

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

■ CHILD CARE

The DEPARTMENT OF HUMAN SERVICES adopted emergency amendments to Child Care (89 IAC 50; 44 Ill Reg 6442) effective 4/13/20 for a maximum of 150 days. The emergency rule provides that for the duration of the COVID-19 emergency, co-payments for all families enrolled in the Child Care Assistance Program (CCAP) are reduced to \$1 per month. Normal co-payment fees based on income and number of children will be reinstated when the emergency rule expires or when the Governor terminates the COVID-19 disaster proclamation, whichever occurs first. Additionally, CCAP income eligibility criteria (normally, less than 185% of the Federal Poverty Level) during the COVID-19 emergency are waived for "priority essential" workers in health care/public health, human services, essential government functions or essential

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*.

infrastructure. The emergency rule also classifies homeless families and families transitioning from the Intact Family Services program of the Department of Children and Family Services, along with essential workers, as families eligible for Protective Services Child Care which DHS shall provide to the extent resources permit. (Current rule includes

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Adopted Rules

■ TIME OUT & RESTRAINT

The STATE BOARD OF EDUCATION adopted amendments to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 43 Ill Reg 14611), effective 4/9/20, concerning the use of time out and physical restraint as safety measures for special needs students. This rulemaking replaces emergency amendments that were adopted effective 11/20/19 (43 Ill Reg 14305), 12/3/19 (43 Ill Reg 14941) and 2/25/20 (44 Ill Reg 4085). The rulemaking, which has undergone significant changes since 1st Notice in response to comments by interested parties, allows isolated time out (in which a student is confined alone in a room or enclosure, outside the classroom, without a supervising adult in the room/enclosure with them) in very limited circumstances

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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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working parents, participants in DHS-approved education/training programs, and teen parents working toward a high school diploma in this category.) Families approved for Protective Services Child Care may be exempted from the existing rule that requires both parents in a two-parent household to be working or enrolled in an approved education or training activity in order to qualify for CCAP. Child care providers enrolled in CCAP are affected.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

EMERGENCY SERVICES

The DEPARTMENT OF PUBLIC HEALTH adopted emergency amendments to Emergency Medical Services, Trauma Center, Comprehensive Stroke Center, Primary Stroke Center and Acute Stroke Ready Hospital Code (77 IAC 515; 44 Ill Reg 6463) effective 4/10/20 for a maximum of 150 days. The emergency amendments authorize clinical nurse specialists to work in hospital emergency departments designated as an Emergency Department Approved for Pediatrics, a Standby Emergency Department Approved for Pediatrics, or a Pediatric Critical Care Center. The amendments also permit nurse practitioners, clinical nurse specialists and physician assistants to provide backup coverage in critical situations; include advanced

practice registered nurses and other advanced practice providers in pediatric intensive care unit committees; clarify the role and qualifications of pediatric clinical nurse specialists; expand options for training of pediatric clinical nurse experts; and update ambulance equipment lists to reflect current standards.

HEALTHCARE WORKERS

DPH also adopted an emergency amendment to Health Care Worker Background Check Code (77 IAC 955; 44 Ill Reg 6597) effective 4/10/20 for a maximum of 150 days, extending the timeframe for health care employees, students or applicants to have their fingerprints collected by a livescan vendor from 10 working days to 30 working days after signing an authorization and disclosure form allowing DPH to perform a criminal background check.

Questions/requests for copies of the 2 DPH emergency rules: Erin Conley, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

DRIVER SERVICES

The SECRETARY OF STATE adopted emergency amendments to emergency rules affecting the Parts titled Procedures and Standards (92 IAC 1001; 44 Ill Reg 6634); Certificates of Title, Registration of Vehicles (92 IAC 1010; 44 Ill Reg 6641); Issuance of Licenses (92 IAC 1030; 44 Ill Reg 6650); and Rules of the Road-Persons with Disabilities Parking

Program (92 IAC 1100; 44 Ill Reg 6658), all effective 4/9/20, extending the validity of various licenses and permits. The previous emergency rules, effective 3/17/20 for a maximum of 150 days, suspended the expiration of driver's licenses, instruction permits, other driving permits, and identification cards (Part 1030), vehicle registration plates and stickers (Part 1010), and disability parking decals (Part 1100) for the duration of the COVID-19 Disaster Proclamation and for 30 days thereafter. These emergency amendments allow licenses and permits that would otherwise have expired to remain valid throughout any extensions of this disaster proclamation and for 90 days after the proclamation expires. Administrative hearings conducted by SOS under the Illinois Vehicle Code (Part 1001) are also suspended for the same time period (duration of any subsequent disaster proclamation plus 90 days).

