

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

■ COURT OF CLAIMS

The ILLINOIS COURT OF CLAIMS adopted amendments to Court of Claims Regulations (74 IAC 790; 39 Ill Reg 15649) effective 4/29/16, concerning its procedures for handling monetary or property claims against the State. The rulemaking reduces the number of copies of relevant documents that must be filed with the Clerk; clarifies appearance requirements for out of State attorneys; allows attorneys to verify pleadings; codifies Court precedent regarding confidential communications between the Court and the Commissioner who hears a case; removes a requirement that the Clerk prepare a calendar of cases set for hearing during the 10 days prior to the beginning of Court sessions; and clarifies appearance requirements for out-of-State attorneys, oral argument procedure, rehearing

procedure, filing fees and waiver procedures. Persons who have claims or intend to file claims against the State with the Court of Claims will be affected by this rulemaking.

Questions/requests for copies: Bradley R. Bucher, Illinois Court of Claims, 630 S. College, Springfield IL 62756, 217/782-0111.

Emergency Rules, Page 3

■ DRIVER'S LICENSES

The SECRETARY OF STATE adopted amendments to Issuance of Licenses (92 IAC 1030; 40 Ill Reg 1672), effective 5/2/16, specifying that new photographs must be taken at least every 8 years when a driver's license is renewed,

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Proposed Rulemakings

■ GAMING BOARD HEARINGS

The ILLINOIS GAMING BOARD proposed amendments to Video Gaming (General) (11 IAC 1800; 40 Ill Reg 7275) and Riverboat Gambling (86 IAC 3000; 40 Ill Reg 7285) affecting administrative hearing procedures. Both rulemakings allow any party to a hearing concerning a license denial or restriction, a disciplinary action, or placement on or removal from an exclusion list to file exceptions to findings of fact, conclusions of law, and recommendations of the hearing officer or Administrative Law Judge no later than 14 days after receipt of the recommended decision. Exceptions shall specify each finding of fact and conclusion of law to which exception is taken, and no oral arguments shall be conducted on exceptions. Individuals and

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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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unless the license holder has a military deferral certificate or civilian employee deferral card that delays expiration of the person's license while they are stationed or employed outside of Illinois.

SOS also adopted amendments to Cancellation, Revocation or Suspension of Licenses or Permits (92 IAC 1040; 40 Ill Reg 1715), effective 5/2/16, updating the list of offenses for which SOS may suspend or revoke a license to reflect recent Public Acts. Offenses being added include theft of motor fuel, aggravated speeding in a construction or

school zone, failure to appear on a traffic violation charge, and driving without the proper class of Commercial Learner's Permit or Commercial Driver's License.

Questions/requests for copies of the 2 SOS rulemakings: Jennifer Egizii, SOS, 2701 S. Dirksen Pkwy, Springfield IL 62723, 217/557-4462.

Proposed Rulemakings

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businesses appealing adverse actions by IGB or seeking removal from an exclusion list will be affected by this rulemaking.

Questions/requests for copies/comments on the 2 IGB rulemakings through 6/27/16: Agostino Lorenzini, IGB, 160 N. La Salle St., Chicago IL 60601, fax 3 1 2 / 8 1 4 - 7 2 5 3 , james.pellum@igb.illinois.gov

■ BUSINESS INCOME TAX

The DEPARTMENT OF REVENUE proposed an amendment to Income Tax (86 IAC 100; 40 Ill Reg 7297) providing examples of how to apportion income to Illinois for unitary businesses not filing a combined return. The lengthy examples address businesses with different fiscal years and those that involve partnerships. Some small businesses may be affected.

Questions/requests for copies/comments through 6/27/16: Brian Stocker, DOR Legal Services, 101 W. Jefferson St, Springfield IL 62796, 217/ 782-2844.

■ NATURAL GAS UTILITIES

The ILLINOIS COMMERCE COMMISSION proposed amendments to Standards of Service for Gas Utilities and Alternative Gas Suppliers (83 IAC 501; 40 Ill Reg 7246) updating incorporations by reference to the Code of Federal Regulations, correcting cross-references within the Part, and allowing utilities to certify the accuracy of their meter testing equipment through the National Institute of Standards and Technology (NIST), the American Association of Laboratory Accreditation, or through the national measurement institutes of Canada (National Research Council), Great Britain (National Physical Laboratory) or Germany (Physikalisch-Technische Bundesanstalt). Currently, only NIST certification is accepted. ICC also proposed repeal of the Part

titled Standards of Service for Gas Utilities (83 IAC 500; 40 Ill Reg 7217), the obsolete Part that 83 IAC 501 will replace effective 1/1/17. Natural gas suppliers are affected.

Questions/requests for copies/comments through 6/27/16: Elizabeth Rolando, Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield IL 62701; 217/782-7434. Please reference ICC Docket No. 16-0256.

■ DFPR RULE WITHDRAWAL

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION has withdrawn proposed amendments to the Part titled Residential Mortgage License Act of 1987 (38 IAC 1050; 40 Ill Reg 5243) that were published in the 4/1/16 *Illinois Register*. The proposed rulemaking would have added new pre-licensing and continuing education requirements for mortgage loan originators.

