

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 EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted peremptory amendments to "Pay Plan" (80 Ill Adm Code 310; 37 Ill Reg 17164) effective 10/19/13, implementing memoranda of understanding (MOUs) with Teamster Locals 700 (Cook County), 330 (Fox Valley) and 25 (Downstate). All 3 MOUs stipulate that bargaining unit employees who were on worker's compensation-related leaves of absence on 7/1/13 and did not receive a one-time stipend paid to bargaining unit members employed as of that date will receive the stipend upon their return to work.

Questions/requests for copies: Jason Doggett, DCMS, 504 Stratton Bldg. Springfield IL 62706, 217/782-7964, fax 217/524-4570, e-mail: CMS.PayPlan@illinois.gov.

☞ CHILD CARE

The DEPARTMENT OF HUMAN SERVICES proposed amendments to "Child Care" (89 Ill Adm Code 50; 37 Ill Reg 17140) that implement recommendations from the Child Care Advisory Council and the federal DHHS' Administration for Children and Families' Office of Child Care. DHS is requiring all individuals with access to children in child care to undergo the required background checks and is defining base wages and salary. The rulemaking clarifies services that will be provided for eligible teenage parents and revises the criteria that parents are responsible for reporting to DHS. The rulemaking also revises the list of eligible individuals to whom it will provide child care services, resources permitting, and requiring child care staff to use the Department computerized case information systems to report an applicant's participation in a DHS-approved program. The rulemaking clarifies teen parent eligibility requirements and accreditation requirements for social service agencies providing English as a Second Language and

other adult education courses/programs. DHS is removing the stipulation prohibiting child care services for web based classes that an individual may take at any time and is granting an additional day of care for study time only if approved in advance. Child care will be terminated immediately if DHS determines that the child is no longer enrolled with the approved provider. The rulemaking updates lists of income eligibility criteria, including non-exempt (included) and exempt income. DHS will continue to provide payments to maintain child care services in instances when services would be terminated, changing the time period in which the applicants must report the loss of employment/income from 10 to 30 days after the date of loss or break. Child care services can be extended for up to three 30-day periods in any 12 month period. The rulemaking also updates circumstances under which an applicant is exempt from paying a share of child care costs. Child care providers will be affected.

Questions/requests for copies/comments through 12/16/13: Tracie Drew, (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

DHS, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/785-9772.

TELECOMMUNICATIONS

The ILLINOIS COMMERCE COMMISSION has proposed amendments to 3 Parts affecting telecommunications carriers: "Annual Reports" (83 Ill Adm Code 210; 37 Ill Reg 17127); "Reports of Accidents by Telecommunications Carriers and by Fixed Public Utilities Other Than Pipelines Transporting Liquids" (83 Ill Adm Code 220; 37 Ill Reg 17130); and "Uniform System of Accounts for Telecommunications Carriers" (83 Ill Adm Code 710; 37 Ill Reg 17134). Amendments to Parts 210 and 710 implement provisions of Public Act 98-45, requiring electing providers and those providers offering solely competitive telecommunications services to file annual reports with ICC only to the extent required by ICC and allowing the provider to use the most recent version of Generally Accepted Accounting Practices or other systems it uses for financial reporting purposes. Further amendments to Part 710

update incorporations by reference to 47 CFR 32 (federal uniform system of accounts for telecommunications providers) although that regulation remains unchanged since adopted in 2005. Amendments to Part 220 remove redundant requirements for telecommunications carriers subject to public utilities regulation under Section 13-101 of the Public Utilities Act [220 ILCS 5/13-101]. Due to recent changes in the telecommunications market, the Part now applies only to a minority of telecommunications services and continued application is no longer in the public interest and the costs outweigh the benefits. Providers will continue to be required to report accidents involving loss of life or limb occurring to or on a carrier's plant, equipment or other property and ICC retains authority to investigate any accident resulting in loss of life or injury to persons or property occurring on telecommunications property.

Questions/requests for copies/comments through 12/16/13: Elizabeth

Rolando, Chief Clerk, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434.

DPH PUBLIC HEARING

The DEPARTMENT OF PUBLIC HEALTH will hold a public hearing on proposed amendments to the Part titled "Practice and Procedure in Administrative Hearings" (77 Ill Adm Code 100; 37 Ill Reg 15608) on Thursday, Nov. 7, at 8:30 a.m. in the DNR/DPH Training Room at the Illinois Department of Natural Resources headquarters, One Natural Resources Way (State Fairgrounds), Springfield. The hearing concerns proposed rules which appeared in the 10/4/13 *Illinois Register* updating and revising DPH's procedures for administrative hearings and appeals of adverse actions.

Questions/comments concerning the proposed rulemaking or the public hearing: Susan Meister, DPH, 535 W. Jefferson St., 5th Flr., Springfield IL, 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

Correction to JCAR Meeting Action

In the JCAR Meeting Action section of last week's Flinn Report, a list of Department of Natural Resources proposed rulemakings for which JCAR, at its 10/22/13 meeting, approved 45-day extensions of the Second Notice period was incorrect.

The correct list of DNR rulemakings for which Second Notice has been extended is as follows: "Construction in Floodways of Lakes, Rivers and Streams" (17 Ill Adm Code 3700; 37 Ill Reg 4156), "Regulation of Public Waters" (17 Ill Adm Code 3704; 37 Ill Reg 4168), "Floodway Construction in Northeastern Illinois" (17 Ill Adm Code 3708; 37 Ill Reg 4183), and "Rules Establishing Horizontal and Vertical Clearances for Bridges Over the Fox River" (17 Ill Adm Code 3720; 37 Ill Reg 4199). JCAR regrets this error and apologizes for any inconvenience caused.

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.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

"Medical Payment" (89 Ill Adm Code 140) proposed 8/2/13 (37 Ill Reg 12317)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

"Sex Offender Evaluation and Treatment Provider Act" (68 Ill Adm Code 1280) proposed 9/6/13 (37 Ill Reg 13970)

SECRETARY OF STATE

"Parking Agreements at Secretary of State Facilities" (92 Ill Adm Code 1150) proposed 9/6/13 (37 Ill Reg 14000)

DEPARTMENT OF REVENUE

"Income Tax" (86 Ill Adm Code 100) proposed 8/30/13 (37 Ill Reg 13887)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

"School and Campus Safety Grants" (29 Ill Adm Code 310) proposed 9/6/13 (37 Ill Reg 13963)

"Regulations for Radon Service Providers" (32 Ill Adm Code 422) proposed 5/24/13 (37 Ill Reg 6987)

"Standards for Protection Against Laser Radiation" (32 Ill Adm Code 315) proposed 8/16/13 (37 Ill Reg 13013)

"Certification of Individuals to Perform Industrial Radiography" (32 Ill Adm Code 405) proposed 8/16/13 (37 Ill Reg 13038)

"Fees for Radioactive Material Licensees and Registrants" (32 Ill Adm Code 331) proposed 8/23/13 (37 Ill Reg 13677)

Joint Committee on Administrative Rules

Senator Pamela Althoff

Senator Don Harmon

Senator Tony Munoz

Senator Sue Rezin

Senator Dale A. Righter

Senator Ira Silverstein

Representative Greg Harris

Representative Lou Lang

Representative David Leitch

Representative Don Moffitt

Representative Tim Schmitz

Representative Andre Thapedi

**Vicki Thomas
Executive Director**