

*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 is designed to inform and involve the public in changes taking place in agency administration.*

## New Regulations

## Proposed Regulations

### STUDENT ASSISTANCE

The ILLINOIS STUDENT ASSISTANCE COMMISSION adopted a new Part titled "John R. Justice Student Loan Repayment Program" (23 Ill Adm Code 2754; 36 Ill Reg 556) by emergency rulemaking, effective 1/9/12, for a maximum of 150 days. An identical proposed rulemaking appears in this week's *Illinois Register* at 36 Ill Reg 541. This Part provides federal loan repayment assistance to qualifying individuals who pursue careers as state and federal public defenders or state prosecutors. (The public defender may be a full-time employee of the State or a unit of local government or a full-time employee of a nonprofit operating under contract with the State or the local government.) A qualified applicant must be a U.S. citizen or eligible non-citizen, a licensed attorney in good standing with the Illinois bar, a borrower who does not have an outstanding loan balance due and who is not in default on any federally-guaranteed student loans, an employed public defender or prosecutor, and committed to working in this area for a minimum of 3 years. Covered topics include filing an application and service

agreement with ISAC, certification by the employer or future employer that he or she is an eligible employer, and acceptance by the applicant of the employer's offer of employment. The rulemakings outline other priority considerations in selecting individuals but state that priority consideration among new applicants will be given to those individuals with the least ability to repay their student loans. The award of repayment funds will be proportionately divided among the 5 districts of the Illinois Appellate Court according to a stated formula. The applicant's benefits will not exceed \$10,000 per year up to a maximum of \$60,000 total.

Questions/requests for copies/comments concerning the proposed rulemaking through 2/27/12: Lynn Hynes, ISAC, 1755 Lake Cook Rd., Deerfield IL 60015, 847/948-8500, ext. 2216, Fax 847/831-8549, e-mail: [lynn.hynes@isac.illinois.gov](mailto:lynn.hynes@isac.illinois.gov).

### STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted a peremptory amendment to "Pay Plan" (80 Ill Adm Code 310; 36 Ill Reg

### ALTERNATE VEHICLE FUELS

The ENVIRONMENTAL PROTECTION AGENCY proposed amendments to "Alternate Fuels Program" (35 Ill Adm Code 275; 36 Ill Reg 441) reflecting Public Act 97-90, which establishes an electric-vehicle, car-sharing, grant program. For Fiscal Years 2012 and 2013, the EPA may award grants to car-sharing organizations for the purchase of new electric vehicles from an Illinois car dealership to the extent that funds are available. (A car-sharing organization provides a membership-based service that allows members to drive cars by the hour.) Covered topics include grant eligibility requirements, award criteria, application procedures, funding limitations, grant terminations, and reporting requirements. Grants may not exceed 25% of the actual project expenditures. Affected entities include those that apply for such grants.

Questions/requests for copies/comments through 2/27/12: Kent R. Mohr, Jr., Environmental Protection Agency, 1021 North Grand Avenue East, Springfield IL 62794-9276, 217/782-5544.

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**NEW REGULATIONS:** Rules adopted by agencies this week.

**PROPOSED REGULATIONS:** Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating 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/RULE TEXT:** Direct mail or phone calls to the agency personnel listed below each summary. Providing volume and issue number of *The Flinn Report* or the *Illinois Register* will expedite the process. Some agencies charge copying fees. However, copy requests do not have to be made under the Freedom of Information Act.

# New Regulations

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564), effective 12/29/11. The amendment implements an existing agreement between DCMS and the International Brotherhood of Boiler Makers, Iron Ship Builders, Blacksmiths, Forgers and Helpers stating that when the Department of Labor notifies DCMS of a prevailing wage increase, the boiler

safety specialist rate in Northern Illinois (Boone, Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, Will, and Winnebago counties) will be changed to reflect a rate 4% above the new prevailing wage. DOL made such a notification to DCMS on 11/29/11, and this rule-

making effectuates the 4% increase.

Questions/requests for copies: Jason Doggett, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7964, Fax 217/524-4570, e-mail: [CMS.PayPlan@Illinois.gov](mailto:CMS.PayPlan@Illinois.gov).

# Proposed Regulations

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## COMMERCIAL DRIVERS

The SECRETARY OF STATE proposed amendments to "Issuance of Licenses" (92 Ill Adm Code 1030; 36 Ill Reg 461) implementing a Federal Motor Carrier Safety Administration (FMCSA) requirement. After 1/30/12, all commercial driver's license (CDL) applicants and current license holders must self-certify the type of driving (e.g., intrastate, interstate) they do and submit a medical examiner's certificate. (A medical examiner's certificate verifies that the CDL holder meets federal physical requirements to drive a commercial vehicle.) The rulemaking provides a list of information contained in the medical examiner's form that must be submitted to SOS. The rulemaking also addresses circumstances in which a CDL holder changes his or her self-certification status and the procedures that must be followed. Further changes expand the list of license restrictions by adding a Type V restriction indicating that the FMCSA has granted the CDL holder a medical variance to operate a commercial motor vehicle. Those affected by this rulemaking include commercial truck drivers.

