

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

DRIVER'S SERVICES

The SECRETARY OF STATE adopted amendments to Procedures and Standards (92 IAC 1001; 44 Ill Reg 11748) and Rules of the Road-Persons with Disabilities Parking Program (92 IAC 1100; 44 Ill Reg 11764), both effective 11/13/20, replacing emergency amendments to both Parts that were effective 6/30/20. The rulemakings implement PA 101-640 and recent Executive Orders concerning extension of SOS hearing dates and expiration dates for vehicle registrations, driver license's/ID cards and disabled parking decals. Amendments to Part 1001 set a deadline of 10/1/20 for SOS to hold any hearings that were requested on or before 6/1/20 (with final orders to be issued within 120 days after the hearing) and to issue final orders in hearings held on or before 3/9/20. Hearings requested after 6/1 but

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*.

before 7/1 shall be scheduled within 120 days of the request and final orders issued within 120 days of the hearing. These extensions shall not apply to any hearing request received on or after 7/1. The Part 1100 amendments allow disabled parking decals that expire during the COVID-19 disaster proclamations or in the 60 days

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Proposed Rulemakings

VIDEO GAMING

The ILLINOIS GAMING BOARD proposed amendments to Video Gaming (General) (11 IAC 1800; 44 Ill Reg 18620) replacing the term "renewal fees" with "annual fees". Video gaming licensees whose licenses are not renewed by their due dates (including licensees contesting notices of nonrenewal or revocation of a license) are still required to pay their annual fees; failure to pay a scheduled annual fee shall cause the license to expire. Annual fees shall be charged at the maximum amounts permitted by the Video Gaming Act (\$10,000 for manufacturers and distributors; \$5,000 for terminal operators; \$2,000 for suppliers; \$100 for technicians, terminal handlers and licensed establishments; \$100 for each video gaming terminal).

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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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following the end of the disaster to remain valid for 100 days (changed since 1st Notice from 95 days) after the end of the disaster proclamations.

Questions/requests for copies of the 2 SOS rulemakings: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, 217/785-3094, pwright@ilsos.gov

COMMUNITY COLLEGES

The ILLINOIS COMMUNITY COLLEGE BOARD adopted amendments to Administration of the Illinois Public Community College Act (23 IAC 1501; 44 Ill Reg 10855 and 11303) effective 11/13/20, combining two separately proposed rulemakings that implement various Public Acts concerning community college employment contracts (other than collective bargaining agreements) and cooperative agreements between community colleges and other entities. Fixed-term employment contracts with community college district employees are limited to no more than 4 years; renewals or extensions of a contract must be approved during an open meeting of the community college district board; and rollover clauses that allow a contract to be automatically renewed without any additional action or signatures are prohibited. Public notice of any pending vote on an employment contract must include, at a minimum, a description of the proposed financial components of

the contract and a description of the action to be taken by the board. Contracts with community college presidents and chancellors must also be approved, renewed, extended or terminated during an open meeting of the board. Performance-based bonuses or compensation offered or paid to a president or chancellor must be approved in an open board meeting, and the performance criteria or goals upon which this compensation is based must be made available to the public on the district's official website at least 48 hours before board approval. The board must also conduct an annual performance review of the president or chancellor; consider the results of the review when contemplating a bonus, raise or severance agreement; and post the review criteria and goals on the district website. The rulemaking also limits severance pay to no more than 20 weeks of regular salary/compensation and prohibits severance pay to employees that have been fired for misconduct. "Misconduct", as defined in this rulemaking, includes but is not limited to deliberate or negligent disregard of the employee's duties or reasonable standards of behavior; committing criminal assault or battery against a student, another employee, or customer/guest of the employer; and chronic absenteeism or tardiness. It also includes any violation of district rules, unless the employee demonstrates that he or she could not reasonably have known about the rule's requirements, that the rule is not lawful or reasonably related to job

