

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

■ PENSION PAYMENTS

The COMPTROLLER adopted a new Part titled Payments Remitted on Behalf of a Pension Fund (74 IAC 295; 41 Ill Reg 10228), effective 1/11/18, to implement various Public Acts that authorize the Comptroller to reduce State funds payable to a unit of local government and divert payment of certified amounts to a pension fund or retirement plan to which a unit of local government owes payments. Pension funds included in this Part include those for Chicago and Downstate police officers and firefighters, Chicago and other Illinois municipal employees, employees of forest preserve districts, and others. The Part defines terms such as "claimant" (a pension fund or retirement plan authorized by the Pension Code to certify amounts delinquent and claim

remittance), "gross amount of a warrant" (an amount of money for which a State agency has authorized the Comptroller to make payment), and "payee subject to a remittance" (the payee of any warrant from which the Comptroller has reduced or withheld funds that are eligible to be remitted). The rule establishes procedures for claimants to be notified of amounts delinquent

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and of their opportunity to be heard regarding their claims. Unless otherwise barred by law, any State warrant is subject to offset for payment into a pension fund, including a settlement payment by the State to release any pending or potential claims against the State. Payees must be advised that their amounts have been remitted and subject to

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Proposed Rulemakings

■ CHILD CARE INSTITUTIONS

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amendments to Licensing Standards for Foster Family Homes (89 IAC 402; 42 Ill Reg 1942), Licensing Standards for Group Homes (89 IAC 403; 42 Ill Reg 1957) and Licensing Standards for Child Care Institutions and Maternity Centers (89 IAC 404; 42 Ill Reg 1970) implementing Public Act 99-839. The PA and all three rulemakings establish the "reasonable and prudent parent standard" as the criteria for foster parents or staff at DCFS licensed child care institutions to use in deciding whether to allow a youth to participate in extracurricular, enrichment, cultural or social activities (e.g., school sports). Additionally, the Part 403 and 404

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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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payment to the pension fund making the claim for offset. Units of local government that wish to protest these actions must give notice to the Comptroller within 60 days after the Comptroller advises them of the amount to be remitted to the pension fund, and the protesting government must state reasons for contesting the claim. The protesting government must also state the amount, if any, that is not disputed by the local government, along with other information that will assist the Comptroller to determine the amount due the claimant pension fund or retirement plan, with the Comptroller making a determination on the merits of the claim and protest. Finally, affected parties shall be informed whenever a remittance is paid. Since 1st Notice, provisions have been added clarifying the authorized scope of remittances from payments of State funds to various municipalities and from grants of State funds to the City of Chicago. Those affected by this rulemaking include small municipalities.

Questions/requests for copies: Whitney Rosen, Comptroller's Office, 325 W. Adams, Springfield IL 62704, 217/782-6000, Whitney.Rosen@illinoiscomptroller.gov

FOSTER CARE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted an amendment to Services

Delivered by the Department of Children and Family Services (89 IAC 302; 41 Ill Reg 2709), effective 1/11/18, expanding eligibility for State-funded subsidized guardianship. A DCFS ward who is age 12 (formerly 14) or older, lives with an unlicensed relative caregiver or licensed non-relative, and for whom neither a return home nor adoption are appropriate permanency options may qualify for State-funded subsidized guardianship if he or she does not qualify for KinGap (DCFS' subsidized guardianship program for relatives who assume legal guardianship of a child age 14 or older). A younger sibling of a child who meets these criteria and has been placed with the same caregiver may also qualify for State-funded subsidized guardianship if DCFS and the caregiver agree that the placement is appropriate.

Questions/requests for copies: Jeff Osowski, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701-1498, 217/524-1983, TDD 217/524-3715, fax 217/557-0692, e-mail: cfpolicy@idcfs.state.il.us

PREPAID TUITION

The ILLINOIS STUDENT ASSISTANCE COMMISSION adopted an amendment to Illinois Prepaid Tuition Program (23 IAC 2775; 41 Ill Reg 11713) effective 1/16/18, that replaces an emergency amendment effective 9/8/17 (41 Ill Reg 11715). The rulemaking implements Public Act 100-43, which exempts from the jurisdiction of the Illinois

Procurement Code contracting procedures used by ISAC to pay for goods and services out of private funds deposited into the Illinois Prepaid Tuition Trust Fund. The rulemaking removes references to the Procurement Code from this Part so that Trust Fund procedures for seeking contracts are contained entirely in its own rules.

Questions/requests for copies: Lynn Hynes, ISAC, 1755 Lake Cook Rd., Deerfield IL 60015, 847/948-8500, ext. 18032, lynn.hynes@isac.illinois.gov

TELECOMMUNICATIONS

The ILLINOIS COMMERCE COMMISSION repealed the Part titled Presubscription (83 IAC 773; 41 IR 3081; ICC Docket 17-0062) effective 1/12/18. This Part regulated the process by which long distance customers could choose a different default long distance carrier (accessed by dialing "1" before the 10-digit number) than the one preferred by their local exchange carrier. ICC also adopted amendments to Standards of Service and Customer Credits for Electing Providers and Competitive Non-Electing Providers (83 IAC 737; 41 IR 3075; ICC Docket 17-0061), effective 1/11/18, eliminating two obsolete outage reporting requirements for 9-1-1 service.

Questions/requests for copies : Brian W. Allen, ICC, 527 East Capitol Avenue, Springfield IL 62701, 217/558-2387.

