

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

☞ GAS PIPELINE SAFETY

The ILLINOIS COMMERCE COMMISSION adopted a new Part titled "Public Availability of Inspection Information" (83 Ill Adm Code 596; 35 Ill Reg 17168), effective 10/1/12, in response to a federal Department of Transportation initiative to prevent potentially catastrophic, natural-gas-related incidents. Inspection information regarding any one who engages in gas transportation or who owns or operates pipeline facilities within ICC jurisdiction under the Illinois Gas Pipeline Safety Act, except to the extent that information is confidential or proprietary, will be publicly available and may be posted on ICC's website. Since 1st Notice, ICC has added two more sections addressing review of inspection information gathered prior to 10/1/12 or posted on the ICC website. Affected entities have 60 days to review information collected before 10/1/12, and 14 days to review information collected on or after that date. Entities that work in the field of pipeline repair and safety monitoring may be affected by this rulemaking.

☞ TELECOMMUNICATIONS

ICC also adopted amendments to 6

Parts and adopted 2 new Parts, all effective 10/1/12, implementing provisions of Public Act 96-927 which updates the Telecommunications Article of the Public Utilities Act. The Parts being amended are "Standards of Service for Local Exchange Telecommunications Carriers" (83 Ill Adm Code 730; 35 Ill Reg 15695), "Customer Credits" (83 Ill Adm Code 732; 35 Ill Reg 15718), "Tariff Filings" (83 Ill Adm Code 745; 35 Ill Reg 15753), "Telecommunications Access for Persons with Disabilities" (83 Ill Adm Code 755; 35 Ill Reg 15764), "Telecommunications Relay Services" (83 Ill Adm Code 756; 35 Ill Reg 15793), and "Cost of Service" (83 Ill Adm Code 791; 35 Ill Reg 15801). The new Parts are "Standards of Service and Customer Credits For Electing Providers" (83 Ill Adm Code 737; 35 Ill Reg 15727) and "Competition Reporting" (83 Ill Adm Code 793; 35 Ill Reg 15807). Amendments to Part 730 require telecommunications carriers (telcos) to report to ICC the percentage of lines that are out of service for more than 30 hours (now, 24) and to clear up 95% of all out-of-service troubles affecting the customer network interface within 30 hours (now, 24) after a customer reports the prob-

☞ STUDENT LOAN REPAYMENT

The ILLINOIS STUDENT ASSISTANCE COMMISSION proposed a new Part titled "Administrative Wage Garnishment" (AWG) (23 Ill Adm Code 2722; 36 Ill Reg 14978) to govern wage garnishment procedures for repayment of student loans. The rulemaking proposes definitions and terms to be used within the program. ISAC will mail a notice of demand to the borrower's last known address 30 days prior to the AWG order. The borrower may copy ISAC records, request an opportunity to enter into a written repayment agreement to avoid the AWG order, or submit a written request for a hearing. If the borrower does not choose one of the options prior to the expiration of the 30-day timeline, ISAC may send the AWG to the borrower's employer. The rulemaking outlines various scenarios and related time lines for hearings and final action which should be completed within 60 days after the mailing of the notice to the borrower. If an employer does not comply with an AWG order, ISAC may initiate litigation to compel compliance, or to recover any amount that the employer fails to withhold during any pay or

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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.

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lem. Options for alternative telephone service are stricken, and timeframes for customer notification of a telco's inability to keep a scheduled appointment are modified to provide that the customer must be notified no later than 8:00 p.m. of the day prior to the appointment. Amendments to Part 732 specify that the Part is not applicable to "electing providers" (telcos subject to one of 3 types of regulation and that elect to have the rates, terms, and conditions of their competitive retail service solely determined and regulated pursuant to the terms of the Telecommunications Article of the statute). Other amendments provide that credits for out-of-service conditions apply after 30 hours (now, 24), the option for alternative telephone service is eliminated, the credit for missed appointments is reduced from \$50 to \$25 per occurrence, and the 24-hour notice period requirement for missed appointments is changed to no later than 8:00 p.m. of the day prior to the scheduled appointment. Amendments to Part 745 require electing providers to file tariffs and require local exchange carriers (LECs) that elect market regulation for their competitive retail services to file tariffs for those services, also. Further changes specify that general publication and filing requirements do not apply to electing providers, telcos must make all tariffs available electronically to the public, and prepaid calling services and customer-owned pay telephone services must be classified as tariffed services. The rulemaking also specifies that some tariff errors may be temporarily corrected, notices of competitive rate increases must be provided to customers no later than the prior billing cycle, electronic notice to customers who have elected electronic billing is allowed, and telcos that maintain a website must provide certain information through those websites and provide a toll-free telephone number for inquiries. Since 1st Notice, ICC has limited the number of errors that may be corrected in a tariff filing to 6. Filings with more than 6 unique errors shall (originally, may) be rejected. Amendments to Part 755 implement

