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Joint Committee on Administrative Rules  
Illinois General Assembly

700 Stratton Bldg. Springfield IL 62706  
217/785-2254 [ilga.gov/commission/jcar](http://ilga.gov/commission/jcar)

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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, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.*

## Proposed Rulemakings

### ■ FIRE & AMBULANCE LOANS

The OFFICE OF THE STATE FIRE MARSHAL proposed amendments to the Parts titled Fire Truck Revolving Loan Program (41 IAC 290; 38 Ill Reg 20092) and Ambulance Revolving Loan Program (41 IAC 292; 38 Ill Reg 20106) and proposed a new Part titled Fire Station Revolving Loan Program (41 IAC 294; 38 Ill Reg 20121). These rulemakings implement Public Act 97-901 and other Public Acts instituting low- or no-interest loan programs, jointly administered by OSFM and the Illinois Finance Authority, for fire protection districts, municipalities, and ambulance services seeking to purchase emergency vehicles or to build, expand, remodel or purchase a building site for a fire station. A committee consisting of the State Fire Marshal and representatives of fire departments and the

banking community will review applications for all three types of loans. All loans are subject to available funding and payments will be due annually on November 1. Applicants who have not previously received loans have priority over past loan recipients. Applications will be ranked based upon financial need, equipment need and the borrower's ability to repay. Rates

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for most loans will depend upon the borrower's municipal credit rating. The Part 290 amendments add provisions for loans to purchase brush trucks (pickup or flatbed trucks outfitted with fire or rescue apparatus). Loans of up to \$100,000 per truck may be made for brush trucks only, while a \$350,000 limit applies to fire trucks or to a combination of fire

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## New Rules

### HOSPITAL ASSISTANCE

The ATTORNEY GENERAL adopted amendments to Hospital Financial Assistance under the Fair Patient Billing Act (77 IAC 4500; 38 Ill Reg 12673), effective 10/10/14, updating Appendix A to reference 2014 federal poverty guidelines and removing an obsolete internal effective date of 1/1/14.

Questions/requests for copies: David Buysse, Office of the Attorney General, 100 W. Randolph St. 12<sup>th</sup> Fl., Chicago IL 60601, 312/814-7236.

### DHS SCHOOLS

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Rules of Conduct, Discipline, Suspension and Discharge Procedures (89 IAC

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**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](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://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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827; 38 Ill Reg 4292), effective 10/8/14, revising DHS' rules of conduct and discipline and discharge procedures for students at its residential school facilities (the Illinois Schools for the Deaf and for the Visually Impaired in Jacksonville, and the Illinois Center for Rehabilitation and Education-Roosevelt in Chicago). The rulemaking also reflects changes made in DHS' school rules ensuring that language is consistent with current terminology and program practices. DHS added language requiring the Rights, Responsibilities and Procedures Handbook to be updated and distributed annually to staff, parents or guardians and students. DHS also replaced all

references to "multidisciplinary staffing" to "eligibility review" for consistency with other DHS rules. Parents or guardians will be immediately notified when disciplinary action has occurred instead of only when they expressed a desire to be notified or when the incident was serious enough to warrant notification. The rulemaking also revises practice for school staff who have authority to reprimand and/or discipline students, removes special assignment of duties and restriction to classroom/dormitory from the list of disciplinary actions, adds structured study as a separate form of discipline and adds language addressing expulsion or termination of a student, including expulsion as a result of a student having a

weapon and placement of that student by the local school district. DHS repealed provisions covering interim services because its residential schools are not responsible for providing interim services (local school districts have this responsibility). Since 1<sup>st</sup> Notice, DHS has chosen to update and retain, instead of repealing, Appendix A, which lists offenses that the schools may address and disciplinary actions to be taken. This information also appears in the Rights, Responsibilities and Procedures Handbook distributed to students and their parents or guardians.

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

## Proposed Rulemakings

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and brush trucks. Loans for brush trucks must be repaid within 10 years and other loans within 20 years. The interest rate for brush truck loans is 0% if the entire truck was built in Illinois, 1% if the truck was partly built in Illinois, or 2% if the entire truck was built outside of Illinois. Amendments to Part 292 set a cap of \$100,000, payable over 10 years, on loans for ambulance purchases. The new Part 294 authorizes loans of up to \$2 million per fire department per fiscal year to build, remodel or expand a fire station or acquire a fire station site. These loans must be repaid within 25 years. Municipalities, fire protection districts, and non-

profit ambulance services are affected by these rulemakings.