SOS EMPLOYEES

SOS also adopted an emergency amendment to a previous emergency rule titled Merit Commission (80 IAC 50; 44 Ill Reg 6630) effective 4/9/20. The previous emergency rule was effective 3/17/20. This emergency amendment suspends all hearings conducted under the Secretary of State Merit Employment Code (concerning SOS personnel matters) for the duration of the COVID-19 Disaster Proclamation

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Adopted Rules

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where a student's behavior presents an imminent danger of serious physical harm to the student or others, and less intrusive methods have failed to stop the student's extreme physical aggression. Additionally, until 7/1/21, prone (face down) restraint will be permitted under the same circumstances as supine (face up) restraint. Under no circumstances may time out or physical restraint be used as a form or discipline or punishment, as a routine safety measure, for the convenience of staff, as retaliation, as a substitute for more appropriate interventions, or merely to prevent property damage when there is no imminent danger of physical harm to the student or others.

Training

Adults who supervise students in time out or who apply physical restraint must receive at least 8 hours of annual training in de-escalation, restorative practices, behavior management practices, trauma-informed practices, and how to identify signs of distress during time out or physical restraint. (Formerly, training was required within the previous 2 years only for the use of physical restraint.) The training must address less restrictive or intrusive alternatives to time out/physical restraint, and how to safely use time out/physical restraint when alternative strategies have been tried and found ineffective. No individual may use time out or apply physical

restraint until he/she has completed the required training and received a certificate of completion.

Time Out

"Time out" is defined as a behavior management technique for the purpose of calming or de-escalation, involving the involuntary monitored separation of a student from classmates with a trained adult for part of the school day, usually for a brief time, in a non-locked setting. Time out does not include: student-initiated or requested breaks, sensory breaks (for students with autism or sensory processing disorders), in-school suspensions or detentions, or other appropriate disciplinary measures such as a brief removal to a hallway or similar environment. Time out enclosures must meet all health/life safety requirements for school facilities. If a time-out enclosure has a door, it is not to be locked or physically blocked by furniture or other objects at any time during the time out. When a student is in time out, a trained adult must remain in the same room at all times (unless isolated time out is used). The student must also have reasonable access to food, medication, and toilet facilities and must not have any clothing removed unless there is a risk of self-injury. No less frequently than every 15 minutes, a trained adult must assess whether the student has ceased presenting the specific behavior for which the time out was imposed.

Physical Restraint

If physical restraint is used, it must not interfere with the student's ability to breathe or speak normally and it must end immediately when the threat of imminent serious physical harm ends, the student indicates that he/she cannot breathe, or when the restraint is observed to be causing the student severe distress or serious physical harm. Students who communicate primarily by sign language or other non-verbal means must be permitted to have their hands free for brief periods unless the supervising adult determines that this could result in harm to the student or others. Staff who apply physical restraints must periodically halt the restraint to evaluate whether imminent danger of serious physical harm still exists; if it does, staff may continue to use the restraint and it will not be considered a separate instance of physical restraint.

Supine/Prone Restraint

Until 7/1/21, supine or prone restraint is permitted under these conditions:

- an emergency situation requires immediate intervention to prevent the student from self-harm or serious physical harm to others, and less restrictive interventions have proven ineffective;
- the student has no known medical or psychological limitations that contraindicate such restraint;

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Emergency Rules

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and any extensions of this proclamation, plus 90 days.

■ BUSINESS SERVICES

SOS adopted emergency amendments to emergency rules on the Parts titled Business Corporation Act (14 IAC 150; 44 Ill Reg 6601), General Not For Profit Corporations (14 IAC 160; 44 Ill Reg 6607), Uniform Partnership Act (14 IAC 166; 44 Ill Reg 6611), Uniform Limited Partnership Act (14 IAC 171; 44 Ill Reg 6615), Limited Liability Company Act (14 IAC 178; 44 Ill Reg 6619), and Uniform Commercial Code (14 IAC 180; 44 Ill Reg 6624), all effective 4/9/20, amending previous emergency rules effective 3/20/20 for a maximum of 150 days. The new emergency amendments extend filing deadlines for applicable business-related documents (organizational documents, annual reports, other materials) and suspend late filing fees for the duration of the COVID-19 Disaster Proclamation and any extensions of that proclamation, plus 90 days. Small businesses and non-profit organizations required to file documents with SOS are affected by these emergency rules.

