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Editor

Joint Committee on Administrative Rules  
Illinois General Assembly

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VOL. 39

April 24, 2015

Issue 17

*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

### ■ DRY CLEANERS

The DRYCLEANERS ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL of Illinois adopted amendments to General Program (35 IAC 1500; 38 Ill Reg 21259) effective 4/8/15 implementing Public Act 98-327. The Act and the rulemaking require cancellation notices of DERTFC-issued insurance policies to be sent at least 30 days (currently 10 days) before the effective date of termination if cancellation is due to non-payment of premiums. Notices must also contain instructions for seeking reinstatement of coverage, information concerning premiums or penalties that must be paid to reinstate coverage, and a copy of the Council's appeal procedures. The same contents must also be included in notices of cancellation due to failure to meet underwriting standards;

however, the required notice period for these cancellation notices and those for other causes remains 60 days. Drycleaners are affected by this rulemaking.

Questions/requests for copies: H. Patrick Eriksen, DERTFC, P.O. Box 480, Bensenville IL 60106-0480, 630/741-0022.

### ■ FIRE & AMBULANCE LOANS

The OFFICE OF THE STATE FIRE MARSHAL adopted 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 adopted a new Part titled Fire Station Revolving Loan Program (41 IAC 294; 38 Ill Reg 20121), all effective 4/7/15. These rulemakings implement Public

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## Proposed Rulemakings

### ■ DUAL CREDIT CLASSES

The ILLINOIS COMMUNITY COLLEGE BOARD proposed amendments to Administration of the Illinois Public Community College Act (23 IAC 1501; 39 Ill Reg 5743) concerning dual credit classes for high school students. The rulemaking allows dual credit classes to be taught by persons with appropriate credentials, competency and experience in college-level teaching. (Current rule allows only full-time or adjunct faculty employed by the college to teach dual credit classes.) Instructors for college/university transfer courses must hold at least a master's degree with 18 graduate hours appropriate to the field or discipline being taught. Career and technical education class instructors must have at least 2,000 hours of work experience

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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

(cont. from page 1)

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 Loan Application Review Committee consisting of the State Fire Marshal, representatives of fire departments, and representatives of the banking community will review applications for all three types of loans. Applicants who have not previously received loans have priority over past loan recipients, and applicants cannot apply for a new loan if an earlier loan from the program is still outstanding. Applications will be ranked based upon financial need, equipment need and the borrower's ability to repay. Rates 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 weighing from ¾ to 1 ton, outfitted with fire or rescue apparatus) as well as fire trucks. 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 and brush trucks. Amendments to Part 292 set a cap of \$100,000 per fiscal year on the amount that can be borrowed 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 land for a fire station site. Since 1<sup>st</sup> Notice, OSFM has removed provisions from all three Parts concerning repayment procedures, recordkeeping and recovery of funds, since these are addressed in IFA rules. Changes to Parts 290 and 292 also include point totals that will be used to rank loan applications (up to 35 points for financial need and up to 65 points for equipment need). Municipalities, fire protection districts, and non-profit ambulance services are affected by these rulemakings.

Questions/requests for copies of the 3 OSFM rulemakings: Deborah J. Williams, OSFM, 1035 Stevenson Drive, Springfield IL 62703-4259, 217/785-0978, fax 217/524-5487.

## ■ LOCAL HEALTH DEPTS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to the Part now titled Local Health Protection Grant Code (77 IAC 615; 38 Ill Reg 16145) effective 4/10/15. The amendments change the name of the Part (formerly Local Health Protection Grant Rules) and make changes to the program standards for the four public health programs (Infectious Diseases, Food Protection, Potable Water Supply, and Private Sewage Disposal) funded by Local Health Protection Grants. In addition, they outline the specific program standards that DPH will use to evaluate local health