the requirement that new fixed or non-nomadic, interconnected voice-over internet protocol (VoIP) providers must register with ICC at least 30 days before providing service in Illinois. Amendments to both Part 755 and Part 756 require VoIP providers to collect and remit customer assessments to ICC programs to provide telecommunications access for persons with disabilities. Amendments to Part 791 exempt electing providers from the Part's requirements and eliminate long-run service incremental cost of a service (LRSIC) as a circumstance under which telcos are required to submit cost studies for the purposes of performing imputation tests. New Part 737 implements statutory requirements under which telcos may become electing providers, requires them to continue to provide certain service packages to residential customers, and defines electing provider service quality and customer credit requirements for basic local exchange service. Finally, new Part 793 establishes the manner in which LECs and VoIPs must report service information to ICC. These rulemakings will affect telecommunications providers.

Questions/requests for copies of the 9 ICC rulemakings above: Conrad Rubinkowski, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/785-3922.

VIDEO GAMING

The ILLINOIS GAMING BOARD adopted an amendment to "Video Gaming (General)" (11 Ill Adm Code 1800; 36 Ill Reg 9377), effective 10/1/12, stating that in computing the distance between a licensed video gaming location and a licensed race track, licensed riverboat, school, or place of worship for purposes of compliance with the Act, the distance between the respective closest points of the outer walls of the structure containing the video gaming location and the other structure shall be measured. (The Act requires video gaming locations to be at least 100 feet away from schools and places of worship and at least 1,000 feet away from licensed horse

racing or riverboat gambling facilities.) Small businesses or non-profits that operate licensed video gaming terminals or are located near video gaming facilities will be affected by this rulemaking.

Questions/requests for copies: Lynn Carter, IGB, 160 N. LaSalle, Chicago IL 60601, 312/814-7637, fax 312/814-7253, email: lynn.carter@igb.illinois.gov.

PUBLIC ASSISTANCE

The DEPARTMENT OF HUMAN SERVICES adopted amendments to "Temporary Assistance for Needy Families" (89 Ill. Adm. Code 112; 36 Ill. Reg. 4658) and "Supplemental Nutrition Assistance Program" (89 Ill Adm Code 121; 36 Ill Reg 4670), effective 9/28/12, that implement a provision of federal Public Law 111-226 by removing references to advance payment of Earned Income Tax Credits (EITC). The federal law repealed the advance payment option for EITC effective 12/31/10. After that date, workers were unable to receive an advance payment of the EITC through their employers and can only receive it by claiming a refund on their federal tax returns.

Questions/requests for copies/comments concerning the 2 DHS rulemakings above: Tracie Drew, DHS, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/785-9772.

HORSE RACING

The ILLINOIS RACING BOARD adopted an amendment to "Pentafecta" (11 Ill Adm Code 324; 36 Ill Reg 8622), effective 10/1/12, allowing a track to submit a request to distribute the carryover (the total amount of non-distributed pool money in a pool that is retained and added to a corresponding pool) if the IRB approves. (A pentafecta requires selection of the first five finishers, in their exact order, for a single contest.) If the carryover must be held over to the corresponding pentafecta of a subsequent meet, the carryover must be

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deposited in an IRB-approved interest-bearing account. With IRB approval, the track may contribute to the carryover a sum of money up to any designated cap.

Questions/requests for copies: Mickey Ezzo, IRB, 100 W. Randolph, Ste. 7-701, Chicago IL 60601, 312/814-5017.

SNAP BENEFITS

The DEPARTMENT OF HUMAN SERVICES adopted preemptory amendments to "Supplemental Nutrition Assistance Program (SNAP)" (89 Ill Adm

Code 121; 36 Ill Reg 15148), effective 10/1/12. The preemptory rule increases the maximum net and gross monthly income allowed under the eligibility standards for program participation in compliance with federal regulations. The rulemaking increases the standard deduction for a household of 1 through 3 persons from \$147 to \$149 and standard deductions for families of 4, 5, and 6 or more persons from \$155 to \$160, \$181 to \$187, and \$208 to \$214, respectively. The rulemaking also increases the shelter cost deduction from \$458 to \$469, the air conditioning/heating standard allowance

from \$331 to \$345, the limited utility standard allowance from \$250 to \$265, and the single utility standard allowance from \$56 to \$59. (SNAP applicants are allowed to claim deductions from their income for certain regular expenses when calculating their eligibility for SNAP benefits. The above changes will increase the maximum monthly SNAP benefit amounts for qualifying families.)

