

The Flinn Report Illinois Regulation

Elaine Spencer, Editor Joint Committee on Administrative Rules 700 Stratton Bldg. Springfield IL 62706
 jcar@ilga.gov Illinois General Assembly 217/785-2254 ilga.gov/commission/jcar

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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.

Proposed Rulemakings

■ EDUCATOR LICENSURE

The STATE BOARD OF EDUCATION proposed amendments to Educator Licensure (23 IAC 25; 46 Ill Reg 18374) implementing various Public Acts and SBE policy changes. The amendments extend the availability of all short-term approvals by an additional three years (from 2023 to 2026); permit the State Superintendent to initiate the suspension or revocation of an educator's license, endorsement, or approval for sexual misconduct; reduce the fee for reinstating a lapsed license from \$500 to \$50 and exempt retired teachers from license registration fees; allow individuals who are between 18 and 19 years old to obtain a paraprofessional educator (teacher's aide/assistant) endorsement on an Educator License with Stipulations if the individual works exclusively with pre-K through 8th grade students

(a full paraprofessional educator endorsement can be obtained at age 19 if other criteria are met); allow substitute teachers to teach 120 days (rather than 90 days) in the 2021-22 and 2022-23 school years; and reduce the number of professional development hours required for a professional educator licensee by 20% for any renewal cycle that includes the

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2021-22 school year. Other changes include adding English learner coursework for initial licensure programs in Illinois; adding new testing options for sign language interpreters; updating the Learning Forward Standards; clarifying what work experience can be counted toward career and technical educator licensure; and clarifying that individuals with a

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Adopted Rules

■ HUNTING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to the following Parts, effective 11/2/22, implementing general and site-specific changes for the upcoming hunting seasons: General Hunting and Trapping on Department-Owned or Managed Sites (17 IAC 510; 46 Ill Reg 13633); Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 IAC 530; 46 Ill Reg 13641); Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, Bobcat and Woodchuck (Groundhog) Hunting (17 IAC 550; 46 Ill Reg 13657); Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver, Bobcat and Woodchuck (Groundhog) Trapping (17 IAC 570; 46 Ill Reg 13671); Duck,

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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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Goose and Coot Hunting (17 IAC 590; 46 Ill Reg 13687); White-Tailed Deer Hunting By Use of Firearms (17 IAC 650; 46 Ill Reg 13754); White-Tailed Deer Hunting By Use of Muzzleloading Rifles (17 IAC 660; 46 Ill Reg 13778); White-Tailed Deer Hunting By Use of Bow and Arrow (17 IAC 670; 46 Ill Reg 13797); Special White-Tailed Deer Season for Disease Control (17 IAC 675; 46 Ill Reg 13823); Late-Winter Deer Hunting Season (17 IAC 680; 46 Ill Reg 13832); Youth Hunting Seasons (17 IAC 685; 46 Ill Reg 13843); The Taking of Wild Turkeys – Spring Season (17 IAC 710; 46 Ill Reg 14144), The Taking of Wild Turkeys-Fall Archery Season (17 IAC 720; 46 Ill Reg 13854); Dove Hunting (17 IAC 730; 46 Ill Reg 13867); and Crossbow and Standing Vehicle Hunting Authorizations (17 IAC 760; 46 Ill Reg 13885).

General Rules

Amendments to Part 510 clarify that it is unlawful to hunt with any weapon other than those authorized by rule for the species that is being hunted (formerly, other than shotgun or bow and arrow) unless otherwise specified by a more restrictive administrative rule. The rulemaking also clarifies actions DNR may take when budget cuts or lack of site staffing makes operation of check stations and other restrictive hunting regulations impractical; these may include reducing the number of drawings, allocating hunting opportunities on a first-come, first-

served basis, or closing the site. Notice of any such changes will be posted at the site. On sites where permits are issued, permit holders will still be permitted to hunt.

