

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

■ DRIVERS' LICENSES

The SECRETARY OF STATE adopted amendments to Issuance of Licenses (92 IAC 1030; 40 Ill Reg 10137 and 10754), effective 10/26/16, combining two separately proposed rulemakings. One amendment addresses driver's license photograph requirements for persons who wear religious head dressings. In order for a license applicant to be photographed in a religious head dressing, the item must not cover any area of the open face. The applicant must also sign a declaration stating that he or she wears the head dressing in public at all times unless circumstances require its removal (e.g., haircuts, medical examinations) and acknowledging that the license may be cancelled if SOS obtains evidence showing that the driver does not wear the head dressing

at all times in public. Other amendments streamline the documentation that the holder of a non-visa Temporary Visitors Driver's License (TVDL) must present when requesting a renewal, duplicate or corrected TVDL. Requesters must show a document with the requester's signature and one of the following: proof of date of birth, social security number, or proof of residency (currently, proof of date of birth, current address and Illinois residency in excess of one year are required). When requesting an address change, two documents proving residency are required.

SOS also adopted amendments to Cancellation, Revocation or Suspension of Licenses and Permits (92 IAC 1040; 40 Ill Reg 9332), effective 12/1/16, that change SOS policy regarding

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Proposed Rulemakings

■ LABOR RELATIONS

The EDUCATIONAL LABOR RELATIONS BOARD proposed amendments to General Procedures (80 IAC 1100; 40 Ill Reg 15193), Hearing Procedures (80 IAC 1105; 40 Ill Reg 15202), Representation Procedures (80 IAC 1110; 40 Ill Reg 15215), Unfair Labor Practice Proceedings (80 IAC 1120; 40 Ill Reg 15242), Fair Share Fee Objections (80 IAC 1125; 40 Ill Reg 15256) and Collective Bargaining and Impasse Resolution (80 IAC 1130; 40 Ill Reg 15263). Amendments to Part 1100 permit documents to be filed electronically and clarify how dates are computed (e.g., documents must be received by the close of business in order to be considered filed that day). The Board will serve final Board opinions, complaints and notices

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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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reinstatement fees for licenses with concurrent multiple suspensions and/or revocations in effect. The amendments provide that a separate reinstatement fee will be charged for each suspension or revocation (formerly, only the highest fee was charged). The amendments also remove outdated procedures for determining whether a suspension/revocation should be imposed for a fatal crash, since revocation is now required by law for any moving violation that results in a fatality.

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

PROPERTY TAX

The DEPARTMENT OF REVENUE adopted an amendment to Property Tax Code (86 IAC 110; 40 Ill Reg 9063) effective 10/31/16 updating the list of multi-township assessment districts for the period 1/1/18-12/31/21. Corrections and additions were also made to the list of districts for the term 1/1/14-12/31/17.

Questions/requests for copies: Robin Gill, DOR, Legal Services, 101 West Jefferson, Springfield IL 62794, 217/624-4886.

HFSRB REPEALERS

The HEALTH FACILITIES AND SERVICES REVIEW BOARD

repealed the Parts titled Criteria and Procedure for Recognition of Areawide Health Planning Organizations for Health Facilities Planning (77 IAC 1170; 40 Ill Reg 3540) and Appropriateness Review (77 IAC 1250; 40 Ill Reg 1250) effective 10/27/16. Part 1170 was repealed because HFSRB no longer uses Areawide Health Planning Organizations, and Part 1250 was repealed because HFSRB no longer performs appropriateness reviews.

Questions/requests for copies of the 2 HFSRB rulemakings: Jeannie Mitchell, HFSRB, 69 W. Washington, Ste. 3501, Chicago IL 60602, 312/814-6226, Jeannie.Mitchell@illinois.gov

Proposed Rulemakings

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of hearings, unfair labor charges, and fair share fee objections on a party by personal service, mail, or by leaving a copy at the office or place of business of the person to be served. A party may also agree in writing to service by other means. A party may be awarded costs and attorney's fees for seeking enforcement of a subpoena when there is frivolous litigation for the purpose of delay. Part 1105 amendments provide that requests for continuances must be in writing, but need not be submitted as formal motions. Multiple requests for continuances shall be viewed more strictly. The Part 1110

rulemaking lists the information required in a voluntary recognition notice (e.g., the name and affiliation of the employee organization to be recognized, a description of the proposed bargaining unit) as well as in an employer request for voluntary recognition certification (e.g., name and address of the employer, description of the proposed bargaining unit). When ELRB issues a decision, any findings of fact must be based exclusively upon the evidence in the record and on matters of which official notice has been taken. Copies of all exceptions and briefs (and responses) shall be served upon all other parties and filed with the Board's General

Counsel. A hearing officer's recommended decision shall be issued within 21 days after all evidence has been presented and any transcripts and post-hearing briefs are received. An order dismissing a petition for clarification of an existing bargaining unit, or dismissing or granting an amendment of certification is deemed to be a final order. Amendments to Part 1120 state that withdrawal of an unfair labor practices charge after the issuance of a complaint shall be deemed to have occurred with prejudice. Motions in unfair labor practices

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Proposed Rulemakings

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proceedings shall be filed in writing with the Executive Director, must specify the grounds for the motion and must be served simultaneously on all parties. If an affirmative defense to an unfair labor practice charge is not included in the respondent's answer, it is deemed not to have been waived. The Part 1125 rulemaking provides that Notice of a Fair Share Fee may be provided electronically to nonmembers. The Executive Director shall appoint a fair share Administrative Law Judge to hold a hearing and issue a recommended decision. Funds from an escrow account shall be disposed of in accordance with the Uniform Disposition of Unclaimed Property Act if necessary. In the event of a religious objection to the disposition of fair share fees, the Board will select a charitable organization from a list of three charitable organizations established under the Illinois Educational Labor Relations Act. Finally, amendments to Part 1130 provide that requests for mediation may be made electronically to the Board's electronic mailbox and that educational employers are no longer required to file copies of collective bargaining agreements with the Board. Those affected by this rulemaking include school districts and institutions of higher education.

