

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

☞ DESIGNERS & ARCHITECTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted 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), effective 10/18/13. 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 includes his or her name, license number and "Landscape Ar-

chitect, 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 maga-

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☞ ENTERPRISE ZONES

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY proposed amendments to "Enterprise Zone and High Impact Business Programs" (14 Ill Adm Code 520; 37 Ill Reg 16171) that implement PA 98-109. The amendments require proposed enterprise zones to meet at least 3 of 10 criteria instead of 1 of 6. New criteria being added include the presence of an abandoned coal mine, brownfield or federal disaster area; large scale business closings affecting at least 50 workers in the last 5 years; a high number of vacant buildings; and significantly lower than average equalized assessed valuations for industrial and commercial properties. Criteria being removed include population loss, median household income thresholds, and the presence of a closed military base. Provisions of the characteristics of the proposed zone must be identified at time of application. The rulemakings also add definitions, set timelines for establishing new enterprise zones or renewing existing zones, add a point system for ranking applications, and outline DCEO Enterprise

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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.

New Regulations

zine). 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 of the 2 DFPR rulemakings: Craig Cellini, DFPR, 320 W. Washington, 3rd Floor, Springfield IL 62786, 217/785-0813.

HUNTING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to "Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting" (17 Ill Adm Code 530; 37 Ill Reg 7892), effective 10/3/13, that change the dates of the youth pheasant hunting program and the rabbit hunting season, consolidate rabbit hunting to one statewide season and make approximately 45 site specific changes. Since 1st Notice, fees for pheasant permits at 4 sites have been clarified.

MINING

DNR also adopted an amendment to "Abandoned Mined Lands Reclamation" (62 Ill Adm Code 2501; 37 Ill Reg 7924), effective 10/3/13 that removes an obsolete reference to non-coal reclamation expenditures that were to have been completed by 8/31/99.

FISHING

Finally, DNR adopted amendments to the Part titled "Sport Fishing Regulations for the Waters of Illinois" (17 Ill Adm Code 810; 37 Ill Reg 11027), effective 10/3/13. DNR is expanding the dates of bow and arrow fishing to

allow carp, buffalo, suckers and gar to be taken anytime a site is open to the public.

Questions/requests for copies of the 3 DNR rulemakings above: Part 810: Julia Lawrence; Part 530: Nick San Diego, and Part 2501: Robert Mool, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

GROUNDWATER QUALITY

The POLLUTION CONTROL BOARD adopted an amendment to "Groundwater Quality" (35 Ill Adm Code 620; 37 Ill Reg 6123), effective 10/7/13, to correct 3 nonsubstantive technical errors in the Part's list of organic chemicals and corresponding concentrations. One reinstates the Class II GQS of 0.025 mg/L for trichloroethylene; the second reinstates the Class II GQS of 0.05 for 1,1,2-trichloroethane; the third corrected an inadvertent omission of an asterisk to "dibenzo(a,h)anthracene".

Questions/requests for copies: Richard McGill, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6983. E-mail: mcgillr@ipcb.state.il.us.

SWIMMING FACILITIES

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to "Swimming Facility Code" (77 Ill Adm Code 820; 37 Ill Reg 8223), effective 10/4/13, that implement provisions of Public Act 97-957 affecting construction, renovation, repair, and licensing or permitting of swimming pools, bathing beaches, and aquatic features (e.g., water slides). The rulemaking clarifies existing definitions and adds new definitions; establishes requirements for the role of local health departments; establishes new requirements for issuance of permit applications and plan submittal, including applicable fee schedules; established enforcement provisions and record reproduction requirements; and established re-

