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Editor

Joint Committee on Administrative Rules
Illinois General Assembly

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Issue 47

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.

Emergency Rule

■ QUARANTINES

The DEPARTMENT OF PUBLIC HEALTH adopted an emergency amendment to Control of Communicable Diseases Code (77 IAC 690; 38 Ill Reg 21954) effective 11/5/14 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 38 Ill Reg 21756. The rulemakings establish modified quarantine and monitoring of persons at risk of developing infectious diseases such as Ebola. "Modified quarantine" is defined as a selective, partial limitation of freedom of movement or actions of a person or group or persons who are or may have been exposed to a contagious or possibly contagious disease. Modified quarantine includes, but is not limited to, exclusion of children from school; prohibition or

restriction from engaging in a particular occupation or using public or mass transportation; or mandatory use of devices or procedures intended to limit disease transmission. Travel outside of the jurisdiction of the local health authority for persons under modified quarantine is permitted only by mutual agreement of the health authority and the public health official who

New Rules, Page 3

will assume responsibility. "Monitoring" is defined as watching, checking or documenting medical findings of potential contacts for the development, or non-development, of an infection or illness. Monitoring may include community-level social distancing measures to reduce potential exposure or

(cont. page 2)

Proposed Rulemakings

■ INCOME TAX

The DEPARTMENT OF REVENUE proposed an amendment to Income Tax (86 IAC 100; 38 Ill Reg 21758) changing the formula for transportation companies to calculate the amount of their income that is attributable to Illinois and subject to Illinois tax. For the tax year 2009 and later, the formula for transportation services other than airlines is the sum of all receipts from movement/shipment of persons or goods entirely within Illinois, plus gross receipts from the Illinois portion of interstate movements/shipments, divided by total revenue from all transportation services. (Prior to 2009, Illinois income was determined by dividing total revenue miles by the number of revenue miles earned in Illinois.)

(cont. page 2)

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.

Proposed Rulemakings

(cont. from page 1)

“Revenue mile” is defined as transporting for one mile any of the following: one net ton of freight, one passenger, one barrel of oil, 1,000 cubic feet of natural gas, or any other specified quantity of a substance other than oil or gasoline. Airline revenue does not include flyovers of flights not departing or arriving in Illinois. For flights originating or ending in Illinois, mileage between the airport and the Illinois border is considered. For vessels that operate on waters not entirely inside or outside of Illinois, 50% of total miles on that water shall be attributed to Illinois. Transportation companies are affected by this rulemaking.

Questions/requests for copies/comments through 1/5/15: Paul

Caselton, DOR Legal Services, 101 W. Jefferson, Springfield IL 62794, 217/524-3951.

DRINKING WATER

The POLLUTION CONTROL BOARD proposed amendments to Primary Drinking Water Standards (35 IAC 611; 38 Ill Reg 21513) reflecting USEPA amendments to federal drinking water rules issued from 1/1/14 to 6/30/14. (The amendments are exempt from Second Notice review by JCAR and may be adopted after the public comment period ends.) USEPA has added 21 alternative analytical methods that can be used to demonstrate compliance with its drinking water standards. Other corrections and clarifying changes are also included in this rulemaking. Municipalities and

water districts with public water supplies are affected.

Questions/comments through 1/5/14: John Therriault or Michael McCambridge, PCB, 100 W. Randolph St. Suite 11-500, Chicago IL 60601, 312/814-6924, michael.mccambridge@illinois.gov. Copies of the Board’s opinion and order can be obtained at <http://www.ipcb.state.il.us> or by calling 312/814-3620. Please reference docket R15-6.

Emergency Rule

(cont. from page 1)

transmission of infection, such as reporting of one’s geographic location for a period of time, restricted use of public transportation, use of masks, and temperature screening. The rulemakings also define public transportation as any form of transportation that charges fares and is available for public use, including taxis, multiple-occupancy cars, and shuttle services and change the definition of observation to include restriction of movement (formerly excluded from this definition). Those affected by these rulemakings include local health departments, healthcare providers, schools, and public transportation providers or facilities.

Questions/requests for copies/comments on the proposed rulemaking through 1/5/15: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

Joint Committee on Administrative Rules

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Vicki Thomas
Executive Director

New Rules

■ EDUCATOR LICENSURE

The STATE BOARD OF EDUCATION adopted amendments to Educator Licensure (23 IAC 25; 38 Ill Reg 14081), effective 11/3/14, which address several issues pertaining to continuing education (CE) and license renewal. The rulemaking converts continuing professional development units (CPDUs) to clock hours; requires licensees to record professional development activities on the Educator License Information System (ELIS) within 60 days after completion; and allows licensees to request more time to complete CE requirements under certain circumstances. The rulemaking also clarifies requirements for CE providers and addresses exemptions to CE requirements. Since 1st Notice, SBE has clarified that the 60-day deadline for recording professional development credit only applies to credit earned after 7/1/14; added provisions for previous national certification credit for school support personnel; and changed the deadline for completing extended professional development plans from 6/30 to 8/31. Schools and providers of CE for teachers are affected by this rulemaking.

