

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 LOAN REPAYMENT

The ILLINOIS STUDENT ASSISTANCE COMMISSION adopted a new Part titled "Administrative Wage Garnishment" (AWG) (23 Ill Adm Code 2722; 36 Ill Reg 14978), effective 4/15/13, 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

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. Since 1st Notice, ISAC has clarified that an employer must withhold the amount specified in an AWG order and must remit that amount to ISAC no less than once a month. This rulemaking will affect small businesses, municipalities and not-for-profit corporations that employ persons subject to AWG.

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

TEACHERS' RETIREMENT

The TEACHERS' RETIREMENT SYSTEM adopted amendments to "The Administration and Operation of the Teachers' Retirement System" (80 Ill Adm Code 1650; 36 Ill Reg 16180),

(cont'd next page)

☞ LICENSE PLATES

The SECRETARY OF STATE proposed amendments to the Part titled "Certificates of Title, Registration of Vehicles" (92 Ill Adm Code 1010, 37 Ill Reg 5133) lowering the minimum number of requests needed to issue collegiate license plates from 1700 to 1500. All requests must include the requisite fee. Additionally, this rulemaking establishes criteria for organizations that wish to change the design of their specialty license plates. Colleges and universities and organizations that have specialty license plates will be affected by this rulemaking.

Questions/requests for copies/comments on the proposed rulemaking through 6/3/13: Nathan Maddox, Senior Legal Advisor, SOS, 298 Howlett Building, Springfield IL 62756, 217/785-2012, email: nmaddox@ilsos.net.

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

effective 4/4/13. The amendments permit electronic voting by TRS members and annuitants for elections of members of the TRS Board of Trustees. Nominating petitions may be found on the TRS website. Election tasks formerly assigned to the Board's secretary shall now be performed by the System (e.g., receipt of petitions; announcement of a special election; examination and determination of the validity of petitions). Various tasks normally related to or commonly required regarding manual voting are being eliminated, including instructions for preparing and submitting a ballot, provisions for poll watchers, and public observation of voting. The rule expressly provides that manual voting shall be permitted and that an eligible voter may request that manual voting materials be provided. Any eligible voter who has not provided TRS with a valid electronic mail address will receive manual election materials via the US mail.

Questions/requests for copies: Cynthia M. Fain Gray, TRS, 2815 W. Washington, PO Box 19253, Springfield IL 62794-9253, 217/753-0375.

☞ UNDERGROUND FUEL TANKS

The OFFICE OF THE STATE FIRE MARSHAL adopted an emergency amendment to the Part titled "Technical Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances" (41 Ill Adm Code 175; 37 Ill Reg 5195), effective 4/4/13 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 37 Ill Reg 5131. The amendment requires owners and operators of underground storage tanks (USTs) that supply fuel to emergency power generators to use a local alarm to alert them of fuel line leaks instead of using an automatic shutoff or flow restriction device (which OSFM requires for other UST systems). Existing automatic shutoff devices in UST systems serving emergency power generators must be deactivated. Those affected by these rulemakings include small businesses and municipalities with UST systems that supply emergency generators.

Questions/requests for copies/com-

ments concerning the proposed rulemaking through 6/3/13: Fred Schneller, OSFM, 1035 Stevenson Dr., Springfield IL 62703-4259, 217/557-3131, fax 217-524-9284.

☞ MEDICAL EQUIPMENT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an emergency amendment to "Medical Payment" (89 Ill Adm Code 140; 37 Ill Reg 5170), effective 4/8/13 through 6/30/13 in accordance with the SMART Act (Public Act 97-689). The amendment defines "wholesale price" for durable medical equipment such as wheelchairs and walkers as the actual acquisition cost including all discounts. (DHFS uses wholesale price plus 50% as a benchmark payment rate for durable medical equipment covered by Medicaid.) Medical equipment vendors are affected by this emergency rule.