departments and revise definitions and referenced materials. The rulemaking clarifies how DPH will conduct reviews of local health departments and outline how DPH will determine substantial compliance for each of the four public health programs during the local health department reviews. These amendments also clarify the process DPH will use to notify local health departments of the determination of substantial compliance. Infectious disease reporting requirements are brought into line with the Control of Communicable Diseases Code (77 IAC 690) and other Department rules. References to certain publications are updated and the electronic reporting systems to be used for infectious disease reporting and investigations are defined. Training requirements for infectious disease staff are clarified. Specific information that is contained in the Food Service Sanitation Code (77 IAC 750) is replaced with appropriate references to those rules instead. The self-evaluation/quality assurance review requirements is clarified and the training requirements for program staff are expanded. Licensing and inspection responsibilities for closed loop wells, in accordance with recent amendments to the Water Well Construction Code (77 IAC 920) are added and requirements for inspecting water wells and closed loop

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# Proposed Rulemakings

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and appropriate, recognizable credentials in their field. High school students who demonstrate readiness for college level work (currently, juniors and seniors) may enroll in dual credit classes, provided they pass the same placement tests or satisfy the same course prerequisites that would be required of college level students. Dual credit classes must be transferrable to 4-year bachelor's degree-granting Illinois institutions or count towards an ICCB-approved associate degree or certificate program. This rulemaking may affect high school students and counselors, community colleges and other colleges/universities.

Questions/requests for copies/comments through 6/8/15: Matt Berry, ICCB, 401 East Capitol Avenue, Springfield IL 62701-1711, 217/785-7411, Fax: 217/524-4981.

## ■ FIREFIGHTERS

The OFFICE OF THE STATE FIRE MARSHAL proposed amendments to Certified Assessors for Fire Department Assessment Centers (41 IAC 145; 39 Ill Reg 5755). The rulemaking adds to the requirements for certification as an assessor (a person qualified to evaluate and test firefighters seeking promotion to a higher department rank) that the candidate must act as an assessor twice within one year of completion of the basic assessor training course. OSFM and the

Joint Labor Management Committee (JLMC) will jointly maintain a roster of certified assessors. The assessor certification will be valid for a 2 year period. The JLMC will notify certified assessors in advance of the expiration date of the need for recertification. Certified assessors will have a 90 day grace period after the expiration date to be recertified and to submit proof of continuing education/experience. Certified assessors must complete 8 hours every 2 years in assessment center evaluations, continuing education, or courses related to appraisals or evaluation (approval on a case-by-case basis). JLMC may establish reasonable recertification deadlines, but failure to recertify within the 90 day grace period will result in removal from the list of certified assessors, unless the individual is granted an extension. Fire departments that utilize the services of certified assessors may be affected by this rulemaking.

Questions/requests for copies/comments through 6/8/15: Deborah J. Williams, at the OSFM address and phone number on page 2.

## STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to Pay Plan (80 IAC 310; 39 Ill Reg 5634) establishing a \$10 per hour (\$1,632/month) starting wage for state employees who work in the

City of Chicago and are assigned to the lowest (MS-01) salary range. The amendment reflects the city's establishment by ordinance of a \$10 per hour minimum wage effective 7/1/15. Other provisions add new job titles approved by the Civil Service Commission, assign these titles to the relevant bargaining unit, and remove obsolete pay rates.

Questions/requests for copies/comments through 6/8/15: Jason Doggett, CMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7964, fax 217/524-4570, [CMS.PayPlan@illinois.gov](mailto:CMS.PayPlan@illinois.gov)

## WASTEWATER TREATMENT

The POLLUTION CONTROL BOARD proposed amendments to Pretreatment Programs (35 IAC 310; 39 Ill Reg 5762) updating incorporations by reference to ensure that methods of analyzing pollutants and pollutant parameters comply with new federal Clean Water Act rules. This rulemaking also makes numerous minor technical changes.

Questions/requests for copies through 6/8/15: John Therriault, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601. Comments: Michael J. McCambridge, 312/814-6924, [michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov). Please reference docket R15-13. Copies of the Board's opinion and order can be obtained from <http://www.ipcb.state.il.us> or by calling 312/814-3620.

