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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

NATURAL GAS SUPPLIERS

The ILLINOIS COMMERCE COMMISSION adopted a new Part titled Standards of Service for Gas Utilities and Alternative Gas Suppliers (83 IAC 501; 38 Ill Reg 17970), effective 8/25/15. The new Part, which takes effect on 1/1/17, will replace rules that in some cases date back more than 50 years, and includes updated definitions, procedures and standards. The new Part also applies to alternative gas suppliers that serve smaller areas or customer bases than traditional gas utilities. Topics addressed in the new Part include metering, customer information, pressure regulation, interruptions of service, and extension of distribution mains in urban and rural areas. Since 1st Notice, the number of the Part has been changed and an effective date added; the current rules in 83 IAC 500 (which had been

proposed for repeal) will remain in place until the new Part takes effect. Gas suppliers and their customers are affected by these rulemakings.

Questions/requests for copies: Brian W. Allen, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/558-2387.

SALES TAXES

The DEPARTMENT OF REVENUE adopted amendments to Retailer's Occupation Tax (86 Ill Adm. Code 100; 39 Ill Reg 252 and 7221) effective 8/26/15. This rulemaking, which combines two separately proposed amendments, implements Public Acts 96-1035 and 98-422. It provides that sales of motor vehicles in Illinois to non-Illinois residents are not subject to sales tax or use tax if the purchaser certifies that the

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Proposed Rulemakings

ELECTIONS

The STATE BOARD OF ELECTIONS proposed amendments to Established Political Party and Independent Candidate Nominating Petitions (26 IAC 201; 39 Ill Reg 12485) and New Political Party Nominating Petitions (26 IAC 202; 39 Ill Reg 12490) establishing ballot placement lotteries for candidates who file nominating petitions at the end of a filing period. The Part 201 rulemaking, which concerns petition filings for candidates of established political parties and for independent candidates, provides that when more than one candidate files petitions for the same office during the last hour on the last day of filing, the petitions will be treated as if they were filed simultaneously and a random drawing will take place

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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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vehicle will not be used in Illinois for more than 30 days. Also, effective 7/1/13, local governments do not incur sales tax on fuel sold to or used by an air common carrier for flights engaged in foreign trade or trade between the U.S. and any of its possessions. Other provisions clarify the tax liability of both retailers and purchasers utilizing coupons. If a retailer allows a purchaser a discount from the selling price on the basis of a discount coupon, the retailer's gross receipts subject to tax depend upon whether the retailer receives reimbursement for the amount of the discount. Such reimbursement is considered to be part of the selling price and subject to tax. Businesses that offer coupons or discounts on their merchandise are affected by this rulemaking.

Questions/requests for copies: Debra M. Boggess, DOR, 101 W. Jefferson St, Springfield IL 62794, 217/ 782-2844.

TOLLWAY SPEED LIMITS

The ILLINOIS STATE TOLL HIGHWAY AUTHORITY adopted amendments to State Toll Highway Rules (92 Ill Adm Code 2520; 39 Ill Reg 7598), effective 8/28/15, implementing PA 98-1126 and PA 98-1128. The rulemaking increases the maximum speed limit on certain portions of its toll highways. Since 1st Notice, speed limit increases have been added for two additional tollway segments.

Questions/requests for copies: Robert T. Lane, ISTHA, 2700 Ogden Ave., Downers Grove IL 60515, 630/241-6800, ext. 1530, fax 630/271-7559.

■ INSURANCE

The DEPARTMENT OF INSURANCE adopted amendments to Coordination of Benefits (50 IAC 2009; 39 Ill Reg 1436) effective 9/1/15. The Part 2009 amendments change the name of the Part (formerly Group Coordination of Benefits) and set out protocols for coordination of health insurance benefits where insureds have more than one policy, particularly a group and individual policy. This effort is being made, in the Department's view, to deter fraud under the Affordable Care Act where insureds may seek excessive recoveries employing more than one health policy. Specific disease policies shall be paid irrespective of other coverage available through individual health insurance. The rulemaking also makes non-substantive technical changes. Since 1st Notice, DOI has added provisions explaining what types of insurance plans are excluded from this Part (e.g., accident-only, long-term care, Medicare supplements). DOI also adopted amendments to Health Carrier External Review (50 IAC 5430; 39 Ill Reg 6006) concerning electronic filing of documents or reports to DOI. These amendments require health carrier and independent review organization reports mandated

under this Part to be filed electronically. Insurance companies are affected by this rulemaking.

Questions/requests for copies/comments on the 2 DOI rulemakings: Susan Anders, DOI, 320 W. Washington St., Springfield IL 62767, 217/558-0957, fax 217-524-9033.

