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Illinois General Assembly

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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

CONCEALED CARRY

The ILLINOIS STATE POLICE adopted emergency amendments to the Part titled "Firearm Concealed Carry Act Procedures" (20 Ill Adm Code 1231; 38 Ill Reg 9703), effective 4/16/14 for a maximum of 150 days. An identical rulemaking appears in this week's *Illinois Register* at 38 Ill Reg 9205. The rulemakings establish procedures for Concealed Carry Firearms Instructor approval for out-of-State residents. Those out-of-State individuals must provide proof to ISP that they are not required to possess a Firearms Concealed Carry License (FCCL) to carry in Illinois or that they are eligible to carry under the laws of their state of residence. The rulemaking eliminates the grandfathering provisions that allowed instructors to teach through 4/16/14 without possessing an FCCL. Instructors must cease instructing or may not begin instructing classes until after they have received a FCCL. The rulemakings also remove the phone number for complaints about instructors, instead directing complaints to be submitted via a section

of the ISP website. The rulemaking adds language outlining records to be maintained for auditing purposes including training certificates of prior training, rosters, written performance scores, live-fire qualification scores and proof of completion of successful or unsuccessful training. Related to the records outline is a statement regarding confidentiality and securing of personal information and that applicants should redact personal information on copies provided to trainers. Lastly, the rulemaking removes Appendix C that contains the FCCL certification form. This rulemaking may affect not-for-profits and small business engaged in FCCL training courses.

Questions/requests for copies/comments for the rulemakings above through 6/6/14: Suzanne Bond or Lisa Freitag, ISP, 801 S. 7th St, Suite 1000-S, Springfield IL 62703, 217/782-9356.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted

CANNABIS RULES HEARINGS

The DEPARTMENT OF PUBLIC HEALTH will conduct two public hearings on the proposed new Part titled "Compassionate Use of Medical Cannabis Patient Registry" (77 Ill Adm Code 946; 38 Ill Reg 8243). The first hearing will take place in Chicago Monday, May 5, at 9:30 a.m. at the James R. Thompson Center, 100 W. Randolph, in the Assembly Hall Auditorium (Concourse Level). A second hearing in Springfield will take place Wednesday, May 21, at 9 a.m. at the University of Illinois Springfield Public Affairs Center. Parking will be available in Lots B and C North. The hearings concern proposed rules, published in the 4/18/14 *Illinois Register*, that establish procedures for patients and caregivers to enroll in DPH's registry of authorized medical cannabis users under the Compassionate Use of Medical Cannabis Pilot Program Act. Those affected by this rulemaking include persons seeking authorization to use medical cannabis, their caregivers and their physicians.

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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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amendments to "Pay Plan" (80 Ill Adm Code 310; 38 Ill Reg 196), effective 4/21/14. The amendments implement a collective bargaining agreement between AFSCME and the Departments of Corrections and Juvenile Justice, effective 7/1/12 through 6/30/13. The contract includes general 2% pay increases effective 7/1/13 and 7/1/14; three new substeps prior to Step 1 for new employees hired on or after 10/9/13; increased longevity pay for persons who have worked at least 10 years and attained Step 8, the highest pay grade; and shift differential pay provisions. Other amendments clarify which bargaining units have shift differential and longevity pay provisions; add new job titles with merit compensation system (MS) salary ranges (Food Services Program Manager, Private Secretary I, Pharmacy Manager, Corrections Nurse Trainee); and add an in-hire rate for student interns in the Governor's Natural Resources Fellowship Program.

Questions/requests for copies: Jason Doggett, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7964, fax 271/524-4570, e-mail: CMS.PayPlan@illinois.gov.

DISCRIMINATION CASES

The DEPARTMENT OF HUMAN RIGHTS adopted amendments to "Procedures of the Department of Human Rights" (56 Ill Adm Code 2520; 38 Ill Reg 1765), effective 4/21/14, implementing PA 97-396 and PA 97-596. The rulemaking adds new provisions explaining procedures for processing discrimination cases that have been filed with both DHR and the federal Equal Employment Opportunity Commission (EEOC). The amendments also realign DHR's regions with those of the Department of Employment Security and Department of Labor, clarify that State colleges and universities are not covered by the Illinois Human Right Act's affirmative action requirements, set forth procedures for DHR's mediation program, and in accordance with statute, update references to American Indians and Alaskan Na-

tives (currently, Native Americans) and to Blacks and African Americans (currently, African Americans) as groups to be included in affirmative action measures. Since 1st Notice an effective date of 7/1/15 has been added for DHR's new regions. This rulemaking will affect business or public entities subject to affirmative action requirements or that are involved in employment discrimination cases.

