

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

FOID & CONCEALED CARRY

The ILLINOIS STATE POLICE adopted emergency amendments to the Parts titled Firearm Owner's Identification Card Act (20 IAC 1230; 45 Ill Reg 2763) and Firearm Concealed Carry Act Procedures (20 IAC 1231; 45 Ill Reg 2767), both effective 2/19/21 for a maximum of 150 days. The emergency rules provide that if the holder of an expiring FOID card or concealed carry license (CCL) has submitted a renewal application and paid the required fee, and the card or license has not been revoked, the FOID or CCL will remain conditionally valid past its expiration date until ISP completes its review of the renewal application. ISP's database of FOID and CCL holders (made available to law enforcement, firearms dealers, etc.) will reflect the continued validity of these documents. The new documents, when issued, will remain valid 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*.

10 years (FOID) or 5 years (CCL) after the date of issuance.

Questions/requests for copies of the 2 ISP emergency rules: Yvette C. Loizon, ISP, 801 South 7th St., Suite 1000-S, Springfield IL 62703, 217/782-7658.

Proposed Rulemakings

UNEMPLOYMENT BENEFITS

The DEPARTMENT OF EMPLOYMENT SECURITY proposed amendments to Claims, Adjudication, Appeals and Hearings (56 IAC 2720; 45 Ill Reg 2555) and Recovery of Benefits (56 IAC 2835; 45 Ill Reg 2563) that will, upon adoption, replace emergency rules effective 2/8/21 at 45 Ill Reg 2267 and 2274. The proposed rules implement provisions of the federal Continued Assistance Act (PL 116-260) that provide states with various options for extending Pandemic Emergency Unemployment Compensation (PEUC) beyond the 2020 benefit year and for waiving recovery of overpaid benefits. Amendments to Part 2720 provide that persons who qualify for PEUC may continue to receive those benefits in place of regular (State) benefits for weeks

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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.

Emergency Rules

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■ LOCAL CURE PROGRAM

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted emergency amendments to Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program (14 IAC 700; 45 Ill Reg 2703) effective 2/17/21 for a maximum of 150 days. Identical proposed amendments appear in this week's *Illinois Register* at 45 Ill Reg 2552. The emergency and proposed rules implement federal law (PL 116-260) extending the deadline for local governments to claim reimbursement for eligible expenses related to the COVID-19 pandemic from 12/31/20 to 12/31/21. Local governments and businesses receiving local government assistance for pandemic-related losses may be affected by these rules.

Questions/requests for copies/ comments on the proposed rulemaking through 4/19/21: Jolene Clarke, DCEO, 500 E. Monroe, Springfield IL 62701, jolene.clarke@illinois.gov

■ MEDICAL PAYMENT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted emergency amendments to Medical Payment (89 IAC 140; 45 Ill Reg 2734) and Hospital Reimbursement Changes (89 IAC 152; 45 Ill Reg 2758) effective 2/19/21 for a maximum of 150 days. Identical proposed amendments appear in this week's *Register* at 45 Ill Reg 2569 and 2571. The emergency and proposed amendments provide that HFS' public health emergency fee schedule for non-institutional services (Part 140) and payment rates for hospital services (Part 152) will remain in

effect until the Department determines these rates or payments are no longer necessary to address a public health emergency. The Department's decision to continue or terminate these fees/payments will be based on factors including, but not limited to, establishment, termination, or modification of applicable federal or State disaster declarations; Executive Orders of the Governor; or disaster-related flexibilities granted by federal agencies. Hospitals and Medicaid health providers are affected by these rulemakings.

