

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

ILLINOIS STATE MUSEUM

The DEPARTMENT OF NATURAL RESOURCES adopted a new Part titled Illinois State Museum (23 IAC 3210; 40 Ill Reg 5161), effective 6/17/16, authorizing DNR to keep the Illinois State Museum in Springfield and its branches (Dickson Mounds, Lockport, Rend Lake, and Chicago) open to the public and operate a research and collection center to research, preserve and maintain access to the State's collections of artifacts. The rule also institutes a \$5 admission fee for the ISM in Springfield, from which children age 18 and under, persons age 65 and over, and active duty military personnel or veterans are exempt. ISM may, at its discretion, waive or reduce the admission fee for persons attending or volunteering at special museum events, members of the Illinois State Museum Society, members of the

public entering the Museum on Museum Board business, or when the ISM determines that the benefit of reduced or waived admission for a specific event, or a specific time period, outweighs the potential loss in revenue. Employees, volunteers, and visitors to the ISM or its branch facilities (the ISM and Dickson Mounds are scheduled to reopen July 2; other branches remain closed) are affected by this rulemaking.

Questions/requests for copies: Anne Mergen, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

■ ANHYDROUS AMMONIA

The DEPARTMENT OF AGRICULTURE adopted amendments to the Part titled Anhydrous Ammonia, Low

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Proposed Rulemakings

PRISONS

The DEPARTMENT OF CORRECTIONS proposed amendments to Discipline and Grievances (20 IAC 504; 40 Ill Reg 8628) redesigning the standards for administration of discipline to reduce usage of segregation. The amendments require consideration of mental health impact on offenders in discipline processes, including in the administration of segregation/confinement. An investigative report into any disciplinary offense must be served upon the offender within 8 calendar days after the offense is committed or discovered. Offenders who are seriously mentally ill may not be placed in segregation until a mental health professional has reviewed the offender's mental health records and disciplinary reports 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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Pressure Nitrogen Solutions, Equipment, Containers, and Storage Facilities (8 IAC 215; 39 Ill Reg 9065), effective 7/1/16, concerning safety requirements for anhydrous ammonia storage and application equipment and implementing new certification requirements for persons handling anhydrous. The rulemaking extends the Part's applicability to include non-commercial (including on-farm) anhydrous storage and handling systems and requires any person who handles or stores anhydrous in vessels of greater than 3,000 gallons to be a certified competent attendant. Railroad tank cars may no longer be used for anhydrous storage, and permanently mounted tank cars currently in use must be removed from service by 12/1/25. Container pressure relief devices may not be used more than 5 years beyond their date of manufacture (formerly, no more than 5 years after installation or 7 years after manufacture); all facilities must comply with this requirement by 12/1/20. Regulated entities with multiple storage facilities must bring at least 25% of their vessels into compliance with this Part each year, beginning 12/1/16. The rulemaking adds new definitions and expands the definition of a public assembly (from which storage vessels must maintain a setback of 200 or 400 feet). A certified competent attendant must be on site during operations at any commercial or

non-commercial storage facility, and attendants must attend refresher training every 3 years. A voluntary anhydrous safety training program will be offered for growers producing crops on their own land. Records of all inspections and maintenance on storage vessels must be kept at the facility for at least 5 years. Other provisions address specifications for new and existing storage vessels, pressure testing and repair criteria, container markings, shutoff valves, portable "nurse tanks", and other system components. Changes since 1st Notice clarify the compliance dates for new and existing facilities, applicability of standards, and who meets the requirements of a certified competent attendant. All incorporations by reference have been placed into one Section. Also, storage tanks that are currently in use but do not have required forms, build sheets or legible data plates must be removed from service by 1/1/30. Those affected by this rulemaking include farmers, fertilizer companies, and other businesses that store or supply anhydrous ammonia.

■ MEAT INSPECTION

DOA also adopted an amendment to Meat and Poultry Inspection Act (8 IAC 125; 40 Ill Reg 5732), effective 6/17/16, incorporating by reference a federal Food Safety and Inspection Service (FSIS) rule that takes effect 6/20/16. The rule

requires meat processing establishments and retail stores that grind raw beef for consumer sale to maintain written records of the sources of its raw meat (including all supplier establishment numbers, lot numbers and production dates); record the date and time when each lot of raw ground beef product is produced; and record the date and time when grinding equipment and other related food-contact surfaces are cleaned and sanitized. Meat processing establishments, grocers and butchers are affected by this rulemaking.

Questions/requests for copies of the 2 DOA rulemakings: Susan Baatz, DOA, State Fairgrounds, P.O. Box 19281, Springfield IL 62794-9281, 217/524-6905, fax 217/785-4505.

■ PLUMBERS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Plumbers Licensing Code (68 IAC 750; 39 Ill Reg 14297), effective 6/17/16, concerning licensure examinations, responsibilities of plumbing inspectors and other changes updating the Part to align with current statute. The rulemaking includes provisions for making reasonable accommodations under the Americans with Disabilities Act for persons with disabilities seeking to take the licensure exam; provides that persons who cheat on the

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Proposed Rulemakings

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issued a recommendation. Provisions for recreation, visitation by mental health professionals and chaplains, hygiene standards, and other aspects of segregation are addressed. The rulemaking also revises the levels of institutional privileges offenders receive based on their behavior; those who have committed disciplinary infractions may be restricted in their use of the commissary, telephone use, and in-person or video visitation. Revisions of standards are to be aligned with American Correctional Association and research group recommendations. Regarding grievance procedures, the rulemaking provides that grievances concerning discipline or allegations of sexual abuse will be sent directly to the institution's grievance officer (instead of to the offender's counselor) and grievances concerning access to or the privacy of medical records will be

forwarded to the facility's privacy officer. Finally, the rulemaking removes obsolete provisions for juvenile offenders (now administered by the Department of Juvenile Justice) and updates the numbers and definitions of offenses for which disciplinary measures may be imposed.

