

*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

### AIR QUALITY

The POLLUTION CONTROL BOARD adopted amendments to "Air Quality Standards" (35 Ill Adm Code 243; 37 Ill Reg 15314), effective 11/27/13, that reflect USEPA's federal National Ambient Air Quality Standards (NAAQS) adopted during the 1/1/13-6/30/13 period. The amendments set new 2012 primary 24-hour and annual average NAAQS for PM2.5; update the List of Designated Reference and Equivalent Methods; established a new federal reference method for measuring lead in total suspended particulate matter for the purposes of the lead NAAQS and make area designations for the 2010 NAAQS for sulfur dioxide.

PCB also adopted amendments to "Definitions and General Provisions" (35 Ill Adm Code 211; 36 Ill Reg 15289), effective 11/27/13, that reflect USEPA's federal NAAQS adopted during the 1/1/13-6/30/13 period that exempted 4 new compounds from the definition of volatile organic materials.

Requests for copies/comments through 11/4/13: Michael J. McCambridge, PCB, 100 West

Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6924. Please reference docket R14-6 for Part 243 amendments and docket R14-7 for Part 211 amendments.

### HANDICAPPED PARKING

The SECRETARY OF STATE adopted amendments to "Rules of the Road - Handicapped Parking" (92 Ill Adm Code 1100; 37 Ill Reg 14609), effective 11/27/13, changing the title of the Part to "Rules of the Road - Persons with Disabilities Parking Program" and establishing provisions for metered-except decals or devices as required by PA 97-845. Only people with valid Illinois Driver's licenses may apply for a person-with-disabilities parking decal. This rulemaking clarifies the SOS is the only authorized agent permitted to issue metered-exempt parking decals or devices. Finally, when an applicant is claiming a permanent disability, a medical specialist must indicate whether the applicant meets the conditions established in the IVC to receive a metered-exempt parking decal or device. Those affected by this rulemaking include applicants for decals and those who trans-

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## Proposed Regulations

### WILD SWINE

The DEPARTMENT OF NATURAL RESOURCES proposed a new Part titled "Wild Swine" (17 Ill Adm Code 700; 37 Ill Reg 19817) prohibiting the possession, breeding, transport, sale or transfer in Illinois of feral swine (including unrestrained domestic swine adapted to living in a wild or free roaming environment), Eurasian wild boars, and hybrids of these species. Firearm deer hunters with current unfilled deer permits and appropriate licenses or stamps for deer hunting may legally take wild swine during the firearm, muzzleloading, late-winter antlerless and Chronic Wasting Disease deer seasons and must report any wild swine harvested to DNR. Hunting wild swine outside of established deer seasons requires a DNR permit or a Department-approved agreement for removal of wild swine. Trapping, baiting or chasing wild swine is prohibited unless the action is specifically authorized by DNR. Any wild swine that are trapped or otherwise restrained must be killed and not released into the wild. The rule prohibits outfitting, guide services and commercial enclosures intended to

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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

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## **PARKING SPACES**

SOS also adopted a new Part titled "Parking Agreements at Secretary of State Facilities" (92 Ill Adm Code 1150; 37 Ill Reg 14000), effective 11/27/13, allowing the SOS to lease parking spaces at his facilities to public or private entities or individuals as long as it does not interfere with the operational needs of the facility. Those affected by this rulemaking may include small businesses and individuals who work near SOS facilities.

Questions/requests for copies of the 2 SOS rulemakings: Carrie Leitner, SOS, 298 Howlett Building, Springfield, IL 62756, 217/785-3094, e-mail: [cleitner@ilsos](mailto:cleitner@ilsos).