Questions/requests for copies of the 11 SOS emergency rules: 92 IAC 1001 through 1100 and 80 IAC 50, Brenda Glahn, SOS, 298 Howlett Bldg., Springfield IL 62756, bglahn@ilsos.gov; 14 IAC 150 through 180, Terry McConville, SOS, 100 W.

Randolph St., #5-400, Chicago IL 60601, tmconville@ilsos.gov.

UNIVERSITIES EMPLOYMENT

The STATE UNIVERSITIES CIVIL SERVICE SYSTEM adopted an emergency amendment to the Part titled State Universities Civil Service System (80 IAC 250; 44 Ill Reg 6662) effective 4/10/20 for a maximum of 150 days. The amendment allows the probationary periods of recently hired university employees to be extended when the employee is assigned to a temporary location other than the designated location where the employee would normally work, with less direct supervision than would normally be provided. Extensions of probationary periods can occur under a Gubernatorial Disaster Proclamation that limits public and private gatherings or suspends standard business operations (including the current COVID-19 proclamation), or when the employer declares an existing or impending emergency.

Questions/requests for copies: Jeff Brownfield, SUCSS, 1717 Philo Rd., Suite 24, Urbana IL 61802, 217/278-3151, rulemaking@sucss.illinois.gov

■ SPECIAL EDUCATION

The STATE BOARD OF EDUCATION adopted an emergency amendment to Special Education (23 IAC 226; 44 Ill Reg 6675) effective 4/9/20, amending an earlier emergency rule effective 3/25/20. The original emergency

rule provides that school districts will continue to be reimbursed for private facility tuition, room and board expenditures under Section 14-7.02 of the School Code (under which special needs students who cannot be adequately served in their local school district may be enrolled in a private facility at the school district's expense) for the duration of the COVID-19 Gubernatorial Disaster Proclamation. This amendment continues the policy throughout subsequent disaster proclamations. Private special education facilities may be affected by this emergency rule.

SCHOOL TRANSPORTATION

SBE also adopted an emergency amendment to Pupil Transportation Reimbursement (23 IAC 120; 44 Ill Reg 6668), effective 4/9/20, amending a previous emergency rule effective 3/30/20. The amendment clarifies that, from 3/17/20 through the end of the 2019-20 school year, SBE will reimburse school district transportation costs beyond those incurred in transporting students to and from school (e.g., costs for delivering work packets, meals, or other items), including costs paid by a local education agency for its employees or to a transportation provider under a written agreement.

Questions/requests for copies of the 2 SBE emergency rules: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, 217/782-6510, rules@isbe.net

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Proposed Rulemakings

INSURANCE

The DEPARTMENT OF INSURANCE proposed an amendment to Required Procedure for Filing and Securing Approval of Policy Forms (50 IAC 916; 44 Ill Reg 6211) clarifying the required format for submitting these forms to DOI. All policy forms must be submitted in the form of a complete policy; use of matrix pages, insert pages and modular formats is prohibited. Only the identifying characteristics of the policy, such as the policy name and number, member number, etc.,

may be variable. Documents submitted to the System for Electronic Rate and Form Filings (SERFF) must be in a searchable PDF format. DOI also proposed an amendment to Construction and Filing of Accident and Health Insurance Policy Forms (50 IAC 2001; 44 Ill Reg 6218) clarifying the use of corporate names in consumer facing documents, marketing materials, and web pages. The name of the actual insurer must be stated on all its forms; use of a trade name, parent company name, division name, insurance group designation,

slogan, symbol or other device that does not disclose the name of the actual issuer is prohibited if it obscures the true identity of the issuer.

Questions/requests for copies/comments on the 2 DOI rulemakings through 6/8/20: Robert Planthold, DOI, 122 S. Michigan Ave., 19th Fl., Chicago IL 60603, 312/814-5445, or Susan Anders, DOI, 320 W. Washington St., 4th Fl., Springfield IL 62767, 217/558-0957.

