

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

RADIOACTIVE MATERIAL

The ILLINOIS EMERGENCY MANAGEMENT AGENCY adopted amendments to Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material (32 IAC 337; 42 Ill Reg 2976) and Radioactive Materials Transportation (32 IAC 341; 42 Ill Reg 3028), both effective 4/4/18, to update references and maintain consistency of IEMA's rules with U.S. Nuclear Regulatory Commission rules.

Questions/requests for copies of the 2 IEMA rulemakings: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704, 217/785-9860.

IEPA REPEALERS

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY repealed the following 6 Parts

effective 5/1/18: Procedures for Measuring Transfer Efficiency for Surface Coating Operations in Wood Furniture Coating Facilities (35 IAC 278; 41 Ill Reg 8202), Procedures for Providing Financial Assistance From the Water Pollution Control Loan Program Under the American Recovery and Reinvestment Act of 2009 (35 IAC 369; 41 Ill Reg 11047), Procedures for Providing Financial Assistance From the Public Water Supply Loan Program Under the American Recovery and Reinvestment Act of 2009 (35 IAC 664; 41 Ill Reg 11145), Procedures for Issuing Municipal Waste Planning and Nonhazardous Solid Waste or Municipal Waste Enforcement Grants (35 IAC 870; 41 Ill Reg 11731), General Conditions of State of Illinois Municipal Waste Planning and Nonhazardous Municipal Waste Enforcement

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Proposed Rulemakings

SCHOLARSHIP TAX CREDIT

The DEPARTMENT OF REVENUE proposed a new Part titled Invest in Kids Act (86 IAC 1000; 42 Ill Reg 7448) to replace emergency rules (41 Ill Reg 14270) that were effective on 11/13/17 and expired on 4/11/18. The rulemaking implements Public Act 100-465, which grants income tax credits for tax years 2017 through 2022 to taxpayers who make qualified contributions to approved scholarship granting organizations (SGOs) for scholarships to students attending non-public schools recognized by the State Board of Education. A tax credit equal to 75% of the taxpayer's total qualified SGO contributions during a tax year may be claimed, up to a maximum annual credit of \$1 million. DOR may award a maximum of \$75

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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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Grants (35 IAC 871; 41 Ill Reg 11784), and Procedures for White Goods Collection Grants (35 IAC 875; 41 Ill Reg 11829). The repealed Parts contain obsolete pollution control rules or concern IEPA loan or grant programs that have been discontinued.

Questions/requests for copies of the 6 IEPA rulemakings: Gabriel H. Neibergall, IEPA, 1021 N. Grand Ave. East, P.O. Box 19276, Springfield IL 62794-9276, 217/782-5544.

DSCC REPEALER

The DIVISION OF SPECIALIZED CARE FOR CHILDREN, University of Illinois, repealed the Part titled Division of Specialized Care for

Children-Public Information, Rulemaking and Organization (2 IAC 5155; 42 Ill Reg 7483), effective 7/1/18. The Part contained outdated information concerning the organizational structure of DSCC and procedures for requesting public information.

Questions/requests for copies: Mindy Kolaz, at the DSCC address on page 3.

Proposed Rulemakings

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million in credits per tax year. Contributions may be directed to a particular school or subset of schools, but may not be directed to particular students or groups of students. The credit cannot be claimed for any contribution for which the taxpayer also claims a federal income tax deduction. In order to claim tax credit for a contribution, the taxpayer must apply for and receive a contribution authorization certificate from DOR before making the contribution. SGOs must also receive approval from DOR to issue Certificates of Receipt to taxpayers for qualified contributions before they can accept such contributions and begin awarding scholarships. Other provisions address the criteria that SGOs must follow in awarding scholarships; determination of scholarship amounts; responsibilities of qualified schools that accept scholarship students; annual recertification of SGOs; and

electronic notice and filing requirements. Recognized non-public schools, scholarship awarding organizations, and businesses or non-profits that contribute to SGOs are affected.

Questions/requests for copies/comments through 6/4/18: Richard S. Wolters, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.

MEDICAL PAYMENT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to Medical Payment (89 IAC 140; 42 Ill Reg 7285) and Children's Health Insurance Program (89 IAC 125; 42 Ill Reg 7280) reflecting Public Act 100-538, which removes all restrictions on coverage of abortion by the Medical Assistance Program (Part 140) and the All Kids Health Insurance program (Part 125, for persons age 19 and under). Additionally, the Part 140 amendments reflect

PA 100-395 by expanding coverage of mammography services to include magnetic resonance imaging of the entire breast when directed by a physician as a followup to an abnormal mammogram.

Questions/requests for copies/comments on the 2 HFS rulemakings through 6/4/18: Christopher Gange, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233, HFS.Rules@illinois.gov

SPECIALIZED MEDICAL CARE

The DIVISION OF SPECIALIZED CARE FOR CHILDREN, University of Illinois, proposed repeal of the Part titled Program Content and Guidelines for Division of Specialized Care for Children (89 IAC 1200; 42 Ill Reg 7185) and proposed a new Part with the same name (89 IAC 1200; 42 Ill Reg 7238). The new Part reflects

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current eligibility standards and procedures for the program, which coordinates diagnostic services, specialized medical care and medical financial assistance for children with physical disabilities or conditions that may lead to physical disabilities.

Questions/requests for copies/comments through 6/4/18: Mindy Kolaz, University of Illinois DSCC, 3135 Old Jacksonville Rd., Springfield IL 62704-6488, 217/558-2350 ext. 150, fax 217/558-0773, mmkolaz@uic.edu.

