

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

■ DISEASE TESTING

The DEPARTMENT OF PUBLIC HEALTH adopted emergency amendments to Assisted Living and Shared Housing Establishment Code (77 IAC 295; 44 Ill Reg 18960), Sheltered Care Facilities Code (77 IAC 330; 44 Ill Reg 18972), Illinois Veterans' Homes Code (77 IAC 340; 44 Ill Reg 18994), Intermediate Care for Developmentally Disabled Facilities Code (77 IAC 350; 44 Ill Reg 19012), Community Living Facilities Code (77 IAC 370; 44 Ill Reg 19038), Specialized Mental Health Rehabilitation Facilities Code (77 IAC 380; 44 Ill Reg 19051), and Medically Complex for the Developmentally Disabled Facilities Code (77 IAD 390; 44 Ill Reg 19068), all effective 11/19/20 for a maximum of 150 days. These emergency amendments establish and clarify DPH's infection control policies in relation to the COVID-19 pandemic for

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*.

various types of licensed long term care facilities. (Parallel emergency rules for skilled/intermediate care nursing homes are currently in effect at 77 IAC 300.) Each facility must maintain written infection control policies and procedures on site and make them available upon request to residents, their families and/or their representatives; facility staff (which includes employees,

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Proposed Rulemakings

■ EXPLOSIVES & FIREWORKS

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to the Part titled The Illinois Explosives Act (62 IAC 200; 44 Ill Reg 18816) clarifying and updating current explosives regulations. Definitions being added or revised include airblast (airborne waves resulting from detonation of explosives), blast zone (includes airblast and any areas where DNR-regulated fireworks are initiated), "attended at all times" (magazine and explosives are always within the line of sight of a member of the work or blasting crew), explosive devices (includes M-devices, quarter sticks, cherry bombs and pipe bombs exceeding federal weight limits for consumer fireworks), and water gels (explosives or blasting agents with a substantial proportion of water).

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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

DRIVERS' SERVICES

The SECRETARY OF STATE adopted amendments to Issuance of Licenses (92 IAC 1030; 44 Ill Reg 11762) effective 11/19/20, replacing emergency amendments that were effective 6/30/20, 8/7/20 and 9/22/20. The rulemaking implements PA 101-640 and recent Executive Orders concerning extension of expiration dates for driver licenses/ID cards. All driver's licenses/permits and State ID cards that expire during the Gubernatorial Disaster Proclamations related to the COVID-19 pandemic or within 60 days after the proclamations end will remain valid for 110 days after the end of the proclamations. The rulemaking also adds 12 months to the expiration dates of all driver's licenses issued to Illinois residents who were age 75 or older as of 1/1/20 or reach age 75 during 2020.

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

HRC PROCEEDINGS

The HUMAN RIGHTS COMMISSION adopted amendments to the Part titled Procedural Rules (56 IAC 5300; 43 Ill Reg 13913) effective 11/23/20, implementing two Public Acts. The rulemaking establishes procedures for Commission meetings and for public comment at meetings (up to 3 minutes per person, with total comment time limited to 30 minutes unless a longer period is approved); outlines the duties and responsibilities of the Chair, Vice-Chair and other officers; establishes a code of ethics for the Commission and its staff; and clarifies how documents are to be filed. Items electronically submitted during the Commission's regular business hours (8:30 a.m. to 5 p.m.) are deemed to have been filed on the date of submission. A request for review of a decision to dismiss or default a case must be made within 90 days after receipt of the dismissal notice or within 30 days after receipt of the default notice (formerly, within 30 days of either notice). These requests will be considered by a 3-member panel of the Commission. Other provisions address response,

reply and extension timelines and extend from 180 to 300 days the timelines for filing a complaint after a civil rights violation occurs and adding a new person as a respondent in the case. Those affected by this rulemaking include businesses, municipalities and non-profit organizations with cases pending before the Commission or that wish to comment at Commission meetings.

Questions/requests for copies: Evelio Mora, HRC, 100 W. Randolph St., Ste. 5-100, Chicago IL 60601, 312/814-1914.

NATURAL GAS

The ILLINOIS COMMERCE COMMISSION adopted amendments to the Part titled Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities (83 IAC 590; 43 Ill Reg 13483), effective 11/20/20, that update the effective date of incorporated federal safety standards from 7/1/18 to 9/1/19 to accommodate recent amendments.

Questions/requests for copies: Brian W. Allen, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/558-2387.

Proposed Rulemakings

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Incorporated federal regulations and national standards are updated. Records related to the possession, use, transfer, storage or disposal of explosive material must be kept for 5 (currently, 3) years, and a federal waiver must be granted before any person convicted of a felony may be granted an explosives license. Persons using explosives in connection with mining, quarrying, construction or manufacturing business operations are exempt from licensing under the Act provided that another person licensed under the Act is present at all times during explosive use and disposal. Temporary licenses for use or disposal of explosives may be issued no more than once every 3 years and require a fingerprint based background check. A Type 3 magazine (used for temporary containment of explosives during transport and use) must be attended at all times; however, law enforcement agencies are exempt from this requirement. For aerial fireworks displays, the distance between the staging area and spectators must be at least 70 feet for each inch of diameter of the largest shell being used (e.g., if the largest shell is 2 inches in diameter, spectators must be kept at least 140 feet away). Those affected by this rulemaking include mining and construction businesses; municipalities or other organizations staging fireworks displays; and law enforcement agencies.