quirements for pre-qualification of architects, professional engineers and swimming facility contractors. The rulemaking also revises provisions covering licenses to operate, permits for construction or major alteration, license renewal and payment of fees and plan certification and plan re-submittal and establishes fee structures for licensure and inspection. Provisions concerning rules, violations at facilities and recordkeeping are being amended, as well as provisions concerning the adoption of ordinances and the adoption and revocation of agent agreements. The rulemaking sets forth provisions concerning eligibility of prequalification for architects, professional engineers, and contractors and provisions concerning the suspension and modification of prequalifications and licenses. The rulemaking provides that any person seeking to perform construction, installation, modification or repair of a swimming facility must be licensed by the Department. Changes since 1st Notice include clarifying the definition of "self-perform" to mean designing, planning, constructing, installing, modifying or repairing a swimming facility without subcontracting the work. Those affected by this rulemaking include residential facilities resorts, schools, municipalities and other entities that operate swimming facilities, as well as swimming facility contractors.

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

TEACHER PREPARATION

The STATE BOARD OF EDUCATION adopted amendments to "Standards for Endorsements in Elementary Education" (23 Ill Adm Code 20; 37 Ill Reg 4606), "Standards for Endorsements in the Middle Grades" (23 Ill Adm Code 21; 37 Ill Reg 4633), "Educator Licensure" (23 Ill Adm Code 25; 37 Ill Reg 4671), "Standards for Endorsements in Early Childhood Education

Proposed Regulations

Zone Board duties. (An emergency rule currently in effect on this Part, effective 8/2/13 for a maximum of 150 days and published at 37 Ill Reg 13502, is not a companion to this rulemaking. It is intended to keep previous enterprise zone rules in effect until DCEO implements PA 98-109 by regular rulemaking.) Those affected by this rulemaking include units of local government seeking to create new enterprise zones or renew existing zones and small businesses in existing or potential enterprise zones.

MEDICAL X-RAYS

The ILLINOIS EMERGENCY MANAGEMENT AGENCY proposed amendments to the Part titled "Use of X-Rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine" (32 Ill Adm Code 360; 37 Ill Reg 16246) that update quality assurance for digital imaging and IEMA oversight of computed tomography. Investigation and reporting of errors in the administration of radiation therapy and implementation of electronic brachytherapy requirements are also addressed. The rulemaking also prohibits the use by limited diagnostic radiographers of portable X-ray service providers as Medicare rules require persons who perform such exams to have completed formal training in X-ray technology. Affected entities include those who provide X-rays and other medical radiology services.

Questions/requests for copies/comments through 12/12/13: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704, 217/524-0770, TDD 217/782-6133.

INVESTMENT BOARD

The ILLINOIS STATE BOARD OF INVESTMENT proposed amendments to "Rules and Regulations of the Board" (74 Ill Adm Code 800; 37 Ill Reg 16310) to make technical corrections and provide means by which members of the Board may participate in Board meetings without physical attendance. A majority of the Board physically present may allow a member to attend by means of video or audio conference for such grounds as physical illness or disability, employment business or business of the Board, or a family or other emergency. These provisions do not apply to closed meetings of the Board, the Executive Committee of the Board, or a closed meeting of any subsidiary body of the Board. If a member of the public wishes to address a member or the Board at a meeting of the Board, the individual

shall provide prior written notice to the Board's General Counsel identifying the speaker and the subject matter of the address, along with a copy of any written materials to be submitted. Similar action must be taken if an individual wishes to record the proceedings of the Board. Present duties of the Recording Secretary of the Board (recording proceedings of the Board, provision of notice of meetings of the Board to all members of the Board and others concerned with the business of the Board, preparation of an order of business for each meeting of the Board) and of the State Treasurer, as official custodian of the Board (arranging to receive from all pension funds all securities, funds, assets or cash reserves in pensions funds' possession or for which commitments have been made, and compilation of reports regarding the cash balances of pension funds), are being stricken. Some present duties of the Executive Committee of the Board (resolve procedural questions between meetings of the Board, propose changes in policy or statute to the Board) are also being stricken. The policy objectives of the Emerging Manager Committee of the Board are being altered from a fixed allocation of 5% of fund assets being allocated to emerging managers, to instead state a general objective to maximize utilization of minority-owned brokers/dealers by the Board's investment managers.

