

Elaine Spencer
Editor

Joint Committee on Administrative Rules
Illinois General Assembly

700 Stratton Bldg. Springfield IL 62706
217/785-2254 ilga.gov/commission/jcar

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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

MILITARY FAMILY RELIEF

The DEPARTMENT OF MILITARY AFFAIRS adopted amendments to Illinois Military Family Relief Fund (95 IAC 200; 38 Ill Reg 18838) effective 6/15/15 expanding eligibility for grants from the Fund. The rulemaking makes active duty service personnel, Illinois National Guard members, and Illinois residents who are members of other Armed Forces Reserve components eligible for grants if they are called to duty during an emergency declared by the President of the United States or by Congress (formerly, if called to duty as a result of the 9/11/01 terrorist attacks). "Emergency" is further defined as any governmental declaration in response to a natural or man-made disaster, during a period of civil unrest, or following a declaration of war or situation of

international or internal armed conflict. Grant eligibility is expanded to include members of the Illinois National Guard who are called to State active duty by the Governor for 30 or more consecutive days. Payment for the first 6 months of active duty service will not occur before day 60 of that period, but payment for a second consecutive 6 month period may be made on the first day of that period. Active duty and reserve military personnel and their families who reside in Illinois are affected by this rulemaking.

Questions/requests for copies: DMA, Military Judge Advocate, 1301 N. MacArthur Blvd., Springfield IL 62702, 217/761-3367, fax 217/761-3930.

Proposed Rulemakings

DRIVERS' LICENSES

The SECRETARY OF STATE proposed amendments to Issuance of Licenses (92 IAC 1030; 39 Ill Reg 8773) establishing a process for receiving a "Veteran" designation on a driver's license or identification card. Effective 7/1/15, all applicants for licenses or ID cards will be asked whether they are honorably discharged military veterans. Those who answer yes will be offered the option of a "Veteran" designation on the face of their license or card. Applicants for this designation must confirm their veteran status by presenting their DD 214 or other official Department of Defense discharge document to the Illinois Department of Veterans' Affairs (DVA), which will affix a stamp to the document. Upon presentation of a stamped

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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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discharge document, SOS will issue a new, renewal, corrected or duplicate license or ID card with the “Veteran” designation. On at least a monthly basis, SOS will send DVA a list of recent applicants for veteran licenses/IDs. DVA will compare this list to its records of veterans with confirmed discharge documents and notify SOS of discrepancies. SOS will notify veterans’ license/ID applicants who lack DVA confirmation of their status that they have 30 days to obtain such confirmation; if they fail to do so they must surrender their veterans’ license or ID and receive a new license/ID without the “Veteran” designation. The rulemaking also amends the definition of “unfavorable medical report” to include vision conditions and corrects a typographical error.

Questions/requests for copies/comments through 8/10/15: Jennifer Egizii, SOS, 2701 S. Dirksen Pkwy., Springfield IL 62723, 217/557-4462.

■ HIGHER ED PROCUREMENT

The CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION (CPO) proposed amendments to the Part titled Chief Procurement Officer for Public Institutions of Higher Education Standard Procurement (44 IAC 4; 39 Ill Reg 8481) that implement two recent Public Acts amending the Illinois Procurement Code. The

rulemaking increases the threshold for reporting subcontractor activity from \$25,000 to \$50,000; prescribes electronic signature protocols for vendors; revises notice and hearing procedures for sole source contracts; establishes the CPO as the publisher of the Illinois Procurement Bulletin for higher education; and prescribes policies on a vendor web portal, among other measures. Except for records subject to attorney-client privilege, the CPO may access any records to review whether a contract or purchase is exempt under the Procurement Code. Two additional exemptions from the Code applicable to higher education are added: procurements for placement of students in externships, medical residencies, etc., and contracts for programming and broadcast license rights for university-operated radio and television stations. Expedited or abbreviated procurement practices may be established by the CPO for medical, dental or veterinary teaching facilities. The Illinois Mathematics and Science Academy shall procure goods and services through the CPO. Notice of renegotiated contracts and change orders for more than \$10,000 or for an extension of more than 30 days shall be published in the Procurement Bulletin. All bids/offers shall be date and time-stamped, with no information given by university personnel other than confirmation of receipt of a bid or offer, except as otherwise permitted by the State Procurement Officer (SPO).

