

# The Flinn Report Illinois Regulation

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Joint Committee on Administrative Rules  
Illinois General Assembly

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*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

### LOCAL CURE PROGRAM

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted amendments to Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program (14 IAC 700; 45 Ill Reg 2552) effective 7/9/21, replacing emergency amendments that were effective 2/17/21. The rulemaking implements 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:  
Jolene Clarke, DCEO, 500 E. Monroe, Springfield IL 62701,  
[jolene.clarke@illinois.gov](mailto:jolene.clarke@illinois.gov)

### COVID-19 ACTIONS

Executive Orders of the Governor concerning the COVID-19 public health emergency 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*.

[Emergency Rules, Page 3](#)

### SCHOOLS

The STATE BOARD OF EDUCATION adopted amendments to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 44 Ill Reg 19383) effective 7/7/21, replacing emergency amendments that expired on 2/25/21. The rulemaking allows unlicensed

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## Proposed Rulemakings

### POLICE USE OF FORCE

The ILLINOIS STATE POLICE proposed a new Part titled Use of Force Reporting (20 IAC 1244; 45 Ill Reg 9393) implementing statutory requirements of the Uniform Crime Reporting Act [50 ILCS 709]. The rulemaking requires Illinois law enforcement agencies to report use of force incidents to ISP for forwarding to the FBI Use of Force National Database. Law enforcement agencies shall submit a monthly use of force report to ISP utilizing the National Incident-Based Reporting System (NIBRS). This report shall include information required in the most current FBI Use of Force specifications, including any action that resulted in the death or serious bodily injury of a person or the discharge of a firearm at or in the direction of a person. If a law enforcement

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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](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.

## Adopted Rules

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personnel authorized to serve as supervisors, chaperones or sponsors of extracurricular activities to supervise students in the classroom when teachers are instructing from remote locations during public health emergencies declared by the Governor. These unlicensed individuals must work under the direction of the remote teacher and of licensed personnel physically present in the same school building and cannot enact student discipline (only licensed personnel can administer discipline). The rulemaking also provides that during a public health emergency declared by the Governor, the deadline for reporting results of the annual Kindergarten Individual Development Survey (KIDS) of pupil readiness (normally, after the 40th day of student attendance) will be set by the State Superintendent.

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

### DRIVER'S LICENSES & IDs

The SECRETARY OF STATE adopted amendments to Issuance of Licenses (92 IAC 1030; 45 Ill Reg 2608 and 2777) effective 7/7/21, combining two separately proposed rulemakings. The rulemaking provides 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 is no longer required in addition to proof of insurance or proof of exemption. The rulemaking also reflects

provisions of the Illinois Identification Card Act for issuance of a Person with a Disability Wallet Card, upon request, to persons with medically diagnosed mental or developmental disabilities.

*Questions/requests for copies: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, [pwright@ilsos.gov](mailto:pwright@ilsos.gov).*

### CDB PUBLIC INFORMATION

The CAPITAL DEVELOPMENT BOARD adopted an amendment to Rules of the Capital Development Board (2 IAC 1650; 45 Ill Reg 9412) effective 7/6/21, updating its organizational chart to reflect its current organization.

*Questions/requests for copies: Lauren Noll, CDB, 401 S. Spring St., 3<sup>rd</sup> Fl. Stratton Building, Springfield IL 62706, 217/782-0700 or 217/524-0565.*

## Proposed Rulemakings

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agency has no use of force incidents to report in a given month, it must submit a zero report for that month no later than the 15<sup>th</sup> day of the following month. ISP will then forward these reports to the FBI on a monthly basis. Local law enforcement agencies are affected by this rulemaking.

*Questions/requests for copies/ comments through 9/7/21: Maureen B. McCurry, ISP, 801 S. 7th St., Suite 1000-S, Springfield IL 62703, 217/782-7658.*

### TORTURE COMMISSION

The TORTURE INQUIRY AND RELIEF COMMISSION proposed amendments to Organization, Public Information, Procedures, and Rulemaking (2 IAC 3500; 45 Ill Reg 9404). The rulemaking removes a Section detailing how and when members of the Commission must recuse themselves from a case due to conflict of interest, and also removes provisions that limit the circumstances under which TIRC will appoint an attorney for an indigent claimant. (TIRC investigates claims by persons

with felony convictions in Cook County that their convictions were based on information acquired by police torture or mistreatment.) TIRC states that is it repealing these provisions, which were initially adopted via an internal/ adopted rulemaking at 44 Ill Reg 13427 effective 7/29/20, so that they can be adopted via the regular rulemaking process with opportunity for public comment.

