

*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

### ■ BUSINESS ASSISTANCE

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted a new Part titled Business Interruption Grant Program (14 IAC 690; 44 Ill Reg 12993) effective 12/23/20, replacing emergency rules (effective 7/21/20, 9/29/20 and 11/6/20) that expired 12/17/20. The new Part implements the Business Interruption Grant (BIG) Program authorized by Public Act 101-636, which provides financial support to businesses that have incurred exceptional losses or expenditures due to the COVID-19 public health emergency. Other provisions clarify repayment of eligible business loans, the selection process for emergency loans, and the prioritization and determination of acutely distressed industries (e.g., event venues, movie theaters, bus operating companies).

### 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*.

### Qualifying Businesses

Financial assistance provided through the BIG Program is funded by the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act and may consist of grants, subsidies, or expense reimbursements. Funding availability and application procedures will be announced on

(cont. page 2)

## Proposed Rulemaking

### ■ FIREARM DEALERS

The ILLINOIS STATE POLICE proposed amendments to the Part titled Firearm Dealer License Certification Act (20 IAC 1232; 45 Ill Reg 591) implementing statutory requirements for video surveillance security systems at retail locations where licensees certified under the Act sell, lease or transfer firearms. Effective 1/2/21, a certified licensee operating a retail location open to the public must operate and maintain in good working order a 24/7 video surveillance system. This system must, at a minimum, record and monitor all entrances and exits (including walkways leading into the retail location and parking areas in the immediate vicinity) and all interior areas where firearms in inventory are displayed, handled, sold, leased, transferred or stored. The surveillance system

(cont. page 3)

**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

(cont. from page 1)

the DCEO website. Qualifying businesses include those that have lost revenue due to closing or limiting access to a business establishment, or have experienced decreased customer traffic/demand as a result of the COVID-19 emergency. At least 30% of BIG Program funding will be allocated to disproportionately impacted areas with high incidences of positive COVID-19 cases per capita and high rates of poverty/economic distress among children, older adults, or generally. Priority will also be given to severely impacted businesses (e.g., bars, restaurants, barbershops, salons, fitness centers) that meet specified 2019 revenue criteria, operated for at least the 3 months prior to March 2020, and have incurred at least \$10,000 in necessary expenditures since 3/21/20.

## Day Care Providers

Licensed day care providers that receive at least 25% of their revenue through the Child Care Assistance Program and whose operating capacity was reduced by Department of Children and Family Services group size restrictions are eligible for child care restoration grants through the BIG Program. An initial round of grants to day care providers was awarded for the period of 7/1 through 9/30/20, a second round of grants will be awarded for the period 10/1 through 11/30/20, and a third round may be awarded if funds permit.

## Allowable Costs

BIG awards to qualifying businesses may be used to cover any operational cost (including, but not limited to, staff wages/benefits, occupancy costs, materials, supplies, and professional services) that is eligible for federal Coronavirus Relief Fund reimbursement and not otherwise covered by another grant or refundable loan (e.g., the Paycheck Protection Program, Economic Disaster Injury Loan, other disaster relief). In addition to awarding grants to qualifying businesses, DCEO may also enter into grant agreements or contracts with qualified partner agencies (i.e., non-profit agencies or financial institutions) that will provide financial assistance or other services to qualifying businesses. Application procedures, reporting and monitoring requirements are also outlined. Participants must provide a final expenditure report of all grant funds by the 15<sup>th</sup> day of the month following the termination of the grant (previously, by 12/15/20).

## Livestock Management

Financial relief is also available to affected livestock facilities, which must apply for relief through one of 3 programs: the Swine Depopulation Program (SDP), the Meat and Poultry Capacity Program (MPCP) or the Agriculture Business Interruption Program (ABIP). SDP applicants must have experienced a depopulation and disposal event

(DDE; e.g., a mass slaughter of swine that could not be moved to market) on or after 4/15/20. An SDP applicant may apply for assistance for no more than 5 DDEs and may receive up to \$135 for each 1,000 pounds of disposed carcasses, up to a maximum of \$10,000. Swine producers who have received carcass disposal assistance from the USDA are not eligible for SDP assistance. MPCP applicants with no more than 60 employees may apply for up to \$25,000 in assistance to cover the costs of equipment needed to facilitate product processing or reduce disease spread among employees (e.g., face shields, barriers, ventilation improvements, hand sanitizers). The ABIP program will pay up to \$10,000 for financial losses due to holding swine, beef cattle, dairy cattle, lamb, poultry or meat goats, or related products, between 4/15 and 5/15/20. Applicants to all 3 programs will receive 10% additional financial assistance if they are located in a disproportionately impacted area.

