

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

STUDENT ASSISTANCE

The ILLINOIS STUDENT ASSISTANCE COMMISSION adopted amendments to 3 Parts titled Illinois National Guard (ING) Grant Program (23 IAC 2730; 41 Ill Reg 825); Veterans' Home Nurse Loan Repayment Program (23 IAC 2757; 41 Ill Reg 832) and Illinois Special Education Teacher Tuition Waiver (SETTW) Program (23 IAC 2765; 41 Ill Reg 838) all effective 7/1/17. The Part 2730 rulemaking removes fixed dates for priority claims in favor of a more flexible, annually established priority claim date. Payment requests are processed in the sequence of receipt. Institutions may submit payment requests beginning 10 days prior to the start of classes for the term for which payment is being requested. Since 1st Notice, ISAC has specified the months in which priority claim dates for the fall (December),

spring (late March or early April) and summer (July) terms will be established, with the exact dates to be determined annually. Part 2757 amendments open up repayment assistance to individuals who are physicians, certified nurse practitioners and certified nursing assistants at veterans' homes. The amendments to Part 2765 establish that any leftover tuition waivers not awarded under the provision for recent high school graduates will be awarded to previous high school graduates. Language clarifying the steps in the SETTW award process has been added since 1st Notice.

Questions/requests for copies of the 3 ISAC rulemakings: Lynn Hynes, ISAC, 1755 Lake Cook Rd, Deerfield IL 60015, 847/948-8500, ext. 2216, e-mail: lhynes@isac.org.

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Proposed Rulemakings

TRAFFIC OFFENSES

The SECRETARY OF STATE proposed amendments to the Part titled Cancellation, Revocation or Suspension of Licenses or Permits (92 IAC 1040; 41 Ill Reg 7809) that add driving under the influence of cannabis (Tetrahydrocannabinol concentration within 2 hours of driving) to the list of traffic offenses for which license sanctions can be imposed. Other added traffic offenses include aggravated speeding in a construction zone, failure to reduce speed and change lanes when approaching a disabled vehicle, and violations of the Cannabis Control Act. Penalties for possession of cannabis while operating a motor vehicle are revised in accordance with statute.

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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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■ WATER POLLUTION LOANS

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY repealed the Part titled Procedures for Issuing Loans from the Water Pollution Control Loan Program (35 IAC 365; 40 Ill Reg 14142) and adopted a new Part with the same number and title (35 IAC 365; 40 Ill Reg 14243) effective 7/1/17. The new Part reorganizes and updates rules for the Water Pollution Control Loan Program, which finances construction, expansion or upgrading of water and sewer treatment systems. It includes provisions for financing stormwater treatment systems, reducing loan rates for small or hardship-affected communities, updating the criteria for forgiving a loan, and authorizing loan terms of up to 30 years for small or hardship communities. Changes since 1st Notice to the new Part 365 amend its definition of green project reserve and clarify that certain procedures, in addition to all federal requirements, will not be waived.

Small municipalities that qualify for this program are affected.

■ WATER SUPPLY LOANS

IEPA also repealed the Part titled Procedures for Issuing Loans from the Public Water Supply Loan Program (35 IAC 662; 41 Ill Reg 2145) and adopted a new Part with the same title (35 IAC 662; 41 Ill Reg 2239) effective 7/1/17. The new Part updates program procedures, adds more details regarding loan restructuring for disadvantaged/small communities and provides for a longer (30 year) term for loans to disadvantaged communities. Changes since 1st Notice to the new Part include requiring applicants to provide the number of billed residential and commercial accounts, adding a definition of compliance project, and amending the definition of a green project reserve. Small municipalities that qualify for this program will be affected by these rulemakings.

Questions/requests for copies of the 4 IEPA rulemakings: Rex L. Gradeless, IEPA 1021 N. Grand

Ave E., P.O. Box 19276, Springfield IL 62794-9276; 217/782-5544; Rex.Gradeless@illinois.gov.

PUBLIC INFORMATION

The ILLINOIS COMMUNITY COLLEGE BOARD repealed the Part titled Public Access to Information (2 IAC 5176; 40 Ill Reg 16386) and adopted a new Part titled Access to Records of the Illinois Community College Board (2 IAC 5176; 40 Ill Reg 16391), both effective 6/21/17, implementing changes to the Illinois Freedom of Information Act (FOIA). The new Part includes current FOIA provisions regarding records that can be disclosed, records that are withheld from disclosure, procedures for requesting copies of records, the timeline for an agency response, provisions for appealing a denied request, and fees for copies in various formats.

