

The Flinn Report Illinois Regulation

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Joint Committee on Administrative Rules
Illinois General Assembly

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VOL. 45

May 21, 2021

Issue 21

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.

Proposed Rulemakings

LEARNING STANDARDS

The STATE BOARD OF EDUCATION proposed amendments to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 45 Ill Reg 6397) adding standards for computer science education to the Illinois Learning Standards contained in Appendix D. The proposed standards are based on the Computer Science Teachers Association's (CSTA) K-12 Computer Science Standards, which were last revised in 2017. The proposed standards include the 7 core practices contained in the CSTA standards (fostering an inclusive computing culture, collaborating around computing, recognizing and defining computational problems, developing and using abstractions, creating computational artifacts, testing and refining computational artifacts, and communicating

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*.

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about computing) plus two additional practices added by SBE's working group: analyzing the effects of computing advancements on society, economy and culture, and reflecting on and revising one's computational thought processes

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Adopted Rule

SCHOOL BUS DRIVERS

The SECRETARY OF STATE adopted an amendment to School Bus Driver Permit (92 IAC 1035; 45 Ill Reg 1132), effective 5/4/21, replacing an emergency amendment that was effective 1/6/21. The rulemaking allows school bus drivers whose deadline for completing refresher training was in December 2020 or January, February or March 2021 an additional 90 days to complete this training. SOS states that this rulemaking was prompted by the postponement of refresher training classes until spring 2021 due to COVID-19 mitigations.

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

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.

Proposed Rulemakings

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and those of others. Subjects to be addressed at each grade level include devices; hardware and software; troubleshooting; internet use and cybersecurity; data collection, storage and analysis; algorithms and programming; the impacts of computing on individuals and society; and emerging technologies.

BILINGUAL EDUCATION

SBE also proposed an amendment to Transitional Bilingual Education (23 IAC 228; 45 Ill Reg 6465) that will, upon adoption, replace an emergency amendment that was effective 3/24/21. The proposed rule concerns screening and placement of preschool through 12th grade students whose native language is not English and have not yet attained English fluency. It allows a provisional screening instrument designated by the State Superintendent to be used when students are participating in remote learning due to a health and safety emergency. If the emergency ends before the annual English Proficiency Exam, students who received the provisional screening and have not yet taken the proficiency exam will be screened with one of the two screening instruments currently prescribed in rule. If a student takes the English Proficiency Exam after the provisional screening, the exam results will be used for screening purposes and the student will not require additional screening.

Questions/requests for copies/ comments on the 2 SBE rulemakings through 7/6/21: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, 217/782-6510, rules@isbe.net

■ UNEMPLOYMENT BENEFITS

The DEPARTMENT OF EMPLOYMENT SECURITY proposed a new Part titled Special Programs (56 IAC 2870; 45 Ill Reg 6472) and proposed amendments to the Parts titled Disqualifying Income and Reduced Benefits (56 IAC 2920; 45 Ill Reg 6494) and Periods of Extended Benefits (56 IAC 2970; 45 Ill Reg 6500). The rulemakings for Parts 2870 and 2970 will, upon adoption, replace emergency rules that were effective 4/29/21. The new Part 2870 establishes a Short Time Compensation (STC) program, known as WorkShare IL, under the Unemployment Insurance Act, through which employers may enable employees who work reduced hours (instead of being laid off entirely) to receive partial unemployment benefits. Employers must submit their STC plans to DES for approval. A plan can be revoked if the employer fails to abide by any assurances made in the plan (e.g., that it will continue to provide health and retirement benefits, or will not hire new employees while current employees are working reduced hours). Each plan must have a start date on a Sunday and an end date no later than the last Saturday of the 12th full calendar month after the month of the start date. Small businesses that wish to participate

in this program are affected. The amendment to Part 2920 corrects an erroneous cross-reference. The Part 2970 rulemaking clarifies that there is no gap between extended unemployment benefits authorized under the federal CARES Act (PL 116-136, eff. 3/27/20) and those authorized under the federal Continued Assistance Act (PL 116-260, eff. 12/27/20).

Questions/requests for copies/ comments on the 3 DES rulemakings through 7/6/21: Kevin Lovellette, DES, 33 S. State St., Rm 910, Chicago IL 60603, 312/793-1224, fax 312/793-5645, Kevin.Lovellette@illinois.gov.

