

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

☞ STATE FAIR TICKETS

The DEPARTMENT OF AGRICULTURE adopted an amendment to "General Operations of the State Fairs and Fairgrounds" (8 Ill Adm Code 270; 36 Ill Reg 12940), effective 2/1/13, providing that all State Fair tickets sold by DOA (e.g., general admission, grandstand events) will be sold at the prices advertised to the public. However, the Department may barter or exchange tickets for services, advertising, marketing, promotions, or "any other contribution" for the benefit of the State Fairs (in Springfield and DuQuoin). DOA must maintain a record of any tickets that are bartered or exchanged and of the benefit received in exchange. Persons who supply goods or services to the State Fairs are affected by this rulemaking.

Questions/requests for copies: Linda Rhodes, DOA, State Fairgrounds, Springfield IL 62794-9281, 217/785-5713.

☞ ENERGY CONSERVATION CODE

The CAPITAL DEVELOPMENT BOARD adopted amendments to "Illinois Energy Conservation Code" (71 Ill Adm

Code 600; 36 Ill Reg 6784), effective 1/11/13, that update references to the International Energy Conservation Code (IECC) from the 2009 edition to reflect the most recent 2012 IECC. CDB also added definitions for use throughout the Part and an appendix covering administration and ventilation requirements for residential buildings. The added appendix will supplant various sections of the 2012 IECC by adapting economic, geographical and climate considerations more specifically to Illinois. Changes since 1st Notice include extending deadlines for CDB to adopt codes that supplant the 2012 IECC and adding specifications for basement walls. Builders and construction companies are affected.

Questions/requests for copies: Lisa Mattingly, CDB, 401 S. Spring, 3rd Fl., Stratton Office Bldg., Springfield IL 62706, 217/524-6408.

☞ VIDEO GAMING

The ILLINOIS GAMING BOARD adopted amendments to "Video Gaming (General)" (11 Ill Adm Code 1800; 36 Ill Reg 14032), effective 1/11/13, setting a one year limit from the date

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☞ STATE RECORDS

The SECRETARY OF STATE proposed amendments to "State Records Commission" (44 Ill Adm Code 4400; 37 Ill Reg 706) concerning SOS State Records Division policies for management of electronic or digital records and preservation of original records. The rulemaking places digital records under the same maintenance and disposition schedules as records created in other media. Active records (those still used for their original purpose and referenced by the creating agency) must be stored in a manner that insures they remain accessible as long as needed. Electronic records may be stored on a hard disc, networked server, magnetic tape or other media approved by the Commission and must be migrated to new media in accordance with current industry practices and in consultation with the Commission. A minimum of two backup copies must be retained for any electronic records migrated to new media. Digital replacements of records must be created and stored in file formats approved by the Commission. The rulemaking revises existing standards for labeling, retention, maintenance,

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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

a winning video gaming ticket was issued for the ticket to be redeemed for cash. All licensed video gaming locations will be required to cash in winning tickets during the redemption period. This rulemaking also allows any person licensed under the Video Gaming Act, in addition to any person registered with IRB, to secure a video gaming terminal as collateral. Those affected by this rulemaking include licensed video gaming locations.

Questions/requests for copies: Emily Mattison, IGB, 160 N. LaSalle St., Chicago IL 60601, 312/814-7253.

RESTRICTED WATERWAYS

The DEPARTMENT OF NATURAL RESOURCES adopted an amendment to rules titled "Designation of Restricted Waters in the State of Illinois" (17 Ill Adm Code 2030; 36 Ill Reg 13514), effective 1/9/13, that creates a Slow, No Wake Zone on the Des Plaines River for 500 feet upstream and downstream of Harborside Marina, Wilmington.

Questions/requests for copies: Shelly Knuppel, DNR, One Natural Resources Way, Springfield IL 62720-1271, 217/782-1809.

HORSE RACING

The ILLINOIS RACING BOARD adopted amendments to "Concessionaire Rules" (11 Ill Adm Code 402; 36 Ill Reg 13812), effective 1/14/13, to allow concessionaires to sell at off-track betting parlors. This rulemaking also reduces the number of copies of a concessionaire application that must be submitted to the IRB from 10 to 1 and reduces the number of days for filing an application from 60 to 30. IRB is also repealing sections that require concessionaires to submit financial statements (because these statements are already part of the license application) and set rules for approval of concession prices (since IRB no longer approves these prices).

