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Joint Committee on Administrative Rules
Illinois General Assembly

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Issue 10

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.

Proposed Rulemakings

■ COSMETOLOGY

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 (68 IAC 1175; 42 Ill Reg 3943) implementing two Public Acts: PA 99-427, the sunset reauthorization of the Act, and PA 99-766, which requires most persons licensed under the Act to complete domestic violence awareness training. The rulemaking also streamlines the processes for persons who hold one type of license to apply for and receive another and for license holders moving to Illinois from other states to receive an Illinois license. The rules are also being updated to reflect current business practices. Those affected by this rulemaking include barbers, beauticians,

hair braiders, manicurists, and their employers and instructors.

Questions/requests for copies/ comments through 4/23/18: Craig Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

■ CDL INSTRUCTION

The SECRETARY OF STATE proposed amendments to Commercial Driver Training Schools (92 IAC 1060; 42 Ill Reg 4512) defining two types of 30-hour classroom commercial driving courses: the defined time frame course (scheduled sessions over a period of at least 4 weeks, with a fixed start and end date and an enrollment limit of 30-35 students) and the sequential module course (no fixed start or end date; students

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New Rules

■ REAL ESTATE & AUCTIONS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Parts titled Auction License Act (68 IAC 1440; 41 Ill Reg 14325) and Real Estate License Act of 2000 (68 IAC 1450; 41 Ill Reg 14339) and repealed the Parts titled Land Registration Act of 1999 (68 IAC 1260; 41 Ill Reg 14309) and Real Estate Timeshare Act of 1999 (68 IAC 1451; 41 Ill Reg 14349), all effective 3/9/18. These rulemakings implement Public Act 100-534, which repealed the Land Registration and Real Estate Timeshare acts and abolished licensure requirements for internet auction listing services. Real estate, timeshare and internet auction services are affected.

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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BANKING

DFPR also adopted amendments to Corporate Applications for Banks and Corporate Fiduciaries (38 IAC 370; 41 Ill Reg 14300), effective 3/9/18, repealing the requirement that banks and savings banks file additional notice under the Corporate Fiduciary Act when they intend to establish a branch office (this notice is already required under other statutes).

Questions/requests for copies of the 5 DFPR rulemakings: Craig Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

■ ID/DD FACILITIES

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an

amendment to the Part titled Long Term Care Reimbursement Changes (89 IAC 153; 41 Ill Reg 12370), effective 2/20/18, replacing an emergency amendment effective 9/25/17. The rulemaking implements Public Act 100-23 by increasing reimbursement to licensed facilities for the intellectually or developmentally disabled and Medically Complex for the Developmentally Disabled facilities, for services on or after 8/1/17, to provide a 75 cents per hour wage increase for non-executive staff.

Questions/requests for copies: Christopher Gange, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233, HFS.Rules@illinois.gov

■ INDUSTRIAL HYGENISTS

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY repealed the Part titled Licensing

of Industrial Hygienists (35 IAC 184; 41 Ill Reg 4993), effective 3/1/18, in accordance with PA 98-78, which repealed the Industrial Hygienists Licensure Act. The PA replaces the State license with a Certified Industrial Hygienist designation from the American Board of Industrial Hygiene and allows persons with this certification to perform any duties that formerly required State licensure. Small businesses that use the services of industrial hygienists may be affected.

Questions/requests for copies: Gabriel H. Neibergall, IEPA, 1021 N. Grand Ave. East, PO Box 19276, Springfield IL 62794-9276; 217/782-5544.

Proposed Rulemakings

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have 9 months after the first classroom session to complete their 30 hours of instruction in the order prescribed by the school). Both types of courses must include information regarding appropriate interaction with law enforcement (e.g., during traffic stops) and awareness of human trafficking. Other amendments address the types of violation dispositions that SOS may consider when issuing a commercial school owner or

instructor license, remove a prohibition on possession of written tests by commercial driving school owners and instructors, and clarify the effect of various violations of the Vehicle Code upon eligibility for a commercial driver training instructor's license. Commercial driver training schools, their instructors and their students are affected by this rulemaking.

Questions/requests for copies/ comments through 4/23/18: Jennifer Egizii, SOS, 2701 S.

Dirksen Pkwy., Springfield IL 62723, 217/557-4462.

■ SOS RECORDS

SOS proposed an amendment to General Not For Profit Corporations (14 IAC 160; 42 Ill Reg 4552) that updates rules for purchasing copies of certain corporate records. References to twice-annual sales of microfiche lists are removed. The master list of condominium associations

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Proposed Rulemakings

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will be made available once a year in CD-ROM form for a fee of \$150 per disc (instead of \$150 per microfiche set). Also, the computer-accessible master list of not for profit corporations will no longer have to include the microfilm roll and image number for each file.