## Emergency Loan Fund (ELF)

Qualifying businesses that applied for an ELF loan during March 2020 are also eligible for BIG assistance, provided they meet the minimum criteria for BIG. Assistance will consist of loan repayment for borrowers who have outstanding debts, or a grant of \$10,000 or \$20,000 to applicants who ultimately did not receive a

(cont. page 3)

# Proposed Rulemaking

(cont. from page 1)

must monitor exterior windows, roof hatches or skylights, window or wall mounted air conditioning units, and cash register/checkout areas, but must not monitor restrooms or other areas specifically prohibited by law. If the retail location exists in a residence or other area of a residential property, the video surveillance system must cover all operational entrances and exits, windows, roof hatches, skylights, and window or wall mounted air conditioners if any of these openings could be used as a means of entry into or exit from the retail location. The system must operate during hours when the retail location is open to the public and when the residential location is vacant. Surveillance cameras should be installed in a manner that avoids backlighting or

physical obstructions to the extent that these factors are within the control of the licensee, and should be either day/night cameras or have sufficient lighting to maximize the quality of recorded images. An accurate date and time stamp shall be displayed on all recorded video. Surveillance systems must have the ability to remain operational during a power outage, allow still images to be exported in an industry standard format (e.g., .jpg, .gif or .bmp), and allow recordings to be viewable at any time. Video recordings shall be retained by the certified licensee for a minimum of 90 days (longer if needed to investigate a loss or theft of firearms or to assist in any criminal, civil or administrative investigation) via cloud storage, external hard drives/servers, flash drives, discs, or any device that can adequately store video data.

Access to the recording system shall be limited to authorized personnel in an area not accessible to the public; the licensee must make available to ISP upon request a current roster of authorized personnel with access to the recording system. Surveillance systems shall be tested at least quarterly and must be demonstrably operational and functioning upon inspection by ISP or any law enforcement agency. Persons and businesses that sell, lease or transfer firearms at retail are affected by this rulemaking.

*Questions/requests for copies/comments through 2/22/21: Yvette C. Loizon, ISP, 801 S. Seventh St., Suite 1000-S, Springfield IL 62703, 217/782-7658.*

# Adopted Rules

(cont. from page 1)

loan because the ELF program was discontinued.

## Technical Assistance

Finally, DCEO will utilize CURE funds to provide financial assistance to qualified non-profit organizations that provide technical assistance to diverse, underserved and minority-owned small businesses. Technical assistance will be provided to increase awareness of and assist in procurement of financial assistance from BIG and other resources.

## Changes Since 1<sup>st</sup> Notice

Since 1<sup>st</sup> Notice, DCEO has added provisions for aid to livestock management facilities, repayment of eligible loans made under ELF, designation of acutely distressed industries, and the technical assistance program for qualified non-profit organizations. Businesses impacted by the COVID-19 public health emergency are affected by this rulemaking.

### ■ CURE PROGRAM

DCEO also adopted a new Part titled Local Coronavirus Urgent

Remediation Emergency (or Local CURE) Support Program (14 IAC 700; 44 Ill Reg 11735), effective 12/23/20, replacing emergency rules (effective 7/2/20, 8/10/20 and 10/26/20) that expired 11/28/20. This Part implements a program established in Public Act 101-636 to distribute federal CARES Act relief funds to units of local government outside of the 5 counties receiving direct allotments from the CARES Act fund (Cook, Du Page, Lake, Kane, Will).

(cont. page 4)

# Adopted Rules

(cont. from page 3)

## Eligible Expenses

CURE payments may be used to cover necessary expenses due to the COVID-19 public health emergency that were not accounted for in the local government's most recently approved budget as of 3/27/20 and that were incurred between 3/1 and 12/30/20. With prior approval by DCEO, CURE payments may also be used to cover administrative compliance expenses incurred between 12/30/20 and 2/28/21 to the extent federal guidance permits, if they are related to eligible expenses incurred before 12/30/20. DCEO may contract with a third party administrator to manage the program. Allowable costs that can be reimbursed through CURE include medical expenses such as COVID testing and establishing temporary medical facilities; public health expenses, including but not limited to communication and enforcement of COVID-related public health orders; payroll expenses for public safety, public health, health care, human services, and other employees whose services were substantially dedicated to responding to or mitigating the COVID emergency; actions taken to facilitate compliance with COVID-related public health measures; and any other expenses (including administrative expenses) reasonably necessary to the function of government that can be documented as COVID-related. Costs not eligible for CURE

reimbursement include damages covered by insurance, expenses that have been or will be reimbursed by other State or federal funds, replacement of revenue shortfalls, and payroll or benefits for employees whose work duties were not substantially dedicated to COVID response/mitigation.