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

ATM SERVICES

The TREASURER adopted a new Part titled "Banking and Automated Teller Machine Services" (74 Ill Adm Code 600; 36 Ill. Reg. 13819), effective 1/10/13, governing State procurement of ATM services on State property. The rulemaking defines such terms as "ATM services", "banking services" and "State property" (which includes properties specified in the State Parks Designation Act). No State agency can procure services related to ATMs at any State office building, property or the State Fairgrounds without the approval of the Treasurer's Office. The Treasurer may enter into agreements with a State agency having jurisdiction over State property outlining the quantity and location of ATM machines or services, allocation of responsibility for payment of the expenses incurred in locating the machine or service, and other terms deemed necessary by the Treasurer. ATM machines or services shall be obtained in accordance with the Illinois Procurement Code and the Treasurer's procurement rules. The Treasurer may also enter into an agreement for the provision of banking services at the State Capitol. Any payments or proceeds received by the Treasurer shall be deposited in the Treasurer's Rental Fee Fund, with administrative expenses for this program paid from that same fund. Any existing currency exchange or credit union that was operating on 7/1/95 is not subject to this Part. Since 1st Notice, the definition of "State property" has been changed to reference the State Parks Designation Act, and criteria for determining whether ATM services should be approved for any location have been added. Those affected by this rulemaking include banks, credit unions, and vendors or concessionaires on State property.

Questions/requests for copies: Bradley Rightnowar, Office of the Treasurer, 1 West Old State Capitol Plaza, Ste. 400, Springfield IL 62701, 217/785-6998.

AMBULANCE SERVICES

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an emergency amendment to "Medical Payment" (89 Ill Adm Code 140; 37 Ill Reg 846), effective 1/9/13 through 6/30/13 in accordance with the SMART Act (PA 97-689). The amendment modifies a list of criteria for prior approval of non-emergency ambulance transportation of medical assistance patients, previously adopted by emergency rulemaking effective 7/1/12 (36 Ill Reg 11329), to match criteria contained in a proposed rulemaking at 36 Ill Reg 15425. The amendment changes previous references to "physician orders" or "transfer orders" for patient transport to "orders". Ambulance services, hospitals, and long-term care facilities are affected.

Questions/requests for copies: Jeanette Badrov, DHFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233.

MEAT & POULTRY INSPECTION

The DEPARTMENT OF AGRICULTURE adopted peremptory amendments to rules titled "Meat and Poultry Inspection Act" (8 Ill Adm Code 125; 37 Ill Reg 875) effective 1/28/13. The amendments incorporate by reference USDA regulations establishing 1/1/16 as the uniform compliance date for any new federal meat or poultry product labeling regulations promulgated from 1/1/13 through 12/31/14. Meat and poultry processors, wholesalers and retailers are affected.

Questions/requests for copies: Linda Rhodes, DOA, State Fairgrounds, Springfield IL 62794-9281, 217/785-5713, fax 217/785-4505.

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backup and safeguards against alteration for digital "surrogates" or replacements of other records. Transitory messages such as e-mails, text messages, or phone messages are classified as "non-record" material. Contracts for electronic storage must allow for the return of all electronic data files and indexing information, and media used to store electronic records must provide a unique identifier for each physical unit. The rulemaking also adds definitions of terms such as "born digital" (records created in a digital format rather than being electronically copied from paper) and sets system requirements and criteria for management of permanent electronic records. Those affected by this rulemaking include libraries, local government offices, or other entities that handle State records.

Questions/requests for copies/comments through 3/11/13: Dave Joens, SOS Archives Division, Norton Bldg., 2nd Fl. West, Springfield IL 62756, djoens@ilsos.net.

IGNITION INTERLOCK DEVICES

SOS also proposed amendments to "Procedures and Standards" (92 Ill Adm Code 1001; 37 Ill Reg 720), concerning Breath Alcohol Ignition Interlock Devices (BAIIDs) issued to persons with restricted driving permits or monitoring device driving permits (MDDPs, for first-time DUI offenders). No later than July 1, 2013, all BAIIDs installed shall include a camera that captures a clear image of the individual blowing into the BAIID, at a sufficiently wide angle to determine whether a circumvention device has been inserted into the mouthpiece of the BAIID. Captured images shall be stored by the vendor of the BAIID device and made accessible to the SOS, as prescribed by the SOS. For persons in the first-time monitoring driving permit program, preventing the camera from taking clear and accurate photos of the permittee blowing into the mouthpiece is a violation. Permit privileges shall be suspended

for an additional 3 months when an image shows the MDDP permittee has used a product that allows the permittee to avoid blowing directly into the mouthpiece, or has tried to prevent a clear picture of the driver. BAIID providers and installers are affected by this rulemaking.

Questions/requests for copies/comments through 3/11/13: Brenda Glahn, SOS, 298 Howlett Building, Springfield IL 62756, 217-785-3094, bglahn@ilsos.net.

UNIVERSITIES RETIREMENT

The STATE UNIVERSITIES RETIREMENT SYSTEM proposed amendments to "Universities Retirement" (80 Ill Adm Code 1600; 37 Ill Reg 763) to revise its administrative hearing process. A panel shall hear all administrative contested matters and shall meet periodically as determined by the Director of SURS, with one member serving as hearing officer and head of the panel. A request for review of claims panel decisions must be received by the SURS general counsel or designee within 35 days from the date of decision from which review is sought. The review request shall be assigned a docket number and scheduled for the first available meeting of the claims panel, with the claimant given a notice of hearing. The rulemaking also specifies timelines and content for a statement of claim and criteria for preserving testimony from a deposition. A claimant may then demand a hearing or allow the panel to make its decision based upon documents in the claim file and other submissions. While hearings are conducted by the hearing officer, other members of a claims panel may attend in person or by video or teleconference. A motion to disqualify a hearing officer must be filed by a party at least 14 (currently, 7) days prior to the commencement of a hearing. Deadlines for filing statements of exceptions and briefs are expanded slightly. The date of mailing a decision shall constitute the date of service for purposes of the Administrative

Review Law.

