

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

■ VEHICLE REGISTRATIONS

The SECRETARY OF STATE adopted amendments to Certificates of Title, Registration of Vehicles (92 IAC 1010; 44 Ill Reg 11750), effective 10/19/20, replacing emergency amendments effective 6/30/20. This rulemaking extends expiration of license plates or stickers scheduled to expire on or before the last day of Gubernatorial Disaster Proclamation 2020-60, which was effective 9/18/20 through 10/17/20, for 14 days after the end of that proclamation (i.e., through 10/31/20). The extension will terminate on 11/1/20. The proposed rulemaking also updates provisions for approved Electronic Registration and Titling (ERT) services to issue renewal stickers. A change since 1st Notice clarifies that an armored carrier approved by SOS to issue registration plates and stickers is

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*.

considered a financial institution for purposes of issuing these plates/stickers. Businesses that offer ERT services may be affected.

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

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Emergency Rulemakings

■ HOUSING ASSISTANCE

The ILLINOIS HOUSING DEVELOPMENT AUTHORITY adopted 2 new Parts by emergency rulemaking titled Emergency Mortgage Assistance (EMA) Program (47 IAC 301; 44 Ill Reg 17458) and Emergency Rental Assistance (ERA) Program (47 IAC 379; 44 Ill Reg 17474), both effective 10/16/20 for a maximum of 150 days. The emergency rules establish programs that disburse funds from the State's Coronavirus Urgent Remediation Emergency (CURE) fund (which received federal funds via the CARES Act) to persons in need of housing payment assistance as a result of the COVID-19 public health emergency. The EMA program provides grants of up to \$15,000 to mortgage servicers to cover one

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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

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■ INCOME TAX CREDIT

The DEPARTMENT OF REVENUE adopted an emergency amendment to Income Tax (86 IAC 100; 44 Ill Reg 4544) effective 10/13/20, replacing an emergency amendment that was effective 3/4/20 and expired 7/31/20. The rulemaking implements the minimum wage tax credit established by Public Act 101-1. For reporting periods beginning 1/1/20, businesses with 50 or fewer full-time employees may claim a credit based on the increase in employee pay attributable to the rise in minimum wage (from \$8.25 to \$9.25/hr) that took effect on 1/1/20. The credit will be reduced in subsequent years and phased out by 1/1/28. Small businesses are affected by this rulemaking.

Questions/requests for copies: Michael D. Mankowski, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.

CHILD SUPPORT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Child Support Services (89 IAC 160; 44 Ill Reg 10350), effective 10/14/20, reflecting Public Act

101-336. The rulemaking provides that interest on child support obligations may be collected by any means available under federal or State law and creates a process by which custodial parents who are not receiving public assistance may request that HFS calculate and enforce interest on an unadjudicated child support obligation (in which a court has not determined the amount of interest to be paid). Effective 1/1/21, custodial parents may, on a one-time basis, request this service from HFS in writing provided that the child or children affected by the support case are no longer minors; there is no outstanding balance for current support; at least \$500 in interest on past obligations is due to the custodial parent; and HFS receives the request within 1 year after the requestor meets these criteria. Also effective 1/1/21, HFS will enforce adjudicated interest orders obtained by a custodial or non-custodial parent or his/her attorney and will keep records of total unpaid child support balances in its certified computer system. The balance on record will be presumed correct and used to calculate interest; an individual who disputes this amount must demonstrate, by a preponderance of the evidence, that it is incorrect. Since 1st Notice, HFS has clarified

that a custodial parent may enforce any accrued interest through the courts without involvement by the Department.

Questions/requests for copies: Steffanie Garrett, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, HFS.Rules@illinois.gov

STATE INVESTMENT

The ILLINOIS STATE BOARD OF INVESTMENT adopted an amendment to Rules and Regulations of the Board (74 IAC 800; 43 Ill Reg 13763) effective 10/13/20 reflecting the establishment of a Defined Contribution Committee as one of the Board's subcommittees. This committee oversees administration of the Deferred Compensation Plan for State employees, evaluates its investments, and responds to recommendations from ISBI staff and consultants regarding investment options, participant communications, and other matters.

Questions/requests for copies: Dipesh Mehta, ISBI, 180 N. La Salle St., Suite 2015, Chicago IL 60610, 312/793-1486, dmehta@isbinvestment.com

Proposed Rulemakings

■ MEDICAL CANNABIS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Compassionate Use of Medical Cannabis Pilot Program (77 IAC 946; 44 Ill Reg 17323) implementing Public Act 101-363, updating various definitions and incorporations, and expanding the list of debilitating conditions for which medical cannabis may be used. The rulemaking allows health care professionals (currently, physicians), who may include physicians, advanced practice registered nurses, or physician assistants, to certify a patient's condition if they have established a bona fide professional-patient relationship with ongoing responsibility for the assessment, care and treatment of a patient's debilitating medical condition. Debilitating conditions now include autism, chronic pain, irritable bowel syndrome, migraines, osteoarthritis, anorexia nervosa, Ehlers-Danlos Syndrome, Neuro-Behcet's Autoimmune Disease, neuropathy, polycystic kidney disease, superior canal dehiscence syndrome, and intractable pain. The rulemaking also adds and clarifies provisions for veterans receiving care at federal Veterans Administration medical facilities to participate in the Opioid Alternative Pilot Program, under which persons who have been or would otherwise be prescribed opioids can receive medical cannabis instead. Health care professionals may be affected by this rulemaking.

