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Joint Committee on Administrative Rules
Illinois General Assembly

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Issue 10

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

■ DEER HUNTING PERMITS

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to White-Tailed Deer Hunting By Use of Firearms (17 IAC 650; 39 Ill Reg 3202) and White-Tailed Deer Hunting By Use of Muzzleloading Rifles (17 IAC 660; 39 Ill Reg 3225) concerning changes in the application procedure for firearm deer hunting permits. Both rulemakings add a third Statewide lottery drawing for deer permits that remain unfilled after the first drawing (open only to Illinois residents, with a 4/30 application deadline) and the second drawing (open to non-resident applicants, with a 6/30 application deadline) are completed. Applications for the third drawing will be accepted through the third Friday in August for that year's firearm deer seasons. This drawing replaces

the random daily drawings for unfilled permits that currently take place from mid-August through mid-September. The Part 650 rulemaking also sets a 10/1 application deadline for property-only hunting permit applications and renewals (currently, the deadline is announced annually). Other amendments to both Parts extend current limitations on tree stands to ground blinds and make site-specific changes applicable to several State fish and wildlife areas. Applicants for firearm deer hunting permits are affected by these rulemakings.

■ INVASIVE FISH

DNR also proposed amendments to Injurious Species (17 IAC 805; 39 Ill Reg 3241), Aquaculture, Transportation, Stocking, Importation and/or Possession of Aquatic Life (17 IAC

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New Rules

■ CRIMINAL RECORDS

The DEPARTMENT OF STATE POLICE adopted amendments to Individual's Right to Access and Review Criminal History Record Information (20 IAC 1210; 38 Ill Reg 20644), effective 2/23/15, that allow licensed fingerprint vendors and vendor agencies (currently, only law enforcement

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and correctional facilities) to provide an individual with his or her criminal history transcript, and to charge a fee for this service. Any vendor or facility that receives such a request must forward fingerprints and identifying information to DSP within 24 hours (currently, 30 days). The Department shall send the transcript within 7 days after receiving an electronic

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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.

Proposed Rulemakings

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870; 39 Ill Reg 3249) and Viral Hemorrhagic Septicemia (VHS) (17 IAC 875; 39 Ill Reg 3264) concerning movement of various aquatic species. The Part 805 amendments add new species, including golden mussels and killer shrimp, to the list of injurious species and require a Restricted Species Transportation Permit (RSTP) for live hauling of commercially wild-caught Asian carp. The Part 870 amendments clarify that amphibians and reptiles are not subject to the Part, nor are owners of private/hobbyist or commercial aquariums or water gardens that do not allow aquatic life to escape into Illinois waters. The rulemaking adds Tilapia and hybrid species of grass, bighead, and silver carp to those requiring an RSTP, which is valid only for the dates listed and for the delivery destination named on the permit. Private lake or pond owners who stock their ponds with triploid carp are exempt provided they possess receipts from a permit holder or non-resident fish dealer documenting the number, type and size of the fish sold. No more than 20 triploid carp may be transported at any one time. Commercial fishermen may harvest and transport bighead, silver, grass and black carp if the fish are dead and transported directly to a fish market or processor, or are transported live under an RSTP to a State-licensed slaughter facility or its out of State equivalent. Asian carp may be held in a live crib or

net pen provided that they are removed and killed within 72 hours, and not transported upstream of a lock and dam or other barrier. Other changes update contact information for the DNR Aquaculture Specialist, allow 8 weeks to review permit applications for new species not on the approved list, and require the annual report for aquaculture permit holders to be submitted by 3/31 (currently, 1/31). The Part 875 amendments correct a reference to the federal list of VHS-susceptible species and require an RSTP to transport Tilapia and other non-approved species from VHS-affected regions. Those affected by these rulemakings include commercial fishing operations, fish hatcheries, private pond owners, and fish processing plants.

Questions/requests for copies/comments on the 5 DNR rulemakings through 4/20/15: Shelly Knuppel (217/782-1809) for Parts 650 and 660 and Craig Colbrook (217/557-0659) for Parts 805, 870 and 875, DNR, One Natural Resources Way, Springfield IL 62702-1271.

PCB PROCEDURES

The POLLUTION CONTROL BOARD proposed amendments to General Rules (35 IAC 101; 39 Ill Reg 3276), Enforcement (35 IAC 103; 39 Ill Reg 3329), Proceedings Pursuant to Specific Rules or Statutory Provisions (35 IAC 106; 39 Ill Reg 3336) and Administrative Citations (35 IAC 108; 39 Ill Reg 3344), amending

various procedural rules. These rulemakings address procedures for out of State attorneys, service of filings, and administrative citations under the Public Water Supply Operations Act. Persons with hearings or petitions before PCB are affected by these rulemakings.

