

*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

### ☞ PRIVATE SECURITY

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Part titled "Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004" (68 Ill Adm Code 1240; 37 Ill Reg 20571), effective 3/25/14, implementing recent amendments to the Act. The amendments provide that licensing examination scores will be valid for 3 years (currently 6 years); allow commercial or industrial operators that employ up to 4 armed security personnel to register their security forces with DFPR (registration is mandatory for security forces of 5 or more persons) and become subject to the rules in this Part; and allow registered employees of private detective agencies to use the title "private investigator" if they are not licensed private detectives. The rulemaking clarifies that licensees or employees who hold firearm concealed carry licenses must continue to use firearm control cards as required by the Act and this Part. Provisions for licensure by endorsement of persons licensed in other jurisdictions are repealed. Those affected by this rulemaking include private detectives

and investigators, private security guards, fingerprint vendors, and locksmiths.

### ☞ ROOFING

DFPR also adopted amendments to the Part titled "Illinois Roofing Industry Licensing Act" (68 Ill Adm Code 1460; 37 Ill Reg 19796), effective 3/25/14, 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

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## Proposed Regulations

### SUPERINTENDENTS

The STATE BOARD OF EDUCATION proposed a new Part titled "Programs for the Preparation of Superintendents in Illinois" (23 Ill Adm Code 33; 38 Ill Reg 7822). This Part implements the recommendations of the Illinois Superintendent Advisory Group (ISAG), which redesigned the way superintendents are to be prepared in Illinois. The rule addresses general requirements, internship and coursework requirements, candidate selection, program approval and competency goals for new superintendents. Superintendent endorsements under the current standards will not be issued after 9/1/19, and candidates will not be admitted to superintendent endorsement programs under the current standards after 8/31/16.

Questions/requests for copies/comments through 5/27/14: Shelley Helton, SBE, 100 North First Street, S-493, Springfield, Illinois 62777-0001, 217/782-5270. E-mail: [rules@isbe.net](mailto:rules@isbe.net).

### AIR POLLUTION

The POLLUTION CONTROL BOARD

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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

raised from \$250 to \$375. Roofers and roofing contractors are affected by this rulemaking.

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

## INSURANCE

The DEPARTMENT OF INSURANCE adopted amendments to the Part titled "Summary Document and Disclaimer" (50 Ill Adm Code 3401; 37 Ill Reg 19998), effective 3/27/14, changing the address of the Illinois Life and Health Insurance Guaranty Association in Illustration A for this Part. The new address for the Association is 1520 Kensington Road, Suite 112, Oak Brook, IL, 60523-2140. The former address was in Springfield.

Questions/requests for copies: Susan Anders, DOI, 320 W. Washington St., Springfield IL 62767-0001, 217-785-8220, Fax: 217-524-9033.

## WILD SWINE

The DEPARTMENT OF NATURAL RESOURCES adopted a new Part titled "Wild Swine" (17 Ill Adm Code 700; 37 Ill Reg 19817), effective 3/28/14, 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 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: Julia Lawrence, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-6899.

## FIRE EQUIPMENT CONTRACTORS

The OFFICE OF THE STATE FIRE MARSHAL adopted amendments to "Fire Sprinkler Contractor Licensing Rules" (41 Ill Adm Code 109; 37 Ill Reg 18236) and "Fire Equipment Administrative Procedures" (41 Ill Adm Code 109; 37 Ill Reg 18240), both effective 4/15/14. In Part 109, OSFM is setting the fee for a duplicate license at \$50. In Part 280, OSFM is implementing a flat \$50 reinstatement fee instead of a structured one for distributors and individuals. These two rulemakings may affect small businesses.

Questions/requests for copies of the 2

OSFM rulemakings: Kevin Switzer, OSFM, 1035 Stevenson Dr., Spfld IL 62703-4259, 217/558-0639.

## DRIVER'S LICENSES

The SECRETARY OF STATE adopted amendments to "Issuance of Licenses" (92 Ill Adm Code 1030; 37 Ill Reg 20117), effective 3/28/14, exempting military personnel applying for a commercial driver's license (CDL) from the skills test under certain conditions. An applicant must, in the 2 years before applying for a CDL, not have had more than one license (except for a military-issued license); not have had any driver's license suspended, revoked or cancelled; not have had more than one conviction in any motor vehicle while driving impaired or using the vehicle to commit a felony; not have had more than one conviction for speeding or other driving offenses listed in federal regulations (49 CFR 383.51(c)); and not have had any conviction for a violation of military, state or local law relating to motor vehicle traffic control or an automobile accident. The applicant must certify that he or she is currently employed or was employed within the last 90 days as military personnel operating a commercial motor vehicle (CMV); that he or she is exempt from the regulation because of military service; and that the CMV operated in the military is representative of that which the applicant operates or intends to operate for at least 2 years immediately prior to discharge. Additionally, SOS is updating the questions for driver's license applicants to include a question asking graduated license applicants if they have been issued a citation whose disposition is not yet finalized. Finally, peace officers may use their business addresses, instead of their residential addresses, on identification cards or driver's licenses by submitting a Secretary of State Request to Change Residence/ Mailing Address form and showing their badge. Military personnel who wish to drive CMVs, minors applying for graduated driver's licenses, and peace officers may be affected by this rulemaking.

