

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

☞ FLOODED VEHICLES

The SECRETARY OF STATE adopted amendments to "Certificates of Title, Registration of Vehicles" (92 Ill Adm Code 1010; 36 Ill Reg 17374) effective 3/22/13. A companion emergency rule effective 11/28/12 was published in the *Illinois Register* at 36 Ill Reg 17580. The amendments create procedures to identify vehicles from flood disaster areas. Requests for certificates of title for vehicles that were last registered in a flooded area will be checked against the National Insurance Crime Bureau (NICB) database to determine if the vehicles were flood damaged. If the vehicle is not listed in the database, the title application must include a flood disclosure statement. Any affected vehicle registered as flood damaged on the NICB database or lacking a flood disclosure statement on the title application will be issued an Illinois salvage certificate branded "flood". If a flood disclosure statement is included in the title application, SOS will issue a certificate of title or of salvage based upon that statement. These procedures may be applied to vehicles last registered in flooded areas for up to 1 year after declaration of

a natural disaster. Those affected by this rulemaking include used car sellers and purchasers, vehicle salvage dealers and persons who provide vehicle titling services.

Questions/requests for copies: Cynthia Grant, SOS, 298 Howlett Bldg., Springfield IL 62756, 217/785/3094, e-mail: cgrant@ilsos.net.

☞ COMMERCIAL DRIVING SCHOOLS

SOS also adopted amendments to "Commercial Driver Training Schools" (92 Ill Adm Code 1060; 36 Ill Reg 17801) effective 3/20/13. The amendments implement Public Act 97-1025, which requires SOS and the State Board of Education to develop standards for commercial driver education of teens under age 18. A minimum of 30 hours classroom instruction, limited to 2 hours per day per student for at least 4 weeks, is required. SOS must receive an enrollment form with the names of students and the time, day and location of the class within 3 days after the 3rd day of classroom instruction. Each school must also file copies of its course content and follow that approved content. Substan-

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Proposed Regulations

BUSINESS ORGANIZATIONS

The SECRETARY OF STATE proposed amendments to "Uniform Partnership Act (1997)" (14 Ill Adm Code 166; 37 Ill. Reg. 4203) to add additional forms that may be filed with the SOS. Forms added included: Form UPA 1004 for reinstatement of limited liability partnership status; Form UPA 1005 concerning the resignation of an agent for service of process upon a limited liability partnership; and Form UPA 1106 concerning the resignation of an agent for service of process upon a foreign limited liability partnership. Entities that may be affected by this rulemaking include limited liability partnerships that are, will be or may become subject to the provisions of the Act.

SOS also proposed amendments to "Uniform Limited Partnership Act (2001)" (14 Ill Adm Code 171; 37 Ill. Reg. 4208) to add an additional form (Form LP 906.5) for reinstatement of foreign limited partnership status after revocation. Entities that may be affected by this rulemaking include limited partnerships and limited liability limited partnerships that are or that

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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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tial changes in course content must be submitted to the SOS Commercial Driver Training School Division for review. Students must also be issued textbooks, and instructors may supplement lessons with audio-visual materials. Topics that must be covered in the classroom include basic driving maneuvers, traffic safety laws, and highway driving. For behind-the-wheel instruction, a minimum of 6 hours driving time and 6 hours of observation time is required; students must first complete at least 4 hours of classroom instruction and have a basic understanding of safe vehicle operation. Behind the wheel instruction is limited to 90 minutes per student, per day and must be evenly spaced over a period of at least 2 weeks. Skills that must be covered in behind-the-wheel instruction include stopping, steering and parking. An applicant for licensure as a commercial driving school instructor who has been convicted of a felony must allow SOS to perform a criminal background check before granting a license. A commercial driving school also cannot advertise itself as accredited until SOS approves. The rulemaking also addresses instructors' standards for professional conduct and requirements for record keeping, and clarifies that a commercial driver training school instructor cannot also teach driver education at a public high school at the same time. Commercial driver training schools, their students under age 18, and their employees are affected.

