

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.

Proposed Rulemakings

■ 9-1-1 SERVICE

The DEPARTMENT OF STATE POLICE proposed 6 new Parts titled Consolidation of 9-1-1 Emergency Systems (83 IAC 1324; 40 Ill Reg 3176), Standards of Service Applicable to 9-1-1 Emergency Systems (83 IAC 1325; 40 Ill Reg 3196), Requirements for Private Business Switch Service to Comply with the Emergency Telephone System Act (83 IAC 1326; 40 Ill Reg 3232), 9-1-1 Emergency Systems Consolidation Grants (83 IAC 1327; 40 Ill Reg 3248), Standards of Service Applicable to Wireless 9-1-1 Emergency Systems (83 IAC 1328; 40 Ill Reg 3260), and Administration of the Statewide 9-1-1 Fund (83 IAC 1329; 40 Ill Reg 3272). Companion emergency rules, effective 12/31/15 for a maximum of 150 days, appeared in the 1/15/16 *Illinois Register*. These rules

implement Public Act 99-6, which transfers authority to establish technical and operational rules for 9-1-1 systems under the Emergency Telephone System Act from the Illinois Commerce Commission to DSP, effective 1/1/16. New Part 1324 establishes procedures for submission and review of consolidation plans and requests for waivers with respect to local 9-1-1 emergency systems. Part 1325 sets requirements for operating and managing a 9-1-1 system and the standards of service that a 9-1-1 system must maintain, including: maintenance of records and reports, testing procedures, answering points, physical security, call handling procedures and outage notification. Part 1326 addresses private business switch services and their connections to public 9-1-1 systems, including requirements

(cont. page 2)

Emergency Rulemaking

■ MEDICAL CANNABIS TAX

The DEPARTMENT OF REVENUE adopted an emergency amendment to the Part titled Medical Cannabis Privilege Tax Law (86 IAC 429; 40 Ill Reg 3305), effective 2/3/16 for a maximum of 150 days. An identical permanent rulemaking appears in this week's *Illinois Register* at 40 Ill Reg 3173. The amendment offers guidance on the application of the tax, which is imposed on cannabis cultivation centers. The rule requires that the average sales price per gram of cannabis flowers be computed monthly at the beginning of the month. The tax shall be applied at that rate regardless of whether the average price changes due to the addition of a new strain costing more or less. Similarly, the average price will be determined

(cont. page 2)

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

(cont. from page 1)

to enable automatic number and location identification, private answering points and call handling procedures. Part 1327 establishes an application, administration and evaluation process for State grants to defray the cost of consolidating 9-1-1 systems, as well as an appeals process for grants that are terminated for non-compliance. Part 1328 sets service standards, testing and authorization to operate wireless 9-1-1 systems. Part 1329 administers a Statewide surcharge fund to support establishment of wireless 9-1-1 systems and addresses allocation of monies, eligibility, duties, non-compliance, dispute resolution and other topics. Local governments and telecommunication providers are affected.

Questions/requests for copies of the 6 DSP rulemakings through 4/4/16: Matthew R. Rentschler, DSP, 801 S. 7th St., Ste. 1000-S, Springfield IL 62703, 217/782-7658.

■ BOAT RENTALS

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to Operation of Watercraft Carrying Passengers For Hire on Illinois Waters (17 IAC 2080; 40 Ill Reg 3161) requiring boat renters to provide proof of boat safety training or for the operator to provide abbreviated training. Operators of boat rental services are required to maintain certain records for one year,

provide a receipt to the renter indicating a safety course was completed, and allow inspections by DNR or law enforcement officers. Campgrounds, resorts and other facilities that rent recreational watercraft are affected.

Questions/requests for copies/comments through 4/4/16: Shelly Knupel, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

■ FIRE INSPECTIONS

The OFFICE OF THE STATE FIRE MARSHAL proposed amendments to School Inspections (41 IAC 111; 40 Ill Reg 3165) that establish new standards of certification for individuals who inspect school buildings. The rulemaking also addresses delegation of authority to individuals, procedures for reporting violations, and quality assurance procedures and allows for possible withdrawal of a delegation of authority. Local fire officials, school districts and local governments are affected.

Questions/requests for copies/comments through 4/4/16: Deborah J. Williams, OSFM, 1035 Stevenson Drive, Springfield IL 62703, 217/785/0978.

■ ACCOUNTANTS

The BOARD OF EXAMINERS proposed amendments to Certificate of Certified Public Accountant (23 IAC 1400; 40 Ill Reg 3120) revising the Part to reflect current practices such as

holding its meetings in accordance with the Open Meetings Act and updating educational requirements. The rulemaking increases domestic credentials evaluations fees and institutes a combination of international and domestic credentials evaluation. Fees for international credential evaluation, application for reciprocity, duplicate CPA certificate, and computer disks are removed, while fees for pre-evaluation, duplicate certificate of successful completion of education and exam, and for reproduction of documents are added. Finally, the Board is updating the administration of the Uniform Certified Public Accountant Examination. CPAs and those seeking CPA certification are affected.

Questions/requests for copies/comments through 4/4/16: Russ Friedewald, BOE, 1120 Diehl Rd., Suite 107, Naperville IL 60563, 815/753-8900.

Emergency Rule

(cont. from page 1)

monthly at the beginning of the month for actual weight of cannabis concentrate or extract, such as hash oil, wax, shatter, caviar, etc. Medical cannabis cultivation centers are affected by these rulemakings.

Questions/requests for copies/comments regarding the proposed rulemaking through 4/4/16: Richard Wolters, DOR, 101 W. Jefferson St, Springfield IL 62794, 217/ 782-2844.

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 March 8, 2016 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.

ILLINOIS COURT OF CLAIMS

Court of Claims Regulations (74 IAC 790; 39 Ill Reg 15649) proposed 12/11/15

CHIEF PROCUREMENT OFFICER - DEPT OF TRANSPORTATION

Prequalification of Contractors, Authorization to Bid, and Subcontractor Registration
(44 IAC 650; 39 Ill Reg 15061) proposed 11/20/15

JCAR Meeting Action

At its 2/16/16 meeting, the Joint Committee on Administrative Rules approved the following actions:

OBJECTION

With regard to the Department of Human Services rulemaking titled Permanent Supportive Housing & Bridge Subsidy Model for Persons with Mental Illnesses (59 IAC 145; 39 Ill Reg 9704), JCAR objected to DHS' failure to implement Public Act 97-529 in a timely manner and to the Department's implementation of policy not yet adopted as rule. PA 97-529 required DHS to promulgate rules for the Permanent Supportive Housing program no later than 1/1/12. DHS not only waited more than 3 years to propose rules, but also instituted an application process and published policy documents for the program outside of rule, which is a violation of Section 5-10(c) of the Illinois Administrative Procedure Act [5 ILCS 100].

EXTENSIONS

JCAR and the following agencies agreed to extend the Second Notice periods for the following rulemakings an additional 45 days. These rulemakings will be considered again at the 3/8/16 meeting.

Illinois Commerce Commission, Net Metering (83 IAC 465; 39 Ill Reg 6134) proposed 5/8/15

Dept. of Revenue, Retailers' Occupation Tax (86 IAC 130; 39 Ill Reg 11865) proposed 8/28/15