*Questions/requests for copies/ comments through 9/7/21: Rob Olmstead, TIRC, 100 W.*

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# Proposed Rulemakings

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*Randolph St., Suite 5-100, Chicago IL 60601, 312/814-1094.*

## ■ SOS PROCUREMENT

The SECRETARY OF STATE proposed an amendment to Secretary of State Standard Procurement (44 IAC 2000; 45 Ill Reg 9385) raising the small purchase threshold below which competitive bidding is not required from \$80,000 to \$100,000 for construction projects, supplies, and services other than professional or artistic services. Businesses seeking contracts with SOS may be affected.

*Questions/requests for copies/comments through 9/7/21: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, [pwright@ilsos.gov](mailto:pwright@ilsos.gov).*

## OST PUBLIC INFORMATION

The OFFICE OF THE STATE TREASURER proposed amendments to Public Information, Rulemaking and Organization (2 IAC 650; 45 Ill Reg 9397) updating its office addresses, contact information, and the list of Illinois Administrative Code rules promulgated by the Treasurer.

*Questions/requests for copies/comments through 9/7/21: Laura J. Duque, Office of the State Treasurer, 100 W. Randolph St., Suite 15-600, Chicago IL 60601, 2 1 7 / 7 2 0 - 0 9 9 1 , [LDuque@illinoistreasurer.gov](mailto:LDuque@illinoistreasurer.gov)*

# Emergency Rules

## ■ NURSING HOMES

The DEPARTMENT OF PUBLIC HEALTH adopted emergency amendments to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 45 Ill Reg 9498) effective 7/8/21 for a maximum of 150 days. Identical proposed amendments appear in this week's *Illinois Register* at 45 Ill Reg 9382. The emergency and proposed rulemakings implement a provision of a federal consent decree in *Colbert vs. Pritzker*, which requires that Medicaid-eligible adults who reside in nursing homes in Cook County (Colbert Class residents) be advised of their right to seek appropriate placement in a community-based setting. Affected nursing homes must post printed notices advising Colbert Class residents of their right to seek community placement, their right to be free of retaliation for seeking such placement, and advising them of how to report any attempted retaliation for exercising these rights. Nursing homes in Cook County are affected.

*Questions/requests for copies/comments on the proposed rulemaking through 9/7/21:*

*Tracey Trigillo, DPH, 524 S. 2nd St., 6th Fl., Springfield IL 62701, 2 1 7 / 7 8 2 - 1 1 5 9 , [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov).*

## SIGN LANGUAGE

The STATE BOARD OF EDUCATION adopted an emergency amendment to Educator Licensure (23 IAC 25; 45 Ill Reg 9485) effective 7/9/21 for a maximum of 150 days. The emergency rule allows educational sign language interpreters who had interim SBE approval through 6/30/21 to request a 2-year extension of that interim approval. Requests for extension must be submitted to SBE by 9/30/21 on a form provided at the SBE website. SBE states that this emergency rule is intended to assist sign language interpreters who have not been able to complete licensure requirements established by the Illinois Deaf and Hard of Hearing Commission due to the cancellation of certification testing during the COVID-19 emergency.

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

## Second Notices

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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 August 18, 2021 JCAR meeting in Springfield. 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 REVENUE

Retailers' Occupation Tax (86 IAC 130; 45 Ill Reg 4402) proposed 4/9/21

Vehicle Use Tax (86 IAC 151; 45 Ill Reg 6159) proposed 5/14/21

Telecommunications Excise Tax (86 IAC 495; 45 Ill Reg 4426) proposed 4/9/21

### DEPT OF HUMAN SERVICES

Child Care (89 IAC 50; 45 Ill Reg 4776) proposed 4/16/21

## Joint Committee on Administrative Rules

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