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

10% or more of the grant award must receive prior written approval from the State Library. The Penny Severns Grant Program is repealed, and literacy grants are subject to the general financial limitations and audit requirements contained elsewhere in rule. For Live and Learn construction grants, certain grant assurances may be waived, but Illinois Human Rights Act nondiscrimination requirements and Prevailing Wage Act requirements cannot be waived. Recipients of construction grants of more than \$200,000 are no longer obligated to spend 5% of the grant total on artwork, and the State Library no longer requires a signed contract with the Library prior to bid letting on a grant-funded construction project. Guidelines for rating of life-safety issues and Americans with Disabilities Act provisions are also repealed. Those affected by this rulemaking include small businesses that perform work funded by library grants.

Questions/requests for copies: Joe Natale, Illinois State Library, Gwendolyn Brooks Bldg., Spfd IL 62701-1796, 217/558-4185, e-mail: jnatale@ilsos.net.

STATE EMPLOYEES

SOS adopted amendments to "Department of Personnel" (80 Ill Adm Code 420; 36 Ill Reg 16743), effective 4/1/13, implementing a statutory change in the SOS Merit Employment Code. The rulemaking allows military veterans up to 4 days a year (formerly 2) for visits to a veteran's hospital for examination of a service connected disability. Also, certified SOS employees seeking promotion or voluntarily requesting demotion to a lower ranking job title may be placed on reemployment lists to fill vacant positions.

Questions/requests for copies: Steve Roth, SOS, 197 Howlett Bldg., Springfield IL 62578, 217/782-1750.

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to "Extensions of Jurisdiction" (80 Ill Adm Code 305; 36 Ill

Reg 17636), effective 3/31/13, and to "State of Illinois Dependent Care Assistance Plan" (80 Ill Adm Code 2110; 36 Ill Reg 17640), "State of Illinois Medical Care Assistance Plan" (80 Ill Adm Code 2120; 36 Ill Reg 17646), "Commuter Savings Program" (80 Ill Adm Code 2190; 36 Ill Reg 17658) and "The Travel Regulation Council" (80 Ill Adm Code 3000; 36 Ill Reg 17663), all effective 3/22/13. The Part 305 amendments add two Illinois Commerce Commission job titles (human resources coordinator and one manager position) to the Personnel Code based on two memoranda of understanding between the American Federation of State, County and Municipal Employees and DCMS. A change since 1st Notice moved the effective date to 3/31/13 (originally, 1/1/13). Amendments to Part 2110 lower the minimum dependent care expense reimbursement from \$20 to \$5 and permit participants to be notified of account information electronically on a quarterly (formerly, monthly) basis. The Part 2120 amendments allow medical expense reimbursement to be claimed for a dependent child until the child is age 26 (formerly, 23 for students and 18 for non-students), reduce the maximum allowable contribution to a medical savings account (MSA) from \$5,000 to \$2,500, and eliminate the annual \$20 fee for the program's debit card. New electronic notification provisions are also included. Since 1st Notice, CMS has clarified that the \$2,500 limit on MSA contributions is for 2013 only and that the limit will be adjusted for inflation in future years. Amendments to Part 2190 provide that a Commuter Savings Program participant who is leaving State employment temporarily or permanently must notify the program administrator by the 10th of the month prior to his or her departure, or else be charged for the following month. Finally, the Part 3000 amendments change the effective date for changes in mileage reimbursement rates to the effective date of the underlying federal rate.

Questions/requests for copies of the 5 DCMS rulemakings above: Mary

STATE LIBRARY GRANTS

SOS (State Library) adopted amendments to "Illinois State Library Grant Programs" (23 Ill Adm Code 3035; 36 Ill Reg 16997) effective 3/19/13, to consolidate various individual library grant program requirements. Grant applicants are required to use an application form available on the State Library website, and changes in a grant project's budget that amount to

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will or may become subject to the provisions of the Act

Questions/requests for copies and any comments for both the above proposed rulemakings through 5/20/13: Michelle Nijm, SOS, 100 W. Randolph St., #5-400 Chicago IL 60601, 312/814-7256.

