

*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

### ☞ PROCUREMENT

The CHIEF PROCUREMENT OFFICER for GENERAL SERVICES (CPO-GS) adopted amendments to "Chief Procurement Officer for General Services Standard Procurement" (44 Ill Adm Code 1; 37 Ill Reg 901), effective 6/5/13, to raise the small purchase exception from competitive bidding requirements. Identical emergency amendments effective 1/22/13 appeared in the *Illinois Register* at 37 Ill Reg 1319. For supplies and services, the limit is being raised from \$35,000 to \$50,000, and for construction services, from \$40,700 to \$70,000. The CPO-GS states that raising the small purchase monetary exception from the competitive notice and bidding requirements of the Procurement Code will allow more rapid response to emergency construction and repair needs at State facilities. Those affected by this rulemaking include small businesses that provide affected supplies and services.

Questions/requests for copies: Margaret van Dijk, CPO-GS, 712 Stratton Build-

ing, Springfield IL 62706, 217/558-2228, email: [Margaret.vanDijk@illinois.gov](mailto:Margaret.vanDijk@illinois.gov).

### TEACHER CREDENTIALS

The STATE BOARD OF EDUCATION adopted amendments to "Payments to Certain Facilities under Section 14-7.05 of the School Code" (23 Ill Adm Code 405; 37 Ill Reg 1569); "Contested Cases and Other Formal Hearings" (23 Ill Adm Code 475; 37 Ill Reg 1575); and "Class Size Reduction Grants" (23 Ill Adm Code 565; 37 Ill Reg 1580), effective 6/6/13. The amendments implement PA 97-607 by changing references to teacher "certification" to "licensure".

Questions/requests for copies of the 3 SBE rulemakings above: David Handel (217/782-5589) for Part 405 and Dora Welker (217/782-4832) for Part 565, ISBE, 100 North First Street, Springfield, IL 62777. For Part 475: Eric Grodsky, ISBE, 100 W. Randolph, Suite CH-14-300, Chicago IL 60602, 312/814-2223.

### ☞ DESIGNERS & ARCHITECTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to Parts titled "Interior Design Professional Title Act" (68 Ill. Adm. Code 1255; 37 Ill Reg 8089) and "The Illinois Landscape Architecture Act of 1989" (68 Ill. Adm. Code 1275; 37 Ill Reg 8103). The Part 1255 rulemaking implements the sunset reauthorization of the Interior Design Title Act. The fee for restoring a certificate of registration is being increased to \$50 from \$20 and all other fees up to \$230 (currently \$200), while the fees for verifying the examination score and a wall certificate are being removed. One year of active practice as an interior designer or two years as an educator is being added as a criterion that is considered when a registrant is seeking to restore his or her certificate of registration after more than five years. The Part 1275 rulemaking implements the sunset reauthorization of the Illinois Landscape Architecture Act of 1989, including the requirement that each licensed landscape architect have a seal that in-

(cont'd next page)

*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.*

# Proposed Regulations

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cludes his or her name, license number and "Landscape Architect, State of Illinois". Experience outside Illinois must be directly supervised by a licensed landscape architect, engineer, or licensed architect where the applicant is located. A master's degree in landscape architecture can no longer be used in lieu of one year of experience. An application will no longer be denied if an applicant does not pass an examination within three years of application. A national examination may be taken before applications are submitted. Additionally, the fee for restoring a license is being increased to \$50 from \$20 and all other fees up to \$230 (currently \$200). Finally, continuing education requirements are being added starting with the 2015 renewal (9/1/13 through 8/31/15). Licensees must complete 24 hours with a minimum of 20 hours structured educational activities (e.g., CLARB and ALSA endorsed seminars, courses by a college or university related to landscape architecture) and a maximum of 4 hours of unstructured credit hours (e.g., teaching a course or seminar, authoring a paper or article related to landscape architecture published in a nationally circulated publication, journal or trade magazine). Licensees must keep continuing education records for 4 years and must certify meeting the requirements. The Division may request additional evidence of compliance. A waiver of continuing education requirements may be requested. Waivers are made on a case-by-case basis by the Board for extreme hardship that includes full-time military service, an incapacitating illness documented by a licensed physician or other similar extenuating circumstances. Those affected by these rulemakings include interior design professionals and landscape architects.

Questions/requests for copies/comments on the 2 DFPR rulemakings through 8/5/13: Craig Cellini, 320 W. Washington, 3<sup>rd</sup> Floor, Springfield IL

62786, 217/785-0813.