Questions/requests for copies/comments on the 6 ELRB rulemakings through 12/28/16: Susan Willenborg, ELRB, 160 N. LaSalle, Ste. N-400, Chicago IL 60601-3103, 312/793-3170, Fax 3 1 2 / 7 9 3 - 3 3 6 9 , Susan.Willenborg@illinois.gov

STATE PENSION SYSTEM

The STATE EMPLOYEES RETIREMENT SYSTEM proposed amendments to Public Information, Rulemaking and Organization (2 IAC 2375; 40 Ill Reg 15237) and The Administration and Operation of the State Employees Retirement System of Illinois (80 IAC 1540; 40 Ill Reg 15342). The 2 IAC 2375 rulemaking revises the organization of the System's Board of Trustees to include the Comptroller; six Trustees appointed by the Governor who are neither elective State officeholders nor members of the System; four active members with at least 8 years' service, elected by the members of the System; and two annuitants elected by annuitants of the System. Amendments to 80 IAC 1540 provide that if a member is receiving a non-occupational disability benefit and develops another condition severe enough to prolong the member's disability beyond the benefit period for the previous disability, the non-occupational benefit will continue uninterrupted and the member will not be required to obtain a new leave of absence or wait 30 days prior to receiving benefits. A physician's report

supporting the new finding must be provided, unless the System waives this requirement. When the System is required to make a mandatory distribution to a member, and the member fails to choose between an annuity or a refund, the member shall be deemed to have elected a refund. Other provisions stipulate that if a member fails to cash four or more benefit checks, the System shall investigate the reason and may suspend benefits payments. Any member whose benefits are suspended must accept direct deposit as a condition of reinstatement, unless a hardship exception is granted. Freedom of Information Act provisions are also added.

Questions/requests for copies/comments on the 2 SERS rulemakings through 12/28/16: Jeff Houch, SERS, 2101 S. Veterans Parkway, PO Box 19255, Springfield IL 62794-9255, 217/524-8105, fax: 217/557-3943, jeff.houch@srs.illinois.gov

MEDICAL ASSISTANCE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed an amendment to Medical Payment (89 IAC 140; 40 Ill Reg 15271) expanding Medicaid coverage of in-home shift nursing to include services to persons age 21 and older who are covered under a federal Home and Community-Based Services Waiver for

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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 December 13, 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 INSURANCE

Securities Valuation Reserve (Repealer) (50 IAC 1601; 40 Ill Reg 10352) proposed 8/5/16

War Clauses (Repealer) (50 IAC 1602; 40 Ill Reg 10355) proposed 8/5/16

Valuation of Reserves (Repealer) (50 IAC 1604; 40 Ill Reg 10359) proposed 8/5/16

Legal Reserve Life Blank (Repealer) (50 IAC 1605; 40 Ill Reg 10362) proposed 8/5/16

Workers' Compensation Large Deductible Business (50 IAC 2909; 40 Ill Reg 5806) proposed 4/8/16

IL GAMING BOARD

Riverboat Gambling (86 IAC 3000; 40 Ill Reg 12538) proposed 9/2/16

OFFICE OF THE STATE FIRE MARSHAL

Boiler and Pressure Vessel Safety (41 IAC 2120; 40 Ill Reg 6974) proposed 5/6/16

Proposed Rulemakings

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Medically Fragile Technology Dependent (MFTD) children. (A proposed amendment to 89 IAC 120 (40 Ill Reg 14982), published in the 11/4/16 *Illinois Register*, allows persons eligible for the MFTD waiver on the day before they turn 21 to remain eligible past their 21st birthdays.)

Questions/requests for copies/comments through 12/28/16: Mollie Zito, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233, HFS.Rules@illinois.gov

AIR POLLUTION

The POLLUTION CONTROL BOARD proposed amendments to Definitions and General Provisions (35 IAC 211; 40 Ill Reg 15294; Docket R17-2) and Air

Quality Standards (35 IAC 243; 40 Ill Reg 15319; Docket R17-1) implementing updates to federal regulations. The Part 211 rulemaking reflects USEPA's exclusion of tertiary-butyl acetate from the definition of volatile organic compound (VOC) and makes a number of minor corrections. The Part 243 rulemaking updates incorporations by reference of USEPA regulations to include the most recent revisions of the National Ambient Air Quality Standards (NAAQS).

LANDFILLS

PCB also proposed amendments to Procedural Requirements for Permitted Landfills (35 IAC 813; 40 Ill Reg 15329; Docket R17-5) that reflect USEPA's decision to change the maximum term of a research, development and

demonstration permit from 12 years to 21 years. The rulemaking also makes minor corrections to the text.

Requests for copies/comments on the 2 PCB rulemakings through 12/28/16: John Therriault, Clerk, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-3620. Questions: Michael McCambridge at the same address, 312/814-6924, Michael.McCambridge@illinois.gov. Please reference the PCB docket number for each rulemaking. Copies of the Board's opinion and order can be obtained at <http://www.ipcb.state.il.us/COOL/external/cases.aspx> or by calling 312/814-3620.