage that escalate throughout the term of the apprenticeship; and lead to continued employment of at least 2 years with the company following the conclusion of the apprenticeship. School district policies established under this Part must allow students that participate in an apprenticeship program to count the entire program, or one or more individual career and technical education courses that cover at least 50% of the content of a required school course, toward their requirements for graduation. The policy must also include a waiver of all non-academic graduation requirements that would prevent a student from participating in the program, and stipulate that a student's parent or guardian must approve, in writing, any substitution of career and technical education courses for an academic course or graduation requirement. Policies concerning apprenticeship programs must be posted on the school district's website and students and parents must be notified of apprenticeship opportunities via the website and school handbook. Districts must also report data on students participating in registered apprenticeship programs to SBE. School districts and employers that participate in registered apprenticeship programs are affected by this rulemaking.

■ TEACHER EVALUATION

SBE adopted amendments to the Part titled Dismissal of Tenured Teachers under Article 24 and Dismissal of Tenured Teachers and Principals under Article 34 of the School Code (23 IAC 51; 44 Ill Reg 4546) effective 8/27/20, concerning provisions in School Code Article 24 (for districts other than Chicago Public Schools) establishing an optional alternative evaluative dismissal (OAED) process for tenured teachers who receive unsatisfactory performance evaluations and fail to complete a remediation plan. Existing rule allows only school board members that have completed training under the Performance Evaluation Reform Act (PERA) to vote on a decision to remove or retain an affected teacher through the OAED process. This rulemaking allows entities that wish to provide this training (e.g., regional offices of education, professional associations, colleges/universities) to apply to SBE for training provider approval at any time (formerly, applications were accepted only from March 1 to May 1 of even numbered years). Provider approval remains valid for two full fiscal years (formerly, calendar years) and expires on July 1 of the second fiscal year after approval is granted. Entities that provide PERA training are affected.

■ AG EDUCATION

Finally, SBE adopted amendments to Agricultural

Education Program (23 IAC 75; 44 Ill Reg 5545) effective 8/27/20, implementing Public Act 101-554. The rulemaking creates a grant-funded Agricultural Education Pre-Service Teacher Internship Program, in consultation with the Board of Higher Education, for students preparing to teach ag courses at the high school level. The program, which is subject to grant funding, allows students majoring in ag education who have completed at least 30 credit hours to acquire paid experience working in the ag industry as part of their coursework. Eligible grant applicants must be partnerships of one or more post-secondary institutions with one or more other educational entities (e.g., school districts, private schools, Regional Offices of Education, community-based ag education organizations). Programs created by these partnerships must offer at least 8 weeks or 300 hours of experience to participants and recruit Illinois agricultural companies for this purpose. Procedures by which eligible partnership may apply for the grant are outlined. Those affected include school districts, ag students, and agricultural businesses.

Questions/requests for copies of the 5 SBE rulemakings: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, 217/782-6510, rules@isbe.net

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Proposed Rulemakings

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agreement; updates personnel reimbursement procedures; and updates the required documentation to be submitted by a school district, special education cooperative, or the State when it is a respondent to a complaint filed with SBE by a parent, individual or organization. At least 3 school days prior to an Individualized Education Program (IEP) meeting, the child's parent/guardian must be provided (via the parent's preferred method of delivery; options must include regular U.S. Mail or pickup at school) copies of all written material that will be considered by the IEP team. Parents shall also be informed of their right to review and copy their child's student records prior to any special education eligibility or IEP review meeting. When a service requested by an IEP team has not been implemented within 10 school days after it was scheduled to start under the IEP, the child's parent must be notified in writing and informed of the school district's procedures for requesting compensatory services. Local education agencies also must make their service logs available to parents upon request. Finally, the rulemaking allows the use of either multi-tiered systems of support or scientific, research-based interventions (the latter is established in current rule) to determine whether a child is eligible for special ed services due to a specific learning disability.

Questions/requests for copies/ comments on the 3 SBE rulemakings through 10/26/20: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, 217/782-6510, rules@isbe.net

rulemakings through 10/26/20: Robert Planthold, DOI, 122 S. Michigan Ave., 19th Fl., Chicago IL 60603, 312/814-5445, or Susan Anders, DOI, 320 W. Washington St., 4th Fl., Springfield IL 62767, 217/558-0957.