Questions/requests for copies: David T. Rothal, DHR, 100 W. Randolph St., Suite 10-100, Chicago IL 60601, 312/814-6257, TTY: 217/785-5125.

PENSION FUNDS

The DEPARTMENT OF INSURANCE adopted amendments to Parts titled "IRS Qualification Status Requirements for Article 3 Police Pension Funds" (50 Ill Adm Code 4440; 38 Ill Reg 679) and "IRS Qualification Status Requirements for Article 4 Firefighter Pension Funds" (50 Ill Adm Code 4445; 38 Ill Reg 686), both effective 4/16/14. Both rulemakings implement federal requirements necessary to maintain Internal Revenue Service qualified status for Illinois police and firefighter pension funds. The amendments add to the definition of "compensation" certain payments made from nonqualified, unfunded deferred compensation plans within 2½ months after the date of retirement (or the end of the year in which the employee retired, whichever is later) as well as compensation paid during a period of qualified military service under specified conditions. Compensation earned by a pension recipient is subject to annual limits set in the federal Internal Revenue Code. Municipal police and firefighter pension recipients and pension funds may be affected.

Questions/requests for copies of the 2 DOI rulemakings: Scott Brandt, DOI, 320 W. Washington, Springfield IL 62767, 217/785-7410.

LEAD POLLUTION

The POLLUTION CONTROL BOARD

adopted a new Part titled "Standards and Limitations for Certain Sources of Lead" (35 Ill Adm Code 226; 37 Ill Reg 19490), effective 4/21/14, to satisfy Illinois' obligation under the federal Clean Air Act to address requirements for lead emissions sources in nonattainment areas (portions of Madison County and Cook County). Covered topics include requirements for compliance, lead emission standards, operational monitoring and inspection of lead control devices, enclosures to minimize fugitive emissions, measurement of enclosures, operation of the lead fugitive dust operating program, lead emissions testing, and recordkeeping and reporting. Facilities that process lead-containing products or emit lead dust are affected.

Questions/requests for copies: Chad Kruse, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-3665 or download copies at www.ipcb.state.il.us. Please reference docket R14-19.

INCOME TAX

The DEPARTMENT OF REVENUE adopted amendments to "Income Tax" (86 Ill Adm Code 100; 37 Ill Reg 15464), effective 4/21/14, that update statutory sunset dates for various tax deductions and credits for businesses. Property placed in service in a river edge redevelopment zone during tax years that begin after 7/12/16 shall no longer qualify for the river edge redevelopment zone income tax credit. The \$500 credit for each employee hired applies only to tax years ending prior to 7/25/13 for river edge redevelopment zones, or tax years ending prior to 8/7/12 for enterprise zones. The research and development tax credit is repealed on and after 1/1/16; the film production services credit is repealed for tax years beginning on or after 5/6/21; and the affordable housing donation credit ends on 12/31/16. Corporations operating in an enterprise zone may deduct from their taxable income dividends earned from operations in a zone if the dividends were received on or after 7/12/06 (when

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the deduction was enacted). Corporations operating in a river edge redevelopment zone may deduct dividends earned in a zone if received prior to 8/7/12 (when the deduction was repealed). The start date recognized by DOR for the commencement of operations in a river edge redevelopment zone is the actual start date, the date the Department of Commerce and Economic Opportunity created the zone, or 7/12/06, whichever is latest. The deduction for interest paid on loans secured for enterprise zone property applies only to interest received or earned prior to 8/7/12. Small

businesses that claim these deductions and credits are affected by this rulemaking.

Questions/requests for copies: Paul Caselton, DOR, 101 W. Jefferson, Springfield IL 62794, 217/782-7055.

DRIVER'S LICENSES

The SECRETARY OF STATE adopted amendments to "Cancellation, Revocation or Suspension of Licenses or Permits" (92 Ill Adm Code 1040; 38 Ill Reg 1850), effective 4/15/14. The amendments implement recent Pub-

lic Acts adding use of hand-held cell phones while driving, aggravated offenses involving use of video devices or cell phones that results in death or bodily harm, and convictions for theft of motor fuel to the list of offenses that may result in license suspension or other sanctions. Other changes involve speeding offenses and grounds for cancellation of graduated driver's licenses.