Questions/requests for copies of the 2 ICCB rulemakings: Matt Berry, ICCB, 401 E. Capitol Ave., Springfield IL 62701-1711, 217/785-7411, fax 217/524-4981, e-mail: Matt.berry@illinois.gov

Proposed Rulemakings

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Questions/requests for copies/comments through 8/21/17: Jennifer Egizii, SOS, 2701 South Dirksen Parkway, Springfield IL 62723, 217/557-4462, jegizii@ilsos.net.

■ MENTAL HEALTH

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed a new Part titled Children's Behavioral Health (89 IAC 139; 41 Ill Reg 7754) establishing new rules for the Individual Care Grant program formerly administered by the Department of Human

Services and transferred to HFS by Public Act 99-479. The ICG program, which provides assistance to mentally ill youth and their families, has been renamed the Family Support Program (FSP). The new Part establishes the application process, clinical eligibility criteria,

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prior authorization requirements for residential treatment, and utilization review processes for FSP. It also implements PA 98-808, the Custody Relinquishment Prevention Act, by establishing a more intensive, 90-day Specialized Family Support Program (SFSP) for youth at risk of custody relinquishment to the Department of Children and Family Services because their parents or guardians have not been able to obtain suitable treatment for them. Those affected by this rulemaking include families of mentally ill children and youth, mental health providers, and youth services providers.

Questions/requests for copies/comments through 8/21/17: Mollie Zito, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233, HFS.Rules@illinois.gov

TOXICOLOGY TESTING

The DEPARTMENT OF STATE POLICE proposed a new Part titled Disclosure of Toxicological and Related Testing Results (20 IAC 1287; 41 Ill Reg 7916) that is intended to establish a minimum standard for compliance concerning toxicology evidence without unduly limiting the collection of evidence. The new Part also contains definitions and outlines the toxicology information that will be provided to adverse parties.

■ 9-1-1 SERVICE

DSP also proposed amendments to Standards of Service Applicable to 911 Emergency Systems (83 IAC 1325; 41 Ill Reg 7921) that establish call handling guidelines and minimum training standards for calls concerning sexual assault or abuse. The rulemaking requires a minimum 2 hours training for new telecommunications hires on or after 1/1/18 and 3 hours of continuing education for current telecommunicators before 1/1/19 (and every 3 years thereafter) regarding the handling of sexual assault or abuse. Those affected by this rulemaking may include public safety departments of units of local government who operate 911 systems.

Questions/requests for copies/comments on the 2 DSP rulemakings by 8/21/17: Matthew R. Rentschler, DSP, 801 S. Seventh St., Suite 1000-S, Springfield IL 62703, 217/782-7658.

■ COMMUNITY COLLEGES

The ILLINOIS COMMUNITY COLLEGE BOARD proposed amendments to Administration of the Illinois Public Community College Act (23 IAC 1501; 41 Ill Reg 7712) that address the application and approval process for private business and vocational school programs to become eligible for credit transfer to a community college. Only the 6 programs outlined in Sec. 10 of the Career and Workforce Transition Act are eligible for credit transfer; community

colleges may accept up to 30 credit hours from one of these programs. The rulemaking also outlines other criteria for an eligible program such as curriculum, accreditation, evaluation, and appeals process. This rulemaking may affect high school counselors, community colleges, other colleges/universities and private vocational schools.

Questions/requests for copies/comments through 8/21/17: Matt Berry, ICCB, 401 East Capitol Avenue, Springfield IL 62701-1711, 217/785-7411, Fax: 217/524-4981.

TEACHERS' RETIREMENT

The TEACHERS' RETIREMENT SYSTEM proposed amendments to The Administration and Operation of the Teachers' Retirement System (80 IAC 1650; 41 Ill Reg 7942) which place in rule TRS policies regarding leaves of absence eligible for service credit with the System and clarify a fine point in how a final average salary is computed for purposes of pension determination. The maximum amount of leave eligible for service credit (including pregnancy leave) shall be 3 years. Regarding final average salaries, any year in which a member's earnings are less than 50% of the preceding year's mean salary for downstate teachers shall not be counted when determining the school employer contribution required

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for the person's salary increases in excess of 6% in any year, pursuant to Sec. 16-158(f) of the Illinois Pension Code.