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contractors and volunteers); DPH; and the certified local health department. These emergency rules also list the specific Centers for Disease Control and Prevention guidelines for COVID-19 testing and infection control that facilities must follow. If a resident or staff member of a facility tests positive for COVID-19, all residents and staff must be tested; those who do not test positive must be retested every 3 to 7 days until no new cases are identified. If there are no active cases in a facility, staff must be tested at least twice a week if the county's testing positivity rate for COVID-19 is

Questions/requests for copies/comments through 1/19/21: Amy Oakes, DNR, One Natural Resources Way, Springfield IL 62702, 217/558-6622.

■ BUS INSPECTIONS

The DEPARTMENT OF TRANSPORTATION proposed amendments to the Parts titled Inspection Procedures for Multifunction School Activity Buses (92 IAC 436; 44 Ill Reg 18890), Inspection Procedures for Special Vehicles (92 IAC 438; 44 Ill Reg 18896), Inspection Procedures for Type I School Buses (92 IAC 441; 44 Ill Reg 18910), Inspection Procedures for Type II School Buses (92 IAC 443; 44 Ill Reg 18916) and Nonscheduled Bus Inspections (92 IAC 456; 44 Ill Reg

Emergency Rules

above 10%; once a week if the positivity rate is between 5% and 10%; and once a month if the positivity rate is below 5%. Those affected by these emergency amendments include residents, employees, and volunteers at assisted living, sheltered care, developmentally disabled, and mental health facilities; community living facilities; and Illinois veterans' homes.

Questions/requests for copies of the 7 DPH emergency rules: Elizabeth Paton, DPH, 535 W. Jefferson St., Springfield IL 62761, 217-782-2043, dph.rules@illinois.gov

18922). These rulemakings will, upon adoption, replace emergency rules that were effective 8/13/20. The proposed rules add optional hand sanitizers, driver protective barriers, and COVID-19 related signage (e.g., social distancing reminders) to the DOT inspection criteria for all buses subject to inspection, including school buses and commercial buses. Those affected by this rulemaking include public and nonpublic schools, community or religious organizations that operate buses, and commercial bus operators.

Questions/requests for copies/comments through 1/19/21: Greg Stucka, DOT, 2300 S. Dirksen

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Proposed Rulemakings

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Pkwy., Rm. 317, Springfield IL 62764, 217/524-2638.

ABLE ACCOUNTS

The OFFICE OF THE STATE TREASURER proposed amendments to the Part titled Achieving a Better Life Experience (ABLE) Account Program (74 IAC 722; 44 Ill Reg 18867) aligning the Part with Public Act 101-329. The rulemaking allows guardians of the person (in addition to guardians of an estate or other limited-purpose guardians) to open ABLE accounts (tax-advantaged accounts in which funds can be set aside for a person with a disability without affecting that person's eligibility for Supplemental Security Income or other benefits); simplifies the process by which guardians and designated representatives can establish ABLE accounts; replaces the term "account beneficiary" with "designated beneficiary"; clarifies the ABLE Program's investment policy; and allows the Treasurer to enter into reciprocal agreements with other states allowing Illinois residents to participate in those states' ABLE plans and/or allowing non-Illinois residents to participate in the Illinois plan.

Questions/requests for copies/ comments through 1/19/21: Joanna Coll, Office of the Treasurer, 219 State House, Springfield IL 62706, 217/782-9722, JColl@illinoistreasurer.gov

■ NOTARIES PUBLIC

The SECRETARY OF STATE proposed amendments to the Part titled Notary Public Records (14 IAc 176; 44 Ill Reg 18862) reflecting current methods of SOS record keeping. Notary public appointment records are maintained in an SOS computer database (current rule, which dates from 1989, states that these records are kept on magnetic tape). Persons requesting the list of all current notaries, or of notaries for a particular county, may obtain a current list for an initial fee of \$3,600 and may obtain weekly updates for an annual fee of \$1,000. Lists of all notaries commissioned in a specific calendar year are \$900 and lists of all notaries commissioned in a specific month of a specific year are \$75. State, federal and local law enforcement agencies may obtain the same information at no charge if needed for an official investigation; other government agencies, including county clerks, will be charged

\$500 for the full list (\$1,000 annually for updates) or \$200 for a single county's list (\$500 annually for updates). Requestors are no longer asked to provide blank magnetic tape for producing copies of these lists. Small businesses and municipal or county governments are affected by this rulemaking.

Questions/requests for copies/ comments through 1/19/21: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, pwright@ilsos.gov

SOS RULE WITHDRAWAL

SOS has withdrawn proposed amendments to Collection of Fees (92 IAC 1003; 44 Ill Reg 17010) that were published in the 10/23/20 *Register*. The withdrawn rulemaking was identical to an emergency amendment at 44 Ill Reg 17031, effective 10/9/20 for a maximum of 150 days, allowing excess fees paid for vehicle registrations during calendar years 2019 and 2020 to be refunded more than 6 months after the date of the payment. SOS has withdrawn these amendments because the affected refunds have already been paid and there is no need for a permanent rulemaking.

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 December 15, 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 REVENUE

Leveling the Playing Field for Illinois Retail Act (86 IAC 131; 44 Ill Reg 14420) proposed 9/11/20

SECRETARY OF STATE

School Bus Driver Permit (92 IAC 1035; 44 Ill Reg 16111) proposed 10/2/20

Joint Committee on Administrative Rules

Senator Bill Cunningham, *co-chair*

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, *co-chair*

**Vicki Thomas
Executive Director**