environment and performance, or that the rule is not fairly or consistently enforced. The rulemaking also defines a cooperative agreement (between a community college and one or more other colleges, organizations, schools, or government agencies to share or obtain educational services), clarifies that "cooperative agreements" do not include collective bargaining contracts, clarifies ICCB's authority to approve cooperative agreements, and allows community colleges to extend their course offerings or curricula into another community college district or other locations (e.g., military installations) with approval from that district and ICCB. The rulemaking also requires community colleges, upon the request of a K-12 or high school district within its jurisdiction, to enter into a partnership agreement with that district to offer dual high school/college credit courses. It also allows high school teachers who do not meet ICCB or Board of Higher Education requirements for teaching dual credit courses to teach these courses under a professional development plan. Obsolete provisions for grants to establish new community college campuses or branches are also being removed.

Questions/requests for copies: Matt Berry, ICCB, 401 E. Capitol Ave., Springfield IL 62701-1711, 217/785-7411, matt.berry@illinois.gov

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Proposed Rulemakings

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Video gaming licensees and persons who build, sell or repair video gaming equipment are affected by this rulemaking.

Questions/requests for copies/comments through 1/13/21: Agostino Lorenzini, IGB, 160 N. LaSalle St., Chicago IL 60601, IGB.RuleComments@igb.illinois.gov

■ WATERCRAFT

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to Boat and Snowmobile Registration and Safety (17 IAC 2010; 44 Ill Reg 18631) aligning the Part with U.S. Coast Guard regulations for watercraft. The rulemaking adds the following items to the list of information required in an application for registration and title to a watercraft: type of application (new number, renewal number, transfer of ownership); the driver's license or State ID number of the owner; the state in which the watercraft will be principally operated; a copy of the certificate of origin, if any; the name and address of any lienholder; any identification number previously issued to the vessel by a state or county registration authority; the category of vessel being registered (air boat, auxiliary sail, cabin motorboat, houseboat, inflatable boat, open motorboat, paddlecraft, personal watercraft, pontoon boat, rowboat, sail only, other); type of hull material (aluminum, fiberglass, plastic, rubber/vinyl/canvas, steel, wood,

other); and the primary operational use of the vessel (charter fishing, commercial fishing, commercial passenger, dealer/manufacturer demonstration, pleasure, rent/lease, other commercial operation). Provisions for water usage stamps for non-powered watercraft are being repealed. Boat accidents causing more than \$2,000 (currently, \$500) in property damage must be reported to DNR. Owners and operators of pleasure or commercial watercraft are affected by this rulemaking.

Questions/requests for copies/comments through 1/13/21: John Fischer, DNR, One Natural Resources Way, Springfield Il 62702, 217/524-2163.

■ INCOME TAX

The DEPARTMENT OF REVENUE proposed an amendment to Income Tax (86 IAC 100; 44 Ill Reg 18641) implementing two Public Acts. The amendment provides that the data center investment tax credit awarded by the Department of Commerce and Economic Opportunity beginning in calendar year 2019 shall be 20% of the wages paid to a full- or part-time employee of a construction contractor employed by the certified data center. Construction of the new data center must have taken place in an economically distressed area meeting one of the following criteria: unemployment rate more than 120% of the national average, poverty rate of 20% or more, 20% or more households receiving SNAP, or

75% or more of children receiving free school lunches. The rulemaking specifies how the credit will be documented; how it will be awarded when earned by a partnership or subchapter S corporation; and that if the credit amount exceeds the taxpayer's tax liability for the year the excess may be carried forward to the next 5 tax years. Businesses claiming the data center investment tax credit are affected.

Questions/requests for copies/comments through 1/13/21: Michael D. Mankowski, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.

