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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

■ ENGINEERS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Parts titled The Professional Engineering Practice Act of 1989 (68 IAC 1380; 39 Ill Reg 9819) and The Structural Engineering Practice Act of 1989 (68 IAC 1480; 39 Ill Reg 9836), both effective 11/13/15, implementing provisions of various Public Acts that concern testing and other requirements for licensure. Both rulemakings exempt applicants whose first language is not English from taking the Test of English as a Foreign Language if they have earned an advanced degree from an accredited U.S. institution and allow computer-based testing for certain currently required licensing exams as well as future exams. Manual retabulation of scores is allowed for paper exams but not for

computer-based tests. Additional amendments to Part 1480 clarify seismic design requirements, clarify which exams may be used for license restoration, and update continuing education requirements to allow on-line or webinar presentations. Candidates for engineering licenses and engineering degree and training programs are affected by these rulemakings.

■ SURVEYORS

DFPR also adopted amendments to Illinois Professional Land Surveyor Act of 1989 (68 IAC 1270; 39 Ill Reg 9786), effective 11/13/15, implementing various Public Acts. The amendments provide an additional option for evaluation of a degree; remove the requirement that "pending" disciplinary actions be included

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Proposed Rulemakings

■ VIDEO GAMING

The ILLINOIS GAMING BOARD proposed amendments to Video Gaming (General) (11 IAC 1800; 39 Ill Reg 14809) that prohibit licensed terminal handlers and licensed technicians from playing video gaming terminals (VGTs); prohibit a person with significant influence or control over a terminal operator from playing VGTs at any location with which that operator has a use agreement; and require VGTs to be played only during hours when a licensed location is open to the public, or in the case of fraternal or veterans' organizations, when the location is generally open to members. Businesses and non-profit organizations that have video gaming licenses are affected.

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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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on applicants' certification forms; allow computer-based licensing exams; permit manual score retabulation for paper tests only (not computer-based tests); allow electronic signatures; and clarify other requirements for licensure and renewal. Businesses employing professional land surveyors may be affected.

Questions/requests for copies of the 3 DFPR rulemakings: Craig Cellini, DFPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

■ EARLY INTERVENTION

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Early Intervention Program (89 IAC 500; 39 Ill Reg 6153), effective 10/27/15, aligning the Part with various federal regulations. The rulemaking allows other services not listed in the Part to be included in an Individual Family Service Plan (IFSP) for early intervention (EI) services to a preschool-age child if those services and the personnel providing them meet the criteria and qualifications listed elsewhere in rule for EI services. It also clarifies that EI services do not include purely medical or health-related services such as immunizations. Agencies that provide early intervention services will be affected.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand

Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

■ SAFE DRIVING COURSES

The SECRETARY OF STATE adopted an amendment to Motor Vehicle Accident Prevention Courses for Liability Insurance Premium Reduction (50 IAC 8000; 39 Ill Reg 9915) effective 10/29/15 concerning accident prevention courses that qualify drivers age 55 and older for discounts on their auto liability insurance premiums. The amendment expands the maximum class size for these courses from 35 to 50 persons. Accident prevention course providers are affected.

DRIVERS' LICENSES

SOS adopted amendments to Issuance of Licenses (92 IAC 1030; 39 Ill Reg 8773) effective 10/29/15 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. Those who wish to have 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 the stamped discharge

document, SOS will issue a new, renewal, corrected or duplicate license or ID card with the "Veteran" designation. SOS will also, on at least a monthly basis, send DVA a list of recent applicants for veteran licenses/IDs and DVA will compare this list to its records of veterans with confirmed discharge documents. SOS will notify veterans' license/ID applicants who lack confirmation of their status from DVA 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.

SOS also adopted amendments to Cancellation, Revocation or Suspension of Licenses or Permits (92 IAC 1040; 39 Ill Reg 8372) effective 10/29/15 adding illegal possession of medical cannabis in a motor vehicle to the list of offenses for which a license may be suspended or revoked. The penalties are a 6-month suspension for the first conviction, a 12-month suspension for the second, and revocation for a third or subsequent conviction.

Questions/requests for copies of the 3 SOS rulemakings: Jennifer Egizii, SOS, 2701 S. Dirksen Parkway, Springfield IL 62723, 217/557-4462.

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Proposed Rulemakings

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Questions/requests for copies/ comments through 12/28/15: James Pellum, IGB, 160 N. La Salle Street, Chicago IL 60601, 312/ 8 1 4 - 7 2 5 3 , james.pellum@igb.illinois.gov

■ NUTRITION SERVICES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled Dietetic and Nutrition Services Practice Act (68 IAC 1245; 39 Ill Reg 14775) implementing Public Act 98-148, which provides that only individuals licensed under the Act may provide enteral (feeding tube) or parenteral (intravenous) nutrition therapy or develop and manage food service operations whose chief function is nutritional care. The rulemaking also

removes obsolete language. Dietitians, nutrition therapists and their employers are affected.