SOS also proposed amendments to Certificates of Title, Registration of Vehicles (92 IAC 1010; 42 Ill Reg 4497) adding used vehicle dealers to the list of entities required to use the Electronic Registration and Titling Program effective 1/1/19.

Questions/requests for copies/ comments on these 2 SOS rulemakings through 4/23/18: Brian Atlas, SOS, 100 W. Randolph St., #5-400, Chicago IL 60601, 312/814-2360, batlas@ilsos.net

ABLE ACCOUNTS

The OFFICE OF THE TREASURER proposed amendments to the Part titled Achieving a Better Life Experience (ABLE) Account Program (74 IAC 722; 42 Ill Reg 4488) to clarify that the parent of an adult with a disability can be recognized as the designated representative of the account beneficiary without having to be appointed by a court. The Office of State Guardian will also be recognized as a designated representative if a court has appointed it to represent an account beneficiary.

Questions/requests for copies/ comments through 4/23/18: Sandi Raphael, Office of the Treasurer, 100 W. Randolph St., Suite 15-600, Chicago IL 60601, 312/814-2985, fax 217/785-2777, SRaphael@illinoistreasurer.gov

■ HUNTING & TRAPPING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to the following 15 Parts implementing site-specific and Statewide rule changes for the 2018-19 hunting seasons: General Hunting and Trapping on Department-Owned or – Managed Sites (17 IAC 510; 42 Ill Reg 4221); Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 IAC 530; 42 Ill Reg 4229); Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, Bobcat and Woodchuck (Groundhog) Hunting (17 IAC 550; 42 Ill Reg 4259); Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver, Bobcat and Woodchuck (Groundhog) Trapping (17 IAC 570; 42 Ill Reg 4272); Duck, Goose and Coot Hunting (17 IAC 590; 42 Ill Reg 4286); White-Tailed Deer Hunting by Use of Firearms (17 IAC 650; 42 Ill Reg 4351); White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 IAC 660; 42 Ill Reg 4371); Special White-Tailed Deer Season for Disease Control (17 IAC 675; 42 Ill Reg 4377); Late-Winter Deer Hunting Season (17 IAC 680; 42 Ill Reg 4381); Youth Hunting Seasons (17 IAC 685; 42 Ill Reg 4387);

Squirrel Hunting (17 IAC 690; 42 Ill Reg 4398); The Taking of Wild Turkeys – Spring Season (17 IAC 710; 42 Ill Reg 4411); The Taking of Wild Turkeys – Fall Gun Season (17 IAC 715; 42 Ill Reg 4436); The Taking of Wild Turkeys – Fall Archery Season (17 IAC 720; 42 Ill Reg 4445) and Dove Hunting (17 IAC 730; 42 Ill Reg 4459). The Part 510 rulemaking provides that hunters who fail for two (currently, one) consecutive hunt years to timely report their annual harvest from a site where windshield cards are issued will forfeit their hunting privileges at the site for the following year. Amendments to the other Parts update site- and species-specific hunting seasons, regulations for firearms and crossbows, and other rules.

■ PRESCRIBED BURNS

DNR also proposed amendments to Illinois Prescribed Burning Act (17 IAC 1565; 42 Ill Reg 4478) requiring burn managers to record completed burns by apprentice burn managers in a signed task book, and adding training and burn logs to the required materials for prescribed burn manager certification.

Questions/requests for copies/ comments on the 16 DNR rulemakings through 4/23/18: Parts 510 through 730, Javonna Ackerman (217/557-0126); Part 1565, John Heidinger (217/557-6379), DNR, One Natural Resources Way, Springfield IL 62702-1271.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The Illinois Racing Board rulemaking will be considered at the Committee's March 13, 2018 meeting, while the Department of Healthcare and Family Services rulemakings will be considered at the April 17, 2018 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.

IL RACING BOARD

Claiming Races (11 IAC 510; 42 Ill Reg 704) proposed 1/12/18

DEPT OF HEALTHCARE AND FAMILY SERVICES

Medical Assistance Programs (89 IAC 120; 41 Ill Reg 12692) proposed 10/13/17

Individual Care Grants for Mentally Ill Children (Repealer) (59 IAC 135; 41 Ill Reg 14147)
proposed 11/27/17

Children's Behavioral Health (New Part) (89 IAC 139; 41 Ill Reg 7754) proposed 7/7/17

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Executive Director**