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or more past due mortgage payments of an eligible borrower. Borrowers qualify for EMA if their income prior to 3/1/20 was no higher than 120% of their area's median income; they experienced COVID-19 related income loss during the eligibility period (3/1 through 12/31/20); and their mortgage payments were current through February 2020. The ERA program provides grants of up to \$5,000 to landlords to cover missed rent payments. Eligible tenants must have had income no higher than 80% of their area's median income prior to 3/1/20, must have experienced COVID-19 related income loss during the eligibility period, and must have an unpaid rent balance incurred during that period. Applicants for either program must not receive or apply for any other local, State or

Questions/requests for copies/ comments through 12/14/20: Rules Coordinator, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

FISHING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to Sport Fishing Regulations For The Waters of Illinois (17 IAC 810; 44 Ill Reg 17038) updating sport fishing regulations at various sites and setting June 18-22, 2021, as

Emergency Rules

federal COVID-19 related mortgage or rental assistance. Mortgage servicers must agree not to foreclose on a mortgage for which a borrower has received assistance, and landlords must agree not to terminate the lease of an eligible tenant, during the program eligibility period. Each program will also provide grants of up to \$75,000 to community outreach and assistance agencies (COAAs) to provide information about these programs and assist prospective applicants. Those affected by these emergency rules include landlords, mortgage servicers, and non-profit community agencies.

Questions/requests for copies of the 2 IHDA emergency rules: Maureen Ohle, IHDA, 111 E. Wacker Dr., Suite 1000, Chicago IL 60601.

the annual Free Fishing Days when fishing without a license will be permitted in all waters of the State.

Questions/requests for copies/ comments through 12/14/20: John Heidinger, DNR, One Natural Resources Way, Springfield IL 62702, 217/557-6379.

INDUSTRIAL POLLUTION

The POLLUTION CONTROL BOARD proposed amendments to Definitions and General

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Proposed Rulemakings

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Provisions (35 IAC 211; 44 Ill Reg 17146) and Organic Material Emission Standards and Limitations for the Metro East Area (35 IAC 219; 44 Ill Reg 17190) concerning emissions of volatile organic material (VOM) from painting, finishing and similar operations at aerospace manufacturing/repair facilities in Madison, Monroe and St. Clair counties. The amendments add various chemicals and materials used in construction and repair of aircraft and spacecraft, and regulations for their use, to these Parts. PCB states that these rules are in response to a planned expansion of aerospace facility operations in the Metro East area.

Questions/requests for copies/comments on the 2 PCB rulemakings through 12/14/20: Clerk's Office, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601. Please reference docket R21-18. Copies of the Board's opinion and order can be obtained by calling 312/814-3620 or downloaded at www.pcb.illinois.gov.

TORTURE COMMISSION

The TORTURE INQUIRY AND RELIEF COMMISSION proposed amendments to Organization, Public Information, Procedures, and Rulemaking (2 IAC 3500; 44 Ill Reg 17392) concerning conflict of interest policies and procedural safeguards for claimants seeking relief. (The Commission investigates claims by persons convicted of criminal offenses in Cook County that their convictions were based upon statements coerced by the police.) The amendments add conflict of interest provisions that specify when a member of the Commission must disqualify himself or herself from an investigation. Potential conflicts of interest that require a Commissioner to step aside from an investigation include personal bias or prejudice concerning a party or that party's attorney; personal knowledge of disputed evidentiary facts about the matter in controversy; having served as an attorney, advocate or law enforcement officer in the case at issue; having worked for the law firm representing the claimant

within the last 3 years; or reasonable expectation of being called as a material witness if an evidentiary hearing is held. A Commissioner must also step aside if these criteria apply to his or her spouse, parent, child or another relative within the third degree of relationship (i.e., great-grandparents, great-grandchildren, and closer relatives) The amendments also clarify when, how and for what purposes counsel may be appointed for an indigent person bringing a claim before the Commission. This proposed rulemaking replaces an amendment adopted at 44 Ill Reg 13427, effective 7/29/20, and later repealed because it was improperly adopted through the required/internal rulemaking process.

Questions/requests for copies/comments through 12/14/20: Rob Olmstead, TIRC, 100 W. Randolph St., Suite 10-300, Chicago IL 60601, 312/814-1094.

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 listed in next week's *Illinois Register* and considered at the November 17, 2020 JCAR meeting. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF COMMERCE AND ECONOMIC OPPORTUNITY

Cannabis Business Incubator and Sponsorship Program (14 IAC 651; 44 Ill Reg 11733) proposed 7/17/20

DEPT OF EMPLOYMENT SECURITY

Payment of Unemployment Contributions, Interest and Penalties (56 IAC 2765; 44 Ill Reg 13218) proposed 8/14/20

DEPT OF LABOR

Carnival and Amusement Ride Safety Act (56 IAC 6000; 44 Ill Reg 13871) proposed 8/28/20

Joint Committee on Administrative Rules

Senator Bill Cunningham, <i>co-chair</i>	Representative Tom Demmer
Senator John F. Curran	Representative Michael Halpin
Senator Kimberly Lightford	Representative Frances Ann Hurley
Senator Tony Muñoz	Representative Steven Reick
Senator Sue Rezin	Representative André Thapedi
Senator Paul Schimpf	Representative Keith Wheeler, <i>co-chair</i>

**Vicki Thomas
Executive Director**