Questions/requests for copies/comments through 8/15/16: Echo Beekman, DOC, 1301 Concordia Ct., P.O. Box 19277, Springfield IL 62794-9277, 217/558-2200, ext. 6501, email: echo.beekman@doc.illinois.gov.

■ DEER SALVAGE PERMITS

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to the Part titled Salvage Permits for Deer (17 IAC 750; 40 Ill Reg 8690) removing the option to report possession of a road-killed deer by telephone; reports must now be submitted via the DNR website. Once a report is made, the individual making the report will be issued

a Report ID, which must be kept with the remains until they are consumed or no longer possessed. A Report ID must be provided to law enforcement upon request. The rulemaking also provides that a salvage tag will no longer be required for road-killed deer, but if the deer is taken to a business for processing, the business must document the Report ID. Salvage tags will still be required for possession of deer that have been killed by means other than a vehicle collision or legal hunting. Also, permission to transport salvaged deer will not be granted to persons who are delinquent in child support payments. Taxidermists, tanners and meat processors who receive and process salvaged deer are affected.

Questions/requests for copies/comments through 8/15/16: Anne Mergen, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

New Rules

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licensure exam will be immediately expelled from the exam and barred from retesting for at least 6 months (instead of requiring an appearance before the Board of Plumbing Examiners prior to imposition of the penalty); clarifies the duties of plumbing inspectors; and expands the grounds for disciplinary action against plumbing inspectors to include

failure to follow any directive or order of DPH, or "any other form of misconduct". Changes since 1st Notice leave in place existing language that allows local governments to enact their own plumbing ordinances (the rulemaking as originally proposed would have required DPH review and approval, prior to local adoption, of any ordinance more stringent than the Illinois Plumbing Code). Other

changes leave in place provisions allowing only licensed plumbers, career and technical educators or industry representatives (instead of also allowing licensed professional engineers) to teach courses in plumbing, as well as keeping current provisions for supervision of continuing education courses.

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New Rules

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Finally, the rulemaking stipulates that DPH will consult the Plumbing Code Advisory Council in the development of future licensing exams. Those affected by this rulemaking include licensed plumbers, their employers, and local governments.

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

■ VIDEO GAMING

The ILLINOIS GAMING BOARD adopted amendments to Video Gaming (General) (11 IAC 1800; 39 Ill Reg 14809 and 40 Ill Reg 2884), effective 6/14/16, combining two separately proposed rulemakings. These amendments 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. Other amendments allow video gaming licensees to provide written notice to surrender licenses without leave of the Board subject to the Administrator's approval. Businesses and non-profits that hold video gaming licenses will be affected.

Questions/requests for copies: Agostino Lorenzini, IGB, 160 N LaSalle St Ste., Chicago IL 60601, 312/793-8185, fax 312/814-7253, agostino.lorenzini@igb.illinois.gov

ELECTIONS

The STATE BOARD OF ELECTIONS adopted amendments to the Parts now titled Established Political Party Nominating Petitions (26 IAC 201; 40 Ill Reg 5643) and New Political Party and Independent Candidate Nominating Petitions (26 IAC 202; 40 Ill Reg 5649), both effective 6/20/16. Amendments to both Parts correct the headings of the Parts (to indicate that the rules for independent candidate filings are in Part 202), update the current address of SBEL's principal office and clarify that no filings will be accepted after 5 p.m.

Questions/requests for copies of the 2 SBEL rulemakings: Kenneth Menzel, SBEL, 2329 S. MacArthur Blvd., Springfield IL 62708, 217/782-0608.

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 July 12, 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.

DEPT OF CHILDREN AND FAMILY SERVICES

Licensing Standards for Day Care Homes (89 IAC 406; 39 Ill Reg 10500) proposed 7/31/15

Licensing Standards for Group Day Care Homes (89 IAC 408; 39 Ill Reg 10540)
proposed 7/31/15

DEPT OF COMMERCE AND ECONOMIC OPPORTUNITY

Illinois Promotion Act Programs (14 IAC 510; 40 Ill Reg 6907) proposed 5/6/16

DEPT OF INSURANCE

Accident and Health Reserves (50 IAC 2004; 40 Ill Reg 5802) proposed 4/8/16

DEPT OF PUBLIC HEALTH

Ambulatory Surgical Treatment Center Licensing Requirements (77 IAC 205; 40 Ill Reg 6722)
proposed 4/29/16

Illinois Vital Records Code (77 IAC 500; 40 Ill Reg 5172) proposed 3/25/16

College Immunization Code (77 IAC 694; 40 Ill Reg 3460) proposed 3/4/16

DEPT OF REVENUE

Income Tax (86 IAC 100; 40 Ill Reg 5823) proposed 4/8/16

DEPT OF TRANSPORTATION

Inspection Procedures for Special Vehicles (92 IAC 438; 40 Ill Reg 2449) proposed 2/5/16

Official Testing Stations (Repealer) (92 IAC 448; 40 Ill Reg 2554) proposed 2/5/16

TEACHERS' RETIREMENT SYSTEM

The Administration and Operation of the Teachers' Retirement System
(80 IAC 1650; 40 Ill Reg 6770) proposed 4/29/16