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Joint Committee on Administrative Rules
Illinois General Assembly

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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

■ PRIVATE SECURITY

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Part titled Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 (68 IAC 1240; 43 Ill Reg 1681) effective 6/21/19, implementing two Public Acts. The rulemaking implements PA 100-44 by transferring responsibility for obtaining State Police certification of fingerprinting equipment from the individual fingerprint vendor to the licensed agency. References to the FBI fingerprint guide are updated (from the 2006 to the 2014 edition) and fingerprint vendors are required to provide a transmission control receipt to the person being fingerprinted. The rulemaking also implements a provision of PA 100-712 allowing an active

duty police officer employed in a second job as an armed private security guard to continue to be exempt from the requirement to hold a firearm control card (issued by private security contractors to employees whose jobs require them to carry firearms) after the officer has left or retired from the police department. Additionally, the rulemaking clarifies that the firearm control card exemption applies only to police officers who work for the State, a political subdivision of the State, or a federal agency. A firearm control card authorizes any holder to carry a taser, stun, tear gas projector, billy club or similar device and must specify the type of firearm the holder is authorized to carry (revolver, semi-automatic handgun, rifle, shotgun). Other provisions clarify that on-line instruction does not satisfy the

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Proposed Rulemakings

■ STATE PARKS

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to the Part titled Public Use of State Parks and Other Properties of the Department of Natural Resources (17 IAC 110; 43 Ill Reg 7079) addressing permits, unlawful activities, and other issues. All persons or groups hosting events on DNR property must submit an activity permit application on a form provided by the Department and pay a non-refundable \$25 application fee. For any event at which the host will charge fees to participants, provide items for sale, or otherwise collect money or items as part of the event, a Permit to Sell must also be applied for, and DNR will collect 10% of the revenue generated by the event. Activities that are unlawful on any DNR-controlled

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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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classroom basic training requirement for registered or armed employees; clarify who may certify firearm re-qualifications; eliminate the fee and the process for obtaining a duplicate license; and require a signed and dated letter from an employee's chief of police as verification of an employee's current peace officer status. Finally, the rulemaking clarifies that DFPR may accept alternative canine training that has been conducted by the military, by a law enforcement agency, or by an out of State training facility if its training is substantially similar to the training required under this Part. Since 1st Notice, DFPR has decided to leave unchanged existing provisions for reporting arrests and convictions of private security agency employees, and has updated the acceptable canine certification standards.

Proposed Rulemakings

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property include: destroying, defacing, damaging, altering or moving any structure, equipment, marker, trail, boundary line or other permanent feature; occupying, inhabiting or using for storage any building, shelter or other structure without approval of the Director; disorderly conduct, behavior or speech that unreasonably interferes with others' use of the property or facility; providing false information or falsely representing oneself to a DNR

Those affected by this rulemaking include fingerprint vendors, local police officers, private detectives, private security contractors, and canine handlers and trainers.

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

UTILITIES

The ILLINOIS COMMERCE COMMISSION adopted an amendment to Reports of Accidents by Fixed Public Utilities Other Than Pipelines Transporting Liquids (83 IAC 220; 42 Ill Reg 16785), effective 6/4/19, increasing the monetary damage threshold for required reporting of accidents not involving death or serious injury from \$1,000 to \$20,000.

employee, campground host, or other Department representative; falsely claiming to be a DNR representative or displaying a DNR uniform or badge without authorization; having direct or indirect contact with a street gang member in violation of a court order, parole or probation; and possession or use of any tobacco product, including e-cigarettes and vaping devices, by persons under the statutory age for tobacco use (age 21 effective 7/1/19), except when part of religious or tribal ceremonies conducted with permission of the

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

PUBLIC INFORMATION

The DEPARTMENT OF PUBLIC HEALTH adopted an amendment to Access to Records of the Department of Public Health (2 IAC 1127; 43 Ill Reg 7144) effective 6/7/19, updating its procedures for submitting Freedom of Information Act (FOIA) requests electronically. An electronic submission form found at <http://www.dph.illinois.gov/foia> may be used (previously, requests were to be sent by e-mail).