Questions/requests for copies/ comments through 12/28/15: Craig Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/ 557-4451.

INSURANCE

The DEPARTMENT OF INSURANCE proposed a new Part titled Selection of Senior Management (50 IAC 1710; 39 Ill Reg 14822) to implement Public Act 98-814. The rule prescribes selection standards and qualifications for a Chief Executive Officer (CEO) of a domestic fraternal benefit society. The Part recites statutory language stating that a domestic fraternal benefit society providing benefits under the Illinois

Insurance Code must be governed by a board of directors. Qualifications of a president or CEO in a domestic fraternal benefit society include at least 5 years insurance industry or industry regulatory experience and at least 2 of the following qualifications: a working knowledge of financial accounting; a bachelor's degree from an accredited university or equivalent combination of education and financial industry experience; prior management experience; or demonstrated superior judgment, analytical ability, communication skills or leadership.

Questions/requests for copies/ comments through 12/28/15: Susan Anders, DOI, 320 W. Washington St., Springfield IL 62767-0001, 217-785-8220, Fax: 217-524-9033.

New Rules

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■ TEACHERS' RETIREMENT

The TEACHERS' RETIREMENT SYSTEM adopted amendments to The Administration and Operation of the Teachers' Retirement System (80 IAC 1650; 38 Ill Reg 8243), effective 10/30/ 15, to prescribe new procedures for release of a TRS member's record information; new protocols to demonstrate evidence of dependency status; and revised policies regarding procurement of investment services. Written authorization from a member for

release of information is now changed to requiring "express" authorization (e.g., by mail, verbally or in person). Evidence for eligible child dependent status (as a result of physical or mental disability) is being changed from "reliable documentary evidence" to a copy of the member's federal tax return filed for the last year preceding death that discloses that a deceased member provided over 50% of the financial support for an eligible disabled child, and for general dependency status a copy of the member's tax return shall be

required (under present rule, a tax return was acceptable means proof of dependency status). For TRS investments functions, six internal oversight Committees are specified (e.g., real estate and private capital oversight committees, etc.) that review Emerging Investment Managers, and grant approvals for semi-finalists and finalists for investment services. Some tasks formerly performed by an oversight committee are now left to TRS staff, such as being invited

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New Rules

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to interview with staff or requesting a prospective fund manager to complete the System's due diligence questionnaire. Tactical investment plans are prepared by TRS staff to establish guidance for segments of the System's real return and global fixed income asset classes. Revised protocols for conducting private market real estate separate account searches are prescribed: The TRS Board shall authorize a search for new separate account managers by recorded vote, said vote published on the System website

and issued to the financial press no later than two days following the Board meeting. Staff, working with a consultant, shall prepare a Request for Information (RFI) that lists requirements for a manager, such as minimum assets under management; minimum track record; return relative to benchmarks over various time periods; size and tenure of the manager's professional staff, etc. Following the deadline for submission by potential manager candidates, staff and the TRS consultant shall identify and rank all submissions that meet criteria stated in the RFI. All emerging managers will be identified and

the most promising emerging manager candidates will be included in the selection process. Further screening of candidates shall occur and a finalist submitted to the Investment Committee (along with the most qualified emerging manager that meets the minimum criteria in the search process). Since 1st Notice, examples of "express" authorization have been added for clarification.

Questions/requests for copies: Cynthia M. Fain Grey, TRS, 2815 W. Washington, PO Box 19253, Springfield IL 62794-9253, 217/753-0375.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The HFS rulemaking will be considered at the Committee's November 17, 2015 meeting, while the remaining rulemakings will be considered at the December 15, 2015 meeting. Further comments concernings these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF HEALTHCARE & FAMILY SERVICES

Hospital Services (89 IAC 148; 39 III Reg 10334) proposed 7/24/15

DEPT OF REVENUE

Income Tax (86 IAC 100; 39 III Reg 9882) proposed 7/17/15

SECRETARY OF STATE

Issuance of Licenses (92 IAC 1030; 39 III Reg 11889) proposed 8/28/15

Issuance of Licenses (92 IAC 1030; 39 III Reg 12800) proposed 9/18/15

Motor Vehicle Accident Prevention Courses for Liability Insurance Premium Reduction (50 IAC 8000; 39 III Reg 12796) proposed 9/18/15

STATE BOARD OF ELECTIONS

Administrative Complaint Procedures for Violations of Title III of HAVA (26 IAC 150; 39 III Reg 12475) proposed 9/18/15

Established Political Party and Independent Candidate Nominating Petitions (26 IAC 201; 39 III Reg 121485) proposed 9/11/15

New Political Party Nominating Petitions (26 IAC 202; 39 III Reg 12490) proposed 9/11/15

DEPT OF INSURANCE

Accident and Health Reserves (50 IAC 2004; 39 III Reg 12715) proposed 9/18/15