■ PUBLIC LIBRARIES

The SECRETARY OF STATE proposed amendments to Public Library Non-Resident Services (23 IAC 3050; 44 Ill Reg 18660) that address access to a library's electronic resources (e-resources) by non-residents. E-resources are defined as materials in digital format that are electronically accessible, including e-journals, e-books, electronic databases and downloadable audio or video files. A public library board of trustees may annually take action that allows non-residents of the library district to apply for free access to e-resources; however, e-resource access by itself does not allow non-residents to check out books or other circulating items, access interlibrary loan services, or access collections of other Illinois

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Adopted Rules

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UNIVERSITIES EMPLOYMENT

The STATE UNIVERSITIES CIVIL SERVICE SYSTEM adopted amendments to the Part titled State Universities Civil Service System (80 IAC 250; 44 Ill Reg 8192), effective 11/12/20, concerning aspects of the disciplinary process. The rulemaking adds to the list of causes for suspension falsification of documents; rude, disrespectful, and/or unprofessional behavior; failure to follow official university policy and procedures; and reporting to work impaired by substance use or fatigue to the point that the employee cannot

safely perform his or her job duties. Employees who are not U.S. citizens are responsible for maintaining their right to work in the U.S.; those who fail to do so via permanent residency/green card, work permit or employment-related visa will be terminated (with notice from the employer) as of the last date the employee had legal work status. The rulemaking also clarifies that reasons for discharge include all reasons listed as causes for suspension if they become recurring offenses, plus more serious one-time offenses such as theft, malicious damage to property, instigating a physical altercation, and indecent conduct. Employees are responsible for maintaining a

current mailing address with their employer so that notices of suspension or discharge proceedings can be sent to the employee. If an employee does not file a written request for a hearing on a pending discharge within 15 days after receiving notice, the discharge becomes effective at the end of the 15-day period. Other provisions address and clarify various aspects of the hearing process for employees disputing a disciplinary action.

Questions/requests for copies:
Jeff Brownfield, SUCSS, 1717 Philo Rd., Suite 24, Urbana IL 61802, 217/278-3150, rulemaking@sucss.illinois.gov

Proposed Rulemakings

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libraries. Additionally, libraries shall not charge non-resident fees to veterans with service-connected disabilities of at least 70% and a property tax exemption on their primary residence, to the unmarried surviving spouse of a veteran who qualified for the exemption, or to the unmarried surviving spouse of a service member killed in the line of duty. The rulemaking also institutes a Cards for Kids program under which K-12 students who do not reside in a public library service area and who qualify for free or reduced price school lunches may receive non-resident library cards free of charge. Public libraries and library districts are affected by this rulemaking.

Questions/requests for copies/ comments through 1/13/21:
Joseph Natale, SOS, Gwendolyn Brooks Bldg., Springfield IL 62701-1796, 217/558-4185, jnatale@ilsos.net

STATE RETIREMENT

The STATE EMPLOYEES' RETIREMENT SYSTEM proposed amendments to The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; 44 Ill Reg 18667) clarifying the definition of final average compensation for SERS members who joined the System prior to 1/1/98 and were eligible to receive alternative formula pensions on or after that date. The rulemaking also clarifies that the

requirements of the Pension Code with respect to non-occupational disability benefits may be deemed satisfied when a member who has applied for these benefits was originally eligible for a temporary leave of absence for disability but, upon medical examination, was determined to be permanently and totally disabled before the leave was granted.

Questions/requests for copies/ comments through 1/13/21: *Jeff Houch, SERS, 2101 S. Veterans Pkwy., PO Box 19255, Springfield IL 62794-9255, 217/524-8105, fax 217/557-3943, jeff.houch@srs.illinois.gov*

Second Notice

The following rulemaking was moved to Second Notice this week by the agency listed below, commencing the JCAR review period. This rulemaking will be listed in next week's *Illinois Register* and considered at the December 15, 2020 JCAR meeting. Other items not published in the *Register* or The Flinn Report may also be considered. Further comments concerning this rulemaking should be addressed to JCAR using the contact information on page 1.

POLLUTION CONTROL BOARD

Ethylene Oxide Ambient Air Monitoring (35 IAC 249; 44 Ill Reg 2216) proposed 1/31/20

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**