Game Hunting & Trapping

The Parts 530, 550 and 570 rulemakings state that for sites where hunter quotas exist, a drawing for available permits may (formerly, shall) be held. The Part 530 rulemaking also adds and removes sites open to pheasant, quail, partridge and rabbit hunting while the Part 570 rulemaking also clarifies the seasonal possession limit for otter trapping and when firearms may be used by trappers.

Duck Hunting

Amendments to Part 590 prohibit any cutting of woody vegetation more than 4 inches in diameter at breast height; cutting any oak trees regardless of size; killing or harming non-woody vegetation by chemical or other means; planting crops or other vegetation; or spreading salt or other minerals at duck blind sites. Any of these actions taken without the site superintendent's permission will result in loss of the blind for the current allocation period. The rulemaking also replaces phone-in reservations for permits not allocated by lottery with online reservations, and provides that unallocated blinds may be filled by onsite drawings.

Deer Hunting

Amendments to Parts 650, 660, 670, 675, and 680 implement site-

specific changes, clarify that county-wide hunting permits are valid only where permission to hunt has been obtained from the property owner, and provide that vacancies may (formerly, shall) be filled by onsite drawings. These rulemakings also state that if a hunter cannot locate a harvested deer by 10 p.m. on the day it was taken (the normal deadline for reporting a deer harvest to DNR by phone or online) the hunter must immediately report the harvested deer upon locating it. The Part 670 rulemaking additionally establishes minimum specifications for crossbows, which are being repealed from Part 760. Amendments to Parts 670, 675 and 680 also clarify when a hunter may carry a firearm other than the type or weapon permitted for the specified hunting method or season. The Part 685 rulemaking cross references Part 650 regulations regarding weapons that may be used for youth deer hunting and allows hunters to report harvested deer when located if the deer is not found by 10 p.m. on the day it is harvested.

Turkey & Dove Hunting

Amendments to Parts 710, 720 and 730 make site-specific changes. The Part 710 rulemaking sets the 2023 spring season hunting dates (various dates between 4/10 and 5/11/23 in the Northern Zone and between 4/3 and 5/4/23 in the Southern Zone) and youth hunting seasons (3/25-

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Proposed Rulemakings

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lapsed license cannot apply for new endorsements until their license is reinstated.

TUTORING

SBE also proposed a new Part titled Tutoring Services (23 IAC 670; 46 Ill Reg 18445) implementing Section 2-3.69 of the School Code, which requires SBE to establish basic requirements for Illinois public college/university students who are hired by their institutions, or by school districts, to provide tutoring services to K-12 students under the State's Educational Partnership Act. Students hired to serve as tutors must have at least a high school diploma or equivalent, passing grades in relevant high school coursework, and a passing score on any tutor training tests or modules required by the hiring entity. Prior to the tutor's start date, the college/university must ensure that the student completes all required training modules and understands and agrees to the institution's policies regarding student conduct, harassment prevention, equity, non-discrimination, safety and ethics. Additionally, either the college/university or the school district must conduct a criminal background check and ensure that the tutor complies with all other employment requirements.

Questions/requests for copies/ comments on the 2 SBE

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Emergency Rules

■ SECURITY GRANTS

The ILLINOIS EMERGENCY MANAGEMENT AGENCY adopted a new Part by emergency rulemaking titled State Not-For-Profit Security Grant Program (29 IAC 120; 46 Ill Reg 18882), effective 11/1/22 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 46 Ill Reg 18449. The emergency and proposed rulemakings establish a State-funded grant program to assist non-profit, federally tax-exempt organizations at high risk of attack by a terrorist organization, network or cell (e.g., faith-based institutions, racial and religious minority organizations, crisis pregnancy centers) with security enhancements. IEMA will post a Notice of Funding Opportunity identifying projects eligible for grant funding. An organization that applies for an IEMA grant for a security enhancement project cannot apply for a federal grant for the same project and must be located in Illinois during and for 5 years after the grant period. An organization with multiple sites may apply for funding for up to 3 sites. The organization must, in its grant application, document that it has been or is being threatened or attacked by an individual or group that subscribes to the beliefs of a terrorist organization. The application must also describe the potential consequences to the organization if the project site is