Emergency Rules

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RACETRACK CASINOS

The ILLINOIS GAMING BOARD adopted emergency amendments to Riverboat and Casino Gambling (86 IAC 3000; 44 Ill Reg 6426) effective 4/7/20 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 44 Ill Reg 6205. The emergency amendments require organization gaming facilities (those owned by and located at horse racing tracks) to maintain their gaming facilities separately from inter-track wagering and to restrict gaming facilities to patrons 21 years of age or older. A physical barrier may be placed between these facilities if they are located in the same structure, but patrons must have direct access between both facilities. No direct access to

an organization gaming facility may be permitted without also requiring entry to the associated racetrack, and all entries and exits (whether from inside or outside) shall be recorded at turnstiles. Plans to remodel, expand or otherwise modify organization gaming facilities must be submitted to the IGB Administrator for approval prior to construction and must include clear and legible diagrams, plans for surveillance and security, and certification of compliance with applicable building codes. The Administrator may deny approval if he or she determines that the project alters the facility in such a way that it makes live racing an "ancillary activity" to gaming. If a project is rejected by the Administrator for this reason, the organization gaming licensee has 14 days to appeal to the decision to the Board. Owner licensees or

organization gaming licensees may conduct gaming at temporary facilities for up to 24 months (can be extended an additional 12 months for good cause shown by the licensee) while a permanent facility is under construction. Plans for temporary facilities must be submitted directly to the Board, which may withdraw approval of the temporary facility at any time if the Board determines that continued operation is injurious to the health, safety, or welfare of the public or is a risk to the integrity or security of gaming.

Questions/requests for copies/comments on the proposed rulemaking through 6/8/20: Agostino Lorenzini, IGB, 160 N. La Salle St., Chicago IL 60602, fax 312/814-7253, Agostino.lorenzini@igb.illinois.gov

Adopted Rules

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- the student's ability to breathe or communicate normally is not impaired;
- restraints are applied only by personnel with appropriate training;
- a school staff person trained to identify signs of distress observes (but does not participate in restraining) the student during the incident;
- restraint ends immediately when the threat of imminent serious physical harm ends, and does not last longer than 30 minutes. If the emergency has not resolved in 30 minutes or another emergency incident arises on the same school day, continuation or repeated use of the restraint must be authorized by a school administrator in consultation with a psychologist, social worker, nurse, or behavioral specialist.

If supine or prone physical restraint is used on a student 2 or more times within a 30-school-day period, school personnel (who must include a psychologist, nurse, social worker or behavioral specialist) must review the effectiveness of the procedures used. This review must address consideration of additional or revised behavioral interventions, any medical/psychological limitations that may contraindicate use of restraint, and consider modification of the student's individualized education plan or behavior intervention plan, if applicable.

Other Restraints

Mechanical restraint (use of any device or equipment to limit a student's movement or hold him/her immobile) and chemical restraint (use of medication to control behavior or limit freedom of movement), are entirely prohibited as behavioral interventions. Mechanical restraint does not include devices or equipment intended to treat a student's medical needs or protect the student from injury due to lack of coordination or seizures; position a student in a manner prescribed in his/her individualized education plan (e.g., to keep a student sitting upright in a wheelchair); provide an aid, service or accommodation; or promote student safety in transport vehicles. Chemical restraint does not include medication legally prescribed and administered as part of a regular medical regimen to manage a student's behavioral or medical symptoms.

Documentation/Review

Schools must make a reasonable effort to notify parents or guardians of students subject to time out or physical restraint on the same day that these measures are applied, and must send written documentation to the parent/guardian within 24 hours. Existing provisions allowing parents/guardians to waive the written notification are being repealed. Documentation of every use of time out or physical restraint must be submitted to the State Superintendent within 2 school

days in a form and manner prescribed by the State Superintendent. This documentation must include, but is not limited to, the information currently prescribed in rule (e.g., description of the behavior that prompted the time out, a log of the student's behavior during the time out, list of school personnel involved) as well as a description of any planned approach to future incidents, including any de-escalation methods that could be used as an alternative to time out or physical restraint. The State Superintendent reserves the authority to require districts to submit this information for previous school years. Any use of time out or physical restraint permitted by a school board's policy must specify the circumstances under which these measures will be applied; include written procedures to be followed by staff; designate a school official who will be informed of all incidents and maintain the required documentation; and the process that will be used to evaluate such incidents. If a student experiences 2 instances of prone or supine physical restraint within 30 school days, school personnel must review the effectiveness of the procedures used, prepare an individual behavior plan, and consider the student's potential need for alternative or special education, or if the student is already in special education, the need for a change in program. Written complaints alleging violations of these rules may be

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filed with the State Superintendent by any parent, individual, organization, or advocate within 1 year after the alleged violation occurs; the State Superintendent must issue a written response to each complaint. School districts and private educational entities that serve special needs students will be 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.