Questions/requests for copies/comments through 12/2/13: Linsey Schoemehl, Illinois State Board of Investment, 180 N. LaSalle St., Ste. 2015, Chicago IL 60610, 312/793-1486, Fax: 312/793-2266, Linsey.Schoemehl@Illinois.gov.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to "Pay Plan" (80 Ill Adm Code 310; 37 Ill Reg 16048) that implement a collective bargaining agreement, update certain job titles and make other tech-

RIVER EDGE ZONES

DCEO also proposed amendments to "River Edge Redevelopment Zone Program" (14 Ill Adm Code 524; 37 Ill Reg 16237) implementing PA 98-109. The amendments update the Part and remove the jobs credit offered to employers for creating jobs in any zone. The amendment also requires geospatial data in the form of an ESRI ARCGIS Shape file to be part of the zone map submitted with an application.

Questions/requests for copies/comments concerning the 2 DCEO rulemakings through 12/2/13: Jolene Clarke, DCEO, 500 E. Monroe St., Springfield IL 62701, 217/557-1820, e-mail: jolene.clarke@illinois.gov.

ATHLETIC FACILITIES

The DEPARTMENT OF PUBLIC HEALTH (DPH) proposed amendments to "Physical Fitness Facility Medical Emergency Preparedness Code" (77 Ill Adm Code 527; 37 Ill Reg 16304) that expand the list of outdoor physical fitness facilities subject to this Part to include public or private secondary schools. High schools with outdoor athletic or fitness facilities are affected by this rulemaking.

Questions/requests for copies/comments through 12/2/13: Susan Meister, DPH, 535 W. Jefferson St., 5th Flr., Springfield IL, 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

New Regulations

and Elementary Education" (23 Ill Adm Code 26; 37 Ill Reg 4705) and "Standards for Endorsements in Specific Teaching Fields" (23 Ill Adm Code 27; 37 Ill Reg 4710), all effective 10/2/13. The Part 25 rulemaking establishes new endorsements in elementary education (grades 1-6), middle grades (grades 5-8), and gifted education, while the amendments to Parts 20, 21, and 27 establish standards and criteria for earning these endorsements. Amendments to Part 26 make non-substantive technical changes. Since 1st Notice, the Part 20, 25, and 26 rulemakings have changed the cut-off date for admission to current elementary education programs from 7/1/14 to 10/1/15, with a completion deadline of 9/1/17 added. Elementary endorsements must be issued by 9/1/18. In Part 21, proposed literacy standards for preK-12 and K-12 endorsements were removed. Teachers, teaching candidates, and teacher preparation programs are affected by these rulemakings.

Questions/requests for copies of the 5 SBE rulemakings above: Vicki Phillips (217/782-2948) for Parts 20, 26 and 27 and Kellee Sullivan (217/557-6763) for Parts 21 and 25, SBE, 100 N. First St., S-493, Spfld IL 62777.

SPECIAL EDUCATION

SBE also adopted amendments to the Part titled "Special Education" (23 Ill Adm Code 226; 37 Ill Reg 4735), effective 10/2/13, that define the medical review conducted as part of an Individualized Education Plan (IEP) for a student with a disability and specify who can perform medical reviews for IEP purposes. The rulemaking extends until 7/1/16 (formerly, 7/1/13 changed from 7/1/15 since 1st Notice) the grace period for qualified doctors and nurses who are not certified in school nursing to perform these reviews, and creates exceptions for school districts who are unable to hire certified school nurses due to a shortage of certified

applicants. Medical professionals who participate in IEP reviews are affected by this rulemaking.

Questions/requests for copies: David Andel, SBE, 100 N. First St., N-253, Spfld IL 62777-0001, 217/782-5589.