damaged or destroyed by a terrorist act; include a vulnerability assessment conducted by experienced law enforcement, security or military personnel; and include a budget and timeline for the project. Applicants must also verify whether or not the affected site is "historic property" that requires notification to the Department of Natural Resources of any potential renovations or alterations. All grants are subject to the provisions of the Grant Accountability and Transparency Act (GATA), the Grant Funds Recovery Act, and other applicable State and federal laws. Non-profit, tax-exempt charitable, community and religious organizations may be affected by these emergency and proposed rules.

Questions/requests for copies/ comments on the proposed rulemaking through 1/3/23: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704, 217/785-9860, traci.burton@illinois.gov

HOUSING ASSISTANCE

The ILLINOIS HOUSING DEVELOPMENT AUTHORITY adopted an emergency amendment to Homeowner Assistance Fund Programs (47 IAC 302; 46 Ill Reg 18894) effective 11/2/22 for a maximum of 150 days. The amendment

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Adopted Rules

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26 and 4/1-2, all zones). Amendments to Parts 710 and 720 also cross-reference regulations for crossbows in 17 IAC 670, while the Part 730 rulemaking provides for standby onsite drawings for permits.

Questions/requests for copies/comments on the 15 DNR rulemakings: John Fischer, DNR, One Natural Resources Way, Springfield IL 62702, 217/782-1809.

SCHOOLS

The STATE BOARD OF EDUCATION adopted amendments to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 46 Ill Reg 9143) effective 11/7/22, implementing 3 Public Acts: PA 101-643, which allows an 8th-grade pupil to demonstrate comprehensive knowledge of U.S. history via a remotely administered written test; PA 102-411, which adds to the required American history curriculum the contributions made to society by Americans of different faith practices (including, but not limited to, Christians, Jews, Muslims, Buddhists, Hindus, Sikhs, and any other collective faith community that has shaped America); and PA 102-584, which allows schools to use e-learning days when they are designated as election day polling places.

Questions/requests for copies: Azita Kakvand, SBE, 555 W.

Monroe St., Suite 900, Chicago IL 60661, 312/783-2757, rules@isbe.net

LAYOFF NOTICES

The DEPARTMENT OF LABOR adopted an amendment to the Part titled Illinois Workers Adjustment and Retraining Notification Act (56 IAC 230; 46 Ill Reg 8009) effective 11/2/22, implementing PA 102-662. The PA and the rulemaking require owners of investor-owned power plants and coal mines to provide 2 years' written notice to plant/mine employees and officials before a mass layoff, relocation or other employment loss takes effect. (The Act and this Part require other employers to give 60 days' notice to workers of a mass layoff or plant closing.)

VICTIMS OF VIOLENCE

DOL also adopted an amendment to the Part titled Victims' Economic Security and Safety Act (56 IAC 280; 46 Ill Reg 8014) effective 11/2/22, implementing statutory changes that expand the protections of the Act to victims of gender violence or any other crime of violence (currently, domestic violence and sexual violence). This rulemaking also expands the scope of the Act to any employer with at least one employee, and requires employees to submit a signed statement affirming that they are a victim of violence, along with supporting documentation if available. Changes since 1st Notice clarify that the leave provided for in the Act is job-

protected; enumerate protected actions that victims may take under the Act; and provide contact information for obtaining complaint forms. Small businesses and non-profits with at least one employee may be affected.