TEACHER EVALUATIONS

SBE also adopted amendments to Dismissal of Tenured Teachers Under Article 24 and Dismissal of Tenured Teachers and Principals Under Article 34 of the School

Code (23 IAC 51; 38 Ill Reg 14217), effective 11/3/14, implementing the Performance Evaluation Reform Act (PERA) (PA 96-861). The amendments set requirements for approved performance evaluation training providers. A change since 1st Notice adds individuals to the list of eligible providers.

■ CHARTER SCHOOLS

Finally, SBE adopted amendments to Charter Schools (23 IAC 650; 38 Ill Reg 11482) effective 11/3/14. The rulemaking sets procedures for SBE to monitor charter authorizers (school districts and the State Charter School Commission (SCSC)) and sets criteria for sanctions against authorizers that fail to meet SBE standards. The National Association of Charter School Authorizers' Principles and Standards of Quality Charter School Authorizing are incorporated as evaluation standards. The rulemaking clarifies that, when SBE reviews charter school contracts, approval is also contingent on the charter's financial schedule and plan for providing special education. Changes since 1st Notice move the deadline for submitting reports to SBE from 7/1 to 1/30 of each odd-numbered year; require complaints to be submitted within 1 year after alleged violations occur; add a process to inform complainants of investigation results; allow only information exempt from disclosure under the Illinois Freedom of Information Act to be

redacted from complaints; and require notification to the authorizer when SBE conducts an inquiry into one of its charter schools. Non-profit organizations that operate charter schools are affected by this rulemaking.

Questions/requests for copies of the 3 SBE rulemakings: Part 25, Kellee Sullivan, SBE, 100 N. First St., E-310, Springfield IL 62777, 217/557-6763. For Part 51, Jeff Aranowski, and for Part 650, Jen Saba, both SBE, 100 W. Randolph St., Suite 14-300, Chicago IL 60601, 312/814-2223.

■ HAZARDOUS WASTE

The ILLINOIS EMERGENCY MANAGEMENT AGENCY adopted amendments to Emergency and Written Notification of an Incident or Accident Involving a Reportable Hazardous Substance (29 IAC 430; 38 Ill Reg 17174), effective 11/5/14, updating reporting requirement exemptions for extremely hazardous substances (e.g., ammonia, chlorine) to match federal requirements in 49 CFR 355.31 that were effective 1/1/14. Businesses that produce, store or transport these substances and municipalities that maintain emergency operations plans are affected by this rulemaking.

Questions/requests for copies: Louise Michels, IEMA, 1035 Outer Park Drive, Springfield IL 62704, 217/785-9876.

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 December 16, 2014 meeting, scheduled for 11:30 a.m. at the Michael Bilandic Building, 160 N. La Salle St., Chicago.

POLLUTION CONTROL BOARD

General Rules (35 IAC 101) proposed 6/20/14 (38 III Reg 12685)

Regulatory and Informational Hearing and Proceedings (35 IAC 102) proposed 6/20/14
(38 III Reg 12740)

Enforcement (35 IAC 103) proposed 6/20/14 (38 III Reg 12757)

Regulatory Relief Mechanisms (35 IAC 104) proposed 6/20/14 (38 III Reg 12766)

Appeals of Final Decisions of State Agencies (35 IAC 105) proposed 6/20/14 (38 III Reg 12779)

Proceedings Pursuant to Specific Rules or Statutory Provisions (35 IAC 106) proposed 6/20/14
(38 III Reg 12785)

Petition to Review Pollution Control Facility Siting Decisions (35 IAC 107) proposed 6/20/14
(38 III Reg 12802)

Administrative Citations (35 IAC 108) proposed 6/20/14 (38 III Reg 12809)

Tax Certifications (35 IAC 125) proposed 6/20/14 (38 III Reg 12814)

Identification and Protection of Trade Secrets and Other Non-Disclosable Information
(35 IAC 130) proposed 6/20/14 (38 III Reg 12821)

DEPT OF INSURANCE

Medical Liability Insurance Rules and Rate Filings (50 IAC 929) proposed 1/31/14
(38 III Reg 3281)