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Editor

Joint Committee on Administrative Rules
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 Rules

IMMUNIZATIONS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Child Health Examination Code (77 IAC 665; 38 Ill Reg 8726) and Immunization Code (77 IAC 695; 38 Ill Reg 8740) both effective 8/26/14, that implement Public Act 98-480 (effective 8/16/13). The Act requires students, upon entering the 6th or 12th grade of any public, private or parochial school, to receive an immunization containing meningococcal conjugate vaccine. The rule-makings add meningococcal disease to the list of diseases against which children must be immunized or show proof of immunity.

Questions/requests for copies of the 2 DPH rulemakings: Susan Meister, DPH, 535 W. Jefferson St., 5th Floor, Spfd IL 62761, 217/782-2043, dph.rules@illinois.gov

CARNIVALS & AMUSEMENTS

The DEPARTMENT OF LABOR adopted amendments to the Part titled Carnival and Amusement Ride Safety Act (56 IAC 6000; 38 Ill Reg 10772) effective 8/26/14, updating numerous standards for rides and amusements, inspections, inspector qualifications, hearing procedures, and other procedures. ASTM standards for design, inspection and auditing of amusement rides and devices are added. Inspectors must have a 4-year college degree and experience in engineering, physical sciences or related fields (e.g., military training in safety inspections, heavy machinery maintenance, experience in the amusement ride industry). Inspectors must also be proficient in Microsoft programs and pass necessary examinations. Inspections must include

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Proposed Rulemakings

SOLID WASTE DISPOSAL

POLLUTION CONTROL BOARD proposed amendments to Solid Waste Disposal: General Provisions (35 IAC 810; 38 Ill Reg 18608) and Standards for Existing Landfills and Units (35 IAC 814; 38 Ill Reg 18617) updating incorporations by reference to ensure that these rules are identical in substance to their federal counterparts. Small businesses and small municipalities that own or operate solid waste landfills may be affected.

Requests for copies/comments on the 2 PCB rulemakings through 10/27/14: John Therriault, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601. Questions: Michael McCambridge at the same address, 312/814-6924, michael.mccambridge@illinois.gov. Please reference docket R 15-8.

NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates 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: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

New Rules

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observations of operators, assistants or attendants during the operation of rides and attractions. The inspector must notify the owner or responsible party in writing if he or she observes any distracted attendants or assistants. A warning will be issued for the first violation; any subsequent violation may result in revocation of a permit, issuance of a stop order for that ride or attraction, or a fine (for which DOL will accept electronic payment). The rulemaking adds hearing procedures for denied, suspended or revoked permits or stop orders as required by PA 98-541 and clarifies when the administrative hearing fee is assessed. Regarding fees charged for expedited site inspections and permits, DOL clarifies that these fees are a surcharge paid to cover the costs of expediting the inspection and permitting process. The fee is \$250 for an inspection performed during normal inspection hours and \$500 for an inspection performed outside normal work hours. Employers of carnival workers must check the National Sex Offender Public Website for all applicants age 17 or older at the time of employment, and again annually for seasonal workers who are rehired (an annual check is not necessary for workers who are continuously employed); they must also perform random drug tests. No registered sex offender or anyone

convicted of an offense in Article 9 (homicide) or Article 11 (sex offenses) of the Criminal Codes of 1961 or 2012 may be employed by a carnival or amusement operator. Attendants or assistants may not use cell phones or other handheld mobile devices while working, except in conjunction with the operation of the ride or amusement. Entrances and ride-specific requirements (e.g., minimum age or height) must be clearly marked. Daily maintenance logs must also be kept and made available for DOL inspection. The rulemaking also adds new requirements for haunted houses that include emergency planning, designation of exits, fire protection, electrical requirements, and the use of decorative materials, and repeals minimum width requirements for go-kart tracks. Carnival and amusement owners and operators and ride and amusement manufacturers are affected by this rulemaking.

Questions/requests for copies: Jim Preckwinkle, DOL, 900 S. Spring St., Springfield, IL 62704, 217/558-1270.

■ TANF EBT BENEFITS

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Temporary Assistance for Needy Families (89 IAC 112; 38 Ill Reg 7428) and Related Program Provisions (89 IAC 117; 38 Ill Reg 7441), effective 8/29/14, that implement a federal regulation. The rulemaking

prohibits the use of TANF EBT benefits in any liquor store, casino, gaming establishment or other retail establishment providing adult oriented entertainment involving disrobing or nudity. Part 112 dictates that the first instance of prohibited access results in a verbal warning. Subsequent instances of prohibited access result in a 50% reduction in benefits for one month per offense. Some small businesses may be affected.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/785-9772.

