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Joint Committee on Administrative Rules
Illinois General Assembly

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Issue 9

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

■ TIRE DISPOSAL

The POLLUTION CONTROL BOARD proposed amendments to Management of Used and Waste Tires (35 IAC 848; 39 Ill Reg 2814) implementing Public Act 98-656 and other provisions related to the storage, processing, and disposal of used or waste tires. Effective 7/1/16, tire storage sites containing more than 10,000 passenger tires or their equivalent, and those processing more than 500 tons of used tires per calendar year, must obtain permits from the Illinois Environmental Protection Agency. Permit applications must be submitted to IEPA at least 90 days before the date on which a permit is required, and permits are not transferable. A new Subpart outlines the permit application process and conditions for granting, revising and revoking permits. Other

provisions increase the required firebreak between tire piles and buildings, or between piles, from 25 to 50 feet; require sites with more than 60 tons of tires (currently, more than 500 tires) to maintain tire storage plans and contingency/emergency response plans; require facilities to keep tire tracking receipts

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whenever waste tires are received by or transported from a site; require tire transporters to file annual reports to IEPA; replace self-insurance provisions with provisions for surety bonds; and replace blanket exemptions for tire retreading, stamping, and die cutting facilities with specific exemptions from certain provisions based upon the volume of tires kept at these sites.

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Emergency Rulemaking

■ SCHOOL FINANCES

The STATE BOARD OF EDUCATION adopted emergency amendments to Requirements for Accounting, Budgeting, Financial Reporting, and Auditing (23 IAC 100; 39 Ill Reg 3146), effective 2/11/15 for a maximum of 150 days. A companion proposed rule-making appears in this week's *Illinois Register* at 39 Ill Reg 2916. The emergency amendments enable school districts to immediately participate in a preschool expansion program, funded by a recently awarded federal Race to the Top grant, by instituting a new revenue code for districts to separately record funds received from the program. (SBE will receive \$20 million each calendar year for 4 years for this purpose; 25 grants to 18 communities have been

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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) 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

■ STATE & LOCAL RECORDS

The SECRETARY OF STATE adopted amendments to the Parts titled State Records Commission (44 IAC 4440; 38 Ill Reg 13747) and Local Records Commission of Cook County (44 IAC 4500; 38 Ill Reg 16181), both effective 2/11/15, updating records retention standards to reflect current technology and practices. Agencies seeking permission to dispose of records must file a Records Disposal Certificate with the applicable commission listing all records targeted for disposal at least 30 days in advance. Records may not be disposed of until the certificate has been approved and returned. Permission to dispose of records ahead of schedule may be sought when records have been damaged by water, fire, smoke, insects, mold or another disaster in a way that

threatens employees' health and safety. The Chairman of the applicable commission may grant such a request only after physically reviewing the damaged records. Agencies may contract with external vendors to perform digitization, storage or management of records, but the agency remains responsible for the proper management of records in a vendor's temporary custody. Since 1st Notice, appendices have been added to both rulemakings describing various methods of electronic storage and their suitability for different types of records. Local governments are affected by these rulemakings.

Questions/requests for copies: Dave Joens, Illinois State Archives, Norton Bldg., 2nd Fl., Springfield IL 62756, 217-782-3492, djoens@ilsos.net.

Emergency Rulemaking

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awarded for FY15.) The companion proposed rulemaking, in addition to implementing the emergency provisions previously described, institutes a new expenditure code for districts to record their expenditures on charter schools and references the most recent government organization auditing standards published by the U.S. Comptroller General in 2011. These rulemakings affect school districts participating in

the preschool expansion program and those which have instituted charter schools.

Questions/requests for copies of the emergency rule: Debbie Vespa, SBE, 100 N. First St. N-330, Springfield IL 62777-0001, 217/785-8779. Comments on the proposed rulemaking through 4/13/15: Shelly Helton, same address (S-493), 217/782-5270, rules@isbe.net.

Proposed Rulemakings

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Those affected by this rulemaking include tire disposal or recycling facilities, auto salvage or scrap facilities, and businesses that transport used or waste tires.