New procedures governing electronic or fax submissions and communications are prescribed (e.g., responses must be submitted to a secure electronic lock box, signatures must be a scanned original signature or a digital signature using an approved security process). Evaluation committees reviewing proposals shall be determined by the university, but can be removed by a SPO for failure to comply with instructions or to ensure the integrity of the procurement. SPOs have the right to attend evaluation committee meetings. The CPO may establish policies and procedures regarding the use of the small purchase method of source selection, such as to promote small business, diversity and transparency. New contract areas that may employ sole source procurement include items for an existing franchise agreement, items required for research where no other source is able to meet the need procurement need, and new latest edition textbooks that are available only from a publisher in classroom quantities. For grant-funded research procurements, a university may directly negotiate with a vendor when the conditions of the grant making using one of the statutory source selection methods impractical (e.g., grant agreement compliance deadlines). New provisions regarding change orders are added: a written determinations must be filed when a change order changes

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the contract amount by more than \$10,000 or 30 or more days' duration; shall be published in the Procurement Bulletin; and total contract terms are limited to 10 years, among other changes. Revised policies are proposed for various procurement preferences, such as: contracting with persons with disabilities; biodiesel and hybrid fuel purchasing; small business set-aside contract thresholds; and service-disabled veteran contracting. New statutory provisions are added concerning procurement ethics and procurement communication reporting. This rulemaking will affect small businesses. Readers are advised to examine the rule in detail, as numerous changes are proposed that are not detailed in this summary.

Questions/requests for copies/comments through 8/10/15: Shirley Webb, CPO for Higher Education, 401 S. Spring St., 513 Stratton Building, Springfield IL 62706, 217/558-2247, shirley.j.webb@illinois.gov

INSURANCE

The DEPARTMENT OF INSURANCE proposed amendments to Construction and Filing of Life Insurance and Annuity Forms (50 IAC 1405; 39 Ill Reg 8677) adding new permissible policy titles such as Indexed, Equity Indexed, Index Linked, and Modified Guaranteed Annuity, to existing titles such as Universal, Term, etc.

The rulemaking also requires that the electronic tracking number of a policy be included when a policy form is submitted to DOI for approval. DOI also proposed an amendment to Variable Contracts (50 IAC 1451; 39 Ill Reg 8684) correcting the spelling of "reverse" to "reserve" liability for variable insurance contracts.

Questions/requests for copies/comments concerning the 2 DOI rulemakings through 8/10/15: Susan Anders, DOI, 320 W. Washington St., Springfield IL 62767-0001, 217-785-8220, Fax: 217-524-9033.

MOTOR FUEL TAX

The DEPARTMENT OF REVENUE proposed amendments to Motor Fuel Tax (86 IAC 500; 39 Ill Reg 8742) that require electronic filing of forms and electronic payment of tax effective 1/1/16. Claims for refunds may also be filed electronically. Studies used to support a refund claim for undyed diesel fuel used by power take-off equipment (e.g., farm implements attached to a tractor and powered by its engine) may be extended, at the taxpayer's request, for up to 2 years, but no study may be relied upon for more than 4 years. Claims for refund of fees paid for motor fuel tax decals shall be made electronically. Persons who are required to file bonds shall file payment electronically to DOR. The 2 year grace period given to International Fuel Tax Agreement (IFTA) carriers to renew applications is incumbent on the carrier submitting an

application by 12/31. The rulemaking also sets new interest rate penalties for failure to pay or file for IFTA licenses as implemented by PA 98-964.

