

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

COAL WASTE DISPOSAL

The POLLUTION CONTROL BOARD adopted a new Part titled Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments (35 IAC 845; 44 Ill Reg 6696) effective 4/21/21, implementing Public Act 101-171 and federal regulations. The new Part establishes construction and operating permit requirements, design standards, financial assurance, reporting, closure and post-closure requirements for surface impoundments of coal ash left over from coal burned at power plants. Since 1st Notice, PCB has made many clarifying changes as well as strengthening provisions for public participation, adding a location restriction requiring a floodplain-specific demonstration, additional requirements concerning fugitive dust complaints, addition of public participation in the Alternative Source Demonstration process,

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*.

and requiring the analysis of transportation alternatives when closing a surface impoundment by removal. Those affected by this rulemaking include power plants that use or formerly used coal as a fuel source.

Questions/requests for copies: Vanessa Horton, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/ 814-5053, vanessa.horton@illinois.gov.

gov. Please reference docket R19-20. Copies of the Board's opinion and order can be obtained by calling 312/814-3620 or downloaded from the Board's website at www.pcb.illinois.gov.

VEHICLE REGISTRATION

The SECRETARY OF STATE adopted an amendment to Certificates of Title, Registration of Vehicles (92 IAC 1010; 45 Ill Reg 1343) effective 4/22/21, replacing an emergency amendment that was effective 1/12/21. The rulemaking extends 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 was due to the closure of SOS driver's facilities in November and December 2020, which limited the public's ability to obtain renewal stickers. SOS adopted the

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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

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rulemaking permanently to clarify the valid period for the affected registration stickers.

DRIVER'S LICENSES

SOS also adopted amendments to Issuance of Licenses (92 IAC 1030; 45 Ill Reg 1117) effective 4/23/21, reorganizing two Sections so that a provision exempting certain veterans from having to take the general knowledge written exam for a Commercial Driver's License (because their military service included operating large trucks) is placed in the appropriate Section. The rulemaking makes no change to this provision.

Questions/requests for copies of the 2 SOS rulemakings: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62701, 217/785-3094.

■ EDUCATOR CREDENTIALS

The STATE BOARD OF EDUCATION adopted amendments to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 44 Ill Reg 14484) effective 4/21/21, that update requirements for earning a bilingual education endorsement and clarify the qualifications and reporting for teachers initially assigned to positions that existed or were established prior to the current educator licensure and endorsement structure. The rulemaking also requires directors of area vocational career centers to hold educator licenses with endorsements in career and

technical education; updates terminology (e.g., changing "foreign" language to "world" language) and style; and removes a former exception from use of the Educator License Information System (ELIS) for districts that lacked the technological capacity to use the electronic system. Since 1st Notice, SBE has clarified that the new licensing/endorsement requirements are prospective (beginning 7/1/25) rather than retroactive and will not affect current educators licensed under previous requirements. SBE also clarified and/or modified certain requirements for career and technical education (CTE) endorsements; removed the State Seal of Biliteracy (normally granted to high school graduates) as a qualification for a bilingual education endorsement; and retained qualifications for reading and library services that were originally to be stricken. School districts are affected by this rulemaking.

Questions/requests for copies: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, 217/782-6510, rules@isbe.net

■ MEDICAL TRANSPORTATION

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an amendment to Medical Payment (89 IAC 140; 44 Ill Reg 17559) effective 4/20/21, adding licensed practical nurses and licensed clinical social workers to the list of medical professionals authorized to complete a physician certification statement (PCS) for a

patient to use medi-car, service car or medically supervised ground ambulance transportation. The rulemaking also implements Public Act 101-649 by allowing a medical transportation provider who has not been able to obtain a PCS within 10 calendar days following the date of service to claim payment by documenting that an attempt was made to obtain the PCS. Medical transportation providers and medical professionals are affected by this rulemaking.

MEDICAL PAYMENT

HFS also adopted an amendment to Specialized Health Care Delivery Systems (89 IAC 146; 44 Ill Reg 13629) effective 4/26/21, implementing PA 101-10, which establishes new reimbursement rates for children's community-based health care centers. Services provided by these centers (formerly, \$683 per day or \$17 per hour) will be reimbursed at the maximum specified on HFS' fee schedule. Since 1st Notice, HFS has clarified that the per diem maximum rate will be the \$950 per day specified in statute.

Questions/requests for copies of the 2 HFS rulemakings: Steffanie Garrett, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, HFS.Rules@illinois.gov

■ CREDIT UNIONS

The DEPARTMENT OF FINANCIAL AND PROFES-

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Adopted Rules

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SIONAL REGULATION, Division of Financial Institutions, adopted an amendment to the Part titled Illinois Credit Union Act (38 IAC 190; 45 Ill Reg 1093), effective 4/23/21, replacing an emergency amendment that was effective 1/8/21. The rulemaking allows credit union boards of directors to conduct annual or special meetings remotely by audio or video conference or any suitable communication technology. Credit unions are affected by this rulemaking.

■ REAL ESTATE APPRAISERS

DFPR also adopted amendments to Real Estate Appraiser Licensing (68 IAC 1455; 45 Ill Reg 204) effective 5/7/21, implementing recommendations of the national Appraisal Foundation. The amendments permit no more than 4 temporary practice permits to be issued to a single non-resident applicant in a calendar year and require applicants for State certification as

residential appraisers to document at least 1,500 hours of appraisal experience in no fewer than 12 months (formerly, 2,500 hours in no fewer than 24 months). Persons seeking initial or temporary certification as real estate appraisers in Illinois are affected by this rulemaking.

■ BANK EXAMINATIONS

DFPR adopted a new Part titled Examination Consistency and Due Process (38 IAC 381; 45 Ill Reg 197) effective 5/31/21, setting standards of practice for conducting examinations of State-chartered banks and savings banks. Under this Part, DFPR may establish guidelines to define the scope of the examination process and clarify how examination items shall be resolved. DFPR shall give due consideration to maintaining consistency with guidelines, or interpretations of guidelines, established by federal financial institution regulators (e.g., the Federal Deposit Insurance Corporation, the U.S. Comptroller of the Currency, the Board of

Governors of the Federal Reserve). Prior to any examination, DFPR will mail or e-mail a pre-examination memorandum to the affected bank's management and board of directors notifying them of the date of the examination and any information DFPR deems necessary to conduct the examination. Advance notice is not required if the examination is prompted by suspected criminal activity or other unsafe or unsound practices for which advance notice may compromise the results. Draft findings and draft resolutions for corrective action will be provided to the bank's management and board of directors with sufficient time for review prior to the examination report meeting. State-chartered banks and savings banks are affected by this rulemaking.

Questions/requests for copies of the 3 DFPR rulemakings: Craig Cellini, DFPR, 320 W. Washington St., 2nd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

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 OF LABOR

Minimum Wage Law (56 IAC 210; 45 Ill Reg 8472) proposed 5/22/20

DEPT OF REVENUE

Retailers' Occupation Tax (86 IAC 130; 45 Ill Reg 2216) proposed 2/19/21

SECRETARY OF STATE

Business Corporation Act (14 IAC 150; 45 Ill Reg 1114) proposed 1/22/21

Limited Liability Company Act (14 IAC 178; 45 Ill Reg 2243) proposed 2/19/21

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
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Senator Sue Rezin	Representative Keith Wheeler, <i>co-chair</i>

Kim Schultz
Executive Director