Questions/requests for copies/comments on the 3 OSFM rulemakings through 12/8/14: Les Albert, OSFM, 1035 Stevenson Drive, Springfield IL 62703-4259, 217/558-1751.

### ■ FUNDRAISING GAMES

The DEPARTMENT OF REVENUE proposed an amendment to Charitable Games Act (86 IAC 435; 38 Ill Reg 20143) implementing 4 Public Acts that concern licensing of games of chance (e.g., bingo, casino nights) staged for charitable fundraising purposes

and licensing of suppliers of charitable gaming equipment. The rulemaking increases the term of a license from one to 2 years and increases the license fee from \$100 to \$200. Organizations applying for a license should apply at least 30 days before the scheduled event. Only one license is allowed per organization and no more than 4 events may be held per year. Documentation that must accompany an application for a license includes a sworn statement of use, organization by-laws, proof of tax-exempt status, and descriptions of members, volunteers, and

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# Proposed Rulemakings

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employees. Licenses must be filed with the local police or sheriff's department. Ownership permits are required for organizations using their own equipment in conducting charitable games. These permits require a one-time fee of \$50. The rulemaking increases from 8 to 12 the number of charitable games nights allowed by State statute per year, but a municipality may allow up to 48 (now, 16) charitable nights per year. The maximum amount of cash derived from chips a participant may receive is increased from \$250 to \$500. House dealers must be provided for all card games at events. The maximum wagered may not exceed \$20 (now, \$10). Tax returns filed on proceeds are subject to public inspection. The rulemaking also prescribes penalties for infractions and adds

numerous definitions. Those affected by this rulemaking include non-profit organizations that sponsor charitable games; small businesses that supply goods for charitable gaming events; and municipalities that regulate charitable gaming.

Questions/requests for copies/comments through 12/8/14: Paul Caselton, DOR Legal Services, 101 W. Jefferson, Springfield IL 62794, 217/782-7055.

## VISA WAIVER PROGRAM

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Visa Waiver Program for International Medical Graduates (77 IAC 591; 38 Ill Reg 20133) that implement a provision of Public Act 98-1006 allowing DPH to assess a fee on J-1 visa waiver applications. (J-1 visas

are non-immigrant visas issued by the U.S. State Department to foreign students or professionals participating in exchange programs. Ordinarily, a J-1 visa recipient must return to his or her country for at least 2 years after graduation or completion of their training; a waiver removes this requirement.) International medical graduates must pay a \$3,000 fee to DPH, via check or money order, with a J-1 visa waiver application. Applications not accompanied by the processing fee will be considered incomplete until the fee is received. The rulemaking also updates incorporated and referenced materials and adds a statutory reference. Foreign medical students and Illinois medical schools may be affected.

Questions/requests for copies/comments through 12/8/14: Susan Meister, at the DPH address and phone number at left.

## Public Hearing

The DEPARTMENT OF PUBLIC HEALTH will hold a public hearing on proposed amendments to Grade A Pasteurized Milk and Milk Products (77 IAC 775; 38 Ill Reg 18346) **Thursday, Nov. 6, 9 a.m. - 4 p.m.** at the Illinois Building, Illinois State Fairgrounds, 801 Sangamon Ave., Springfield. The hearing concerns a proposed rulemaking published in the 9/5/14 *Illinois Register* that institutes a two-tier system of inspections and permits for farms

that provide raw (unpasteurized) milk to consumers. All participants must sign in at the registration desk. Persons giving oral testimony must register upon arrival and must also submit a written copy of their remarks at the time of registration.

Questions regarding the rulemaking or the public hearing: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov).