# New Regulations

Questions/requests for copies: Jennifer Egizii, SOS, 2701 S. Dirksen Parkway, Spfld IL 62723, 217/557-4462.

## AIDS DRUG ASSISTANCE

The DEPARTMENT OF PUBLIC HEALTH adopted emergency amendments to "AIDS Drug Assistance Pro-

gram" (77 Ill Adm Code 692; 38 Ill Reg 7997) effective 3/28/14 that update its rules to reflect the 2014 federal poverty guidelines. The emergency rule reflects the poverty guideline amount relative to the number of persons in the family and the maximum gross annual income 300% eligibility amount. A companion proposed rulemaking appears in this issue of the *Illinois*

*Register* at 38 Ill Reg 7783.

Questions/requests for copies/comments on the proposed rulemaking through 5/27/14: Susan Meister, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl., Springfield IL, 62761, 217/782-2043, e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov).

# Proposed Regulations

has proposed amendments to "Definitions and General Provisions" (35 Ill Adm Code 211; 38 Ill Reg 7749) and "Air Quality Standards" (35 Ill Adm Code 243; 38 Ill Reg 7774). The amendments to Part 211 update the definition of volatile organic material to include 2,3,3,3-Tetrafluoropropene to reflect USEPA's most recent exemptions of chemical compounds from regulation as ozone precursors. Affected entities include those that use or emit the chemical. The amendment to Part 243 updates Illinois ambient air quality requirements to correspond with amendments to the federal National Ambient Air Quality Standards USEPA adopted during the period 7/1/13-12/31/13. Affected entities include those that emit pollutants that could potentially affect ambient air quality in any area of Illinois. Public hearings on both rulemakings will be held on 5/7/14 in the James R. Thompson Center, PCB Hearing Room, 100 W. Randolph St., Chicago and the Sangamon Building, PCB Hearing Room, 1021 N. Grand Ave., Springfield. The Part 243 hearing begins at 1:30 p.m. and the Part 211 hearing at 1:45 p.m.

Requests for copies/comments for the above two rulemakings through 5/27/14: John Therriault, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-3620. Questions: Michael J. McCambridge, the same address, 312/814-6924, e-mail: [Michael.McCambridge@Illinois.Gov](mailto:Michael.McCambridge@Illinois.Gov). Please reference docket R14-16 for the amendment to Part 211 and R14-17 for the amendment to Part 243.

## ENVIRONMENTAL LABORATORIES

The ENVIRONMENTAL PROTECTION AGENCY proposed amendments to "Accreditation of Environmental Laboratories" (35 Ill Adm Code 186; 38 Ill Reg 7695) that replace the incorporation by reference of the National Environmental Laboratory Accreditation Conference (NELAC) standard with the TNI standard. Entities affected by this rulemaking include EPA-accredited laboratories or those seeking EPA accreditation.

Questions/requests for copies/comments through 5/27/14: Joanne M. Olson, EPA, 1021 N. Grand Avenue East, PO Box 19276, Springfield, IL 62794-9276, 217/782-5544; email [joanne.olson@illinois.gov](mailto:joanne.olson@illinois.gov).

## ELECTRIC UTILITIES ACCOUNTS

The ILLINOIS COMMERCE COMMISSION proposed an amendment to "Uniform System of accounts for Electric Utilities" (83 Ill Adm Code 415; 38 Ill Reg 7691) that updates from 6/15/06 to 11/27/13 the incorporation of 18 CFR 101 (FERC's Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act) and reflects the addition of new plan accounts and new operating and maintenance expense accounts for electric utilities.

Questions/requests for copies/comments through 5/27/14: Elizabeth Rolando, Chief Clerk, ICC, 527 E. Capitol Ave., Spfld IL 62701, 217/782-7434.