## **CARBON DIOXIDE PIPELINES**

The ILLINOIS COMMERCE COMMISSION has proposed a new Part titled "Guidelines for Carbon Dioxide Transportation and Sequestration" (83 Ill Adm Code 302; 37 Ill Reg 8076) that implement Public Act 97-534. The rulemaking creates a process under which owners or operators of carbon dioxide pipelines seek route certification by the Commission. Requirements for applying for a certificate of authority to acquire an easement for transportation of carbon dioxide and negotiation for the acquisition of an easement or interest in property are prescribed. Two appendices of general information regarding the Commission's regulatory process governing a company's proposed project have been added.

Questions/requests for copies/comments through 8/5/13: Elizabeth Rolando, Chief Clerk, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434.

## **HIGHWAY PROCUREMENT**

The CHIEF PROCUREMENT OFFICER FOR THE DEPARTMENT OF TRANSPORTATION (CPO-DOT) proposed amendments to "Chief Procurement Officer for the Department of Transportation-Contract Procurement" (44 Ill Adm Code 6; 37 Ill Reg 8051) to implement a procurement initiative for the Illiana Expressway project. A new Subpart contains definitions for "public private agreement", "Request for Proposals (RFP)", "Request for Qualifications" (RFQ) and other terms. DOT may have information exchanges with industry prior to receipt of proposals which may include business conferences, market research, public hearings and other means. There will be a two stage selection process involving first a RFQ among potential contractors and then a RFP process for terms

and conditions offered by potential contractors. Consultants and subcontractors that assist in developing preparation of an RFP document will be barred from submitting a proposal unless DOT, with the Chief Procurement Officer's concurrence, determines that there is not an organizational conflict, such as when the role of the consultant or subcontractor was limited to preparation of preliminary design work or other "low-level" documents, or all documents prepared by the consultant or subcontractor are made available to all offerors. Proposals will be evaluated and any award made in accordance with applicable federal requirements. DOT will select at least 2 offerors as finalists (this is a statutory requirement), with further negotiations being possible. The Procurement Policy Board and the Commission on Governmental Forecasting and Accountability will submit findings as well. DOT will hold at least one public hearing prior to awarding a public private agreement to a contractor and will also disclose the agreement.

Questions/requests for copies/comments through 8/5/13: Bill Grunloh, IDOT, 2300 S. Dirksen Pkwy, Rm. 200, Springfield IL 62764, 217/558-5434

## **BUSINESS FORMS**

The SECRETARY OF STATE proposed an amendment to "Uniform Commercial Code" (14 Ill Adm Code 180; 37 Ill Reg 8119) removing the requirement for forms approved by the International Association of Commercial Administrators (IACA). The rule instead states that forms approved by the UCC Division shall be accepted and such forms will be published on the Secretary's website.

Questions/requests for copies/comments through 8/5/13: Michelle Nijm, SOS, 100 W. Randolph St., #5-400 Chicago IL 60601, 312/814-7256.

# Proposed Regulations

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## DOR RULE WITHDRAWAL

The DEPARTMENT OF REVENUE has withdrawn proposed amendments to Parts titled "Retailer's Occupation Tax" (86 Ill Adm Code 130; 36 Ill Reg 7971)

and "Service Occupation Tax" (86 Ill Adm Code 140; 36 Ill Reg 7990) that originally appeared in the 5/25/12 *Illinois Register*. The amendments would have made shipping and handling charges part of the sales price that is

subject to Illinois sales tax. DOR withdrew these rules in response to an objection by the Joint Committee on Administrative Rules.

## Second Notices

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The following rulemaking was moved to Second Notice this week by the agency listed below, commencing the JCAR review period. This rulemaking will be considered at JCAR's July 9, 2013 meeting.

### ILLINOIS EMERGENCY MANAGEMENT AGENCY

"Registration of Low-Level Radioactive Waste Generators" (32 Ill Adm Code 620)  
proposed 3/15/13 (37 Ill Reg 2831)

## ***Joint Committee on Administrative Rules***

**Senator Pamela Althoff**

**Representative Greg Harris**

**Senator Don Harmon**

**Representative Lou Lang**

**Senator Tony Munoz**

**Representative David Leitch**

**Senator Sue Rezin**

**Representative Don Moffitt**

**Senator Dale A. Righter**

**Representative Tim Schmitz**

**Senator Ira Silverstein**

**Representative Andre Thapedi**

**Vicki Thomas  
Executive Director**