

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; 45 Ill Reg 5541), Sheltered Care Facilities Code (77 IAC 330; 45 Ill Reg 5554), Illinois Veterans' Homes Code (77 IAC 340; 45 Ill Reg 5576), Intermediate Care for Developmentally Disabled Facilities Code (77 IAC 350; 45 Ill Reg 5594), Community Living Facilities Code (77 IAC 370; 45 Ill Reg 5619), Specialized Mental Health Rehabilitation Facilities Code (77 IAC 380; 45 Ill Reg 5631), and Medically Complex for the Developmentally Disabled Facilities Code (77 IAC 390; 45 Ill Reg 5648), all effective 4/18/21 for a maximum of 150 days. These emergency amendments (which replace previous emergency rules that were effective 11/19/20 and expired 4/17/21) establish and

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*.

Peremptory Rule, Page 3

clarify DPH's infection control policies in relation to the COVID-19 pandemic for 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

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Proposed Rulemakings

■ BAIID PROVIDERS

The SECRETARY OF STATE proposed amendments to Procedures and Standards (92 IAC 1001; 45 Ill Reg 5489) concerning installers of breath alcohol ignition interlock devices (BAIIDs) in vehicles driven by persons who are under driving restrictions as a result of alcohol-related traffic offenses. The rulemaking requires BAIID providers to perform installations in a "professional" manner, comply with state and local zoning requirements, keep their premises sanitary and free of animal waste, refrain from smoking cigarettes or cannabis while installing a BAIID, and disable the remote start feature on vehicles when a BAIID is installed. Providers must also visit each installation site before notifying SOS that an employee or contractor is an approved installer,

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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

■ YOUTH EMPLOYMENT

The DEPARTMENT OF LABOR adopted an amendment to the Part titled Illinois Child Labor Law (56 IAC 250; 44 Ill Reg 14830), effective 4/19/21, instituting a remote application process for minors seeking employment permits. This rulemaking replaces an emergency rule that was effective 10/26/20 and expired on 3/24/21. The rulemaking allows persons who issue employment certificates for minors to accept applications and required documents electronically when a Gubernatorial Disaster Proclamation and Executive Order waive the normal requirement for in-person applications. The rulemaking also allows interviews with minor applicants and their parents or guardians, which are normally conducted in person, to be conducted via telephone or video conference under these circumstances. Since 1st Notice, DOL has clarified that a formal

disaster proclamation and executive order must be in effect before the in-person application process can be waived. Those affected by this rulemaking include minors seeking seasonal or after-school employment and their employers.

Questions/requests for copies: Jason Keller, DOL, 900 S. Spring St., Springfield IL 62704, 217/782-1706, jason.keller@illinois.gov

■ INCOME TAX

The DEPARTMENT OF REVENUE adopted an amendment to Income Tax (86 IAC 100; 44 Ill Reg 18641), effective 4/15/21, 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, provided that those wages were paid for construction of a new data center 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: Michael D. Mankowski, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.

Emergency Rules

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policies and procedures on site and make them available upon request to residents, their families and/or their representatives; facility staff (which includes employees, 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 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.

SEXUAL ASSAULT

DPH also adopted an emergency amendment to Sexual Assault Survivors Emergency Treatment Code (77 IAC 545; 45 Ill Reg 5671) effective 4/16/21 through 6/

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Proposed Rulemakings

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and annually thereafter, to ensure that all requirements of SOS BAIID rules are met. Businesses that install BAIID devices are affected by this rulemaking.

Questions/requests for copies/comments through 6/14/21: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, pwright@ilsos.gov

■ CURRENCY EXCHANGES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Parts titled Currency Exchange Act (38 IAC 120; 45 Ill Reg 5477) and The Formulation and Issuance of Schedules of Maximum Rates for Check Cashing and the Writing of Money Orders of Community and Ambulatory Currency Exchanges (38 IAC 125; 45 Ill Reg 5485) implementing recent proposals by the Community Currency Exchange Association concerning processes for transmitting money with third-party vendors and recordkeeping requirements. The Part 120 rulemaking eliminates a requirement that daily cash sheets

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted a peremptory amendment to Pay Plan (80 IAC 310; 45 Ill Reg 5675) effective 4/16/21, implementing two memoranda of understanding with State employee bargaining units. The peremptory rule adds the job titles of liquor control inspector and liquor control inspector trainee to an Illinois Federation of Public

be maintained on the exchange's premises for the duration of the required 90-day retention period; recognizes electronic transmittal of money for deposit as fulfilling deadlines and other requirements for deposits; removes references to carbon copies, tokens, and microfilm; specifies that currency exchanges must maintain a trailing 12-month log of all returned checks, drafts or money orders; requires paid money orders to be either physically filed or searchable; and requires exchanges to ensure employees have access to either a printed or electronic copy of the Part at all

Peremptory Rule

Employees (IFPE) bargaining unit and clarifies pay rates assigned to persons hired into the Corrections Treatment Senior Security Supervisor title at the Department of Corrections on or after 4/1/13.

Questions/requests for copies: Jason R. Doggett, CMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-4267, fax: 217/524-4570, CMS.PayPlan@Illinois.gov

times (currently, a printed copy must be kept at the licensed currency exchange location). The Part 125 rulemaking allows currency exchanges to file their fee schedules with DFPR by e-mail as well as regular mail. Currency exchanges are affected by these rulemakings.

Questions/requests for copies/comments on the 2 DFPR rulemakings through 6/14/21: Craig Cellini, DFPR, 320 W. Washington, 2nd Fl., Springfield IL 62786, 217/785-0813, fax: 217/557-4451.

Emergency Rules

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30/21. The emergency rule implements provisions of Public Act 101-634 (currently scheduled to sunset on 6/30/21) that add federally qualified health centers

(FQHCs) to the list of healthcare facilities that may provide medical forensic services to adult (age 13+) sexual assault survivors, provided the FQHC has filed an approved treatment plan with DPH.

Questions/requests for copies of the 8 DPH emergency rules: Tracey Trigillo, DPH, 535 W. Jefferson St., Springfield IL 62761, 217-782-2043, dph.rules@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 May 18, 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.

DEPT ON AGING

Introduction (Repealer) (89 IAC 210; 45 Ill Reg 2315) proposed 2/26/21

General Programmatic Requirements (89 IAC 220; 45 Ill Reg 1753) proposed 2/16/21

Older Americans Act Programs (89 IAC 230; 45 Ill Reg 1764) proposed 2/16/21

DEPT OF EMPLOYMENT SECURITY

Claims, Adjudication, Appeals and Hearings (56 IAC 2720; 45 Ill Reg 2555) proposed 3/5/21

Recovery of Benefits (56 IAC 2835; 45 Ill Reg 2563) proposed 3/5/21

Joint Committee on Administrative Rules

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Senator John F. Curran

Representative Michael Halpin

Senator Donald DeWitte

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**Kim Schultz
Executive Director**