Questions/requests for copies/ comments on the 2 proposed HFS rulemakings through 4/19/21: Steffanie Garrett, HFS, 201 S. Grand Avenue E., 3rd Floor, Springfield IL 62763-0002, HFS.Rules@illinois.gov

Proposed Rulemakings

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beginning 12/27/20 and later if their regular benefit amount is at least \$25 per week less than what they would receive in PEUC. If the individual has not yet exhausted eligibility for regular benefits, a new benefit year will be established for those benefits, but payment of the regular benefits will be deferred until the individual's PEUC is exhausted. The Part 2835 amendments provide that DES will, upon request of an individual, waive its right to recover overpayments of PEUC and other

forms of pandemic unemployment assistance if it determines that the overpayment was not the fault of the recipient and that recovery would be "contrary to equity and good conscience". The latter condition will be deemed to have been met if recovery would cause financial hardship to the recipient; if the recipient relinquished a valuable right, or changed positions for the worse, based on those benefits or on a notice of those benefits; or if recovery could be unconscionable under the circumstances. If DES has previously recovered pandemic

unemployment benefits from an individual who subsequently receives a waiver under the emergency rule, those benefits will be refunded. A request for waiver of recovery of any form of federal pandemic unemployment assistance will be treated as a waiver request applying to all forms of this assistance. However, the waiver request will not apply to recoveries of regular or non-pandemic related unemployment assistance. Persons receiving

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Proposed Rulemakings

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PEUC or other forms of pandemic unemployment assistance are affected by these rulemakings.

Questions/requests for copies/comments on the 2 DES rulemakings through 4/19/21: Kevin Lovellette, DES, 33 S. State St., Room 930, Chicago IL 60603, 312/793-1224, Kevin.Lovellette@illinois.gov

DRIVER'S LICENSES

The SECRETARY OF STATE proposed an amendment to Issuance of Licenses (92 IAC 1030; 45 Ill Reg 2608) providing that, prior to taking a road test, a license applicant must either provide proof of insurance for the vehicle to be used during the road test or demonstrate that the vehicle is exempt from the mandatory insurance requirements of the Illinois Vehicle Code. A signed affirmation that the vehicle is either insured or exempt will no longer be required in addition to proof of insurance or proof of exemption.

Questions/requests for copies/comments through 4/19/21: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, pwright@ilsos.gov

■ DATA CENTERS

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY proposed a new Part titled Data Center Investment Program (14 IAC 521; 45 Ill Reg 2530) implementing rules for

companies seeking to participate in DCEO's data center investment program. The program grants exemptions from local sales and use taxes, as well as State income tax credits, to qualifying new or existing computer data centers that have made, or plan to make, expansions or upgrades. A qualifying data center must be located in Illinois and must have made, or be committed to making, a capital investment of at least \$250 million over 5 years. An existing data center may qualify based on a capital investment made in the 5 years preceding 1/1/20; new centers or existing centers undergoing expansion must make this investment in a 5-year period beginning on or after 1/1/20. For new projects (on/after 1/1/20) the jobs created must pay at least 20% above the average full-time wage in the county where the data center is located and the center must certify to DCEO, within 90 days after it begins service, that it is carbon neutral or has attained certification as a green building under recognized national standards. A qualifying data center may receive a State income tax credit equal to 20% of the wages paid to full- or part-time employees of its construction contractor if the data center construction project is located in an economically distressed area. The rules also outline the program application process, the required memoranda of understanding (MOU) between DCEO and participating businesses, consequences of noncompliance with an MOU, and the appeal process for participants appealing a DCEO finding of

noncompliance. Those affected by this rulemaking include small municipalities in which data centers may be located and small businesses providing construction or other services to these centers.

Questions/requests for copies/comments through 4/19/21: Jolene Clarke, DCEO, 500 E. Monroe, Springfield IL 62701, jolene.clarke@illinois.gov

AABD & SNAP

The DEPARTMENT OF HUMAN SERVICES proposed amendments to Aid to the Aged, Blind or Disabled (89 IAC 113; 45 Ill Reg 2573) and Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 45 Ill Reg 2585). The Part 113 amendments implement an annual grant adjustment increase equal to the annual increase in Supplemental Security Income (SSI) benefits; for 2021 the grant adjustment and the amounts paid for sheltered, personal or nursing care are increasing by \$11 per month. The Part 121 rulemaking will reverse a recent expansion of student eligibility for SNAP in the event that the federal government does not continue that expansion beyond its current end date of 6/30/21.

DISABILITY SERVICES

DHS also proposed a new Part titled Services to Potentially Eligible Students (89 IAC 554; 45 Ill Reg 2599) establishing the eligibility of public school students

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Proposed Rulemakings

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with disabilities for pre-employment transitional services such as job exploration counseling, work-based learning experiences, and counseling regarding post-secondary educational opportunities. Students will receive these services under written agreements with the entities providing them and will remain eligible until they reach age 22 or are no longer students. Potentially eligible students do not qualify for individualized vocational rehabilitation services unless they have separately applied for and been determined eligible for those services.