## Economic Support Payments

Municipalities and counties may also use CURE funds to make Economic Support Payments Grants (ESPG) to eligible businesses affected by the COVID-19 pandemic. The rulemaking outlines which businesses are and are not eligible and which business expenses qualify for reimbursements.

## Allotments & Claim Deadlines

CURE funds will be allocated as follows: 80% to municipalities and counties based on proportionate population; 5% to certified local public health departments based on proportionate population and poverty rates; 8% to local governments that did not qualify under the previous two categories (preference will be given to disproportionately impacted areas with high rates of positive COVID-19 cases and high rates of poverty among children, older adults or the general population); 6% to ESGP; and 1% for DCEO's administrative costs, including the third party administrator's contract fee. Funds allotted to local governments but not claimed by

12/1/20 may be reallocated to other local governments, who will have until 1/31/21 to submit reimbursement requests to DCEO. Any allotments not claimed as of 2/1/21 will be redirected to ESGP and to other local governments with remaining needs, and the final reimbursement requests must be submitted to DCEO by 2/28/21. All requests for reimbursement will be processed and paid by DCEO and the third party administrator on or before 3/31/21. Application, documentation and reimbursement request procedures are also included.

## Changes Since 1<sup>st</sup> Notice

Since 1<sup>st</sup> Notice, DCEO has added ESGP provisions, clarified various definitions, and updated program deadlines to align with the most recent federal CARES Act guidance. Small municipalities, other local units of government, and businesses under their jurisdiction that qualify for ESGP are affected by this rulemaking.

## ■ LOCAL TOURISM GRANTS

DCEO also adopted amendments to the Part titled Local Tourism and Convention Bureau Program (14 IAC 550; 44 Ill Reg 13175) effective 12/23/20, replacing emergency amendments that were effective 7/29/20. The rulemaking implements provisions of Public Act 101-636 affecting DCEO grants to local tourism and convention bureaus (LTCBs) and

(cont. page 5)

## Adopted Rules

(cont. from page 4)

reflects current statute that allocates 18% of these grant funds to Chicago bureaus and 82% to bureaus elsewhere in Illinois. To provide economic relief from the effects of the COVID-19 pandemic, the percentage of matching funds that LTCBs must provide has been reduced from 50% to 25% for fiscal year 2021, and previously certified applicants will not be required to submit the same documentation as new applicants. Up to 60% (formerly 50%) of total grant funds awarded may be applied to salaries and related payroll expenses of an LTCB, and up to 100% of that capped amount (formerly 50%) may be applied to the chief executive officer's salary. All grantees must conduct a compliance audit pursuant to Grant Accountability and Transparency Act (GATA) rules in 44 IAC 7000.90. (Formerly, audits were required only for grants of more than \$500,000 or if an audit was deemed to be in the State's best interest.) Local tourism and convention bureaus seeking DCEO grants are affected by this rulemaking.

*Questions/requests for copies of the 3 DCEO rulemakings: Jolene Clarke, DCEO, 500 E. Monroe St., Springfield IL 62701, 217/557-1820, fax 217/524-3701, [jolene.clarke@illinois.gov](mailto:jolene.clarke@illinois.gov)*

### DRIVER'S LICENSES

The SECRETARY OF STATE adopted amendments to Issuance

of Licenses (92 IAC 1030; 44 Ill Reg 13005), effective 12/23/20, updating the procedures for obtaining a Hazardous Materials Endorsement (HME) on a commercial driver's license to reflect new Transportation Security Administration (TSA) procedures. An HME may be issued to an applicant who has passed a TSA security threat assessment or who holds a valid Transportation Worker Identification Credential (TWIC) from TSA. SOS must notify an HME holder at least 90 days in advance of the expiration date of the HME that he or she must either obtain a new security threat assessment from TSA or submit a renewed TWIC. Commercial drivers transporting hazardous materials are affected.

SOS also adopted amendments to Cancellation, Revocation or Suspension of Licenses or Permits (92 IAC 1040; 44 Ill Reg 13023 and 14477) effective 12/23/20, combining two separately proposed rulemakings. These amendments implement PA 101-623, which removes SOS' authority to suspend or revoke driver's licenses for certain offenses that do not involve use of a motor vehicle, including sale/provision of alcoholic liquor to persons under age 21, possession of medical cannabis in a motor vehicle, and theft of motor fuel. The rulemaking also repeals provisions for suspending a license after 5 or more tollway violations and clarifies that driver's licenses can be suspended or revoked for underage possession/consumption of alcohol only if the

person was an occupant of a motor vehicle at the time of the offense.