## **VIDEO GAMING**

The ILLINOIS GAMING BOARD adopted emergency amendments to "Video Gaming (General)" (11 Ill Adm Code 1800; 37 Ill Reg 19882), effective 1/26/13 for a maximum of 150 days. An identical proposed rulemaking appears in this week's *Illinois Register* at 37 Ill Reg 19812. The rulemakings clarify that rules for use agreements apply to use agreements or any agreement regarding the placement of video gaming terminals made between licensed terminal operators who are licensed by IGB at the time of the agreement and

a licensed establishment. A new Subpart is added creating procedures for an exclusion list. IGB will maintain a list with the name, birthdate and alias; effective date of exclusion; and other information regarding the person. Licensees are prohibited from knowingly engaging in any business relationship with a person on the list. A person may be placed on the list if he or she has been convicted of a felony, crime involving gaming, crime of moral turpitude, or crime of dishonesty; violating the Video Gaming Act or rules or the Riverboat Gambling Exclusion List; has done anything to adversely affect public confidence and trust in gaming; is on another jurisdiction's exclusion list; has been indicted or prosecuted for violating the section regarding the display of licenses, confiscation, and felony violations; or has entered into business transactions with the intent to circumvent the Act. Once a person is notified he or she will be on the list, he or she may appeal IGB's notice. Once a person has been on the list for 1 year he or she may request in writing to be removed showing clear and convincing evidence for removal. IGB may deny the petition or set the petition for a hearing. IGB may consider any information including evidence and testimony used to make its original decision. Terminal operators and those who have the potential to be placed on the exclusion list may be

interested in this rulemaking.

Questions/requests for copies/comments on the proposed rulemaking through 1/27/14: Emily Mattison, IL Gaming Board, 160 N. LaSalle St, Chicago, IL 60601, 312/814-7253, e-mail: [emily.mattison@igb.illinois.gov](mailto:emily.mattison@igb.illinois.gov).

## **COMMERCIAL FISHING**

The DEPARTMENT OF NATURAL RESOURCES adopted emergency amendments to the Part titled "Commercial Fishing and Musseling in Certain Waters of the State" (17 Ill Adm Code 830; 37 Ill Reg 19912), effective 12/2/13 for a maximum of 150 days. The amendments increase the number of special use commercial fishing permits available for the following bodies of water: Rend Lake and Carlyle Lake (increased from 10 to 25 permits); Mississippi River Fish and Wildlife Area, Sangamon River, and Anderson Lake (from 5 to 15 permits); Kaskaskia River (10 to 20 permits); Saline River (3 to 6 permits); and Big Muddy River (3 to 10 permits). DNR states that the additional permits are necessary to facilitate removal of Asian carp and buffalo fish populations. This rule affects persons engaged in commercial fishing on the listed bodies of water.

Questions/requests for copies: Nick San Diego, DNR, One Natural Resources Way, Spfld., IL 62702-1271, 217/558-1224.

# Proposed Regulations

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facilitate or promote wild swine hunting. Possession of live wild swine, except temporarily in preparation for euthanization or in accordance with a DNR permit, is prohibited, but possession of legally harvested, dead wild swine carcasses and meat is allowed. Permits to transport or possess wild swine may be granted to medical or research institutions for research purposes. DNR must inspect and approve facilities for holding wild swine specimens before

issuing a permit. Any unintentional release of wild swine specimens or their progeny must be reported to DNR within 24 hours. Intentional release of wild swine or "chronic neglect" of domestic swine fencing that could lead to establishment of a wild swine population are classified as Class A misdemeanor violations of the Wildlife Code, but unintentional release of domestic swine is not considered a violation. Other violations of this Part may result in

revocation of licenses, permits or other DNR privileges. Those affected by this rulemaking include hunters, outfitters, animal researchers and persons who raise domestic swine.

Questions/requests for copies/comments through 1/27/14: Julia Lawrence, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-6899.