Questions/requests for copies/comments on this rulemaking through 4/13/15: John Thierriault, Clerk, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-3629. Copies may also be obtained at www.ipcb.state.il.us. Please reference docket R15-19.

REGIONAL ED OFFICES

The STATE BOARD OF EDUCATION proposed repeal of the Part titled Regional Offices of Education and Intermediate Services (23 IAC 525; 39 Ill Reg 2986) and proposed a new Part titled Intermediate Services (23 IAC 525; 39 Ill Reg 3007) implementing 4 Public Acts that abolished the Regional Office of Education (ROE) for suburban Cook County, reduced the Statewide number of ROEs from 45 to 35 effective 7/1/15, and shifted responsibility for certain intermediate services formerly provided by ROEs to other bodies. The new Part replaces biannual program visits by SBE staff to ROEs with an annual application and document review, with on-site visits when necessary to address problems

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Proposed Rulemakings

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or questions. Intermediate service delivery in suburban Cook County is handled by three Intermediate Service Centers (ISCs) instead of the defunct ROE. The repealer and the new Part also eliminate obsolete references to the Chicago ISC (whose responsibilities now belong to Chicago Public Schools), remove the requirement that ISC boards meet 6 times per year, and eliminate a requirement for ROEs and ISCs to maintain consultant directories. ROE and ISC staffs are affected by these rulemakings.

SCHOOL TRANSPORTATION

SBE proposed amendments to Pupil Transportation Reimbursement (23 IAC 120; 39 Ill Reg 2961) implementing PA 98-1057. The PA and the rulemaking add required travel through a “safe passage route” designated by Chicago Public Schools to the existing criteria under which a student’s parents or guardians may seek reimbursement from their school district for their transportation costs. The rulemaking also adds a definition of Regional Office of Education which reflects recent changes to the School Code. Parents or guardians of CPS students may be affected by this rulemaking.

SCHOOL MAINTENANCE

SBE also proposed amendments to School Construction Program (23 IAC 151; 39 Ill Reg 2970) that

Peremptory Rule

CONTROLLED SUBSTANCES

The DEPARTMENT OF HUMAN SERVICES adopted peremptory amendments to the Part titled Schedule of Controlled Substances (77 IAC 2070; 39 Ill Reg 3171), effective 2/13/15, implementing federal

regulations at 21 CFR 1308 that add three types of synthetic cannabinoids to the list of Schedule I drugs.

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

add special education cooperatives to the list of entities eligible to receive school maintenance project grants and add an updated definition of an ROE. Special education cooperatives may be affected by this rulemaking.

SBE REPEALERS

SBE proposed repeal of the Parts titled Children’s Low-Cost Laptop Program (23 IAC 365; 39 Ill Reg 2978) and Parental Participation Pilot Project (23 IAC 560; 39 Ill Reg 3024). Both were pilot programs with statutory sunset dates of 8/31/12 and 12/31/10, respectively.

Questions/requests for copies/comments on the 6 SBE rulemakings through 4/13/15: Shelly Helton, SBE, 100 N. First St. S-493, Springfield IL 62777-0001, 217/782-5270, rules@isbe.net

INSURANCE

The DEPARTMENT OF INSURANCE proposed an amendment to Variable Contracts (50 IAC 1451; 39 Ill Reg

2810) clarifying the definition of a variable contract to include contracts and policies that do not require registration with the federal Securities and Exchange Commission. DOI notes that the most recent amendment to this Part inadvertently restricted the definition only to SEC-registered contracts.

Questions/requests for copies/comments through 4/13/15: Mary Jane Adkins, DOI, 122 S. Michigan Ave., 19th Fl., Chicago IL 60663, 312/814-5411, or Susan Anders, DOI, 320 W. Washington St., Springfield IL 62767, 217/558-0957.

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 March 17, 2015 meeting in Springfield. Other items that have not been listed in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be sent to JCAR using the contact information on page 1.

DEPT OF PUBLIC HEALTH

Student Loan Repayment Program Code (77 IAC 582)
proposed 10/10/14 (38 Ill Reg 19623)

DEPT OF HUMAN RIGHTS

Procedures of the Department of Human Rights (56 IAC 2520)
proposed 12/26/14 (38 Ill Reg 23904)

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