Questions/requests for copies: Erin Conley, DPH, 535 W. Jefferson St. 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

Director. Entry into shower buildings and restrooms other than those of the gender designated on one's State ID card or driver's license is prohibited (except when necessary to assist children or persons with disabilities), as is use of non-handheld metal or mineral detection devices. Service animals utilized in conformance with the Americans with Disabilities Act are exempt from "no pets" restrictions in

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Proposed Rulemakings

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designated areas. Rules allowing collection of edible fungi, nuts and berries under certain conditions are clarified to note that collection of ginseng berries remains unlawful. A prohibition on operating motorboats with 10 horsepower or larger motors on certain bodies of water is stricken and replaced with a general ban on operating motorized watercraft at greater than no wake speed on any body of water posted as “no wake”. Scattering of cremated human remains on DNR property is allowed only with a Department-issued permit, and is not permitted within any Illinois nature preserve, land or water reserve, natural area, State historic site, State memorial, or other DNR properties designated by statute. Scattering permit applications must be submitted to DNR at least 14 days in advance of the requested scattering date and persons performing the scattering must keep a copy of the permit in their possession at all times. Scattering of cremated remains must be performed out of sight of public use areas (e.g., roads, trails, picnic areas, campgrounds, parking lots) and at least 200 feet from any lake, stream, watercourse or creek bed. Ashes must be spread over an area large enough to avoid leaving any identifiable accumulation. No container, urn, or memorial marker may be left at a scattering site and no real or artificial flowers or memorial trees may be placed or planted there.

Those affected by this rulemaking include small businesses and non-profit entities planning events on DNR-owned or –managed property.

Questions/requests for copies/comments through 8/5/19: John Heidinger, DNR, One Natural Resources Way, Springfield IL 62702, 217/785-6379.

COLLEGE CREDIT

The BOARD OF HIGHER EDUCATION and the ILLINOIS COMMUNITY COLLEGE BOARD have jointly proposed a new Part titled Joint Rules of the Board of Higher Education and Illinois Community College Board: Rules on Reverse Transfer of Credit (23 IAC 1065; 43 Ill Reg 7018 and 23 IAC 1502; 43 Ill Reg 7021). The new Part implements Public Act 100-824, which allows students enrolled at Illinois public universities to “reverse transfer” course credit earned at the university to a previously attended community college and apply those credits toward an associate degree. Students requesting a reverse transfer must have earned at least 60 total transferrable college credit hours, with at least 15 of these hours having been earned at the community college to which they are requesting the credit transfer. A reverse transfer request must be submitted to the university the student is currently attending and the student must authorize release of his or her transcript information to the community college. Universities must annually notify their students who

meet reverse transfer eligibility criteria and provide information about reverse transfer in the university course catalog, on its website, and through the admissions and registrar’s offices. To facilitate reverse transfers, universities may waive transcript fees and community colleges may waive fees for degree audits and graduation applications. Within 30 business days after receiving a reverse transfer request and all required transcripts, a community college must notify the applicant, and the university the applicant is currently attending, whether the applicant has met the requirements for an associate degree. If an associate degree is awarded, the community college shall send the university an updated transcript reflecting completion of the associate degree. Private colleges and universities may also voluntarily participate in reverse transfer of credit.