DISEASE REPORTING

The DEPARTMENT OF PUBLIC HEALTH adopted an amendment to Control of Communicable Diseases Code (77 IAC 690; 39 Ill Reg 2251) and repealed the Part titled Rules Governing the Reporting of Reye's Syndrome (77 IAC 663; 39 Ill Reg 2245), both effective 8/26/15. The rulemakings add Reye's Syndrome (a life-threatening condition causing brain and liver damage in children) to the general list of diseases that must be reported to DPH and repeal separate rules for Reye's Syndrome reporting that were adopted in 1982. DPH notes that no cases of Reye's Syndrome have been reported in Illinois since 1997.

Questions/requests for copies of the 2 DPH rulemakings: Elizabeth Paton, DPH, 535 W. Jefferson, 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

Proposed Rulemakings

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to determine the order of names on the ballot. The candidate whose name is drawn first will appear last on the ballot, the candidate whose name is drawn second will appear in the second to last ballot position, and so on until all names are drawn. The Part 202 rulemaking extends similar lottery provisions to petitions filed at the same time by more than one newly formed political party with a full slate of candidates for various offices. If these petitions are filed simultaneously at 8 a.m. on the first day of filing, the lottery winner will appear first on the ballot; if these petitions are filed during the last hour on the last day of filing, the winner of the drawing will appear last on the ballot. Candidates for political office and local election officials will be affected by these rulemakings.

SBEL also proposed amendments to Administrative Complaint Procedures for Violations of Title III of HAVA (26 IAC 150; 39 III Reg 12475) regarding procedures for filing complaints alleging that a local election authority has violated Title III of the federal Help America Vote Act (HAVA) (e.g., by denying access to a polling place or a provisional ballot for a federal election). The time period for filing complaints is extended from 90 to 180 days after the alleged violation and the complaint must cite the section of Title III that was allegedly violated. The rulemaking also removes the requirement that any

disputes in which SBEL itself is a defendant must go directly to alternative dispute resolution.

Questions/requests for copies/comments on the 3 SBEL rulemakings through 10/26/15: Kenneth R. Menzel, SBEL, 2329 S. MacArthur Blvd., Springfield IL 62708, 217/782-4141, fax 217/782-5959, e-mail: kmenzel@elections.il.gov

■ BUILDING CONSTRUCTION

The CAPITAL DEVELOPMENT BOARD proposed amendments to Illinois Energy Conservation Code (71 IAC 600; 39 III Reg 12425) updating incorporations of the International Energy Conservation Code (IECC) from the 2012 to the 2015 edition in accordance with statute. An appendix listing provisions of the IECC that have been adapted for application in Illinois is also amended and updated with provisions related to insulation, ventilation, heating and cooling, and other systems. Those affected by this rulemaking include construction businesses and local governments that issue building permits.

Questions/requests for copies/comments through 10/26/15: Lisa Mattingly, CDB, 401 S. Spring St., 3rd Fl., Springfield IL 62706, 217/524-6408, fax 217/524-4208, e-mail: lisa.mattingly@illinois.gov

■ HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments

to Hospital Report Card Code (77 IAC 255; 39 III Reg 12460) removing the requirement that hospitals report data for the Surgical Care Improvement Project (SCIP). DPH states that SCIP reporting is no longer necessary because the federal Centers for Medicare and Medicaid Services is phasing out the project and DPH's current vendor is unable to process SCIP data.

Questions/requests for copies/comments through 10/26/15: Elizabeth Paton, DPH, 535 W. Jefferson, 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

HFS RULE WITHDRAWAL

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES has withdrawn proposed amendments to Medical Payment (89 IAC 140; 39 III Reg 10332) that were published in the 7/24/15 *Illinois Register*. The withdrawn amendments roll back payment rates for ground and air ambulance services to the rates that were in effect on 7/1/12. HFS states that these amendments are being withdrawn in order to review concerns voiced by affected parties. An identical emergency rulemaking, effective 7/10/15 for a maximum of 150 days, remains in effect.

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 October 13, 2015 meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF LABOR

Health and Safety (56 IAC 350; 39 Ill Reg 9860) proposed 7/17/15

SECRETARY OF STATE

Issuance of Licenses (92 IAC 1030; 39 Ill Reg 8773) proposed 6/26/15

Cancellation, Revocation or Suspension of Licenses or Permits
(92 IAC 1040; 39 Ill Reg 8372) proposed 6/19/15

Motor Vehicle Accident Prevention Courses For Liability Insurance Premium Reduction
(50 IAC 8000; 39 Ill Reg 9915) proposed 7/17/15

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