Questions/requests for copies/comments through 2/27/12: Jennifer Egizii, SOS, 2701 S. Dirksen Pkwy., Springfield IL 62723, 217/557-4462.

## STUDENT ASSISTANCE

The ILLINOIS STUDENT ASSISTANCE COMMISSION proposed a new Part titled "College Planning Act" (23 Ill Adm Code 2774; 36 Ill Reg 543) and proposed amendments to "Illinois National Guard (ING) Grant Program" (23 Ill Adm Code 2730; 36 Ill Reg 505), "Grant Program for Dependents of Correctional Officers" (23 Ill Adm Code 2731; 36 Ill Reg 511), "Grant Program for Dependents of Police or Fire Officers" (23 Ill Adm Code 2732; 36 Ill Reg 517), "Illinois Veteran Grant (IVG) Program" (23 Ill Adm Code 2733; 36 Ill Reg 523), "Monetary Award Program (MAP)" (23 Ill Adm Code 2735; 36 Ill Reg 529), and "Illinois Prepaid Tuition Program" (23 Ill Adm Code 2775; 36 Ill Reg 550). Parts 2730, 2731, 2732, 2733, and 2735 implement a structured time frame for institutional processing of required payments from institutions to ISAC after the end of the academic term. Part 2735 also clarifies that MAP payments must not be used for graduate level courses leading to a graduate degree, repeating a class for the 3<sup>rd</sup> time, or for tuition and mandatory fees for a class taken a 3<sup>rd</sup> time. Part 2775 amendments clarify that all benefits of a prepaid tuition contract must be disbursed within 10 years of the projected college enrollment. After

that time period, the purchaser may petition ISAC for an extension, which may be granted at ISAC's sole discretion. The rulemaking also removes prohibitions of certain programs (e.g., vocational programs) and allows use of unexpended credits toward graduate school. New Part 2774 provides services designed to place low-income and first-generation future college attendees who are in high school on a college track in accordance with Public Act 97-289. The rulemaking outlines the goals of the program and establishes relevant definitions. Participant eligibility requires that the individual be (1) a resident of Illinois, (2) enrolled in the 8<sup>th</sup> grade at the time of application, (3) not in the custodial care of a guardian who has received a post-secondary degree (exception is made for students who qualify for free or reduced-priced lunch programs), and (4) a signatory along with the guardian of a written College Planning Program Agreement. The rulemaking also lists the information required on the program application (e.g., academic performance, postsecondary goals).

Questions/requests for copies/comments concerning the 7 ISAC rulemakings above through 2/27/12: Lynn Hynes at the ISAC address and telephone number above.

# JCAR Meeting Action

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At its 1/10/12 meeting, the Joint Committee on Administrative Rules voted to object to and prohibit filing of a portion of a proposed rulemaking, and to object to a peremptory rulemaking. The Committee also agreed to extend Second Notice periods for the Department of Healthcare and Family Services rulemaking titled "Rights and Responsibilities" (89 Ill Adm Code 102; 35 Ill Reg 11094) and the Department of Public Health rulemaking titled "AIDS Drug Assistance Program" (77 Ill Adm Code 692; 35 Ill Reg 15976) for an additional 45 days.

## SECRETARY OF STATE

JCAR objects to and prohibits the filing of Section 1001.444 (j)(2), (3), and (4) of the Secretary of State rulemaking titled "Procedures and Standards" (92 Ill Adm Code 1001; 35 Ill Reg 14916). The Committee believes the language in these subsections needs reconsideration and that the adoption of this rulemaking constitutes a serious threat to the public interest, safety or welfare. The rulemaking concerns installation of Breath Alcohol Ignition Interlock Devices (BAIIDs) on vehicles driven by persons with restricted driving permits stemming from a drunken driving conviction or guilty plea. The prohibited language concerns employment-related exemptions from the BAID rules.

## DEPARTMENT OF AGRICULTURE

JCAR objects to the Department of Agriculture's use of peremptory rulemaking to amend its rules titled "Meat and Poultry Inspection Act" (8 Ill Adm Code 125; 35 Ill Reg 19553). The underlying federal regulation was adopted on 12/29/10, which gave DOA more than adequate time to adopt this change through general rulemaking under Section 5-40 of the Illinois Administrative Procedure Act. Section 5-50 of the IAPA limits use of peremptory rulemaking to conditions that preclude the agency from using general rulemaking under Section 5-40.

## 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 considered at JCAR's February 7, 2012 meeting.

## SECRETARY OF STATE

"Illinois State Library, Library Services Division" (23 Ill Adm Code 3010) proposed 9/23/11 (35 Ill Reg 15424)

"Illinois State Library, Government Documents Section" (23 Ill Adm Code 3020) proposed 11/18/11 (35 Ill Reg 19127)

# ***Joint Committee on Administrative Rules***

**Senator Pamela Althoff**

**Representative Gregory Harris**

**Senator Maggie Crotty**

**Representative Louis Lang**

**Senator Don Harmon**

**Representative Don Moffitt**

**Senator John O. Jones**

**Representative Rosemary Mulligan**

**Senator Dale A. Righter**

**Representative Angelo "Skip" Saviano**

**Senator Ira Silverstein**

**Representative Andre Thapedi**

**Vicki Thomas  
Executive Director**