Questions/requests for copies/comments through 8/10/15: Jerilynn Troxell Gorden, DOR Legal Services, 101 W. Jefferson St, Springfield IL 62794, 217/ 782-2844.

WATER FLUORIDATION

The POLLUTION CONTROL BOARD proposed amendments to Primary Drinking Water Standards (35 IAC 611; 39 Ill Reg 8691) reducing the required fluoride ion concentration in community water system-distributed water from 0.9-1.2 mg/L to 0.7 mg/L. This change reflects the U.S. Department of Health and Human Services' recent recommendation of the lower level. Municipal water systems will be affected by this rulemaking.

Requests for copies/comments through 8/10/15: John Thierriault, Clerk, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-3620. Questions may be directed to Marie Tipsord at the same address, 312/814-4925; Marie.Tipsord@illinois.gov. Please reference docket R15-21. Copies of the Board's opinion and order can be obtained from <http://www.ipcb.state.il.us> or by calling 312/814-3620.

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Proposed Rulemakings

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POWER PROCUREMENT

The ILLINOIS POWER AGENCY proposed three new Parts titled Monitoring of Contracts Administered by the Illinois Power Agency (83 IAC 1210; 39 Ill Reg 8710), Prequalified Supplier Lists for Construction and Construction-Related Professional Services (83 IAC 1230; 39 Ill Reg 8720) and Recovery of Costs Incurred in Connection of Facility Development and Construction (83 IAC 1240; 39 Ill Reg 8731). Part 1210 addresses monitoring

of contracts; Part 1230 concerns procurement of construction services by IPA to build or maintain electric generators; and Part 1240 addresses IPA's methods of recovering costs from cancelled construction contracts. IPA also proposed amendments to Fee Assessment and Collection for Regular Procurement Events, Special Procurement Events and Other Services (83 IAC 1200; 39 Ill Reg 8705) and Uniform System of Accounts (83 IAC 1220; 39 Ill Reg 8716). The amendments to Part 1200 would enable IPA to recover the estimated (currently, actual) costs of a procurement event

through bidder fees. IPA states this change is necessary because actual costs cannot be known until the procurement event is over, so the agency must rely on estimates when setting the bidder fee levels. Amendments to Part 1220 update the name of the Governmental Accounting Standards Board.

Questions/requests for copies/comments through 8/10/15: Brian Granahan, IPA, 160 N. LaSalle St., Suite C-504, Chicago IL 60601; 3 1 2 / 8 1 4 - 4 6 3 5 ; Brian.Granahan@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 July 14, 2015 meeting. Other items not 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.

STATE BOARD OF EDUCATION

Evaluation of Educator Licensed Employees under Articles 24A and 34 of the School Code (23 IAC 50; 39 Ill Reg 4881) proposed 4/3/15

Transitional Bilingual Education (23 IAC 228; 39 Ill Reg 4894) proposed 4/3/15

Enrollment of and Payment for Nonresident Students at the Philip J. Rock Center and School (23 IAC 600; 39 Ill Reg 4901) proposed 4/3/15

DEPT OF REVENUE

Use Tax (86 IAC 150; 39 Ill Reg 273) proposed 1/2/15

Special County Retailers' Occupation Tax for Public Safety (86 IAC 670; 39 Ill Reg 647) proposed 1/9/15

Special County Service Occupation Tax for Public Safety (86 IAC 680; 39 Ill Reg 651) proposed 1/9/15

Non-Home Rule Municipal Retailers' Occupation Tax (86 IAC 693; 39 Ill Reg 655) proposed 1/9/15

Non-Home Rule Municipal Service Occupation Tax (86 IAC 694; 39 Ill Reg 659) proposed 1/9/15

DEPT OF PUBLIC HEALTH

Assisted Living and Shared Housing Establishment Code (77 IAC 295; 39 Ill Reg 5339) proposed 4/10/15