Emergency Rules

■ ETHANOL

The DEPARTMENT OF AGRICULTURE adopted an emergency amendment to the Part titled Motor Fuel and Petroleum Standards Act (8 IAC 850; 40 Ill Reg 7478) effective 4/26/16 for a maximum of 150 days, that maintains in rule exceptions to vapor pressure standards for ethanol fuels listed in the National Institute of Standards and Technology (NIST) Handbook 130. The emergency rule adopts the ethanol fuel standards found in the 2016 (formerly 2013) edition of NIST Handbook 130 but rejects NIST's scheduled 5/1/16 expiration date for the vapor pressure exceptions. Petroleum producers and marketers, and other businesses that sell ethanol blended motor fuels, are affected by this emergency rule.

Questions/requests for copies: Susan Baatz, DOA, State

Fairgrounds, P.O. Box 19281, Springfield IL 62794-9281, 217/524-6905, fax 217/785-4505.

HORSE RACING

The ILLINOIS RACING BOARD adopted emergency amendments to Entries, Subscriptions, and Declarations (11 IAC 1413; 40 Ill Reg 7482), effective 5/1/16 for a maximum of 150 days, implementing provisions for carding, substitute races and extra races. An identical proposed rulemaking appears in this week's *Illinois Register* at 40 Ill Reg 7295. The rulemakings provide that for the next 5 years (until 6/30/21) all non-claiming races (except maiden races) and all claiming races with a value of \$20,000 or more must be carded and run if 8 or more separate interests have entered. Races in which Illinois owners or Illinois-bred horses are entered must be carded and run with 6 or 7 betting interests. If scratches reduce the

number of interests in any race to less than 6, the race may be run as a non-wagering exhibition and a substitute race run for wagering purposes. For substitute and extra races, scheduling priority must be given to races with Illinois-bred horses. Both rulemakings also include the carding and scheduling provisions that will apply beginning 7/1/21. IRB states that the emergency rules implement an agreement between Arlington Park and the Illinois Thoroughbred Horsemen's Association in time for the beginning of the Arlington live racing season on 5/6/16.

Questions/requests for copies/comments on the proposed rulemaking through 6/27/16: Mickey Ezzo, IRB, 100 W. Randolph, Suite 5-700, Chicago IL 60601, 312/814-5017, mickey.ezzo@illinois.gov

Joint Committee on Administrative Rules

Senator Bill Brady
Senator Karen McConnaughay
Senator Matt Murphy
Senator Don Harmon
Senator Tony Muñoz
Senator Ira Silverstein

Representative Greg Harris
Representative Lou Lang
Representative David Leitch
Representative Ron Sandack
Representative André Thapedi
Representative Michael Tryon

Vicki Thomas
Executive Director

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 June 14, 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 POWER AGENCY

Fee Assessment and Collection for Regular Procurement Events, Special Procurement Events and Other Services (83 IAC 1200; 39 III Reg 8705), proposed 6/26/15

Monitoring of Contracts Administered by the Illinois Power Agency (83 IAC 1210; 39 III Reg 8710), proposed 6/26/15

JCAR Meeting Action

At its 5/10/16 meeting, the Joint Committee on Administrative Rules took the following actions:

OBJECTION

JCAR objected to the Illinois Racing Board's rulemaking titled Entries, Subscriptions and Declarations (11 IAC 1413; 40 III Reg 2907) because it is no longer consistent with IRB policy, as evinced in its recent adoption of new policy in an emergency rule. This rulemaking should now be withdrawn.

RECOMMENDATIONS

With regard to the Department of Natural Resources' rulemakings titled Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, and Woodchuck (Groundhog) Hunting (17 IAC 550; 40 III Reg 1413) and Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver and Woodchuck (Groundhog) Trapping (17 IAC 570; 40

Uniform System of Accounts (83 IAC 1220; 39 III Reg 8716), proposed 6/26/15

Prequalified Supplier Lists for Construction and Construction-Related Professional Services (83 IAC 1230; 39 III Reg 8720), proposed 6/26/15

Recovery of Costs Incurred in Connection with the Cancellation of Facility Development and Construction (83 IAC 1240; 39 III Reg 8731), proposed 6/26/15

SECRETARY OF STATE

Regulations Under Illinois Securities Law of 1953 (14 IAC 130; 40 III Reg 175), proposed 1/4/16

Regulations Under Illinois Securities Law of 1953 (14 IAC 130; 40 III Reg 329), proposed 1/8/16

III Reg 1430), JCAR recommended that the Department limit the number of bobcat hunting and trapping permits issued and limit the geographical area open to hunting and trapping, considering the fact that the bobcat has recently been removed from protected status.

EXTENSIONS

JCAR and the affected agencies agreed to extend the Second Notice periods on the following rulemakings for an additional 45 days. These rulemakings will be reconsidered at the June 14 JCAR meeting.

Department of Agriculture, Anhydrous Ammonia, Low Pressure Nitrogen Solutions, Equipment, Containers, and Storage Facilities (8 IAC 215; 39 III Reg 9065) proposed 7/10/15

Department of State Police, Consolidation of 9-1-1 Emergency Systems (83 IAC 1324; 40 III Reg 3176) proposed 2/19/16