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

JCAR Meeting Action

At its 4/16/13 meeting, the Joint Committee on Administrative Rules voted to object to an emergency rulemaking and to issue a recommendation concerning a peremptory rulemaking. The Committee and the Department of Revenue also agreed to extend the Second Notice period an additional 45 days for the rulemakings titled "Retailers' Occupation Tax" (86 Ill Adm Code 130; 36 Ill Reg 7971) and "Service Occupation Tax" (86 Ill Adm Code 140; 36 Ill Reg 7990), which will be considered at JCAR's May 14 meeting.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JCAR objects to DCMS' use of emergency rulemaking to adopt rules titled "Business Enterprise Program: Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities" (44 Ill Adm Code 10; 37 Ill Reg 3885) because any emergency situation that has arisen is due to the agency's tardiness in proposing rules to implement Sections 4(d) (enacted in 2009) and 8c (enacted in 1989) of the Business Enterprise for Minorities, Females and Persons with Disabilities Act [30 ILCS 575].

DEPARTMENT OF PUBLIC HEALTH

With regard to the DPH peremptory rulemaking titled "AIDS Drug Assistance Program" (77 Ill Adm Code 692; 37 Ill Reg 2563), JCAR recommends that the Department take more care in the future to only use peremptory rulemaking in those instances specifically authorized by Section 5-50 of the Illinois Administrative Procedure Act.

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 May 14, 2013 meeting.

POLLUTION CONTROL BOARD

"Tiered Approach to Corrective Action Objectives" (35 Ill Adm Code 742) proposed 5/18/12 (36 Ill Reg 7340)

IL STUDENT ASSISTANCE COMMISSION

"General Provisions" (23 Ill Adm Code 2700) proposed 2/1/13 (37 Ill Reg 1117)

"Illinois National Guard (ING) Grant Program" (23 Ill Adm Code 2730) proposed 2/1/13 (37 Ill Reg 1124)

"Grant Program for Dependents of Correctional Officers" (23 Ill Adm Code 2731) proposed 2/1/13 (37 Ill Reg 1130)

"Grant Program for Dependents of Police or Fire Officers" (23 Ill Adm Code 2732) proposed 2/1/13 (37 Ill Reg 1136)

"Illinois Veteran Grant (IVG) Program" (23 Ill Adm Code 2733) proposed 2/1/13 (37 Ill Reg 1142)

"Monetary Award Program (MAP)" (23 Ill Adm Code 2735) proposed 2/1/13 (37 Ill Reg 1148)

"Optometric Education Scholarship Program" (23 Ill Adm Code 2741) proposed 2/1/13 (37 Ill Reg 1160)

"Minority Teachers of Illinois (MTI) Scholarship Program" (23 Ill Adm Code 2763) proposed 2/1/13 (37 Ill Reg 1164)

"Special Education Teacher Tuition Waiver (SETTW) Program" (23 Ill Adm Code 2765) proposed 2/1/13 (37 Ill Reg 1170)

"Illinois Prepaid Tuition Program" (23 Ill Adm Code 2775) proposed 2/1/13 (37 Ill Reg 1174)

SECRETARY OF STATE

"Issuance of Licenses" (92 Ill Adm Code 1030) proposed 2/22/13 (37 Ill Reg 2450)

"State Records Commission" (44 Ill Adm Code 4400) proposed 1/25/13 (37 Ill Reg 706)

DEPARTMENT OF PUBLIC HEALTH

"Control of Sexually Transmissible Diseases Code" (77 Ill Adm Code 693) proposed 9/21/12 (36 Ill Reg 14146)

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

"Abandoned Residential Property Municipality Relief Program" (47 Ill Adm Code 381) proposed 2/8/13 (37 Ill Reg 1537)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

"Background Checks" (89 Ill Adm Code 385) proposed 12/14/12 (36 Ill Reg 17278)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

"Medical Payment" (89 Ill Adm Code 140) proposed 6/15/12 (36 Ill Reg 8594)

ILLINOIS COMMERCE COMMISSION

"Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service and Issuance of Telephone Directories for Local Exchange Telecommunications Carriers in the State of Illinois" (83 Ill Adm Code 735) proposed 1/11/13 (37 Ill Reg 387)