■ SEXUAL ASSAULT

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Sexual Assault Survivors Emergency Treatment Code (77 IAC 545; 43 Ill Reg 13635) effective 4/10/20, implementing 3 recent Public Acts. The rulemaking expands the applicability of the Part to include approved pediatric health care facilities, freestanding emergency centers, hospitals operated by the University of Illinois, and out of State hospitals that consent to DPH jurisdiction. All hospitals must have DPH-approved written plans for treating all sexual assault survivors (treatment hospital), transferring them to another hospital (transfer hospital), or transferring only pediatric (under age 13) survivors to an approved pediatric health care facility (treatment hospital with pediatric transfer). Criteria for approval of pediatric health care facilities are included in this rulemaking. In counties with a

population of less than 1 million, a hospital located within a 20-mile radius of a 4-year public university cannot transfer sexual assault survivors unless there is an existing treatment hospital within the same radius of that university. Treatment hospitals and approved pediatric health care facilities must offer all survivors who report an assault within the previous 7 days, or who are disclosing a past assault by a specific individual in whose care they have been within the past 7 days, an opportunity to complete the Sexual Assault Evidence Collection Kit provided by the Illinois State Police. They may also offer to complete the kit for survivors presenting more than 7 days after an assault. Hospitals that transfer pediatric survivors must have an approved area-wide treatment plan insuring that medical forensic services are provided to these survivors. Records of medical forensic services to survivors under age 18 shall be retained by the hospital for 60 years after the survivor reaches age 18; for survivors 18 and older, the medical forensic record shall be retained for 20 years after its creation. Facilities that provide medical forensic services must issue vouchers to eligible survivors enabling them to receive follow-up medical care free of charge; survivors cannot be billed for this care or for any forensic services. By 1/1/22, all treatment hospitals must employ, or contract with, a qualified provider (board-certified or board-eligible child abuse pediatrician, sexual assault forensic examiner, or sexual assault nurse examiner) who can

initiate medical forensic services within 90 minutes after a sexual assault survivor presents for treatment. Emergency department physicians, physician assistants, advanced practice registered nurses, and registered professional nurses at treatment hospitals who do not meet the criteria for qualified providers must complete at least 2 hours of sexual assault training by 7/1/20 and at least 2 hours of continuing education every 2 years thereafter. DPH will conduct onsite compliance reviews of treatment plans at least once every 3 years. The rulemaking also requires photographic documentation of injuries and other visible evidence to supplement the medical forensic history; a written chain of custody for any clothing or personal items taken from the survivor; reporting of treatment data; and agreements with local rape crisis centers to provide medical advocacy services if available. Changes since 1st Notice clarify how rape crisis center advocates are identified in hospital records, and also clarify that consent of the survivor must be obtained prior to transferring evidence from a transfer hospital to a treatment hospital. Those affected by this rulemaking include hospitals, pediatric health care facilities that treat sexual assault survivors, and rape crisis centers.

Questions/requests for copies: Erin Conley, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

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Adopted Rules

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CHILD SUPPORT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Child Support Services (89 IAC 160; 43 Ill Reg 12811), effective 4/13/20, implementing updates to the Illinois Marriage and Dissolution of Marriage Act (IMDMA), the Illinois Parentage Act of 2015, and the federal Social Security Act. For non-TANF cases, an annual collection fee of \$35 (formerly \$25) will be imposed if at least \$550 (formerly \$500) has been collected by HFS. The definition of “needs of the child” from the IMDMA and the definitions of “alleged father”, “acknowledged father”, and “parent” contained in the Parentage Act are applied to the Part’s rules for support obligations. The process for determining a non-custodial parent’s financial ability to pay child support has been revised to include factors outlined in IMDMA, including health care, standardized and individualized tax amounts, business income, and any school expenses or extracurricular activities for which one or both parents are responsible. The Basic Child Support Obligation Table and procedures for conversion of gross to net income, along with other tools for determining child support obligations, will be made available on the Department’s website. Other provisions specify the information to be contained in administrative support orders and how retroactive support will be calculated.