BILINGUAL EDUCATION

SBE also adopted amendments to "Transitional Bilingual Education" (23 Ill Adm Code 228; 37 Ill Reg 7400), effective 10/2/13. The amendments implement some of the recommendations from the report of the Illinois Advisory Council on Bilingual Education (IACBE) issued pursuant to PA 97-305. Changes include the following: switching terminology from "limited English proficient" (LEP) to "English learner" (EL); specifying criteria other than limited English proficiency that could be used in determining whether to place English learners in transitional bilingual education settings; updating learning standards to most recent version; clarifying role and composition of parent advisory committees; and updating terminology and cross-references. Since 1st Notice, SBE has revised certain provisions to allow greater flexibility in circumstances where a student's native language has no written component or where written materials are not available.

Questions/requests for copies: David Nieto Gonzalez, SBE, 100 W. Randolph, Suite 14-300, Chicago, IL 60602, 312/814-3850.

BACKGROUND CHECKS

The ILLINOIS STATE POLICE adopted amendments to "Electronic Transmission of Fingerprints" (20 Ill Adm Code 1265; 37 Ill Reg 9462), effective 10/8/13. The rulemaking updates the procedures used by non-criminal justice entities that are conducting fingerprint based criminal history background checks by also requiring submission of a photograph of the individual being fin-

gerprinted. The photograph requirement will be instituted beginning 1/1/14. Applicants with a physical handicap or ailment who would be harmed in any way by taking a photo are excluded from the photo requirement. Those affected by this rulemaking include small businesses, municipalities or non-profit organizations that require fingerprint-based criminal background checks for employees or applicants.

Questions/requests for copies: Lisa Freitag, ISP, 801 S. 7th St, Suite 1000-S, Springfield IL 62703, 217/782-9356.

ASSISTANCE APPLICATIONS

The DEPARTMENT OF HUMAN SERVICES adopted emergency amendments to "General Administrative Provisions" (89 Ill Adm Code 10; 37 Ill Reg 16845) and "Supplemental Nutrition Assistance Program (SNAP)" (89 Ill Adm Code 121; 37 Ill Reg 16838), both effective 10/1/13, that implement a provision of the federal Patient Protection and Affordable Care Act (PL 111-148) allowing individuals to submit applications for cash, medical or SNAP assistance online, in-person, by mail or by telephone. The identical proposed rulemakings appear in this Illinois Register at 37 Ill Reg 16300 and 37 Ill Reg 16302, respectively. Federal regulations (42 CFR 435.907) require states to begin accepting applications on 10/1/13. The rulemakings revise the 2 Parts to allow individuals to submit applications via telephone or on-line, in addition to applying by mail or in person. (A provision of the federal Food and Nutrition Act of 2008 allowed a state option for accepting telephonic signatures.)

Questions/requests for copies/comments concerning the 2 proposed DHS rulemakings through 12/2/13: Tracie Drew, DHS, 100 S. Grand Ave. E., 3rd Fl., Spfld IL 62762, 217/785-9772.

Proposed Regulations

nical changes. The rulemaking implements an agreement with the Illinois Federation of Public Employees Local 4408, effective 7/1/12 through 6/30/15, that includes general 2% pay increases effective 7/1/13 and 7/1/14; implementation of three new substeps preceding Step 1 for new employees hired on or after 5/1/13; and longevity pay of \$75/month (for 10 or more years of continuous service) or \$100/month (for 15 or more years of service) added to the Step 8 (highest) pay rate for certain long-term employees. Other provisions of this rulemaking change or eliminate in-hire rates (pay rates below those established for a position, applicable to new hires during their first 5 years of employment) for specified trainee positions represented by various bargaining units; replace the Fire Certification Specialist title and pay rate with Fire Certification Specialist I, II and Supervisor titles and pay rates; and remove obsolete references to a fiscal year 2012 pay freeze.

Questions/requests for copies/comments through 12/2/13: Jason Doggett, DCMS, 504 Stratton Bldg.

Springfield IL 62706, 217/782-7964, fax 217/524-4570, e-mail: CMS. PayPlan@illinois.gov.

