

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

FILM & THEATER TAX CREDITS

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted amendments to "Illinois Film Production Services Tax Credit Program" (14 Ill Adm Code 528; 37 Ill Reg 12010) and a new Part titled "Illinois Live Theater Production Tax Credit Program" (14 Ill Adm Code 532; 37 Ill Reg 12028), both effective 7/12/13, to support dramatic arts production in Illinois. Part 528 amendments differentiate between films of less than 30 minutes and those of 30 minutes or more and remove references to obsolete rules from 2006 and earlier. The rulemaking adds a definition of "talk show" and defines a vendor as an Illinois company, corporation, or other registered business entity that is in good standing with the Illinois Secretary of State throughout the duration of the production. A certified public accountant who attests to the documentation of the tax credit must be qualified under American Institute of Certified Public Accountants standards. Accredited productions on or after 1/1/09 will be awarded a credit equal to 30% of the spending approval plus 15% of Illinois labor expenditures approved by the Department, for employees who earn more

than \$1,000 on the production and live in areas of high poverty or high unemployment in Illinois. Since 1st Notice, DCEO removed a provision expanding the credit to talk shows, due to lack of statutory authority; specified that audits are to be performed at least quarterly of ongoing productions or at the conclusion of production lasts less than a quarter; and referenced the particular American Institute of Certified Public Accountant Professional Standards with which a certified public accountant must qualify. Part 532 amendments outline the live theater program and define terms applicable to live theater. After 1/1/12, qualified applicants are eligible for a tax credit on a first-come, first-served basis. Each award is limited to \$500,000 per accredited theater. Applicants for an Accredited Theater Production Certificate must provide basic identifying information and production information, including the title of the production, production run, estimated total budget, estimated number of runs in Illinois, estimated total Illinois labor expenditure, and number of residents to be hired to work on the production. Pre-Broadway productions must provide tangible evidence that the production

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Proposed Regulations

STATE EMPLOYEES RETIREMENT

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES (DCMS) proposed amendments titled "Financial Incentive for Non-Medicare Annuitants Who Opt Out of the State Employees Group Insurance Plan" (80 Ill Adm Code 2106; 37 Ill. Reg. 11823). This rulemaking implements Public Act 98-19, which permitted annuitants not yet eligible for Medicare to opt out of the State health insurance plan administered by the Department. The rules permit State employee retirees to opt out, irrespective of the particular retirement system in which they are enrolled. An annuitant must furnish, upon application and annually thereafter, proof of major medical coverage from a source other the health insurance program administered by the Department. Those opting out that have 20 or more years' service with the State of Illinois shall receive a financial incentive, not to exceed \$500 per month. Other retirees shall receive an incentive not to exceed \$150 per month. Retirees must choose whether to participate not later than 90 days after July 1, 2013.

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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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is scheduled to be performed in the Broadway theater district in New York City within 12 months. Applicants must remain in good standing with state and local authorities and make application no sooner than 180 days prior to the opening of ticket sales. The rulemaking also outlines the application and approval process for certificates and credits, and criteria the Department will use to approve/deny an award and calculation of the award amount. Other sections outline the Department's obligation to evaluate the Program and report to the Illinois General Assembly, confidentiality of documents, record retention, and transfer of any theater tax credit award. Those affected by this rulemaking may include small businesses who serve the entertainment industry and for-profit theaters or theatrical groups. Since 1st Notice, DCEO defined protected classes; changed references to theater tax credit award to theater tax credit certificate for consistency; indicated that it will act on an application within 60 days after its receipt; modified references to CPAs to include the adjective "licensed"; referenced the particular Institute of Certified Public Accountant professional standards with which a CPA must qualify; and clarified that in determining "geographic areas of high poverty or high unemployment" DCEO has agreed to clarify that in making this determination it will rely on the most recent data available from DES.

Questions/requests for copies: Jolene Clarke, Rules Administrator, Department of Commerce and Economic Opportunity, 500 East Monroe, Springfield IL 62701, 217/557-1820, Fax: 217/524-3701 or email: Jolene.clarke@illinois.gov.