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

■ DOT PROCUREMENT

The CHIEF PROCUREMENT OFFICER FOR THE DEPARTMENT OF TRANSPORTATION adopted amendments to the Part titled Chief Procurement Officer for the Department of Transportation – Contract Procurement (44 IAC 6; 43 Ill Reg 14490) effective 4/8/20, implementing recent changes to the Procurement Code. The rulemaking expands the jurisdiction of the CPO-DOT to include procurement of construction support services, defined as all equipment, supplies and services necessary to the operation of a construction agency’s construction program, but not including construction-related services such as design, layout, inspection, etc. (Formerly, the Part applied to construction and construction-related services.) Conditions for the use of sole source and sole economically feasible source purchasing, and the procedures for determining that such purchases can be made, are added. Definitions and provisions are added for piggyback contracts (cooperative purchasing in which the State accepts the pricing and terms of a contract entered into by another organization, agency or department; another state or its agencies; or the federal government) and no-cost contracts (in which the vendor does not pay

or make payments to the State, but charges another entity the State contracted rate for goods or services). A small purchase threshold of \$100,000 (below which competitive bidding is not required), adjusted annually for inflation, is established for construction purchases, individual purchases from any one source, and professional and artistic services contracted for a nonrenewable term of no more than 1 year. The notice period for execution of contracts is shortened from 30 to 14 days. Expenditures that exceed the contract price by more than \$100,000 (formerly \$30,000) require written approval or disapproval from DOT and contract change orders in excess of \$100,000 (formerly \$30,000) must be published in the Procurement Bulletin. Procurement files also must be readily available for review or disclosure under the Freedom of Information Act, but must not include trade secrets or other competitively sensitive or proprietary information. Grounds for rejecting a bid during the procurement process now include failure to submit a Disadvantaged Business Enterprise utilization plan if the provisions of the procurement or project require such a plan. Other provisions of this rulemaking address requests for information (RFI), joint purchasing with other governmental entities, electronic systems for accepting and opening bids, goals for small

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business contracts, and financial disclosure requirements for multi-year contracts. Finally, provisions related to the defunct Target Market Program are repealed. Since 1st Notice, all small purchase thresholds have been changed to \$100,000 for consistency. Those affected by this rulemaking include small businesses seeking DOT contracts.

Questions/requests for copies: Bill Grunloh, CPO-DOT, 2300 S. Dirksen Pkwy., Springfield IL 62764, 217/558-5434.

■ UNCLAIMED PROPERTY

The OFFICE OF THE STATE TREASURER adopted amendments to the Part titled Revised Uniform Unclaimed Property Act (74 IAC 760; 44 Ill Reg 160) effective 4/8/20 implementing four recent Public Acts. The rulemakings address reporting of unclaimed property related to pre-need funeral/burial contracts, very small claims of \$100 or less made by heirs of a deceased person, and unclaimed funds from public retirement systems, private pensions, or investment boards. Unclaimed funeral/burial funds will be presumed abandoned if not claimed within the earlier of 2 years after the beneficiary's death or 40 years after the prepayment contract is executed; if the owner shows interest in these funds more than 40 years after the contract date, presumption of abandonment begins 3 years after

the last indication of interest. If the holder of the funds does not know whether the beneficiary is deceased, the funds will be presumed abandoned one year after the beneficiary's 105th birthday. However, these provisions do not apply to pre-need cemetery plot/mausoleum sales, which are regulated by the Office of the Comptroller. Since 1st Notice, a provision was added requiring the rules regarding unclaimed pension funds to be updated if the US Department of Labor issues subsequent guidance or regulations conflicting with these rules. Those affected by this rulemaking include funeral homes, cemeteries and crematories that offer pre-need contracts.

Questions/requests for copies: Sara Meek, Office of the Treasurer, 219 State House, Springfield IL 62706, 217/524-0530, fax 217/785-2777, SMeek@illinoistreasurer.gov

BANKING

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to Corporate Fiduciary Applications and Notices (38 IAC 396; 44 Ill Reg 50) effective 4/24/20 implementing Public Act 100-48. The rulemaking removes a requirement (repealed by the PA) that banks, savings banks and savings and loan associations file notices of intent to establish a branch office at least 30 days prior to purchasing/leasing land, buildings or

equipment for the new branch office. The rulemaking also clarifies that existing references in rule to the Commissioner of the Office of Banks and Real Estate now apply to the Secretary of DFPR.

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

Second Notice

The following rulemaking was moved to Second Notice this week by the agency listed below, commencing the JCAR review period. This rulemaking will be considered at the May 19, 2020 JCAR meeting. **The meeting scheduled for April 21, 2020, has been postponed indefinitely** due to continuing COVID-19 related restrictions on public gatherings. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning this rulemaking should be addressed to JCAR using the contact information on page 1.

DEPT OF REVENUE

Income Tax (86 IAC 100; 44 Ill Reg 1875) proposed 1/25/20

Joint Committee on Administrative Rules

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

**Vicki Thomas
Executive Director**