VETERANS

The DEPARTMENT OF VETERANS' AFFAIRS proposed the repeal of the Part titled "Rules Governing Educational Opportunities for Children of Deceased Veterans" (95 Ill Adm Code 101; 37 Ill Reg 16325) and proposed a new Part with the same name (95 Ill Adm Code 101; 37 Ill Reg 16332). DVA also proposed repeal of the Part titled "Payment of Vietnam Veterans Compensation Act" (95 Ill Adm Code 104; 37 Ill Reg 16339) and proposed a replacement Part titled "Viet Nam Veterans Compensation" (95 Ill Adm Code 104; 37 Ill Reg 16350). These rulemakings update various citations and cross-references add new definitions, update terminology (e.g., expanding the definition of an eligible child) and restructure language for clarity as both Parts have not been amended since 1982. (Part 101 applies to children of veterans of the Spanish-American War, World Wars I and II, Korean Conflict, or Vietnam Conflict, as well as children of per-

sons drafted into military service between the Korean and Vietnam conflicts, who suffered a service-connected death or disability. Part 104 governs a cash bonus payment program for Vietnam veterans and survivors of Vietnam veterans who died of a service-related condition.) DVA also proposed amendments to "Veterans' Scratch-Off Lottery Grant Program" (95 Ill Adm Code 125; 37 Ill Reg 16359) making an exception to rules banning use of Lottery-funded grants to pay salaries. The exception allows such grants to be made to veteran service organizations that assist veterans or survivors in obtaining federal benefits and that meet other statutory requirements. Those affected by these rulemakings include veterans of the listed conflicts, their survivors, and certain veteran's assistance organizations.

Questions/requests for copies/comments on the 5 DVA rulemakings above through 12/2/13: Jaime Martinez, DVA, 100 W. Randolph St. Ste. 5-570, Chicago IL 60601-3219, 312/814-5391.

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 November 19, 2013 meeting.

ILLINOIS RACING BOARD

"Hearings and Enforcement Proceedings" (11 Ill Adm Code 204) proposed 7/26/13 (37 Ill Reg 11971)

"Race Track Operators and Their Duties" (11 Ill Adm Code 1305) proposed 7/26/13 (37 Ill Reg 11976)

"Security and Admissions" (11 Ill Adm Code 1325) proposed 7/26/13 (37 Ill Reg 11981)

HEALTH FACILITIES AND SERVICES REVIEW BOARD

"Health Facilities and Services Review Operations Rules" (77 Ill Adm Code 1130) proposed 5/31/13 (37 Ill Reg 7198)

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Second Notices (con't)

DEPARTMENT OF AGING

"Community Care Program" (89 Ill Adm Code 240) proposed 7/19/13 (37 Ill Reg 10738)

ILLINOIS LABOR RELATIONS BOARD

"General Procedures" (80 Ill Adm Code 1200) proposed 8/23/13 (37 Ill Reg 13757)

DEPARTMENT OF NATURAL RESOURCES

"Crow, Woodcock, Snipe, Rail and Teal Hunting" (17 Ill Adm Code 740) proposed 8/16/13
(37 Ill Reg 13322)

"Dove Hunting" (17 Ill Adm Code 730) proposed 8/16/13 (37 Ill Reg 13304)

"Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck
(Groundhog) Hunting" (17 Ill Adm Code 550) proposed 7/19/13 (37 Ill Reg 11010)

"The Taking of Wild Turkeys - Spring Season" (17 Ill Adm Code 710) proposed 8/16/13 (37
Ill Reg 13340)

"Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote,
Badger, River Otter, Beaver and Woodchuck (Groundhog) Trapping" (17 Ill Adm Code 570)
proposed 8/16/13 (37 Ill Reg 13133)

"Squirrel Hunting" (17 Ill Adm Code 690) proposed 8/16/13 (37 Ill Reg 13226)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

"Service-Disabled and Veteran-Owned Small Businesses" (44 Ill Adm Code 20) proposed
6/14/13 (37 Ill Reg 7820)

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

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**Vicki Thomas
Executive Director**