

*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

### VEHICLE REGISTRATION

The SECRETARY OF STATE adopted an emergency amendment to Certificates of Title, Registration of Vehicles (92 IAC 1010; 45 Ill Reg 1369) effective 1/12/21 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 45 Ill Reg 1343. These rulemakings extend vehicle registration stickers that were scheduled to expire on 11/30/20 and 12/31/20 until 3/31/21. SOS states that the extension is due to the closure of SOS driver's facilities in November and December 2020, which limited the public's ability to obtain renewal stickers.

*Questions/requests for copies/comments on the proposed rulemaking through 3/15/21: Brenda Glahn, SOS, 298 Howlett Bldg., Springfield IL 62756, [bqlahn@ilsos.gov](mailto:bqlahn@ilsos.gov)*

### 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*.

### New JCAR Executive Director, Page 3

### MEDICAL PAYMENT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an emergency amendment to Medical Payment (89 IAC 140; 45

(cont. page 2)

## Proposed Rulemakings

### VIDEO GAMING

The ILLINOIS GAMING BOARD proposed an amendment to Video Gaming (General) (11 IAC 1800; 45 Ill Reg 1328) concerning procurement of use agreements through sales agents acting on behalf of terminal operators. The rulemaking requires terminal operators to disclose to IGB all individuals and entities that may act as sales agents on behalf of that terminal operator (by procuring or attempting to procure agreements controlling the placement of video gaming terminals). No individual or entity may act as sales agent for a terminal operator until at least 30 days after that individual or entity has been fully disclosed to IGB and submitted acceptable fingerprints. Procurements can occur in fewer than 30 days only if the IGB

(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.

## Emergency Rules

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(cont. from page 1)

Ill Reg 1345), effective 1/15/21 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 45 Ill Reg 1341. The emergency and proposed rulemakings create an exception to HFS rules limiting Medical Assistance payment for eyeglass lenses, frames and frame parts to items produced by the Department of Corrections

laboratory. For dates of service on or after 3/9/20, HFS will also pay for lenses, frames and frame parts produced by HFS' laboratory vendors (since DOC is not currently able to produce these items or keep up with demand). This exception will remain in effect until HFS determines that service from these alternative vendors is no longer necessary to address a public health emergency; this determination will be based on applicable federal or State

disaster declarations, Executive Orders of the Governor, or disaster-related flexibilities granted by federal agencies.

*Questions/requests for copies/comments on the proposed rulemaking through 3/15/21: Steffanie Garrett, HFS, 201 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62763-0002, [HFS.Rules@illinois.gov](mailto:HFS.Rules@illinois.gov)*

## Proposed Rulemakings

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(cont. from page 1)

Administrator or a designee has approved that individual or entity in writing. The Administrator may also extend the 30-day waiting period if he or she receives information warranting further investigation of that individual or entity. If the Administrator objects to the proposed use agreement, he or she will notify the affected individual or entity that it will be recommended for disassociation at the next IGB meeting. No valid use agreement may be procured by an individual or entity to which the IGB Administrator has objected, and any agreement by that individual or entity purporting to control placement of video gaming terminals may be declared invalid. Beginning with the effective date of this rulemaking, if a terminal operator allows a sales agent to solicit business from current or potential licensed video gaming locations and procure use agreements on the terminal operator's behalf, the arrangement

must immediately terminate and future payments must be cancelled if IGB issues an order of economic disassociation against that sales agent. The arrangement must also only allow paying prior to or contingent upon video gaming terminals becoming operational for play and must not include any bonus payments or other incentive payments. Terminal operators also may not issue anticipatory loans to a sales agent in advance of a completed or proposed use agreement. If an order of economic disassociation is appealed, payments owed to the affected individual or entity will be held in escrow until IGB issues its final order. Video gaming terminal operators and their sales agents are affected by this rulemaking.

*Questions/requests for copies/comments on the proposed rulemaking through 3/15/21: Agostino Lorenzini, IGB, 160 N. LaSalle St., Chicago IL 60601, [IGB.RuleComments@igb.illinois.gov](mailto:IGB.RuleComments@igb.illinois.gov)*

### ■ ELEVATOR SAFETY

The ELEVATOR SAFETY REVIEW BOARD proposed amendments to Illinois Elevator Safety Rules (41 IAC 1000; 45 Ill Reg 1312) incorporating recent updates to national safety and technical codes, with specified modifications and exclusions adopted by the Board. The rulemaking also clarifies that the applicant is responsible for payment of any fees charged for an elevator mechanic licensure examination. Elevator mechanics and facilities or businesses that operate elevators are affected by this rulemaking.

*Questions/requests for copies/comments through 3/15/21: Office of the State Fire Marshal, 100 W. Randolph St., Suite 4-600, Chicago IL 60601, fax 312/814-3459.*

## Peremptory Rule

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### STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted peremptory amendments to Pay Plan (80 IAC 310; 45 Ill Reg 1377) effective 1/15/21, implementing 6 memoranda of understanding with AFSCME bargaining units. The peremptory rule assigns bargaining unit pay rates to the

following positions established or revised by the Civil Service Commission and assigned to bargaining units by the Illinois Labor Relations Board: human rights investigator trainee (Dept. of Human Rights), disability rights manager (Dept. of Natural Resources, Abraham Lincoln Presidential Library and Museum, Guardianship and Advocacy Commission), employee benefits

associate, employee benefits representative and employee benefits specialist (CMS), and internal auditor trainee and internal auditor II (various agencies).

*Questions/requests for copies: Jason R. Doggett, CMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-4267, fax 217/5 2 4 - 4 5 7 0 , CMS.PayPlan@illinois.gov*

## New JCAR Executive Director

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The Joint Committee on Administrative Rules marks the end of an era this week as Executive Director **Vicki Thomas** retires effective 1/31/21. Thomas was appointed Executive Director of JCAR in March 1991 after having served on the Senate Democratic caucus staff for 18 years. During her tenure, JCAR moved to its current office in the Stratton Building; computerized most of its operations, including maintenance of the Illinois Administrative Code database and production of the weekly *Illinois Register*; and had its authority to prohibit or suspend rules expanded by changes in the Illinois Administrative Procedure Act.

JCAR's new Executive Director is **Kim Schultz**, who served 4 years on Senate Democratic caucus staff before leaving to earn her law degree at Chicago-Kent College of Law. She has most recently served as an assistant General Counsel at the Department of Healthcare and Family Services.

JCAR members and staff sincerely thank Thomas for her consistent support of JCAR, its staff, and its purpose and we wish her all the best in her retirement! -- *Elaine Spencer, Flinn Report Editor*

## 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 February 16, 2021 JCAR meeting. Other items not listed 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.

### IL GAMING BOARD

Video Gaming (General) (11 IAC 1800; 44 Ill Reg 18620) proposed 11/30/20

### DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Massage Licensing Act (68 IAC 1284; 44 Ill Reg 16069) proposed 10/2/20

### POLLUTION CONTROL BOARD

Definitions and General Provisions (35 IAC 211; 44 Ill Reg 17146) proposed 10/30/20

### DEPT OF PUBLIC HEALTH

Health Care Employee Vaccination Code (77 IAC 956; 44 Ill Reg 16742) proposed 10/16/20

### DEPT OF REVENUE

Cannabis Purchaser Excise Tax (86 IAC 423; 44 Ill Reg 17893) proposed 11/13/20

### STATE EMPLOYEES' RETIREMENT SYSTEM

The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; 44 Ill Reg 18667) proposed 11/30/20

## 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**

**Representative Keith Wheeler, *co-chair***

**Kim Schultz  
Executive Director**