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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, 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.

New Rules

■ CHARITABLE GAMES

The DEPARTMENT OF REVENUE adopted amendments to Charitable Games Act (86 IAC 435; 38 Ill Reg 20143), effective 3/10/15, implementing 4 Public Acts that concern games of chance (e.g., bingo, casino nights, poker runs) staged for charitable fundraising purposes under a license granted by DOR. 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 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 per year, but a municipality may allow up to 48 (formerly, 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

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Proposed Rulemakings

■ COMMERCIAL DRIVERS

The SECRETARY OF STATE proposed amendments to Issuance of Licenses (92 IAC 1030; 39 Ill Reg 4193) incorporating the latest Federal Motor Carrier Safety Administration rules. These include training and testing for commercial learner's permit and commercial driver's license holders. SOS staff and third party testers must undergo training, testing and background checks. SOS also proposed amendments to School Bus Driver Permit (92 IAC 1035; 39 Ill Reg 4296) updating references to the current Code of Federal Regulations and adding a definition of physician. Finally, SOS proposed amendments to Cancellation, Revocation or Suspension of Licenses or Permits (92 IAC 1040; 39 Ill Reg 4311) updating

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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

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

Questions/requests for copies: Paul Caselton, DOR Legal Services, 101 W. Jefferson, Springfield IL 62794, 217/524-3951.

■ LIQUOR SALES

The ILLINOIS LIQUOR CONTROL COMMISSION adopted amendments to the Part titled The Illinois Liquor Control Commission (11 IAC 100; 38 Ill Reg 16634), effective 3/12/15. The rulemaking adds provisions concerning when a retailer licensee is subject to a bankruptcy proceeding and clarifies that post-dated checks that clear the bank before the end of the 30-day credit period are considered valid payment. Finance, delivery and any or all customary charges in the industry may be added to the credit issued. However, the retailer may not charge for electronic transfers. Provisions prohibiting off-premises retail warehousing and regulating hotel/motel mini bars are established. Product sampling and tasting guidelines allow for the supervised presentation of products at a retail location. All products to be tasted or sampled

must be registered with the Commission. Samples are limited to ¼ oz. distilled spirits, 1 oz. wine and 2 oz. beer. Samplings and tasting may only be conducted at a licensed premise. The Commission will allow for test marketing on a case-by-case basis. The rulemaking clarifies that the Commission has the exclusive right to issue liquor licenses to boats and that the Illinois Gaming Board has the exclusive jurisdiction to set hours of operations for liquor sales on boats licensed under the Riverboat Gambling Act. Provisions for auction liquor licenses are established and include there requirement that anyone applying for this type of license must first be licensed under the Illinois Auction License Act. The Commission may allow a member to appear via audio or video conferencing in accordance with the Open Meetings Act. Wine makers and craft beer makers may self-distribute directly to retail license holders if they meet the established requirements. The Commission will not issue a new license to a person who holds a 5% or greater interest in a revoked license unless it, in its discretion, determines that the person has been significantly rehabilitated. Finally, liquor may be imported without a liquor license if it is less than 1 gallon or for personal use and the inventory has been approved by the Commission, all State use taxes have been paid and all federal laws and rules are

abided by. Since 1st Notice, provisions excluding low alcohol products (those with less than 0.5% alcohol by volume) from regulation under this Part have been removed from the rulemaking. Other changes add provisions for off-site warehousing at airports and clarify that out-of-State wine makers must have a valid Illinois Wine Shipper's license to qualify for the self-distribution exemption. Liquor license holders and those in the liquor industry may be interested in this rulemaking.

Questions/requests for copies: Richard Haymaker, LCC, 100 W. Randolph, Suite 7-801, Chicago IL 60601, 312/814-1804.

RIVERBOAT GAMBLING

The ILLINOIS GAMING BOARD adopted amendments to Riverboat Gambling (86 IAC 3000; 38 Ill Reg 21267), effective 3/10/15, implementing Public Act 98-490. A new Section establishes contracting guidelines for holders of riverboat casino owners' licenses. The definitions of minority, minority owned business, female owned business and business owned by a person with a disability from the Business Enterprise for Minorities, Females and Persons with Disabilities Act (which applies to State contracting) are also applied to these rules. IGB will set contracting goals for

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Proposed Rulemakings

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references to the current Code of Federal Regulations, adding the definition for commercial learner's permit and amending the definition of commercial motor vehicle. Those who offer testing or who have a commercial driver's license may be interested in these rulemakings.

Questions/requests for copies/comments on the 3 SOS rulemakings through 5/11/15:

Jennifer Egizii, SOS, 2701 S. Dirksen Parkway, Springfield IL 62723, 217/557-4462.

■ AIRPORTS

The DEPARTMENT OF TRANSPORTATION proposed amendments to Airport Hazard Zoning (92 IAC 14; 39 Ill Reg 4333) adding Fairfield Municipal Airport and Rantoul National Aviation Center to airports that must comply with this Part. DOT also proposed repealing the Part

titled Fairfield Municipal Airport Hazard Zoning Regulations (92 IAC 41; 39 Ill Reg 4340) because these rules are being moved to Part 14. Pilots or others utilizing these airports will be affected by these rulemakings.