# Proposed Regulations

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## ☞ PHYSICAL THERAPY

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled "Illinois Physical Therapy Act" (68 Ill Adm Code 1340; 37 Ill Reg 19767) concerning licensing requirements for physical therapists and physical therapy assistants. Applicants for licensing as physical therapists will no longer need to achieve a grade of C or better in a course to qualify for credit. For all licensing applicants who graduated from programs outside of the United States, the Test of Spoken English (TSE) will no longer be accepted, and exam results from the Test of English as a Foreign Language (TOEFL) are no longer accepted for physical therapy assistant license applicants. Complete work histories are no longer required for initial licensing applicants or for an endorsement for a person licensed in another jurisdiction. The fee for restoring a license is raised from \$20 to \$50. A licensee who is restoring his/her license must complete the required continuing

education (CE) in the 24 months preceding restoration. Beginning with the September 2016 renewal for therapists and the September 2017 renewal for assistants, 3 hours of CE must be in ethics. Five hours of CE may be in skill certification with up to 2 hours in CPR and up to 3 hours in Basic Life Support for Healthcare Providers, Advanced Cardiac Life Support or Pediatric Advanced Life Support. The Federation of State Boards of Physical Therapy is being added as an approved CE sponsor and the American Physical Therapy Association's Code of Ethics is being updated to the July 2010 edition. Those affected by this rulemaking include physical therapists, physical therapy assistants, their employers and entities that train therapists.

## ☞ ROOFING

DFPR also proposed amendments to the Part titled "Illinois Roofing Industry Licensing Act" (68 Ill Adm Code 1460; 37 Ill Reg 19796) changing the expiration date of roofing licenses to December 31 of odd-

numbered years starting with the 2015 renewal. Regarding restoration of expired licenses, the rulemaking provides that payment of all lapsed renewal fees is sufficient to renew licenses expired for 5 years or less. If a license has been expired for more than 5 years, the applicant must, in addition to paying all lapsed renewal fees, show the license designation (limited or unlimited), proof of insurance, proof of surety bond, the name of the qualifying party who has passed the exam, and produce one of the following: sworn evidence of practice in another jurisdiction, affidavit of military service, or documentation of testing or experience. Finally, the restoration fee is raised from \$20 to \$50 and the cap for lapsed renewal fees is raised from \$250 to \$375. Roofers and roofing contractors are affected by this rulemaking.

Questions/requests for copies/comments on the 2 DFPR rulemakings through 1/27/14: Craig Cellini, DFPR, 320 W. Washington, 3<sup>rd</sup> Floor, Springfield IL 62786, 217/785-0813.

## Second Notices

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The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The DCEO rulemakings and the first 2 DHFS rulemakings will be considered at JCAR's December 17, 2013 meeting; the remaining rulemakings will be considered at JCAR's January 14, 2014 meeting.

### DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

"Enterprise Zone and High Impact Business Programs" (14 Ill Adm Code 520) proposed 10/18/13 (37 Ill Reg 16171)

"River Edge Redevelopment Zone Program" (14 Ill Adm Code 524) proposed 10/18/13 (37 Ill. Reg. 16237)

### DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

"Medical Payment" (89 Ill Adm Code 140) proposed 9/6/13 (37 Ill Reg 13998)

"Hospital Reimbursement Changes" (89 Ill Adm Code 152) proposed 8/16/13 (37 Ill Reg 13043)

"Hospital Services" (89 Ill Adm Code 148) proposed 7/12/13 (37 Ill Reg 9875)

"Child Support Services" (89 Ill Adm Code 160) proposed 8/2/13 (37 Ill Reg 12342)

"Medical Payment" (89 Ill Adm Code 140) proposed 3/22/13 (37 Ill Reg 3362)

### STATE UNIVERSITIES RETIREMENT SYSTEM

"Universities Retirement" (80 Ill Adm

Code 1600) proposed 10/4/13 (37 Ill Reg 15728)

### IL COMMERCE COMMISSION

"Collateral Recovery" (92 Ill Adm Code 1480) proposed 8/16/13 (37 Ill Reg 12953)

### POLLUTION CONTROL BOARD

"Water Use Designations and Site-Specific Water Quality Standards" (35 Ill Adm Code 303) proposed 3/15/13 (37 Ill Reg 2851)

### DEPARTMENT OF REVENUE

"Income Tax" (86 Ill Adm Code 100) proposed 9/27/13 (37 Ill Reg 15464)