### ■ ORGAN DONOR REGISTRY

SOS adopted amendments to the Part titled Sale of Information (92 IAC 1002; 44 Ill Reg 12996) effective 12/23/20, reflecting PA 101-179. The rulemaking allows organizations that procure organs or tissues for transplant under the Anatomical Gift Act [755 ILCS 50] access to the SOS organ and tissue donor registry, provided they sign an access agreement with SOS. All requests for access to the registry must be written and notarized and include the name and address of the organization making the request as well as of the person requesting the information and his/her position in that organization. The rulemaking also expands the definition of personally identifying information that may be contained on a driver's license or ID card to include date of birth, height, weight, hair color, eye color and e-mail address. Organizations authorized to procure transplant organs and tissues are affected by this rulemaking.

### ■ VEHICLE REGISTRATION

SOS also adopted an amendment to the Part titled Remittance Agents (92 IAC 1019; 44 Ill Reg 14097) effective 12/23/20, replacing an emergency amendment effective 8/20/20. The rulemaking requires that, effective

(cont. page 6)

## Adopted Rules

(cont. from page 5)

9/1/20, all applications for vehicle title, registration, or both title and registration be submitted electronically, either via the SOS website or by an approved Electronic Registration and Titling (ERT) service provider. Title and registration applications submitted by remittance agents will no longer be processed on paper at SOS Vehicle Services facilities in Chicago and Springfield. Remittance agents must electronically submit all transactions within 5 days after receipt and submit any required supporting documentation (with required fees affixed) within 20 calendar days after submission of the transaction. Employees of remittance agents who are authorized to process transactions must present an identification card when attempting to process transactions, and include his/her assigned remittance agent number on the electronically submitted form. Businesses that process applications for vehicle titles and registrations are affected by this rulemaking.

### ■ SCHOOL BUS DRIVERS

SOS adopted an amendment to the Part titled School Bus Driver Permit (92 IAC 1035; 44 Ill Reg 16111) effective 12/28/20 implementing Public Act 101-458. The rulemaking adds a cross reference to the updated section of the Illinois Vehicle Code listing cannabis-related offenses that disqualify a person from holding a school bus driver permit. School districts and school bus

transportation companies may be affected by this rulemaking.

### ■ COMMERCIAL DRIVERS

SOS adopted an amendment to Commercial Driver Training Schools (92 IAC 1060; 44 Ill Reg 13301) effective 12/23/20 that allows persons taking a Class A Commercial Driver's License (CDL) skills test (for tractor-trailers) the option of taking the test in a representative vehicle with an automatic transmission. (Formerly, the test had to be taken in a multi-range transmission vehicle with at least 9 forward gears.) Commercial driver training schools and applicants for CDLs are affected by this rulemaking.

*Questions/requests for copies of the 6 SOS rulemakings: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, [pwright@ilsos.gov](mailto:pwright@ilsos.gov).*

### PENSION FUND TRUSTEES

The DEPARTMENT OF INSURANCE adopted a new Part titled Tie Breaking when Conducting and Adminstrating a Board of Trustee Election (50 IAC 4451; 44 Ill Reg 11394) effective 12/28/20, establishing procedures for breaking a tie vote between two or more candidates for the board of trustees of the Police Officers' Pension Investment Fund or the Firefighters' Pension Investment Fund (which manage pension investments for downstate police and fire departments). The tie breaker must be conducted within 10 business days (originally, 20 days) after the election. The name

of each tied candidate will be written on an index card and placed in a sealed envelope; the Director of DOI, or a designee, will then choose the winner by random drawing. Since 1<sup>st</sup> Notice, DOI has simplified the tie breaking procedure.

*Questions/requests for copies: Mark Thielen, DOI, 320 W. Washington St., 4th Fl., Springfield IL 62767-0001, 217/558-4542.*

### NUCLEAR SAFETY

The ILLINOIS EMERGENCY MANAGEMENT AGENCY adopted amendments to the Part titled Safe Operation of Nuclear Facility Boilers and Pressure Vessels (32 IAC 505; 44 Ill Reg 12) effective 12/23/20, updating its standards to align with industry standards. (Although the Office of the State Fire Marshal ordinarily has jurisdiction over boilers and pressure vessels, IEMA assumes those responsibilities with regard to boilers/pressure vessels at nuclear power plants and other nuclear facilities.) The rulemaking adopts all standards of the American Society of Mechanical Engineers (ASME), the National Fire Protection Association (NFPA) and the National Board Inspection Code for boiler and pressure vessels through the 2019 editions.

*Questions/requests for copies: Traci Burton, IEMA, 1035 Outer Park Dr., Springfield IL 62704, 217/720-8242.*

## 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 February 16, 2021 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.

### DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Real Estate License Act of 2000 (68 IAC 1450; 44 Ill Reg 16584) proposed 10/16/20

## 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