FINANCIAL INSTITUTIONS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed a new Part titled Hearings Before the Division of Banking and Division of Financial Institutions (38 IAC 100; 45 Ill Reg 6503) establishing consistent hearing rules for all administrative proceedings conducted by DFPR's Divisions of Banking and Financial Institutions. The new Part includes provisions for remote hearings, electronic service of documents by e-mail, and other technological changes. It also aligns DFPR's rules for these hearings more closely with its rules for hearings conducted by its other divisions (Professional Regulation and Real Estate). Banks and other DFPR-regulated financial

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Proposed Rulemakings

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institutions are affected by this rulemaking.

Questions/requests for copies/ comments through 7/6/21: Craig Cellini, DFPR, 320 W. Washington, 2nd Fl., Springfield IL 62786, 217/785-0813, fax: 217/ 557-4451.

■ SPORTS WAGERING

The ILLINOIS GAMING BOARD proposed amendments to Sports Wagering (11 IAC 1900; 45 Ill Reg 6548) clarifying various aspects of sports wagering and occupational licensing for employees of sports wagering licensees. The rulemaking provides that IGB may only renew an occupational license after the annual fee has been received, and stipulates that the annual fee is due on the last day of the month prior to the month in which the occupational license was issued. Validly placed wagers can only be canceled by the master sports wagering licensee when the sports event that is the subject of the wager is canceled or rescheduled to a different date; when an individual athlete/competitor fails to participate in a sports event and the wager was based solely on that individual's performance; or when a "material change in circumstances" occurs. What constitutes a "material change in circumstances" is subject to the approval of the IGB Administrator, must be documented in the internal control system, and must be clearly and prominently displayed to the patron

Emergency Rule

■ HERBICIDES

The DEPARTMENT OF AGRICULTURE adopted an emergency amendment to the Part titled Illinois Pesticide Act (8 IAC 250; 45 Ill Reg 6606) effective 5/6/21 for a maximum of 150 days. The emergency rule applies to situations in which DOA allows unlicensed persons (e.g., youth enrolled in a supervised conservation job training program) to apply herbicides on public lands

to control invasive plants. The emergency amendment allows the herbicides used to carry either a "CAUTION" or a "WARNING" label. Those affected by this emergency rule may include municipal governments or park districts.

Questions/requests for copies: Pam Harmon, DOA, State Fairgrounds, P. O. Box 19281, Springfield IL 62794-9281, 217/ 524-6905, fax: 217/785-4505.

at the time the wager is placed. The rulemaking removes a requirement that master sports wagering licensees offer both sides of a wager in which there are only two possible outcomes and also removes a prohibition against wagers on the individual performance of athletes under age 18 (according to IGB, many international amateur and professional sports events feature 16- and 17-year old participants). Master sports wagering licensees are affected by this rulemaking.

■ VIDEO GAMING

IGB also proposed an amendment to Video Gaming (General) (11 IAC 1800; 45 Ill Reg 6531) expanding the definition of a use agreement for the placement of video gaming terminals. Present rule defines a use agreement as an agreement between a currently licensed terminal operator and a currently licensed video gaming location. The proposed rulemaking

allows a use agreement with a licensed terminal operator to be entered into by a location that has submitted a video gaming license application, or by any valid State liquor license holder provided it submits an application for a video gaming license within 10 days after executing the use agreement. Other provisions in this rulemaking terminate a use agreement entered into by a video gaming license applicant if IGB denies the application or refuses to renew the license; require the parties to modify a use agreement when necessary to comply with a change in State statutes or rules, or with IGB directives or orders; and require the terminal operator to provide a final copy of the use agreement to the video gaming location once the agreement is executed. Those affected by this rulemaking include video gaming licensees and applicants.

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Proposed Rulemakings

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CASINOS

IGB proposed amendments to Riverboat and Casino Gambling (86 IAC 3000; 45 Ill Reg 6565) establishing a confidential online reporting form at the IGB website for the public to report prohibited conduct by gaming licensees. The rulemaking also requires annual fees for renewal of occupational licenses to be paid before the license is renewed and sets the due date for these fees as the last day of the month prior to the month in which the license was issued.