Questions/requests for copies/comments on the 2 DOT rulemakings through 5/11/15: Robert Hahn, DOT, Division of Aeronautics, 1 Langhorne Bond Dr, Springfield IL 62707, 217/524-1580.

New Rules

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businesses owned by minorities, females and persons with disabilities. Owners licensees must submit their proposed contracting goals by 12/1 of each calendar year and must submit an annual report by 3/31 of each calendar year to IGB. Owners licensees must make a good faith effort, as defined in the rulemaking, to give consideration to qualified businesses owned by minorities, females and persons with disabilities that are located in Illinois. IGB will not set any quotas. Changes since 1st Notice define "contract" and "emergency" and provide that emergency contracts shall not be included in determining whether goals for minority, female, or disabled persons contract awards have been met. Riverboat casino licensees and those looking for contracting opportunities may be interested in this rulemaking.

Questions/requests for copies: Emily Mattison, IGB, 160 N. LaSalle St., Chicago, IL 60601, 312/814-7137, fax 312/814-7253.

MEDICAL ASSISTANCE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Medical Payment (89 IAC 140; 38 Ill Reg 16468 and 17533), effective 3/11/15, that combine two separately proposed rulemakings. The first rulemaking adds, in accordance with the federal Affordable Care Act, face-to-face tobacco cessation counseling as a covered service for pregnant women age 21 and over during pregnancy and up to 60 days postpartum when provided by a physician, rural health clinic (RHC) or federally qualified health center (FQHC). These services must be provided by a physician or under a physician's

supervision and documented in the patient's medical record. Coverage is limited to a maximum of 3 quit attempts per calendar year, with up to 4 counseling sessions per quit attempt. These limitations do not apply to tobacco cessation services for persons under age 21 (for whom Medicaid coverage of screening, diagnostic and preventive services is required by federal law). The rulemaking also applies existing restrictions on coverage of group psychotherapy services (e.g., no more than 2 sessions per week, conducted by a physician, advanced practice nurse or other mental health professional, with no more than 12 participants per group) to RHCs and FQHCs. The definition of a diagnosed mental illness for which group psychotherapy may be covered is revised to include the

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New Rules

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International Classification of Diseases, 10th Revision, Clinical Modification (ICD-10-CM) system when it is implemented. Currently, the ICD-9-CM system or the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) may be used to define mental illness. The second rulemaking implements a Public Act authorizing the Chicago Public Schools to procure one or more vendors to manufacture and supply eyeglasses for students enrolled in its schools (formerly, eyeglass lenses and frames had to be purchased from the Department of Corrections optical laboratory). Those affected by these rulemakings include medical providers who offer tobacco cessation counseling or group psychotherapy.

HFS also adopted an amendment to Medical Assistance Programs (89 IAC 120; 38 Ill Reg 18290) implementing Public Act 98-674.

The rulemaking increases the personal needs allowance from \$50 to \$60 per month for residents of Intermediate Care Facilities for the Developmentally Disabled (ICF/DD) and for persons residing in Community Integrated Living Arrangements (CILAs).

Questions/requests for copies of the 2 HFS rulemakings: Joseph Howard, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233, HFS.Rules@illinois.gov

STATE RETIREMENT FUNDS

The ILLINOIS STATE BOARD OF INVESTMENT adopted amendments to Rules and Regulations of the Board (74 IAC 800; 38 Ill Reg 20862) and to the Part titled State (of Illinois) Employees' Deferred Com-pensation Plan (80 IAC 2700; 38 Ill Reg 20868), both effective 3/16/15. The 74 IAC 800 rulemaking changes SBI's long-term investment objective of compounded rate of return from 7.75% to 7.25%. Amendments to

80 IAC 2700 clarify normal retirement age under Internal Revenue Code requirements and permit the establishment of a ROTH IRA type deferred compensation program. The normal retirement age can be no later than 70 ½, and benefits must commence no later than the time prescribed in Section 401(a)(9) of the Internal Revenue Code. ROTH account contributions (made with post-tax rather than pre-tax income), must be separately accounted for. The deferred compensation program may accept a rollover contribution designated as a ROTH contribution from another retirement plan, and is permitted to allow in-plan conversions of deferred compensation accounts to ROTH status.

Questions/requests for copies of the 2 SBI rulemakings: Linsey Schoemehl Payne, ISBI, 180 N. LaSalle St., Suite 2015, Chicago IL 60610, 312/793-1486, Linsey.Payne@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 April 14, 2015 meeting at the Stratton Office Building, 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 CHILDREN AND FAMILY SERVICES

Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services (89 IAC 431) proposed 5/23/14 (38 Ill Reg 10700)

STATE BOARD OF EDUCATION

Driver Education (23 IAC 252) proposed 1/2/15 (39 Ill Reg 342)

Early Childhood Block Grant (23 IAC 235) proposed 1/2/15 (39 Ill Reg 313)

Educator Licensure (23 IAC 25) proposed 1/2/15 (39 Ill Reg 288)

Programs for the Preparation of Superintendents in Illinois (23 IAC 33)
proposed 1/2/15 (39 Ill Reg 307)

Joint Committee on Administrative Rules

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Representative Greg Harris

Senator Bill Brady

Representative Lou Lang

Senator Karen McConnaughay

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**Vicki Thomas
Executive Director**