HEALTH INSURANCE

The DEPARTMENT OF INSURANCE proposed amendments to Minimum Benefit Standards for Diabetes Coverage (50 IAC 2019; 44 Ill Reg 14416) and proposed a new Part titled Uniform Electronic Prior Authorization Form for Prescription Benefits (50 IAC 2018; 44 Ill Reg 14406) implementing two Public Acts. The Part 2019 amendments clarify that the \$100 cap on cost-sharing per 30-day supply of insulin in the Insurance Code (enacted under PA 101-625) supersedes existing provisions stating that coverage for diabetic pharmaceuticals and supplies shall be subject to the same provisions as coverage for other pharmaceuticals. It also clarifies that the Part applies to group point-of-service plans offered by limited health services organizations and to group voluntary health services plans. The new Part 2018 requires insurers, effective 7/1/21, to accept and use a uniform electronic prior authorization form if they impose any prior authorization requirements on prescription benefits. The information that must be included in this form is listed in the Part.

■ INTERNET SALES TAX

The DEPARTMENT OF REVENUE proposed a new Part titled Leveling the Playing Field for Illinois Retail Act (86 IAC 131; 44 Ill Reg 14420) implementing Public Acts 101-31 and 101-604, which impose State and local sales taxes on online retailers located out of State and marketplace facilitators as well as Illinois-based retailers. The new Part consolidates and expands upon DOR rules implementing these PAs in 86 IAC 130 and 150. Effective 1/1/21, marketplace facilitators are required to pay State and local sales taxes on both their own sales and sales made on behalf of marketplace sellers. For sales made by a marketplace facilitator on behalf of another seller, applicable tax rates are based on rate in effect at the location to which the items are delivered or where the purchaser takes possession of the items (destination sourcing). For a facilitator's own marketplace sales, rates may be based either on destination sourcing or on the rate in effect at the Illinois location of the inventory from which the sale was made or where selling activities occurred (origin

Questions/requests for copies/ comments on the 2 DOI

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Adopted Rules

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TANF BENEFITS

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Temporary Assistance for Needy Families (89 IAC 112; 44 Ill Reg 3807) effective 8/26/20, implementing Public Act 101-103. The rulemaking revises provisions concerning sanctions for non-cooperation with TANF work, training or education requirements. TANF participants who are not exempt from these requirements and are sanctioned for non-cooperation may have the portion of their monthly grant that is designated for adult members of the household reduced by 30%. (The PA provides that 75% of the total monthly grant is designated for the children in a household and cannot be denied or reduced for non-cooperation. Formerly, the entire cash assistance payment could be reduced by 50% or, in the event of multiple instances of non-cooperation, terminated.) If a sanctioned participant reestablishes compliance or shows good cause for an alleged

instance of non-cooperation, the participant's benefits will be restored as of the date compliance was reestablished, and the full grant amount will resume on the first day of the following month. The list of situations considered good cause for non-cooperation is expanded to include homelessness (defined as lack of a fixed, regular and adequate nighttime residence); departure or discharge from a publicly funded institution (e.g., mental health facility, correctional institution, foster care/youth facility) without a fixed nighttime residence to move to; receipt of an eviction notice; or discontinuance of utilities.

AABD BENEFITS

DHS also adopted amendments to Aid to the Aged, Blind or Disabled (89 IAC 113; 44 Ill Reg 3825) effective 8/25/20, adjusting sheltered, personal, and nursing care monthly rates and the monthly grant adjustment allowance to reflect the January 2020 increase in Supplemental Security Income payments. The grant adjustment allowance is raised from \$592.90

to \$604.90 and all care rates are raised by \$12 per month.

Questions/requests for copies of the 2 DHS rulemakings: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

■ PLUMBING INSPECTION

The POLLUTION CONTROL BOARD adopted an amendment to Design, Operation and Maintenance Criteria (35 IAC 604; 44 Ill Reg 9352) effective 8/27/20, extending the deadline for cross connection control device inspectors (CCCDI) to renew their licenses until 10/30/20. It replaces a companion emergency rule effective 4/17/20 (44 Ill Reg 7777) that had extended the deadline until 8/31/20.