RIVERBOAT GAMBLING

The ILLINOIS GAMING BOARD adopted amendments to "Riverboat Gambling" (86 Ill Adm Code 3000; 37 Ill Reg 12050), effective 7/9/13, requiring licensees and applicants to disclose any updates to criminal history. The Administrator of the Board may

impose fines of \$250 for a first violation and \$500 for a second violation if this information is not disclosed. Fines for each subsequent violation will increase by \$250. Additionally, this rulemaking requires tournaments, enhanced payouts or give-aways to be tested to ensure their integrity. This rulemaking will affect riverboat gambling licensees.

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

DISEASE REPORTS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to "Control of Communicable Diseases Code" (77 Ill Adm Code 690; 37 Ill Reg 12063), effective 7/15/13 that establish a new Subpart for reporting Multi-Drug Resistant Organism (MDRO) information to a MDRO Registry. Beginning 9/1/13, health care facilities (hospitals, hospital-affiliated clinical laboratories, independent or free-standing laboratories, long-term care facilities and long-term acute care hospitals) are required to report when an individual entering the facility has been diagnosed with an MDRO infection, specifically Enterobacteriaceae family infections. (Enterobacteriaceae family infections include, but are not limited to, infections caused by the following bacteria: Citrobacter, Enterobacter, Escherichia coli (E. coli), Klebsiella, Proteus, Salmonella, Serratia, Shigella and Yersinia pestis.) The rulemaking details what information is to be reported, the medium the health care facility may use to report the information (electronic reporting or manual reporting via DPH's website), and how DPH will use information presented via the MDRO Registry. Entities required to report this information may be impacted by this rulemaking.

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

VETERANS

The DEPARTMENT OF VETERANS' AFFAIRS adopted amendments to three Parts: "Payment of Maintenance Charges and Income Management at the Illinois Veterans Homes" (95 Ill Adm Code 108; 37 Ill Reg 12087); "MIA/POW Scholarship" (95 Ill Adm Code 116; 37 Ill Reg 12091); and "Veteran's Scratch-off Lottery Grant Program" (95 Ill Adm Code 125; 37 Ill Reg 12098). Amendments to Part 108 assess maintenance charges of 90% of all income (currently, 90% of all income in excess of \$100 per month) for residents of Illinois veterans' homes and establish a monthly personal allowance of \$100 per resident for every \$1,000 in paid monthly maintenance charges. Amendments to Part 116 address scholarship program for veterans that were declared Prisoners of War or Missing in Action by the federal government during their military service, or who are permanently 100% disabled due to service-related causes. The rulemaking extends eligibility, until 7/1/14, to MIA/POW veterans who became Illinois residents within 6 months after leaving military service and can establish at least 30 years continuous residency in Illinois. (Currently, the veteran must have been an Illinois resident upon entering military service or have become a resident within 6 months after enlistment.) The rulemaking also lists documents that may be used to establish residency for the required period if the applicant's DD-214 separation document does not indicate Illinois residency at the time of enlistment or discharge (e.g., income tax returns, property records, voter registration, driving records). Amendments to Part 125 adds a 6th category for grants, veteran employment and employment training and clarifies that grants can be used to improve the accessibility of the home of a disabled veteran. The rulemaking adds statutory language to describe the use of grant funds and the grant agreement. This rulemaking may affect small businesses, municipalities and not-for-profit corporations that provide services to veterans. Since

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1st Notice, DVA clarified that in the event of a disbursement of grant funds without a proper grant agreement, the disbursement is void and DVA will

take action under Grand Funds Recovery Act to recover any funds disbursed.