Questions/requests for copies/comments through 8/5/19: Karen Helland, BHE, 1 N. Old State Capitol Plaza, Suite 333, Springfield IL 62701, 217/557-7358, helland@ibhe.org, or Matt Berry, ICCB, 401 E. Capitol Ave., Springfield IL 62701-1711, 217/785-7411, matt.berry@illinois.gov

■ SUPPORTIVE LIVING

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed

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Proposed Rulemakings

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amendments to Specialized Health Care Delivery Systems (89 IAC 146; 43 Ill Reg 7047) changing the name of the Supportive Living Facility (SLF) program to the Supportive Living Program (SLP) and adding new screening requirements for individuals with a history of developmental disability or mental illness who are being transferred from a nursing facility to an SLP setting. In addition to the standard pre-admission screenings (e.g., Determination of Need (DON) scoring process), these individuals must also undergo specialized evaluation by the Department of Human Services' Division of Developmental Disabilities or its Division of Mental Health to determine whether the SLP provider has the capacity to care for them. SLP providers are affected by this rulemaking.

Questions/requests for copies/comments through 8/5/19: Christopher Gange, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, HFS.Rules@illinois.gov

■ AIR POLLUTION

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY proposed amendments to Public Participation in the Air Pollution Control Permit Program (35 IAC 252; 43 Ill Reg 7028) concerning public hearings, comments, and other measures related to Prevention of Significant Deterioration (PSD) permits for

new, or significantly modified, air pollution sources in nonattainment areas that have not met federal Clean Air Act standards. The process for issuing a PSD permit can be combined with the process for completing a Nonattainment Area New Source Review (NANSR). The rulemaking adds and clarifies public notice and other requirements for PSD permits, including provisions for reopening the public comment period if affected parties demonstrate to IEPA's satisfaction that a tentative decision to issue a draft PSD permit was inappropriate. Businesses or organizations seeking PSD permits or wishing to comment on a PSD permit will be affected.

Questions/requests for copies/comments through 8/5/19: Sally Carter, IEPA, 1021 N. Grand Ave. East, Springfield IL 62794-9276, 217/782-5544, sally.carter@illinois.gov

DPH HEARINGS

The DEPARTMENT OF PUBLIC HEALTH proposed an amendment to Practice and Procedure in Administrative Hearings (77 IAC 100; 43 Ill Reg 7099) clarifying that DPH will employ a certified stenographic reporter to record administrative hearings when it is required by statute. (Currently, DPH must arrange for a certified stenographic reporter to record all administrative hearings.) The rulemaking also strikes current provisions prohibiting audio or

video taping of a hearing apart from the record of the stenographic reporter without the express consent of the administrative law judge and all parties to a hearing.

Questions/requests for copies/comments through 8/5/19: Erin Conley, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62701, 217/782-2043, dph.rules@illinois.gov

DPH RULE WITHDRAWAL

DPH has withdrawn proposed amendments to Certified Local Health Department Code (77 IAC 600; 42 Ill Reg 16622) that were published in the 9/14/18 *Illinois Register*. The rulemaking would have changed the process for certifying local health departments. DPH has decided that the subject matter requires further review before amendments are proposed.

SOS RULE WITHDRAWAL

The SECRETARY OF STATE, in response to a JCAR Objection, has withdrawn proposed amendments to Public Use of the Capitol Complex and Springfield Facilities (71 IAC 2005; 42 Ill Reg 24819) that were published in the 12/28/18 *Register*. The rulemaking would have placed additional restrictions on persons entering the Capitol Complex and its grounds (e.g., headgear or masks covering the face would not be permitted).

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 July 16, 2019 JCAR 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 CENTRAL MANAGEMENT SERVICES

Pay Plan (80 IAC 310; 43 Ill Reg 4543) proposed 4/19/19

DEPT OF REVENUE

Retailers' Occupation Tax (86 IAC 130; 43 Ill Reg 1251) proposed 1/18/19

Service Occupation Tax (86 IAC 140; 43 Ill Reg 1277) proposed 1/18/19

Cigarette Tax Act (86 IAC 440; 43 Ill Reg 1287) proposed 1/18/19

Cigarette Use Tax Act (86 IAC 450; 43 Ill Reg 1303) proposed 1/18/19

Tobacco Products Tax Act of 1995 (86 IAC 660; 43 Ill Reg 1312) proposed 1/18/19

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**Vicki Thomas
Executive Director**