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

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disbursement cycle. ISAC may not issue an AWG order against any borrower who has been involuntarily unemployed until the individual has been continuously employed for 12 months. The AWG is a lien on the borrower's compensation and the employer shall be released from the AWG order in the event of the borrower's permanent termination. The rulemaking includes various other terms, conditions and procedures. This rulemaking will affect small businesses, municipalities and not-for-profit corporations that employ persons subject to AWG.

Questions/requests for copies/comments through 11/26/12: Lynn Hynes, ISAC, 1755 Lake Cook Rd, Deerfield IL 60015, 847/948-8500, ext. 2216, e-mail: lhynes@isac.org.

SENTENCE CREDIT

The DEPARTMENT OF CORRECTIONS proposed amendments to "Records of Committed Persons" (20 Ill. Adm. Code 107, 36 Ill Reg 14928) implementing changes in required documents, sentence credits and record distribution. DOC updates and clarifies documents that are required when an offender is admitted and adds day for day credit, program sentence credit, statutory good time,

statutory sentence credit and supplemental sentence credit as options to lessen incarceration time. Dates of incarceration (corresponding to the effective dates of various Public Acts affecting sentence credit) to which sentence credits apply are specified. The rulemaking allows an offender who committed a crime under the Sex Offender Registration Act and who successfully completes or participates in a sex offender treatment program to receive credit at the DOC Director's discretion. If the offender is on a waiting list or cannot participate because of a lack of Department resources, the Director has discretion to award credit. DOC adds behavior modification programs, life skills courses and re-entry planning as programs that are eligible to be counted towards sentence credit. Credit for program sentence credit will be in increments of .5 per day subject to the specified requirements, including a minimum number of participation hours. Offenders who pass the General Educational Development test will receive 60 days of sentence credit. Goal periods are updated to include new programs. Supplemental sentence credit and program sentence credit may be revoked in accordance with sentence credit revocation. The Director may revoke or restore credit up to 30 days

in any one year. The Director has the ability to award between 90-180 days of credit in accordance with the Unified Code of Corrections and must follow the specified criteria laid out in this rulemaking. DOC is required to create an annual report detailing supplemental sentence credit that must be submitted to the Governor and the General Assembly and must be posted in DOC's website within 2 days of submission. The rulemaking also updates the criteria for releasing deceased offenders' medical records.

Questions/requests for copies/comments through 11/26/12: Echo Beekman, DOC, 1301 Concordia Court, PO Box 19277, Springfield IL 62794, 217/558-2200.

PCB MEETINGS

The POLLUTION CONTROL BOARD proposed an amendment to "General Rules" (35 Ill Adm Code 101; 36 Ill Reg 14971) reflecting Public Act 93-509 that reduced the Board's membership from 7 to 5 and stipulated that 4 members constitute a quorum if there is no vacancy on the Board. Otherwise, a majority of members (3 out of 5) will constitute a quorum. The Board believes that a recent vacancy, reducing the Board's membership to 4 mem-

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bers, has created potential for public confusion and proposed this amendment.

Requests for copies/comments through

11/26/12: John Therriault, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-3620 or download copies at www.ipcb.state.il.us. For more information: Kathleen Crowley at the

same address, 312/814-6929, e-mail: crowlek@ipcb.state.il.us. Please reference docket R12-13.

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 considered at JCAR's November 13, 2012 meeting.

ILLINOIS GAMING BOARD

"Video Gaming (General)" (11 Ill Adm Code 1800) proposed 8/10/12 (36 Ill Reg 12699)

"Video Gaming (General)" (11 Ill Adm Code 1800) proposed 8/17/12 (36 Ill Reg 12949)

DEPARTMENT OF PUBLIC HEALTH

"Emergency Medical Services and Trauma Center Code" (77 Ill Adm Code 515) proposed 7/27/12 (36 Ill Reg 11937)

ILLINOIS WORKERS' COMPENSATION COMMISSION

"Commission Review Board Procedures" (50 Ill Adm Code 7500) proposed 8/17/12 (36 Ill. Reg. 13029)

"Miscellaneous" (50 Ill Adm Code 7110) proposed 8/17/12 (36 Ill. Reg. 13012)

"Arbitration" (50 Ill Adm Code 7030) proposed 8/17/12 (36 Ill. Reg. 13005)

DEPARTMENT OF INSURANCE

"Insurance Data Reporting Requirements" (50 Ill Adm Code 4203) proposed 2/13/12 (36 Ill Reg 1100)