Questions/requests for copies/comments through 3/11/13: Michael Weinstein, SURS, 1901 Fox Dr., Champaign IL 61820, 217/378-8825.

WATER USAGE STAMPS

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to "Selling and Consignment of Licenses, Stamps and Permits" (17 Ill Adm Code 2520; 37 Ill Reg 688) and "Boat and Snowmobile Registration and Safety" (17 Ill Adm Code 2010; 37 Ill Reg 684). Part 2520 is proposed in order to facilitate the over the counter sale of the new Water Usage Stamps and OHV (Off Highway Vehicle) Trail Permits. Part 2010 establishes the procedures and required information for purchasing a Water Usage Stamp for non-powered watercraft. Water Usage Stamps must be renewed annually and expire at the end of each calendar year (December 31st). Sellers of stamps and permits are affected by this rulemaking.

MINING

DNR also proposed amendments to rules titled "Procedure for Holding Mining Board Examinations" (62 Ill Adm Code 230; 37 Ill Reg 694) and "Surface Mined Land Conservation and Reclamation Act" (62 Ill Adm Code 300; 37 Ill Reg 701). In Part 230, DNR is increasing (from 70%) the minimum test score required to become a State Mine Inspector or Mine Manager (80%) or to earn a certificate of competency (75%). Except for the electrical hoisting engineer examination, an individual may not take examinations for more than one certificate of competency on the same day. The exam for shot firer is conducted semi-annually following a mandatory class, the instructor must sign the application and candidates are not held to the standard 30-day application submittal requirement standard for other certificates. The rulemaking also outlines procedures and requirements for taking exams at times other than the

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semi-annual Mining Board examinations. Fees for all the certificates of competency are set at \$50. In Part 300, DNR is increasing all the fees for licensure, application, reexamination, etc., related to the use of explosives in non-coal mineral extraction. The cost of surface mining permits is increasing to \$150 per acre (currently \$100) or fraction of an acre that falls under the permit.

Questions/requests for copies/comments for the 4 DNR rulemakings above, through 3/11/13: Julia Lawrence (Parts 2620, 230 and 300) or Virginia Yang (Part 2010), DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

CHILD SUPPORT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed an amendment to "Child Support Ser-

vices" (89 III Adm Code 160; 37 III Reg 661) implementing Public Act 97-878. The rulemaking adds life insurance premiums that a non-custodial parent or other responsible relative has been court-ordered to pay to the list of expenses deducted from total income to determine his or her net income for purposes of calculating child support.

Questions/requests for copies/comments through 3/11/13: Jeanette Badrov, DHFS, 210 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233.

TOURISM FUNDING

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY proposed amendments to "Local Tourism and Convention Bureau Program" (14 III Adm Code 550; 37 III Reg 632) and "International Tourism Program"

(14 III Adm Code 555; 37 III Reg 642). Both amendments update tourism grant application/approval procedures and implement a provision of the FY2013 Budget Implementation (Supplemental) Act reducing matching fund requirements for grant recipients. Tourism grant recipients must match 50% (currently 100%) of the grant amount provisions. The Part 555 revision also clarifies selection criteria for grant applicants and tightens accountability requirements for grant recipients. Local governments, tourism-focused non-profit organizations, and small businesses catering to tourists may be affected by this rulemaking.

Questions/requests for copies/comments through 3/11/13: Jolene Clarke, DCEO, 500 East Monroe, Springfield IL 62701, 217/557-1820, Fax: 217/524-3701 or email: jolene.clarke@illinois.gov.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at JCAR's February 6, 2013 meeting.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

"Medical Payment" (89 III Adm Code 140) proposed 11/2/12 (36 III Reg 15425)

ILLINOIS STATE BOARD OF INVESTMENT

"Rules and Regulations of the Board" (74 III Adm Code 800) proposed 11/2/12 (36 III Reg 15428)

DEPARTMENT OF PUBLIC HEALTH

"Structural Pest Control Code" (77 III Adm Code 830) proposed 9/21/12 (36 III Reg 14198)

"Illinois Veterans' Homes Code" (77 III Adm Code 340) proposed 8/3/12 (36 III Reg 12238)

"Sheltered Care Facilities" (77 III Adm Code 330) proposed 8/3/12 (36 III Reg 12225)

"Skilled Nursing and Intermediate Care Facilities Code" (77 III Adm Code 300) proposed 8/3/12 (36 III Reg 12209)