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Proposed Rulemakings

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rulemakings implement revisions to federal law concerning the definitions of “appropriate activities” and “child with a disability”. Foster parents and certain child care institutions are affected by these rulemakings.

Questions/requests for copies/comments through 3/12/18: Jeff Osowski, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701, 217/524-1983, TDD 217/524-3715, fax 217/557-0692, e-mail: cfpolicy@idcfs.state.il.us

■ EMPLOYMENT AGENCIES

The DEPARTMENT OF LABOR proposed an amendment to Rules and Regulations Relating to the Operation of Private Employment Agencies (68 IAC 680; 42 Ill Reg 1987) implementing Public Act 99-422, which requires DOL to adopt the statutory application fees for employment agency licensure in rule. Fees range from \$250 for an agency with no more than 2 employment counselors to \$500 for an agency with 11 or more counselors.

Questions/requests for copies/comments through 3/12/18: Chris Davis, DOL, 900 S. Spring St., Springfield IL 62704, 217/558-1270.

■ ICF/DD FACILITIES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Intermediate Care for the

■ BUSINESS DOCUMENTS

The SECRETARY OF STATE adopted an emergency amendment to Business Corporation Act (14 IAC 150; 42 Ill Reg 2073), effective 1/9/18, modifying an earlier emergency rulemaking (42 Ill Reg 807, effective 12/29/17) for the remainder of its 150-day term. The original emergency rule implemented Public Act 100-571, effective 12/20/17, which reduced fees for various

Developmentally Disabled Facilities Code (77 IAC 350; 42 Ill Reg 1992) removing a requirement that owners of ICF/DD facilities, or other persons with significant financial interest in these facilities, include their social security numbers on license application or renewal forms. The rulemaking also revises statutory language to more closely reflect the ID/DD Community Care Act.

Questions/requests for copies/comments through 3/12/18: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

TEACHERS' RETIREMENT

The TEACHERS' RETIREMENT SYSTEM proposed amendments to The Administration and Operation of the Teachers' Retirement System (80 IAC 1650; 42 Ill Reg 2005) delegating

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document filings effective immediately. This emergency amendment gives SOS authority to refund overpayments made by businesses that paid higher document filing fees in November and December 2017 before the PA was signed.

Questions/requests for copies: Terry McConville, SOS, 100 W. Randolph St., #5-400, Chicago IL 60601, 312/814-2201, tmconville@ilsos.net

authority for selection of investment managers to select TRS staff, with the TRS Board retaining authority to monitor and supervise the performance of the staff and managers. Other changes update the TRS website address and correct the inadvertent omission of a previously adopted Subpart from the table of contents.

Questions/requests for copies/comments through 3/12/18: Cynthia M. Fain, TRS, 2815 W. Washington, PO Box 19253, Springfield IL 62794-9253, 217/753-0375.

IEPA REPEALER

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY proposed repeal of the Part titled Interpretation of Pollution Control Board Rules and Related Definitions Concerning Grain

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New Rules

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HUMAN RIGHTS

The ILLINOIS GUARDIANSHIP AND ADVOCACY COMMISSION adopted an amendment to Human Rights Authority (59 IAC

310; 41 Ill Reg 7749), effective 1/11/18, 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: Kenya A. Jenkins-Wright, GAC, 160 N. La Salle, S-500, Chicago IL 60601, 312/793-5900 or 366/333-3362 (TTY).

Proposed Rulemakings

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Handling and Grain Drying Operations (35 IAC 164; 42 Ill Reg 1981). IEPA notes that this Part has not been amended since its

adoption in 1977 and no longer corresponds to the pertinent PCB rules.

Questions/requests for copies/comments through 3/12/18:

Antonette Palumbo, IEPA, 1021 N. Grand Ave. East, P. O. Box 19726, Springfield IL 62794-9276, 217/7 8 5 - 4 3 7 2 , antonette.palumbo@illinois.gov

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 Feb. 13, 2018 meeting.

Auction License Act (68 IAC 1440; 41 Ill Reg 14325) proposed 12/1/17

Real Estate License Act of 2000 (68 IAC 1450; 41 Ill Reg 14339) proposed 12/1/17

STATE BOARD OF EDUCATION

Requirements for Accounting, Budgeting, Financial Reporting and Auditing (23 IAC 100; 41 Ill Reg 13326) proposed 11/3/17

Real Estate License Act of 1999 (Repealer) (68 IAC 1451; 41 Ill Reg 14349) proposed 12/1/17

Student Records (23 IAC 375; 41 Ill Reg 13349) proposed 11/3/17

DEPT OF HUMAN SERVICES

Temporary Assistance for Needy Families (89 IAC 112; 41 Ill Reg 13175) proposed 10/27/17

Voluntary Registration and Recognition of Nonpublic Schools (23 IAC 425; 41 Ill Reg 13362) proposed 11/3/17

Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 41 Ill Reg 13190) proposed 10/27/17

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Corporate Applications for Banks and Corporate Fiduciaries (38 IAC 370; 41 Ill Reg 14300) proposed 12/1/17

SECRETARY OF STATE

Issuance of Licenses (92 IAC 1030; 41 Ill Reg 13964) proposed 11/17/17

Land Registration Act of 1999 (Repealer) (68 IAC 1260; 41 Ill Reg 14309) proposed 12/1/17

DEPT OF COMMERCE AND ECONOMIC OPPORTUNITY

Illinois Small Business Development Program (14 IAC 570; 41 Ill Reg 12956) proposed 10/20/17