Questions/requests for copies/comments through 8/21/17: Cynthia Fain, TRS, 2815 W. Washington, PO Box 19253, Springfield IL 62794-9253, 217/753-0375.

■ CPA EXAMINATIONS

The ILLINOIS BOARD OF EXAMINERS proposed amendments to Certificate of Education and Examination Requirements (23 IAC 1400; 41 Ill Reg 7699) to alter business education requirements for a Certified Public Accountant licensure. The 24 semester credit hours must include 2 semester hours in business communications and 3 in business ethics, which may or may not be encompassed within credit hours awarded for a substantive business course of study. The time period for the Board to receive college transcripts from provisional candidates for CPA licensure is being extended from 120 to 150 days. CPAs and their employers may be affected.

Questions/requests for copies/comments through 8/21/17: Russ Friedewald, Board of Examiners, 1120 E. Diehl Rd., Suite 107, Naperville IL 60563, 815/753-8900.

■ INCOME TAX

The DEPARTMENT OF REVENUE proposed an amendment to Income Tax (86 IAC 100; 41 Ill Reg 7790) changing the deadline for employers to file previous year State W2 copies with DOR from 2/15 to 1/31, unless the IRS has granted an extension for filing federal W2 forms due to a natural disaster. Small business may be affected by this rulemaking.

Questions/requests for copies/comments through 8/21/17: Brian Stocker, DOR, 101 W. Jefferson St, Springfield IL 62796, 217/782-2844.

RIVERBOAT GAMBLING

The ILLINOIS GAMING BOARD proposed amendments to Riverboat Gambling (86 IAC 3000; 41 Ill Reg 7728) concerning critical program storage media (firmware devices critical to the integrity of gaming, e.g., those that control or influence game play, payouts, accounting or security) and notices of disciplinary or exclusion actions. The rulemaking adds a definition of critical program storage media (CPSM) and requires CPSM to be verified by a third party approved by the Administrator or designee. It also requires CPSM to be shipped separately from all electronic gaming devices or other items, with advance notice to the Administrator of the shipment. The Administrator may also require security seals on CPSM. Other amendments align

procedures for serving notice of adverse license actions, seizures or disciplinary actions with those currently in effect in 11 IAC 1800 (Video Gaming). Service by certified mail is deemed to be complete 4 days after a notice is mailed unless personal or mail service is completed sooner.

Questions/requests for copies/comments through 8/21/17: Agostino Lorenzini, IGB, 160 N. La Salle St., Chicago IL 60601, fax 312/814-7253, e-mail: James.pellum@igb.illinois.gov

HUMAN RIGHTS

The ILLINOIS GUARDIANSHIP AND ADVOCACY COMMISSION proposed an amendment to Human Rights Authority (59 IAC 310; 41 Ill Reg 7749) allowing complaints from regional authorities (regarding alleged discrimination) to be recorded in the Human Rights Authority database rather than on prescribed paper forms.

Questions/requests for copies/comments through 8/21/17: Kenya A. Jenkins-Wright, GAC, 160 N. La Salle, S-500, Chicago IL 60601, 312/793-5900 or 366/333-3362 (TTY).

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 18, 2017 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 PUBLIC HEALTH

Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 41 Ill Reg 3761)
proposed 3/31/17

Sheltered Care Facilities Code (77 IAC 330; 41 Ill Reg 3775) proposed 3/31/17

Illinois Veterans' Homes Code (77 IAC 340; 41 Ill Reg 3787) proposed 3/31/17

AIDS Drug Assistance Program (77 IAC 692; 41 Ill Reg 4964) proposed 5/12/17

Joint Committee on Administrative Rules

Senator Bill Brady

Representative Peter Breen

Senator Karen McConnaughay

Representative Tom Demmer

Senator Don Harmon

Representative Greg Harris

Senator Tony Muñoz

Representative Lou Lang

Senator Ira Silverstein

Representative André Thapedi

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**Vicki Thomas
Executive Director**