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

Proposed Regulations

Questions/requests for copies/comments on the rulemaking through 6/2/14: Susan Meister, DPH, 535 W. Jefferson, 5th Fl., Spfld IL 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

DIPLOMATIC TAX EXEMPTIONS

The DEPARTMENT OF REVENUE proposed amendments to "Retailers' Occupation Tax" (86 Ill Adm Code 130; 38 Ill Reg 9171) and "Hotel Operators' Occupation Tax Act" (86 Ill Adm Code 480; 38 Ill Reg 9198) concerning tax exemptions for foreign diplomats. The Part 130 amendments exempt from sales tax sales made to governmental bodies only if the body has an active DOR-issued exemption identification number that is presented to the re-

tailer and the sale is invoiced directly to and paid by the body. Effective 7/1/14, individuals presenting credit cards containing the employee name and governmental body, without documentation of the exemption ID number, will not be exempt from the tax. Certain purchases made with Diplomatic Tax Exemption Cards issued by the US Department of State to accredited foreign diplomatic and consular officials, and Taipei Economic and Cultural Representative Office Cards issued by the American Institute in Taiwan/Washington (AIT/W), with authority from the US State Department, are exempt from tax. A purchase may be made tax free, regardless of payment type, if a Personal Tax Exemption card is presented. The rulemaking specifies which purchases can and

cannot be made tax free with Diplomatic Tax Exemption Cards or similar cards. An illustration depicts examples of cards, identifying logos and restrictions on exemptions. The Part 480 amendment applies DOR's rules for diplomatic tax exemptions from hotel taxes to Mission Tax Exemption and Personal Tax Exemption cards issued by AIT/W. Those affected by this rulemaking include diplomats from Taipei (Taiwan) and other foreign nations.

Questions/comments/ requests for copies of the 2 DOR rulemakings through 6/16/14: Richard Wolters, DOR Legal Services, 101 W. Jefferson St, Springfield IL 62794, 217/ 782-2844.

Second Notices

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.

DEPARTMENT OF REVENUE

"Income Tax" (86 Ill Adm Code 100) proposed 3/7/14 (38 Ill Reg 5782)

ILLINOIS STUDENT ASSISTANCE COMMISSION

"General Provisions" (23 Ill Adm Code 2700) proposed 2/7/14 (38 Ill Reg 3522)

"Federal Family Education Loan Program (FFELP)" (23 Ill Adm Code 2720) proposed 2/7/14 (38 Ill. Reg. 3541)

"Grant Program for Dependents of Correctional Officers" (23 Ill Adm Code 2731) proposed 2/7/14 (38 Ill. Reg 3557)

"Grant Program for Dependents of Police or Fire Officers" (23 Ill Adm Code 2732) proposed 2/7/14 (38 Ill Reg 3563)

"Illinois Special Education Teacher Tuition Waiver (SETTW)" (23 Ill Adm Code 2765) proposed 2/7/14 (38 Ill Reg 3569)

DEPARTMENT OF INSURANCE

"Assigned Risk Procedures" (50 Ill Adm Code 2904) proposed 1/3/14 (38 Ill Reg 184)

DEPARTMENT OF PUBLIC HEALTH

"Newborn Metabolic Screening and Treatment Code" (77 Ill Adm Code 661) proposed 2/21/14 (38 Ill Reg 5142)

POLLUTION CONTROL BOARD

"General Provisions" (35 Ill Adm Code 501) proposed 12/2/13 (37 Ill Reg 18974)

"Permits" (35 Ill Adm Code 502) proposed 12/2/13 (37 Ill Reg 19005)

"Implementation Program (Repealer)" (35 Ill Adm Code 504) proposed 12/2/13 (37 Ill Reg 19074)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

"Use of X-Rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine" (32 Ill Adm Code 360) proposed 10/18/13 (37 Ill Reg 16246)

"Access to Facilities for Treatment, Storage, or Disposal Low-Level Radioactive Waste" (32 Ill Adm Code 609) proposed 2/14/14 (38 Ill Reg 609)