HEALTH FACILITIES AND SERVICES

The HEALTH FACILITIES AND SERVICES REVIEW BOARD (HFSRB) proposed amendments to "Narrative and Planning Policies" (77 Ill Adm Code 1100; 37 Ill Reg 3934). A triennial hospital compliance re-certification provision that requires a licensed architect or engineer who is knowledgeable of the cited requirements and life safety codes to verify facility compliance is removed and a hospital's preparation of the annual bed report to coincide with its preparation of the Joint Commission-required "Statement of Conditions" is no longer required. Facilities must complete an annual bed report, granting DPH access to all files and information used in bed reports previously submitted to HFSRB for verification purposes. The action plan of correction requirement for patient rooms or care units that are not compliant with hospital licensure requirements is removed. The 10-year population projection variable used to determine need in a planning area is changed to 5-year population projection variable throughout the rulemaking. The 10-year need determination requirement for in-center hemodialysis or end stage renal disease stations using a 10-year population projection variable is eliminated. Finally, the definition of ambulatory surgical treatment center to reflect the statutory definition is revised and a definition for geographic service area is added.

Also, HFSRB proposed amendments to "Processing, Classification Policies and Review Criteria" (77 Ill Adm Code 1110; 37 Ill Reg 3982). The rulemaking clarifies non-substantive review and substantive review classifications for

project permit application status. The list of information required for submission is expanded to include safety net impact statements. Applicant background information provision has been removed from the general information requirements Section and has been integrated into each specific category of service's as review criterion. The rulemaking adds a new Section addressing information requirements for safety net impact statements in compliance with statute. HFSRB also added a new Section establishing that certain ASTC services (which are identified and verified) are recognized by HFSRB as having existed prior to the effective date of this Section. Recognition of identified and verified non-hospital based ASTC services exempts the facility from the requirement of obtaining a permit for establishment of a health care facility and establishment of the identified and verified ASTC services. However, any additional ASTC services the facility wishes to add, or any expansion of an existing ASTC service would require a permit. The rulemaking makes numerous additional changes that cannot be adequately addressed in this summary. For further information, contact the agency individual noted below. Entities affected by this rulemaking include hospitals, long term care facilities, ambulatory surgical treatment centers, ESRD facilities and institutions, places, buildings or rooms used for provision of health care category of service as defined by the Board.

A public hearing has been scheduled for the 2 rulemakings on Thursday, 4/25/13 from 10:00 a.m. to 1:00 p.m. at the James R. Thompson Center, 100 W. Randolph St., Room 2-025, Chicago IL.

Questions/requests for copies/comments concerning the 2 rulemakings above through 5/20/13: Claire Burman, HFSRB, 122 S. Michigan Ave., 7th Flr., Chicago IL 60603, 312/814-8814, e-mail: Claire.Burman@illinois.gov.

LICENSE PLATES AND VEHICLE REGISTRATION

The SECRETARY OF STATE proposed amendments to "Certificate of Title, Registration of Vehicles" (92 Ill Adm Code 1010, 37 Ill Reg 4213), that state the Secretary of State is the only entity that can sell license plates or vehicle registration stickers over the Internet. The processing fee for financial institutions that sell license plates and/or registrations stickers through over-the-counter sales is increased to \$7.50 from \$5.50. Those affected by this rulemaking include small business, small municipalities, and not-for profit corporations that sell license plates and registration stickers as well as individuals who purchase them at these locations.

Questions/requests for copies/comments for the proposed rulemaking through 5/20/13: Nathan Maddox, 298 Howlett Building, Springfield IL 62756, nmaddox@ilsos.net, 217/785-2012.

ILLINOIS WATERWAYS

The DEPARTMENT OF NATURAL RESOURCES is proposing amendments to 4 Parts titled "Construction in Floodways of Rivers, Lakes and Streams" (17 Ill Adm Code 3700; 37 Ill Reg 4156); "Regulation of Public Waters" (17 Ill Adm Code 3704; 37 Ill Reg 4168); "Floodway Construction in Northeastern Illinois" (17 Ill Adm Code 3708; 37 Ill Reg 4183); and "Rules Establishing Horizontal and Vertical Clearances for Bridges Over the Fox River" (17 Ill Adm Code 3720; 37 Ill Reg 4199). The rulemakings reflect various provisions of PA 97-1136 that allow DNR to collect permit fees up to \$5,000/application for permits issued under the Rivers, Lakes, and Streams Act. Amendments to Part 3700 expand the definition of floodway to include, for areas other than the mapped lines outlining the floodway encroachment limits, the entire 1% annual chance of exceedence of the 100 year frequency floodplain will be considered to be in the floodway unless an analysis is submitted and approved by DNR demonstrating that a

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Matheny, 720 Stratton Bldg., Springfield IL 62706, 217/557-5404, e-mail: mary.matheny@illinois.gov.