Questions/requests for copies of the 2 DOL rulemakings: Anna Koepfel, DOL, Lincoln Tower Plaza, 524 S. Second St., Suite 400, Springfield IL 62701, 217/558-1270, Anna.Koepfel@illinois.gov

SALES & USE TAXES

The DEPARTMENT OF REVENUE adopted amendments to Retailers' Occupation Tax (86 IAC 130; 46 Ill Reg 5162), Service Occupation Tax (86 IAC 140; 46 Ill Reg 5178), Use Tax (86 IAC 150; 46 Ill Reg 5187), and Service Use Tax (86 IAC 160; 46 Ill Reg 5197), all effective 11/1/22, clarifying the use of verified credits that DOR issues to taxpaying entities when it is evident from the tax return that the taxpayer has overpaid sales, service or use taxes. (A credit issued only after the taxpayer proves to DOR that an overpayment occurred is known as a credit memorandum.) A verified credit can be rolled into a taxpayer's account to offset sales, service or use tax liability, or can be converted to a credit memorandum at any time (previously, DOR allowed conversion only within 3 ½ years after the verified credit arose). No

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Adopted Rules

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interest will be paid on a verified credit that is converted to a credit memorandum. Businesses that pay sales, service or use taxes may be affected.

Questions/requests for copies of the 4 DOR rulemakings: Thomas Grudichak, DOR, 101 West Jefferson St., Springfield, IL 62794, 217/782-2844.

■ CURRENCY EXCHANGES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted an amendment to the Part titled Currency Exchange Act (38 IAC 120; 46 Ill Reg 10744) effective 11/1/22, applying the fee that DFPR charges for qualification investigations of new currency exchange owners to qualification investigations of newly appointed corporate officers and directors. Since 1st Notice, DFPR changed the fee from a flat \$400 to \$300 when a new officer/director is currently an officer or director at another licensed location, or \$500 when a new officer/director does not currently hold such a position elsewhere. Officers and directors of currency exchange licensees are affected.

■ CREDIT UNIONS

DFPR also adopted amendments to the Part titled Illinois Credit Union Act (38 IAC 190; 46 Ill Reg 10748) effective 11/1/22, aligning the procedures and standards for disclosure of confidential

supervisory information with those of other DFPR Division of Banking rules. Since 1st Notice, DFPR raised the 3% investment/loan limit to 6% to align with statute, and also removed a proposed 28% consumer loan rate cap (matching the cap for federal credit unions) for credit union service organizations, since Illinois credit unions are already subject to the 36% rate cap in the Predatory Loan Prevention Act. Credit unions are affected by this rulemaking.

Questions/requests for copies of the 2 DFPR rulemakings: Craig Cellini, DFPR, 320 W. Washington, 2nd Floor, Springfield IL 62786, 217/785-0810, Fax: 217/557-4451.

BIRTH CENTERS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Birth Center Demonstration Program Code (77 IAC 265; 46 Ill Reg 11297) effective 11/4/22, implementing Public Act 102-665, which requires birth center staff to be educated regarding severe maternal hypertension (pre-eclampsia), obstetric hemorrhage, and other causes of maternal mortality. The rulemaking also implements PA 101-116, which requires the closed captioning feature to be left on at all times on television sets in patient rooms and public waiting areas.

Questions/requests for copies: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield, IL 62701, 217/782-1159, dph.rules@illinois.gov

SBEL PERSONNEL

The STATE BOARD OF ELECTIONS adopted an amendment to the Part titled Personnel (26 IAC 212; 46 Ill Reg 496) effective 11/3/22 that defines the Administrative Services Division of SBEL as the entity responsible for addressing requests for parental leave. The rulemaking also increases the maximum paid leave time for SBEL employees after the birth or adoption of a child from 4 weeks (20 work days) to 10 weeks (50 work days) per 12-month period. Parental leave must be used within 6 months after the birth or adoption. Since 1st Notice, SBEL changed a requirement that employees claiming parental leave after a birth show proof of prenatal care in the first 20 weeks of pregnancy to a requirement that the employee show proof of a parent-child relationship.

Questions/requests for copies: Marni M. Malowitz, SBEL, 69 W. Washington St., Pedway LL08, Chicago IL 60602, 312/814-6440.