## HIV/AIDS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to "Control of Sexually Transmissible Diseases" (77 Ill Adm Code 693; 38 Ill Reg 7785) and "HIV/AIDS Confidentiality and Testing Code" (77 Ill Adm Code 697; 38 Ill Reg 7808) that implement Public Act 98-353, effective 8/16/13, which removed the requirement to notify school principals of students enrolled in a school program who are HIV infected.

Questions/requests for copies/comments concerning the 2 DPH rulemakings through 5/27/14: Susan Meister, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl., Springfield IL, 62761, 217/782-2043, e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov).

## INSURANCE

The DEPARTMENT OF INSURANCE proposed amendments to "License, Documents Necessary to Engage in Activities and Examinations" (50 Ill Adm Code 752; 38 Ill Reg 7715), "Required Procedure for Filing and Securing Approval of Policy Forms" (50 Ill Adm Code 916; 38 Ill Reg 7719) and "Administrative Hearing Procedures" (50 Ill Adm Code 2402; 38 Ill Reg 7731). The Part 752 amendment reflects an increased fee for filing an application as an advisory organization in accordance with recent statute changes which raised the amount from \$25 to \$50. Technical changes are also being made. Amendments to Part 916 update various methods for insur-

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# Proposed Regulations

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ance companies to electronically file documents with DOI. Changes in technology and procedures have required the Department to update its System for Electronic Rate and Form Filing (SERFF). References to DOI as a separate agency rather than as a division of the Department of Financial and Professional Regulation are added, obsolete terms are repealed and other definitions are updated. Filing procedures to reflect the federal Affordable Care Act (ACA) are revised, including that insurance companies, HMOs or health service plans offering health care coverage must file all proposed rate increases with the Department prior to use and must submit them electronically through the Health Rate Review Web Portal. Fees must now be paid by electronic funds transfer through SERFF. Policy forms to be withdrawn must be reported using the form numbers of the policy to be withdrawn, along with the SERFF tracking number or company tracking

number under which the form was originally approved. Health insurance contracts to be withdrawn subject to the federal ACA shall include the requirements in the Department's recently revised (to accommodate changes mandated by the ACA) rule on health insurance portability and accountability (50 Ill Adm Code 2025). Amendments to Part 2402 revise the Department's administrative hearing rules for the first time since 1979. By mutual agreement or by order of the hearing officer, parties may file documents by email or fax transmission, but the transmission must be received no later than 5 p.m. on the date in which the document is due. Certain policies concerning transcripts and records of a hearing are being repealed, statutory provisions are updated and other technical corrections are being made.

Questions/requests for copies/comments concerning the 3 DOI

rulemakings through 5/27/14: Susan Anders, DOI, 320 W. Washington St., Springfield IL 62767-0001, 217-785-8220, Fax: 217-524-9033.

## **BOILERS**

The OFFICE OF THE STATE FIRE MARSHAL proposed amendments to the Part titled "Boiler and Pressure Vessel Safety" (41 Ill Adm Code 120; 38 Ill Reg 7741). In Part 120, OSFM is updating this Part to include the latest editions (2013) of the ASME Boiler and Pressure Vessel Code and the National Board Inspection Code (NBIC). This rulemakings may affect entities having boiler systems and small businesses who install and repair boilers and pressure vessels.

Questions/requests for copies/comments through 5/27/14: Clayton Novak, OSFM, Attn: Part 120 Rules, 100 W. Randolph St., Suite 4-600, Chicago, IL 60601, 312/814-2381.

# JCAR Meeting Action

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## **JCAR MEETING ACTION**

At its 4/7/14 meeting, the Joint Committee on Administrative Rules extended the Second Notice periods for the following rulemakings an additional 45 days: Department on Aging, "Community Care Program" (89 Ill Adm Code 240; 38 Ill Reg 1408), concerning automated medication dispensing, and Illinois Gaming Board, "Video Gaming (General)" (11 Ill Adm Code 1800; 37 Ill Reg 19812), concerning implementation of a Video Gaming Exclusion List.

# 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 rulemakings will be considered at JCAR's May 20, 2014 meeting.

## **ILLINOIS GAMING BOARD**

"Video Gaming" (11 Ill Adm Code 1800) proposed 12/13/13 (37 Ill Reg 19812)

## **DEPARTMENT OF HUMAN SERVICES**

"Partner Abuse Intervention" (Repealer) (89 Ill Adm Code 501) proposed 12/6/13 (37 Ill Reg 19437)

"Partner Abuse Intervention" (89 Ill Adm Code 501) proposed 12/6/13 (37 Ill Reg 19457)

"Medicaid Community Health Services Program" (59 Ill Adm Code 132) proposed 8/16/13 (37 Ill Reg 13045)