## New Rules

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wells are added; training requirements for program staff are clarified. Inspection requirements for private sewage disposal systems and allow local health departments to share inspection reports for septage hauling equipment are clarified. Reporting requirements for the Food Protection, Potable Water Supply, and Private Sewage Disposal programs from annual reports to quarterly reports are changed and references to statutes and DPH personnel are updated. Record retention requirements for the four public health programs are consolidated into the common requirements for all programs and training approval is explained for the four public health programs. Since 1<sup>st</sup> Notice, DPH has added pharmacies to the definition of

health care provider; deleted a proposed requirement to include influenza and pneumococcal vaccination for adults in the immunization survey for jurisdictions applying for infectious disease control grants; and clarified certain provisions for health departments whose staff oversees another local health department's jurisdiction. Local health departments are affected by this rulemaking.

### ■ MEDICAL STUDENT LOANS

DPH also adopted a new Part titled Student Loan Repayment Program Code (77 IAC 582; 38 Ill Reg 19623) effective 4/10/15 implementing rules for management and oversight of a federal student loan repayment program for health professionals who agree to work in underserved areas. The program is open to Illinois-licensed physicians, physician assistants,

advanced practice nurses, certified nurse midwives, dentists, and psychiatrists. Participants must agree to 2 years of full-time service or 4 years of part-time service at a qualifying medical facility located in a Health Professional Shortage Area designated by the federal Department of Health and Human Services. The rulemaking includes eligibility criteria for individuals and medical facilities to participate in the program; stipulations for a loan repayment agreement; and conditions for suspension or termination of a repayment agreement and payment of the remaining loan obligation. Health professionals and their employers may be affected by this rulemaking.

Questions/requests for copies of the 2 DPH rulemakings: Elizabeth Paton, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl., Springfield IL 62761, 217/782-2043, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

## Joint Committee on Administrative Rules

**Senator Pamela Althoff**

**Representative Greg Harris**

**Senator Bill Brady**

**Representative Lou Lang**

**Senator Karen McConnaughay**

**Representative David Leitch**

**Senator Don Harmon**

**Representative Ron Sandack**

**Senator Tony Muñoz**

**Representative André Thapedi**

**Senator Ira Silverstein**

**Representative Michael Tryon**

**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 May 12, 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 this rulemaking should be sent to JCAR using the contact information on page 1.

### **ILLINOIS STUDENT ASSISTANCE COMMISSION**

Minority Teachers of Illinois (MTI) Scholarship Program (23 IAC 2763)  
proposed 1/16/15 (39 Ill Reg 1114)

State Scholar Program (23 IAC 2760) proposed 1/16/15 (39 Ill Reg 1107)

Monetary Award Program (MAP) (23 IAC 2735) proposed 1/16/15 (39 Ill Reg 1094)

Illinois Veteran Grant (IVG) Program (23 IAC 2733) proposed 1/16/15 (39 Ill Reg 1085)

Illinois National Guard (ING) Grant Program (23 IAC 2730) proposed 1/16/15 (39 Ill Reg 1075)

General Provisions (23 IAC 2700) proposed 1/16/15 (39 Ill Reg 1049)

Golden Apple Scholars of Illinois Program (23 IAC 2764) proposed 1/16/15 (39 Ill Reg 1122)

### **STATE BOARD OF EDUCATION**

Charter Schools (23 IAC 650) proposed 2/6/15 (39 Ill Reg 2034)

Procurement by the State Board of Education (Repealer) (44 IAC 1105)  
proposed 2/6/15 (39 Ill Reg 2050)

### **STATE EMPLOYEES' RETIREMENT SYSTEM**

The Administration and Operation of the State Employees' Retirement System of Illinois  
(80 IAC 1540) proposed 2/20/15 (39 Ill Reg 2538)