COAL TESTING

DEPARTMENT OF NATURAL RESOURCES adopted amendments to The Coal Mining Act (62 IAC 140; 38 Ill Reg 5010), effective 8/29/14, updating procedures and standards for quality testing of coal delivered under State purchase contracts. The amendments change the testing fee to \$100 for each composited sample, \$25 for compositing of a gross sample, and \$25 for bags exceeding 50 pounds. (Formerly, testing fees started at \$50 for 2 or fewer bags per month and increased by \$15 for each 2 additional bags tested per month.) Test results shall be reported to the delivering agency by the end of the month in which the test is processed (formerly, within 2 weeks after the sample was received) and analyzed

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New Rules

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samples shall be retained for 90 (formerly 30) days after the results are reported. Also, obsolete references to the Department of Mines and Minerals (now DNR's Office of Mines and Minerals) are removed or updated. Since 1st Notice, certain testing standards and procedures have been clarified. Those affected by this rulemaking include suppliers of coal to State facilities.

■ OIL AND GAS

DNR also adopted amendments to The Illinois Oil and Gas Act (62 IAC 240; 37 Ill Reg 10624) effective 8/29/14, creating, increasing or otherwise changing the fee structure for permitting of wells. A petition for an order requiring unitization of a pool application fee is \$2,500; a petition for an order requiring integration of a pool application fee is \$1,500; a petition to establish pool-wide drilling unit application fee is \$2,500; and a petition to modify or establish a special drilling unit application fee is \$1,500. All the application fees are non-refundable. The rulemaking eliminates cost ranges for annual assessment of wells and establishes a per well cost structure of \$75 per well for the first 100 wells and \$50 per well for all wells in excess of 100. The application to drill or convert observation or gas storage wells is a non-refundable fee of \$300. The fee for transfer of an existing well permit to operate to a new owner is increased from \$15 to

\$50. This rulemaking may affect small businesses involved in the extraction, storage or movement of oil and/or gas.

Questions/requests for copies of the 2 DNR rulemakings: Nick San Diego for Part 140 and Robert G. Mool for Part 240, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

LABORATORIES

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY adopted amendments to Accreditation of Environmental Laboratories (35 IAC 186; 38 Ill Reg 7695), effective 9/1/14, that replace the incorporation by reference of the National Environmental Laboratory Accrediation Conference (NELAC) standard with the TNI standard. Entities affected by this rulemaking include IEPA-accredited laboratories or those seeking IEPA accreditation.

Questions/requests for copies: Joanne M. Olson, IEPA, 1021 N. Grand Avenue East, PO Box 19276, Springfield, IL 62794-9276, 217/782-5544, e-mail: joanne.olson@illinois.gov.

VARIABLE CONTRACTS

DEPARTMENT OF INSURANCE adopted amendments to Variable Contracts (50 IAC 1451; 38 Ill Reg 7446), effective 8/27/14, that expand the definition of a variable contract to include a policy or contract registered

under the federal Securities Act of 1933, providing benefits based upon the performance of an index, when the principal or interest rate is not guaranteed and supporting assets are held and reported in a non-insulated separate account on which changes in asset values substantially match changes in contractual benefits from inception of the contract.

Questions/requests for copies: Susan Christy, DOI, 320 W. Washington St., Springfield IL 62767-000, 217-782-1759.

Peremptory Rulemaking

STATE EMPLOYEES

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted a peremptory amendment to Pay Plan (80 IAC 310; 38 Ill Reg 18791) effective 8/26/14, implementing 2 memoranda of understanding with AFSCME. The agreements assign the titles of fire protection engineer (Office of the State Fire Marshal) and pharmacy manager (Department of Human Services) to an AFSCME bargaining unit and assign them bargaining unit pay grades.

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

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 the Committee's October 14, 2014 meeting.

DEPT OF PUBLIC HEALTH

Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300) proposed 6/6/14 (38 III Reg 11666)

The Illinois Food, Drug and Cosmetic Act (77 IAC 720) proposed 5/23/14 (38 III Reg 10815)

Food Service Sanitation Code (77 IAC 750) proposed 5/23/14 (38 III Reg 10822)

Grade A Pasteurized Milk and Milk Products (77 IAC 775) proposed 5/23/14 (38 III Reg 10853)

Tanning Facilities Code (77 IAC 795) proposed 5/23/14 (38 III Reg 10869)

Plumbing Contractor Registration Code (77 IAC 894) proposed 4/25/14 (38 III Reg 8772)

DEPT OF NATURAL RESOURCES

Allocation of Water from Lake Michigan (17 IAC 3730) proposed 3/7/14 (38 III Reg 5754)

Joint Committee on Administrative Rules

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