## ELECTIONS

The STATE BOARD OF ELECTIONS proposed a new Part titled Procedures for Implementing the Electronic Canvass (26 IAC 219; 38 Ill Reg 20204) which outlines procedures for electronic transmission of election results from election authorities to the State Board. No later than 22 days after each election, election authorities must submit to the Board both a paper canvass and

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electronic canvass of election results. Information that must be submitted includes: total registered voters and total ballots cast for the jurisdiction and each precinct; ballots cast for each party in a primary election; precinct level results for all offices and candidates; valid write-in candidates and valid votes cast for each candidate. Offices and candidates that are certified by the Board shall have identification numbers and party codes assigned by the Board. New parties will have codes assigned to them as needed. Specific provisions apply for assignment of a party code for various tabulations, documenting write-in votes, and transmission of canvass results by various methods (e.g., WinEds, GEMS, Hart Intercivic Inc.). All results for candidates who filed a timely Declaration of Intent to be write-in candidates must be submitted in both paper and electronic filings with the Board. Particular provisions are expressly added for reporting of write-in candidates. All jurisdictions must upload a verification file to ensure that all identification numbers and offices are properly loaded in their election database. Existing systems certified in Illinois will submit a file in a format specified in the rules. New systems certified in Illinois in the future will need to provide an export per the specifications of the Preferred Canvass File Format. Municipalities will be affected.

Questions/requests for copies/comments through 12/8/14: Steve Sandvoss, SBEL, 2329 S. MacArthur, Springfield IL 62708, 217/782-0608.

## CAPITOL GROUNDS

The SECRETARY OF STATE proposed amendments to Public Building Construction (71 IAC 2000; 38 Ill Reg 20189) changing the title of the old Legislative Space Needs Commission to its current title, Office of the Architect of the Capitol, and making some technical corrections. SOS also proposed amendments to Public Use of the Capitol Complex and Springfield Facilities (71 IAC 2005; 38 Ill Reg 20196) to permit the Director of the Secretary of State Department of Police equal authority with the Director of Physical Services for issuing demonstration permits, authorizing construction of displays on the Capitol grounds,

obtaining permission to use loudspeakers, or appealing adverse decisions by either Department of the Secretary of State.

Questions/requests for copies/comments for the 2 SOS rulemakings through 12/8/14: Carrie Leitner, SOS, 298 Howlett Building, Springfield IL 62756 217/785-3094, [cleitner@ilsos.net](mailto:cleitner@ilsos.net)

## HORSE RACING

The ILLINOIS RACING BOARD proposed amendments to Claiming Races (11 IAC 510; 38 Ill Reg 20139) updating a cross reference for claiming price in claiming races.

Questions/requests for copies/comments through 12/8/14: Mickey Ezzo, IRB, 100 W. Randolph, Ste. 7-701, Chicago IL 60601, 312/814-5017.

### Joint Committee on Administrative Rules

**Senator Pamela Althoff**

**Representative Greg Harris**

**Senator Don Harmon**

**Representative Lou Lang**

**Senator Tony Muñoz**

**Representative David Leitch**

**Senator Sue Rezin**

**Representative Don Moffitt**

**Senator Dale A. Righter**

**Representative Tim Schmitz**

**Senator Ira Silverstein**

**Representative André Thapedi**

**Vicki Thomas**  
**Executive Director**

## **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. These rulemakings will be considered at the Committee's November 6, 2014 meeting, currently scheduled for 11:30 a.m. at the Michael Bilandic Building, 160 N. La Salle St., Chicago.

### **OFFICE OF THE TREASURER**

Rules for Charitable Trust Stabilization Committee (74 IAC 650) proposed 7/25/14  
(38 Ill Reg 15890)

### **DEPT OF CENTRAL MANAGEMENT SERVICES**

Pay Plan (80 IAC 310) proposed 8/29/14 (38 Ill Reg 17823)

### **DEPT OF HUMAN SERVICES**

Aid to the Aged, Blind or Disabled (89 IAC 113) proposed 8/15/14 (38 Ill Reg 17183)

### **DEPT OF INSURANCE**

Health Maintenance Organization (50 IAC 5421) proposed 8/8/14 (38 Ill Reg 16585)

Managed Care Reform & Patient Rights (50 IAC 5420) proposed 8/8/14 (38 Ill Reg 16579)

Construction and Filing of Accident and Health Insurance Policy Forms (50 IAC 2001)  
proposed 8/1/14 (38 Ill Reg 16122)

Minimum Standards of Individual Accident and Health Insurance (50 IAC 2007)  
proposed 8/8/14 (38 Ill Reg 16528)

### **STATE BOARD OF EDUCATION**

Evaluation of Certified Employees under Articles 24A and 34 of the School Code (23 IAC 50)  
proposed 7/11/14 (38 Ill Reg 14200)

School Food Service (23 IAC 305) proposed 7/11/14 (38 Ill Reg 14227)