DHS also proposed amendments to the Part titled Eligibility (89 IAC 682; 45 Ill Reg 2603) that add Achieving a Better Life Experience (ABLE) Accounts to the list of assets and financial resources exempt from consideration in determining financial eligibility for the Home Services Program. The rulemaking also clarifies that exempt income-producing resources include, but are not limited to, land, buildings, supplies and tools/equipment used in business or agricultural operations.

Questions/requests for copies/comments on the 4 DHS rulemakings through 4/19/21: Tracie Drew, DHS, 100 S. Grand Avenue East, 3rd Floor, Springfield IL 62762, 217/785-9772.

STUDENT ASSISTANCE

The ILLINOIS STUDENT ASSISTANCE COMMISSION proposed amendments to the Parts titled General Provisions (23 IAC 2700; 45 Ill Reg 2620), Grant Program for Dependents of Correctional Officers (23 IAC 2731; 45 Ill Reg 2639), Grant Program for Dependents of Police or Fire Officers (23 IAC 2732; 45 Ill Reg 2645), Optometric Education Scholarship Program (23 IAC 2741; 45 Ill Reg 2651), Grant Program for Exonerees (23 IAC 2743; 45 Ill Reg 2658), John R. Justice Student Loan Repayment Program (23 IAC 2754; 45 Ill Reg 2662), Minority Teachers of Illinois (MTI) Scholarship Program (23 IAC 2680; 45 Ill Reg 2680), Golden Apple Scholars of Illinois Program (23 IAC 2764; 45 Ill Reg 2689) and AIM HIGH Grant Program (23 IAC 2766; 45 Ill Reg 2694), and proposed repeal of the Part titled Robert C. Byrd Honors Scholarship Program (23 IAC 2755; 45 Ill Reg 2668). Amendments to Part 2700 add provisions for consortium agreements (between 2 or more ISAC-eligible institutions) to the Part's existing provisions for contractual agreements (between an eligible institution and a school or organization that is not ISAC-eligible, in which the non-eligible institution provides a portion of the educational program). The institution or organization providing instruction is the host institution and the institution in which the student is enrolled is the home institution; the latter is

responsible for administering ISAC student aid to its enrollees. In accordance with federal law, the home institution must limit the percentage of its students who receive tuition assistance through a contractual agreement to 25% if the host and home institutions are owned or controlled by the same entity, or 50% if they do not share ownership/control. Amendments to Parts 2731, 2732, 2741, 2754, and 2763 remove gender-specific language. The Part 2754 rulemaking additionally clarifies one of the program eligibility criteria. Amendments to Parts 2763 and 2764 clarify that awards are paid directly to the institution and cover only those student expenses that exceed those covered by Monetary Award Program (MAP) grants if the eligible student also receives MAP funds. The Part 2743 amendment removes a provision disqualifying participants from receiving program grants and MAP grants in the same academic year. Amendments to Part 2766 clarify the matching requirements for institutions that participate in the AIM HIGH program. Finally, Part 2755 is being repealed because the scholarship program has been abolished by the federal government.

Questions/requests for copies/comments on the 10 ISAC rulemakings through 4/19/21: Jackie Eckley, ISAC, 500 West Monroe, 3rd Floor, Springfield IL 62704, 217/782-5161, jackie.eckley@illinois.gov

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 March 16, 2021 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.

IL EMERGENCY MANAGEMENT AGENCY

Standards for Protection Against Radiation (32 IAC 340; 44 Ill Reg 19617) proposed 12/28/20

DEPT OF COMMERCE & ECONOMIC OPPORTUNITY

Illinois Film Production Services Tax Credit Program (14 IAC 528; 44 Ill Reg 19363) proposed 12/18/20

DEPT OF LABOR

Illinois Child Labor Law (56 IAC 250; 44 Ill Reg 14830) proposed 9/18/20

Joint Committee on Administrative Rules

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

**Kim Schultz
Executive Director**