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

Proposed Regulations

DCMS also filed proposed amendments titled "State Employees Group Insurance Program Retiree Premium Contributions" (80 Ill Adm Code 2200; 37 Ill. Reg. 11832). This new Part implements Public Act 97-695, which imposes charges on annuitants of the 5 major State retirement plans (E.g., State employees, teachers and judges, etc.) for health insurance in an amount determined by the Director of DCMS. The Part defines key terms, such as annuitant, retired employee (a person retired before 1/1/66 or a former member of University of Illinois Cooperative Extension Service), and survivor. Agencies are required to provide records and certifications as may be required by CMS. DCMS shall establish premium contributions, consistent with the law and this Part and shall calculate the premium contribution owed by each annuitant, retiree, or survivor and transmit that calculation to the appropriate retirement system on a monthly basis to allow for collection of the premium. CMS will determine the benefits available to annuitants, retirees, survivors and dependents. DCMS will comply with the federal Health Insurance Portability and Accountability Act (HIPPA) and Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). Retirement systems must report the value of the annuity of each annuitant, retired employee and survivor to DCMS on a monthly basis. The systems must also enroll and terminate their annuitants, survivors, dependents, etc., pursuant to DCMS policies and procedures and State law. DCMS shall calculate the premiums due from retired individuals, said premium to be 2% of the total annual annuity received by the retired person, and 1% if the retired person is under Medicare or that would have been under Medi-

care but for the fact they were unable to contribute to Medicare while actively working. Any State or university retired person, or retired teacher, that retired with less than 20 years' of service, must also pay 5% of the cost of the coverage for each year of less than 20 years of service. Retired persons shall pay the amount that would have been paid by the primary retired person for each dependent. Optional coverage must also be paid for.

Questions/requests for copies/comments concerning this rulemaking through 9/9/13: Mary Matheny, 720 Stratton Bdg., Springfield IL 62706, 217/557-5404. Fax: 217/558-2697, e-mail: mary.matheny@illinois.gov.

WATER POLLUTION

The POLLUTION CONTROL BOARD has proposed amendments to "Proceedings Pursuant to Specific Rules or Statutory Provisions" (35 Ill Adm Code 106; 37 Ill Reg 11843) and "Effluent Standards" (35 Ill Adm Code 304; 37 Ill Reg 11861) that establish alternative thermal effluent limitations pursuant to the federal Clean Water Act and set procedural rules for the Board to consider those standards.

Requests for copies/comments through 9/9/13: John Therriault, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-3620 or download copies at www.ipcb.state.il.us. For more information: Daniel Robertson at the same address, 312/814-6931, e-mail: daniel.robertson@illinois.gov. Please reference docket R13-20.

FOOD SERVICE

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to

"Food Service Sanitation Code" (77 Ill Adm Code 750; 37 Ill Reg 11867) that update the definition of food service establishment to reflect the inclusion of retail food stores. The rulemaking clarifies circumstances in which whole and unprocessed fresh raw vegetables and fresh raw fruit are exempt from rule provisions. The rulemaking also exempts display shelving units and refrigeration and freezer units from floor-mounted equipment requirements, clarifies when shielding requirements apply to storing foods, and clarifies when poisonous or toxic materials will be allowed in food service establishments.

Also, DPH proposed the repeal of its "Retail Food Store Sanitation Code" (77 Ill Adm Code 760; 37 Ill Reg 11894). This proposed repealer coincides with the amendments proposed to 77 Ill. Adm. Code 750 (Food Service Sanitation Code).

Questions/requests for copies/comments through 9/9/13: Susan Meister, DPH, 535 W. Jefferson St., 5th Flr., Springfield IL, 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

HORSE RACING

The ILLINOIS RACING BOARD proposed amendments to "Hearings and Enforcement Proceedings" (11 Ill. Adm. Code 204; 37 Ill Reg 11971), allowing only the petitioner, and no longer the Board, to request a postponement of a hearing, "Race Track Operations and Their Duties" (11 Ill. Adm. Code 1305; 37 Ill Reg 11976) changing where drugs are stored from an ambulance to a locked box in the State Veterinarian's office. IRB also proposed to repeal a Section in "Security and Admissions" (11 Ill. Adm. Code

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1325; 37 Ill Reg 11981) requiring those in the stable area to wear IDs or badges. Racetrack owners, horse owners, jockeys, trainers or others with business at race tracks may be affected by these rulemakings.