Questions/requests for copies/ comments on the 3 IGB rulemakings through 7/6/21: Agostino Lorenzini, IGB, 160 N.

LaSalle St., Chicago IL 60601, IGB.RuleComments@igb.illinois.gov

LAW ENFORCEMENT

The ILLINOIS STATE POLICE proposed amendments to the Part titled Certification and Training of Electronic Criminal Surveillance Officers (20 IAC 1295; 45 Ill Reg 6590) reflecting changes in communication technology and eliminating the certification categories of Electronic Criminal Surveillance Officer (ECSO) II and III so that only one level of ECSO certification is required.

Questions/requests for copies/ comments through 7/6/21: Yvette C. Loizon, ISP, 801 S. 7th Street, Suite 1000-S, Springfield IL 62703, 217/782-7658.

CAMPING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to Camping on Department of Natural Resources Properties (17 IAC 130; 45 Ill Reg 6580) that establish an \$80 fee for camping in a boathouse cabin at Siloam Springs State Park and clarify that when DNR closes a campground, the unused portion of affected reservation fees, minus the fee paid to the reservation host affiliate, will be refunded.

Questions/requests for copies/ comments through 7/6/21: John Fischer, DNR, One Natural Resources Way, Springfield IL 62702, 217/782-1809.

JCAR Meeting Action

At its 5/18/21 meeting, the Joint Committee on Administrative Rules took the following actions:

RECOMMENDATIONS

With respect to the Department of Labor rulemaking titled Employee Classification (56 IAC 240; 44 Ill Reg 12728), JCAR recommends that DOL be more timely in updating rule to reflect statute. PA 99-303, which changed the due date for subcontractor reports, became effective 8/6/15.

With respect to the Department of Public Health's emergency rulemaking titled Sexual Assault Survivors Emergency Treatment Code (77 IAC 545; 45 Ill Reg 5671) JCAR recommends that DPH be more timely in implementing Public Acts related to public health emergencies. PA 101-634 became effective on 6/5/20 and is only effective for approximately 13 months. DPH filed emergency rules to implement this PA on 4/16/21.

EXTENSIONS

JCAR and the following agencies agreed to extend the Second Notice periods for the listed rulemakings an additional 45 days. These rulemakings will be considered again at the 6/15/21 JCAR meeting.

Department on Aging, Introduction (89 IAC 210; 45 Ill Reg 2315), General Programmatic Requirements (89 IAC 220; 45 Ill Reg 1753), and Older Americans Act Programs (89 IAC 230; 45 Ill Reg 1764).

Department of Human Services, Electronic Prescription Monitoring Program (77 IAC 2080; 44 Ill Reg 17587).

Secretary of State, Public Library Non-Resident Services (23 IAC 3050; 44 Ill Reg 18660)

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 June 15, 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 CENTRAL MANAGEMENT SERVICES

Pay Plan (80 IAC 310; 45 Ill Reg 3736) proposed 3/26/21

DEPT OF HEALTHCARE & FAMILY SERVICES

Medical Payment (89 IAC 140; 45 Ill Reg 2569) proposed 3/5/21

Reimbursement for Nursing Costs for Geriatric Facilities (89 IAC 147; 45 Ill Reg 1103) proposed 1/22/21

Hospital Reimbursement Changes (89 IAC 152; 45 Ill Reg 2571) proposed 3/5/21

Long Term Care Reimbursement Changes (89 IAC 153; 45 Ill Reg 1112) proposed 1/22/21

DEPT OF JUVENILE JUSTICE

County Juvenile Detention Center (Repealer) (20 IAC 2602; 45 Ill Reg 3091) proposed 3/19/21

County Juvenile Detention Standards (New Part) (20 IAC 2602; 45 Ill Reg 3157) proposed 3/19/21

DEPT OF NATURAL RESOURCES

Landowner Permits (17 IAC 528; 45 Ill Reg 3244) proposed 3/19/21

Operation of Watercraft Carrying Passengers For Hire on Illinois Waters (17 IAC 2080; 45 Ill Reg 3256) proposed 3/19/21

Revocation Procedures for Conservation Offenses (17 IAC 2530; 45 Ill Reg 3276) proposed 3/19/21

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