■ MENTAL HEALTH SERVICES

The DEPARTMENT OF HUMAN SERVICES proposed repeal of the Part titled Medicaid Community Mental Health Services Program (59 IAC 132; 42 Ill Reg 7322) and proposed a replacement Part with the same title (59 IAC 132; 42 Ill Reg 7408). The current Part includes the certification process and requirements for Medicaid community mental health centers, along with definitions of the types of covered services they provide. The new Part includes the certification process and requirements to be met by community mental health centers. The definitions of covered services will be included in Department of Healthcare and Family Services rules concerning Medical Payment (89 IAC 140) in a future rulemaking.

Questions/requests for copies/comments on the 2 DHS rulemakings through 6/4/18: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

STATE EMPLOYEES

The CIVIL SERVICE COMMISSION proposed amendments to the Part titled Civil Service Commission (80 IAC 1; 42 Ill Reg 7162) updating and clarifying its procedures for meetings, contested hearings, appeals of CSC decisions, and other functions (e.g., classification of State employee positions). The timeframe for requesting a full CSC hearing on certain actions (e.g., layoffs, alleged violations of the Personnel Code) is shortened from 21 to 10 days, and provisions are made for electronic filing and signing of documents.

Questions/requests for copies/comments through 6/4/18: Andrew Barris, CSC, 607 E. Adams St., Suite 801, Springfield IL 62701, 217/782-7373.

■ WATER POLLUTION LOANS

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY proposed an amendment to Procedures for Issuing Loans From the Water Pollution Control Program (35 IAC 365; 42 Ill Reg 7272) updating the Part for consistency with recent changes to the federal Clean Water Act that

allow additional state subsidization to eligible recipients. Municipalities that qualify for the loan program may be affected.

Questions/requests for copies/comments through 6/4/18: Joanne M. Olson, IEPA, 1021 N. Grand Ave. East, PO Box 19276, Springfield IL 62794-9276, 217/782-5544, joanne.olson@illinois.gov

ICCB RULE CORRECTION

The ILLINOIS COMMUNITY COLLEGE BOARD issued a Notice of Corrections to a proposed rulemaking titled Administration of the Illinois Public Community College Act (23 IAC 1501; 42 Ill Reg 5624) that appeared in the 3/30/18 *Illinois Register*. ICCB inadvertently omitted three definitions from the rulemaking (Higher Learning Commission, private business vocational school (PBVS) and PBVS program of study). The rulemaking adds or updates definitions for various types of degrees and programs (e.g., Associate in Engineering Science, Adult Basic Education, Adult Secondary Education, Career and Technical Education) and the terms used to describe aspects of these programs (e.g., contact hour, lecture); clarifies the procedure for a community college to modify a unit of instruction, or reactivate an inactive unit of instruction; updates the statewide and

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regional planning process; and clarifies the composition of student advisory committees in multi-college districts. The First Notice comment period for this rulemaking restarts with this issue of the *Register*.

Questions/requests for copies/comments through 6/4/18: Matt

Berry, ICCB, 401 E. Capitol Ave., Springfield IL 62701-1711, 217/785-7411, fax 217/524-4981, e-mail: Matt.berry@illinois.gov

DOR RULE WITHDRAWAL

The DEPARTMENT OF REVENUE has withdrawn proposed amendments to Property Tax Code (86 IAC 110; 41 Ill Reg 15043) in response to

a JCAR Objection. The amendments appeared in the 12/15/17 *Illinois Register* and would have allowed publication of property tax assessments for pollution control facilities, including low sulfur dioxide emission coal fueled devices, to take place on the DOR website instead of in the official State newspaper.

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 May 15, 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.

DEPT ON AGING

Adult Protection and Advocacy Services (89 IAC 270; 41 Ill Reg 13846) proposed 11/17/17

IL STUDENT ASSISTANCE COMMISSION

Police Training Academy Job Training Scholarship Program
(23 IAC 2744; 42 Ill Reg 2787) proposed 2/9/18

Minority Teachers of Illinois (MTI) Scholarship Program
(23 IAC 2763; 42 Ill Reg 2794) proposed 2/9/18

Golden Apple Scholars of Illinois Program (23 IAC 2764; 42 Ill Reg 2802) proposed 2/9/18

Illinois Special Education Teacher Tuition Waiver (SETTW) Program
(23 IAC 2765; 42 Ill Reg 2810) proposed 2/9/18

Illinois Veteran Grant (IVG) Program (23 IAC 2733; 42 Ill Reg 2781) proposed 2/9/18

SECRETARY OF STATE

Departmental Duties (2 IAC 552; 41 Ill Reg 14432) proposed 12/1/17

JCAR Meeting Action

At its 4/17/18 meeting, the Joint Committee on Administrative Rules took the following actions:

EXTENSIONS

The Second Notice periods for the following rulemakings were extended an additional 45 days. These rulemakings will be reconsidered at the 5/15/18 JCAR meeting:

Illinois Environmental Protection Agency, Procedures for Informational and Quasi-Legislative Public Hearings (35 IAC 164; 41 Ill Reg 14851), Procedures for Permit and Closure Plan Hearings (35 IAC 166; 41 Ill Reg 14856),

and Public Participation in the Air Pollution Control Permit Program (35 IAC 252; 41 Ill Reg 14862)

Department of Human Services, Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 IAC 2060; 41 Ill Reg 14878)

State Board of Education, Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 41 Ill Reg 15542)

Department of Insurance, Domestic Insurers Service of Process Requirements (50 IAC 206; 41 Ill Reg 12761)

Joint Committee on Administrative Rules

Senator Pamela Althoff

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

Senator Chuck Weaver

Representative Keith Wheeler

**Vicki Thomas
Executive Director**