Questions/requests for copies/comments on these 3 rulemakings through 9/9/13: Mickey Ezzo, IRB, 100 W. Randolph, Ste. 7-701, Chicago IL 60601, 312/814-5017.

driving school facilities are being amended to provide standards for the training area including minimum square footage, lighting and parking space allotment. Finally, a 9 month deadline is set for students to complete training and the number of hours for range, over the road and observation are being raised from their respective hours to 20 and remedial training is being lowered to 60 hours from 78. Additional changes to course requirements are also being made. Those who own or are prospective owners of a commercial driving school and those who wish to obtain their CDL may be affected by this rulemaking.

Questions/requests for copies/comments on the SOS rulemaking through 9/9/13: Jennifer Egizii, SOS, 2701 S. Dirksen Parkway, Springfield IL 62723, 217/557-4462.

PUBLIC HEARING

OSFM will hold a public hearing on the proposed incorporation of the 2012 Life Safety Code and other

amendments to "Fire Prevention and Safety" (77 Ill Adm Code; 37 Ill Reg 8191) on Tuesday, August 6, at 9:00 am in the Auditorium at the Office of the State Fire Marshal, 1035 Stevenson Drive, Springfield IL, 62703. Parking is available on-site. Testimony will be in the order individuals sign in. Individuals testifying must complete a witness slip and provide a written copy of their testimony. Individuals will be allowed to speak for 10 minutes, once all have testified, there may be opportunity to testify for an additional 10 minutes, if needed. Individuals unable to attend, but who wish to comment, should have their comment submitted prior to 8/12/13. Those owners of condominiums, two family dwellings may be affected by this rulemaking, which appeared in the 6/28/13 Illinois Register.

Questions and comments concerning the public hearing; Ken Wood, Office of the State Fire Marshal, 100 W. Randolph St., Suite 4-6000, Chicago IL 60601

COMMERCIAL DRIVING SCHOOLS

The SECRETARY OF STATE proposed amendments to "Commercial Driving Training Schools" (92 Ill. Adm. Code 1060; 37 Ill Reg 11985) removing the provision that applicants for commercial driving schools must sign a release for a criminal background check. Additionally, SOS is clarifying commercial driving schools may share building space with another business provided each business has a separate entrance. Under current rule, the school must have direct access from the outside. The rules regarding the

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 August 13, 2013 meeting.

DEPARTMENT OF NATURAL RESOURCES

"White-Tailed Deer Hunting By Use of Firearms" (17 Ill Adm Code 650) proposed 5/17/13 (37 Ill Reg 6532)

"White-Tailed Deer Hunting By Use of Muzzleloading Rifles" (17 Ill Adm Code 660) proposed 5/17/13 (37 Ill Reg 6556)

"White-Tailed Deer Hunting By Use of Bow and Arrow" (17 Ill Adm Code 670) proposed 5/17/13 (37 Ill Reg 6568)

"Special White-Tailed Deer Season For Disease Control" (17 Ill Adm Code 675) proposed 5/17/13 (37 Ill Reg 6599)

"Late-Winter Deer Hunting Season" (17 Ill Adm Code 680) proposed 5/17/13 (37 Ill Reg 6606)

ILLINOIS LABOR RELATIONS BOARD

"General Procedures" (80 Ill Adm Code 1200) proposed 5/3/13 (37 Ill Reg 5762)

"Gubernatorial Designation of Positions Excluded from Collective Bargaining" (80 Ill Adm Code 1300) proposed 5/31/13 (37 Ill Reg 7208)

DEPARTMENT OF AGRICULTURE

"Motor Fuel and Petroleum Standards Act" (8 Ill Adm Code 850) proposed 5/17/13 (37 Ill Reg 6413)

DEPARTMENT OF PUBLIC HEALTH

"Private Sewage Disposal Code" (77 Ill Adm Code 905) proposed 11/9/12 (36 Ill Reg 15940)