

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 VEHICLE POLICY

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to "Auto Liability" (80 Ill Adm Code 3100; 37 Ill Reg 2525), effective 5/23/13. The rulemaking removes one of the criteria to be considered by a claims adjuster in determining whether a State employee is at fault for an accident: whether the miles driven per year are greater than average. Technical changes such as revised internal organizational names for units within the agency and updated statutory references are also made.

Questions/requests for copies: Mary Matheny, 720 Stratton Bdg., Springfield IL 62706, 217/557-5404. Fax: 217/558-2697, e-mail: mary.matheny@illinois.gov.

rulemaking clarifies that only licensed technicians and licensed terminal handlers can service, repair or maintain video gaming terminals. A \$10 fee is proposed for replacement identification cards for licensed technicians and licensed terminal handlers. Identification cards must be returned to IGB when the licensed technician and licensed terminal handler resigns or is terminated. IGB may deny a license because one of the following people have put themselves on the self-exclusion list: the applicant, a person with significant influence of control over the applicant, a person with an ownership interest in the applicant of 5% or more, or a person involved in the operation or management of the applicant's business related to video gaming. IGB also establishes that an applicant who is denied a license may not reapply for one year. Finally, IGB sets guidelines for licenses when the licensee dies or when there is a change of ownership. Those affected by this rulemaking include terminal technicians and terminal handlers, applicant's for licenses and current licensees.

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

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AVIATION SAFETY

The DEPARTMENT OF TRANSPORTATION proposed amendments to "Aviation Safety" (92 Ill Adm Code 14, 37 Ill Reg 7724) removing the requirement that decals must be displayed with certificates of registration. Additionally, accessible phones at balloon ports and seaplane bases as well as 24-hour phones at airport facilities are no longer required. Those affected by this rulemaking include the makers of the registration decals as well as airports and municipalities that maintain the phones.

Questions/requests for copies/comments through 7/22/13: Linda Schumm, DOT, 1 Langhorne Bond Dr., Springfield, IL 62707, 217/785-4215.

HEARING AIDS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to "Hearing Instrument Consumer Protection Code" (77 Ill Adm Code 682; 37 Ill Reg 7713). DPH defined "authorized designee" and revised its definition of reciprocity. The rulemaking also expanded requirements for written and practical examinations ad-

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VIDEO GAMING

The ILLINOIS GAMING BOARD adopted amendments to "Video Gaming (General)" (11 Ill Adm Code 1800, 37 Ill Reg 2410), effective 5/23/13. The rulemaking adds the definition "place of worship under the Religious Corporation Act" to clarify the places affected by the Act. Additionally, the

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

DRIVER'S LICENSES

The SECRETARY OF STATE adopted amendments to "Issuance of Licenses" (92 Ill Adm. Code 1030, 37 Ill Reg 2450), effective 5/22/13, implementing Public Acts 97-835, 97-847, 97-1064 and 97-1127. The proposed amendments add aphasia (inability to speak or understand spoken words) as a disability warranting a restriction listed on a driver's license. Fees will be waived for the first 30 days after a declared natural disaster for residents of the affected area who need a duplicate driver's license or identification card. Also, the amendments allow judges to protect their residence and business mailing addresses pursuant to the Judicial Privacy Act. Finally, applications for identification cards for persons with disabilities are only valid for 3 months from the date of the medical professional's signature. Those affected by this rulemaking include persons with disabilities, judicial officials and anyone who may be in a disaster area.

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

STATE RECORDS

SOS also adopted amendments to "State Records Commission" (44 Ill Adm Code 4400; 37 Ill Reg 706), effective 5/22/13, 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,

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. Since 1st Notice, examples of acceptable technology and procedures and of acceptable storage methods have been added. Those affected by this rulemaking include libraries, local government offices, or other entities that handle State records.

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

Proposed Regulations

ministered by hearing aid dispensers to allow administration of DPH-approved examinations that are developed and or sanctioned by the Department. The tests will be administered at least 4 times per calendar year (currently once every 2 months). The rulemaking establishes a minimum passing score of 70% on the written examination and 70% on each section of the practical examination. (Currently, passing scores are those recommended by the International Hearing Society.) Businesses that sell hearing aids are affected by this

rulemaking.

Questions/requests for copies/comments through 7/22/13: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL, 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

NOXIOUS PLANTS

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to the Part titled "Injurious Species" (17 Ill Adm Code 805; 37 Ill Reg 7706) that add 27 injurious plants to a list of

those subject to regulations and penalties under this Part. DNR is also restructuring its definition of an injurious species to include seeds, reproductive structures, (e.g., turions or tubers) or plant fragments of such plants.

Questions/requests for copies/comments for this rulemakings through 7/22/13: Shelly Knuppel, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The Healthcare and Family Services rulemakings will be considered at JCAR's June 11, 2013 meeting, while the Department of Financial and Professional Regulation, Department of Commerce and Economic Opportunity, and Capital Development Board rulemakings will be considered at the July 9, 2013 meeting.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

"Children's Health Insurance Program" (89 Ill Adm Code 125) proposed 4/12/13 (37 Ill Reg 4420)

"Medical Payment" (89 Ill Adm Code 140) proposed 4/12/13 (37 Ill Reg 4429)

"Hospital Services" (89 Ill Adm Code 148) proposed 4/12/13 (37 Ill Reg 4455)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

"Illinois Credit Union Act" (38 Ill Adm Code 190) proposed 7/27/12 (36 Ill Reg 11777)

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

"Illinois Film Production Services Tax Credit Program" (14 Ill Adm Code 528) proposed 7/13/12 (36 Ill Reg 9823)

"Illinois Live Theater Production Tax Credit Program" (14 Ill Adm Code 532) proposed 7/13/12 (36 Ill Reg 9841)

CAPITAL DEVELOPMENT BOARD

"Illinois Energy Conservation Code" (71 Ill Adm Code 600) proposed 3/15/13 (37 Ill Reg 2748)

Joint Committee on Administrative Rules

Senator Pamela Althoff

Representative Greg Harris

Senator Don Harmon

Representative Lou Lang

Senator Tony Munoz

Representative David Leitch

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Executive Director**