Requests for copies/comments on the 4 PCB rulemakings through 4/20/15: John Therriault, Clerk, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-3620. Questions may be directed to Daniel Robertson at the same address, 312/814-6931, Daniel.Robertson@illinois.gov. Please reference docket R15-20. Copies of the Board's opinion and order can also be obtained at www.ipcb.state.il.us

DPH REPEALER

The DEPARTMENT OF PUBLIC HEALTH proposed repeal of the Part titled Illinois Blood Bank Code (77 IAC 490; 39 Ill Reg 3355) because its statutory authority, the Illinois Blood Bank Act, has been repealed and replaced by the Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25].

Questions/requests for copies/comments through 4/20/15: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

New Rules

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request or 45 days after receiving a fingerprint card (currently, within 60 days after any request). The criminal history transcript, or document stating that no criminal history was found, must be sent to the individual's address or, if the individual requests, to the law enforcement or correctional facility from which the request was made. The facility shall notify the individual within 2 days after receiving the transcript or document and shall destroy it if the individual does not retrieve it within 45 days. Since 1st Notice, an effective date of 7/15/15 for individuals to begin using the electronic process has been added, as DSP expects to implement the corresponding technology updates by that date. Those affected by this rulemaking include law enforcement agencies,

correctional facilities, licensed fingerprint vendors and vendor agencies.

Questions/requests for copies: Lisa Freitag, DSP, 801 S. Seventh St., Suite 1000-S, Springfield IL 62703, 217/782-9356.

■ ELEVATOR SAFETY

The ELEVATOR SAFETY REVIEW BOARD adopted amendments to Illinois Elevator Safety Rules (41 IAC 1000; 38 Ill Reg 19601), effective 2/19/15, updating nationally recognized safety standards that are incorporated by reference in this Part. The rulemaking also requires inspector licensees to be certified by a nationally or internationally recognized independent organization as having met American Society of Mechanical Engineers (ASME) elevator inspector standards. Businesses

and municipalities that have installed elevators or employ elevator inspectors or repair personnel will be affected by this rulemaking.

Questions/requests for copies: Bob Capuani, Elevator Safety Division, Office of the State Fire Marshal, 100 W. Randolph St., Suite 4-600, Chicago IL 60601, 312/814-8734.

Emergency Rule

HORSE RACING

The ILLINOIS RACING BOARD adopted an emergency amendment to Entries, Subscriptions, and Declarations (11 IAC 1413; 39 Ill Reg 3435) effective 2/20/15 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 39 Ill Reg 3415. The emergency and proposed rules allow two or more horses in the same race that belong to the same owner to be treated as separate entries for wagering purposes at thoroughbred racing tracks. (Formerly, multiple horses belonging to the same owner were generally treated as a single entry, with a wager on one horse treated as a wager on all.)

Questions/requests for copies/comments on the proposed rulemaking through 4/20/15: Mickey Ezzo, IRB, 100 W. Randolph, Suite 5-700, Chicago IL 60601, 312/814-5017, Mickey.ezzo@illinois.gov

Second Notices

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SECRETARY OF STATE

Illinois State Library, Library Operations Division (23 IAC 3010)
proposed 12/5/14 (38 Ill Reg 22462)

The Illinois State Library System Act (Repealer) (23 IAC 3030)
proposed 12/5/14 (38 Ill Reg 22480)

The Illinois State Library System Act (New Part) (23 IAC 3030)
proposed 12/5/14 (38 Ill Reg 22526)

Illinois State Library Grant Programs (23 IAC 3035) proposed
12/5/14 (38 Ill Reg 22593)

Public Library Non-Resident Services (23 IAC 3050) proposed
12/5/14 (38 Ill Reg 22625)

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 AGRICULTURE

Compassionate Use of Medical Cannabis Pilot Program (8 IAC 1000)
proposed 12/5/14 (38 Ill Reg 22275)

DEPT OF HEALTHCARE AND FAMILY SERVICES

Medical Payment (89 IAC 140) proposed 9/26/14 (38 Ill Reg 19054)

DEPT OF INSURANCE

IRS Qualification Status Requirements for Article 3 Police Pension Funds (50 IAC 4440)
proposed 12/26/14 (38 Ill Reg 23979)

IRS Qualification Status Requirements for Article 4 Firefighter Pension Funds (50 IAC 4445)
proposed 12/26/14 (38 Ill Reg 23986)

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Joint Committee on Administrative Rules

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Senator Bill Brady

Representative Lou Lang

Senator Karen McConnaughay

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