Proposed Rulemakings

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rulemakings through 1/3/23: Azita Kakvand, SBE, 555 W. Monroe St., Suite 900, Chicago IL 60661, 312/783-2757, rules@isbe.net

■ WAGE DISPUTES

The DEPARTMENT OF LABOR proposed amendments to the Part titled Payment and Collection of Wages or Final Compensation (56 IAC 300; 46 Ill Reg 18451) implementing 3 Public Acts. The rulemaking reflects PA 102-50, which increases the allowable penalty assessment for employers who owe unpaid wages from 2%

to 5% of the amount owed. It also implements PA 102-1065 and 102-1076 by establishing a process by which a general construction contractor may be held liable for unpaid wages owed by their subcontractor. The rulemaking clarifies the process by which proceedings under the Illinois Wage Payment and Collection Act will be heard by an Administrative Law Judge and authorizes DOL and other parties to communicate, and/or pay fines and fees, electronically. Other provisions clarify when an employee may be entitled to reimbursement for necessary employment-related expenditures;

when an employer may deduct from an employee's wages; how compensation recovered by DOL will be disbursed to the employees to whom it is owed; and when wages owed to a former employee who cannot be located can be transferred to the Office of the Treasurer as unclaimed property. Businesses that are involved in wage disputes are affected by this rulemaking.

Questions/requests for copies/comments through 1/3/23: Anna Koeppel, DOL, 524 S. Second St., Suite 400, Springfield IL 62701, 217/558-1270, Anna.Koeppel@illinois.gov

Emergency Rules

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increases the maximum allowable grant to homeowners under the program (which assists homeowners impacted by the COVID-19 public health emergency and in need of assistance in paying their mortgages or other housing costs) from \$30,000 to \$60,000.

Questions/requests for copies: Maureen Ohle, IHDA, 111 E.

Wacker Dr., Suite 1000, Chicago IL 60601, 312/859-5930.

HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH adopted an emergency amendment to Hospital Licensing Requirements (77 IAC 250; 46 Ill Reg 18902) effective 11/9/22 for a maximum of 150 days, replacing an emergency rule that expired 11/8/22. The emergency amendment implements federal waivers of

seclusion rules for hospitals and authorizes hospitals to establish medical staff-approved policies on COVID-19 testing, with assessments for contra-indications.

Questions/requests for copies: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield, IL 62701, 217/782-1159, dph.rules@illinois.gov.

JCAR Meeting Action

At its 11/15/22 meeting, the Joint Committee on Administrative Rules took the following actions:

RECOMMENDATION

With respect to the Secretary of State rulemaking titled Department Personnel (80 IAC 420; 46 Ill Reg 14524) JCAR recommends that SOS be more timely in reflecting statutory provisions in rule. Public Act 98-175, which this rulemaking implements, became effective on 8/5/2013.

EXTENSIONS

JCAR and the following agencies agreed to extend the Second Notice periods for the following rulemakings an additional 45 days. These rulemakings will be considered again at the 12/13/22 meeting.

Department of Commerce and Economic Opportunity, Back to Business Grant Program (14 IAC 691; 46 Ill Reg 11024)

Department of Public Health, Emergency Medical Services, Trauma Center, Comprehensive Stroke Center, Primary Stroke Center, and Acute Stroke Ready Hospital Code (77 IAC 515; 46 Ill Reg 8984)

State Board of Education, Culturally Responsive Teaching and Leading Standards for All Illinois Educators (23 IAC 24; 46 Ill Reg 9173)

JCAR Membership Change

Sen. Don Harmon, D-Oak Park, has been reappointed to JCAR to replace recently retired Sen. Anthony "Tony" Munoz. Sen. Harmon previously served on JCAR from 2011-2019, including service as the Committee's co-chair.

NO SECOND NOTICES THIS WEEK

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 Don Harmon	Representative Steven Reick
Senator Kimberly Lightford	Representative Curtis Tarver, II
Senator Sue Rezin	Representative Keith Wheeler, <i>co-chair</i>

Kim Schultz
Executive Director