Questions/requests for copies: Daniel Pauley, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-6931, daniel.pauley@illinois.gov. Please reference docket R20-21.

Proposed Rulemakings

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sourcing). The Part explains and offers examples of how the sourcing rules apply to different types of retailers. Remote retailers and marketplace facilitators become subject to Illinois sales tax if, during any 12-month period, their cumulative gross receipts from sales to Illinois purchasers total \$100,000 or more or they enter into

200 or more separate sales transactions with Illinois customers. Retailers and facilitators must determine on a quarterly basis whether they have met either threshold in the previous 12 months; if they have, they must begin remitting sales tax and filing returns regularly. Additionally, the new Part establishes requirements for certified service providers and certified automated systems used

by remote retailers. Those affected by this rulemaking include out of State retailers making sales in Illinois, marketplace facilitators, and marketplace sellers.

■ MOTOR FUEL TAX

DOR also proposed a new Part titled Municipal Motor Fuel Tax (86

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Proposed Rulemakings

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IAC 696; 44 Ill Reg 14464) implementing provisions of PA 101-604 that authorized municipalities in Cook County, effective 7/1/20, to impose motor fuel taxes of up to 3 cents per gallon (in addition to State motor fuel taxes). The amount that the seller adds to the price of fuel to cover this tax cannot be included in the seller's gross receipts subject to State or local sales tax. Returns for the municipal motor fuel tax must be filed with DOR by the 20th day of the month following the month in which the tax was collected. Other provisions of the new Part clarify how the jurisdiction

to whom the municipal tax is owed will be determined in the case of multijurisdictional retailers. Businesses selling motor fuel in Cook County are affected by this rulemaking.

Questions/requests for copies/ comments on the 2 DOR rulemakings through 10/26/20: Part 131, Jerilynn Gorden; Part 696, Samuel J. Moore; DOR, 101 W. Jefferson, Springfield IL 62794, 217/782-2844.

■ DRIVERS' LICENSES

The SECRETARY OF STATE proposed amendments to Cancellation, Revocation or

Suspension of Licenses and Permits (92 IAC 1040; 44 Ill Reg 14477) reflecting PA 101-623. The rulemaking clarifies that driver's licenses are subject to suspension or revocation upon conviction of underage possession/consumption of alcohol only if the person was an occupant of a motor vehicle at the time of the offense. It also repeals provisions for suspending a license after 5 or more tollway violations.

Questions/requests for copies/ comments through 10/26/20: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, pwright@ilsos.gov

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The DCEO rulemaking is scheduled for the September 15, 2020, JCAR meeting; all other rulemakings are scheduled for the October 14, 2020, meeting. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF COMMERCE AND ECONOMIC OPPORTUNITY

Illinois Works Jobs Program (14 IAC 680; 44 Ill Reg 8470) proposed 5/22/20

IL LABOR RELATIONS BOARD

General Procedures (80 IAC 1200; 44 Ill Reg 12061) proposed 7/24/20

Unfair Labor Practice Proceedings (80 IAC 1220; 44 Ill Reg 12068) proposed 7/24/20

DEPT OF PUBLIC HEALTH

Ambulatory Surgical Treatment Center Licensing Requirements (77 IAC 205; 44 Ill Reg 7833) proposed 5/8/20

Hospital Licensing Requirements (77 IAC 250; 44 Ill Reg 2221) proposed 1/31/20

Specialized Mental Health Rehabilitation Facilities Code (77 IAC 380; 44 Ill Reg 3349) proposed 3/6/20

Illinois Clinical Laboratories Code (77 IAC 450; 44 Ill Reg 3073) proposed 2/21/20

Child and Student Health Examination and Immunization Code (77 IAC 665; 44 Ill Reg 1779) proposed 1/24/20

Health Care Worker Background Check Code (77 IAC 955; 44 Ill Reg 8151) proposed 5/15/20