TEACHERS & PRINCIPALS

The STATE BOARD OF EDUCATION adopted amendments to "Standards for All Illinois Teachers" (23 Ill Adm Code 30; 36 Ill Reg 16156), effective 3/25/13. The amendments clarify that candidates for licensure as principals or administrators, and their faculty supervisors at institutions of higher education, must pass a pre-qualifica-

tion exam in evaluating teachers and staff (formerly, only completion of a training program on the subject was required). Candidates must also pass their applicable content area exams prior to the start of the last semester of their internships (formerly, before completing the internship). The amendments also permit the State Superintendent to appoint an alternate representative of the business community to the Principal Preparation Review Panel when the primary representative is unable to attend meetings. The rulemaking also changes statutory

references to "teacher certification" to "educator licensure" in line with Public Act 97-607, clarifies references to federal statutes and nationally recognized principal internship standards, and makes other technical changes. Those affected by this rulemaking include non-profit organizations that offer principal/administrator preparation programs.

Questions/requests for copies: Vicki Phillips, SBE, 100 N. First St., E-310, Springfield IL 62777-0001, 217/782-2948.

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 April 16, 2013 meeting. The Chief Procurement Officer for General Services rulemaking will be considered at JCAR's May 14, 2013 meeting.

DEPARTMENT OF TRANSPORTATION

"Minimum Safety Standards for Construction of Multifunction School Activity Buses" (92 Ill Adm Code 435) proposed 1/4/13 (37 Ill Reg 117)

"Inspection Procedures for Multifunction School Activity Buses" (92 Ill Adm Code 436) proposed 1/4/13 (37 Ill Reg 148)

DEPARTMENT OF EMPLOYMENT SECURITY

"Wages" (56 Ill Adm Code 2730) proposed 12/28/12 (36 Ill Reg 18065)

"Employment" (56 Ill Adm Code 2732) proposed 12/28/13 (36 Ill Reg 18067)

"Notices, Records, Reports" (56 Ill Adm Code 2760) proposed 12/28/12 (36 Ill Reg 18069)

"Payment of Unemployment Contributions, Interest and Penalties" (56 Ill Adm Code 2765) proposed 12/28/12 (36 Ill Reg 18072)

CHIEF PROCUREMENT OFFICER FOR DEPARTMENT OF TRANSPORTATION

"Chief Procurement Officer for the Department of Transportation - Contract Procurement" (44 Ill Adm Code 6) proposed 2/8/13 (37 Ill Reg 1365)

STATE BOARD OF EDUCATION

"Driver Education" (23 Ill Adm Code 252) proposed 12/28/12 (36 Ill Reg 18508)

DEPARTMENT OF NATURAL RESOURCES

"Public Use of State Parks and Other Properties of the Department of Natural Resources" (17 Ill Adm Code 110) proposed 11/30/12 (36 Ill Reg 16629)

"Sport Fishing Regulations for the Waters of Illinois" (17 Ill Adm Code 810) proposed 11/30/12 (36 Ill Reg 16635)

"The Taking of Reptiles and Amphibians" (17 Ill Adm Code 880) proposed 11/30/12 (36 Ill Reg 16733)

"Boat and Snowmobile Registration

and Safety" (17 Ill Adm Code 2010) proposed 1/25/13 (37 Ill Reg 684)

"Selling and Consignment of Licenses, Stamps and Permits" (17 Ill Adm Code 2520) proposed 1/25/13 (37 Ill Reg 688)

"Procedure for Holding Mining Board Examinations" (62 Ill Adm Code 230) proposed 1/25/13 (37 Ill Reg 694)

"Surface Mined Land Conservation and Reclamation Act" (62 Ill Adm Code 300) proposed 1/25/13 (37 Ill Reg 701)

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

"Chief Procurement Officer for General Services Standard Procurement" (44 Ill Adm Code 1) proposed 2/1/13 (37 Ill Reg 901)

DEPARTMENT OF STATE POLICE

"Electronic Transmission of Fingerprints" (20 Ill Adm Code 1265) proposed 4/20/12 (36 Ill Reg 5966)

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project site is outside of the floodway. For those projects that involve construction at more than one location, separate applications are required to be submitted for each location. The permit application fee structure is established. Methods of fee payment are outlined and refunds are not allowed except for overpayment. Permits are not transferrable. To provide for more expeditious processing of permit applications, general permits may be issued for specific types of activities. Amendments to Part 3704 make any activity along the Lake Michigan shoreline at or below the ordinary high water mark subject to the Part; a permit from DNR is required. If a bluff exists, the toe of the bluff will be used to determine the Department's jurisdiction. The proposed amendments also add the replacement of appurtenant navigations structures, such as mooring cells at existing barge terminal facilities to the list of activities exempt from the Part. A permit application fee structure identical to that found in Part 3700 is established. Methods of fee payment are outlined and refunds are not allowed except for overpayment. Permits are not transferrable. The location of the public body of water on the Galena River is changed from the County Highway 67 bridge to the County Highway 3 bridge (West Stagecoach Trail). When determining the flood elevation at any point along a regulatory floodway, under amendments to part 3708, the requirement that all elevations shown on the floodway map and on the associated flood profiles shall refer to Mean Sea Level (1929 adjustment) is stricken. Permit applications for regulatory floodway construction activities proposed within a delegated municipality or county must be submitted to DNR to deter-

mine whether the affected local government qualifies to review the application. If such a determination is made, DNR will notify the affected local government and, if appropriate, authorized the activity for compliance with the Part. The requirement that, for projects involving construction at more than one location, separate permit applications must be submitted for each location is clarified. A permit application fee structure identical to that found in Part 3700 is established. Methods of fee payment are outlined and refunds are not allowed except for overpayment. Permits are not transferrable. Part 3720 changes clarify that the affected part of the Fox River is starting from the Algonquin Dam. A permit application fee structure identical to that found in Part 3700 is established. Methods of fee payment are outlined and refunds are not allowed except for overpayment. These Local governments, municipalities and not for profit corporations may be affected by these 4 rulemakings.

Questions/requests for copies/comments for the 4 rulemakings above through 5/20/13: Shelly Knuppel, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

VETERANS

The DEPARTMENT OF VETERANS' AFFAIRS proposed amendments to "Survivors Compensation Act Program" (95 Ill Adm Code 120; 36 Ill Reg 4226) that adds the Persian Gulf War to the definition of "wartime period". A further change reflects a statutory requirement of a payment of \$3,000 to be made to survivors provided the deceased death was service connected and as a result of hostile action on or after 9/11/13 and until such

a time as Congress declares those survivors ineligible for the Global War on Terrorism Expeditionary Medal or Service Medal.

Questions/requests for copies/comments through 5/20/13: Jaime Martinez, DVA, 100 W. Randolph St., Ste. 5-570 Chicago IL 60601-3219, 312/814-5391.

ATTY. GENERAL PUBLIC HEARING

The OFFICE OF THE ATTORNEY GENERAL will hold a public hearing on a proposed new Part titled "Hospital Financial Assistance Under the Fair Patient Billing Act" (77 Ill Adm Code 4500; 37 Ill. Reg. 2621) on Wednesday, April 17, from 10 a.m. to noon in the Assembly Hall Auditorium, James R. Thompson Center, 100 W. Randolph St., Chicago. Persons wishing to present testimony are limited to 5 minutes and must provide a written (preferably typed) copy of their testimony to the hearing officer. Persons requiring accommodation due to disabilities must contact the Office's contact person listed below no later than April 10. The proposed rule concerns application procedures and eligibility criteria for patients applying for financial assistance from hospitals, use of electronic health information technology in the application and eligibility determination process, and annual reporting requirements for hospitals regarding their financial assistance programs.

Questions/requests for copies/comments regarding this rule or the public hearing: David F. Buysse, Office of the Attorney General, 100 W. Randolph St., 12th Fl., Chicago IL 60601, 312/814-7236.