

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

■ FIRE CODES

The OFFICE OF THE STATE FIRE MARSHAL adopted amendments to the Part titled Fire Prevention and Safety (41 IAC 100; 43 Ill Reg 125), effective 1/1/20, updating incorporated National Fire Protection Association (NFPA) 101 Life Safety Code standards to the 2015 edition, with specified exceptions and modifications for high rise buildings, day care facilities, apartment buildings, and historic structures. State-owned university dormitories and fraternity/sorority houses subject to statutes requiring them to have fire sprinklers are made subject to OSFM inspection and compliance with NFPA 101. Rules in this Part concerning fire safety aboard permanently moored water craft have been repealed and moved to a new Part (see below). The rulemaking also clarifies the criteria for considering a local fire safety code to have standards

equal to or higher than those set by OSFM and to be enforceable by local fire authorities. Since 1st Notice, OSFM has added a list of alternative codes that will be considered equivalent to the rules in this Part; listed means by which local jurisdictions can demonstrate that an alternative code is equivalent to the OSFM rules; clarified the extent of rules regarding windows and access to secondary means of escape; and changed references to "natural cut Christmas trees" to "combustible vegetation". Some small businesses and non-profit organizations may be affected.

OSFM also adopted a new Part titled Permanently Moored Craft Fire Prevention and Safety (41 IAC 149; 43 Ill Reg 148), effective 1/1/20, containing and updating all rules formerly in 41 IAC 100 pertaining to fire safety aboard

(cont. page 2)

Proposed Rulemakings

VOTER REGISTRATION

The SECRETARY OF STATE and the STATE BOARD OF ELECTIONS proposed joint rules titled Joint Rules of The State Board of Elections and The Secretary of State: Procedures for Implementing Voter Registration at State of Illinois or Federal Government Agencies and at Secretary of State Driver Services Facilities (26 IAC 300; 43 Ill Reg 9923 and 26 IAC 220; 43 Ill Reg 9930). These joint rules institute a process by which Illinois residents may register to vote through SOS Driver Services facilities or other designated agencies by submitting dual-purpose applications for driver's licenses/permits, state ID cards, or other benefits or services. Designated agencies include Department of Human Services Family and Community Resource and

(cont. page 3)

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

(cont. from page 1)

water craft that are permanently fixed to a mooring or foundation, not used as transportation and not subject to U.S. Coast Guard regulation or inspection (e.g., riverboat gambling casinos).

Questions/requests for copies of the 2 OSFM rulemakings: Cathy Stashak, OSFM, 100 W. Randolph St., Suite 4-600, Chicago IL 60601, 312/814-2425.

■ INCOME TAX

The DEPARTMENT OF REVENUE adopted amendments to Income Tax (86 IAC 100; 42 Ill Reg 19605), effective 8/27/19, implementing Public Act 100-22, which allows persons that must use different methods of apportioning income to belong to the same unitary business group (two or more corporations, financial institutions or insurance companies with closely interrelated operations and majority ownership by one person. Formerly, persons required to use different apportionment methods were prohibited from belonging to the same unitary business group.). Examples of how to combine income and apportionment factors in these cases are provided.

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

SCHOOLS

The STATE BOARD OF EDUCATION adopted amendments to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 43 Ill Reg 3385), effective 8/30/19, implementing Public Act 100-599, which amended the Postsecondary and Workforce Readiness Act and the Competency-Based High School Graduation Requirements Pilot Program created by the Act. The rulemaking removes provisions limiting the program to schools serving grades 9 through 12; allows two or more school districts to collaborate on a single application for the program and maintain either joint or separate planning and implementation committees; and clarifies evaluation criteria.

Questions/requests for copies: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, 217/782-6510, rules@isbe.net

ELECTRIC SUPPLIERS

The ILLINOIS COMMERCE COMMISSION adopted amendments to Environmental Disclosure (83 IAC 421; 42 Ill Reg 21546), effective 8/27/19, concerning information provided to customers and to ICC by alternative retail electric suppliers (ARES) and electric utilities. The rulemaking allows utilities and ARES to electronically file quarterly environmental disclosure statements without having to also provide the data to ICC in paper, CD or DVD format. On customer

billing disclosure statements, electric utilities must include a pie chart depicting their quantity of zero emission credits from zero emission power facilities as a percentage of their total actual customer load. Billing disclosures shall be made available either by mail or by a bill message or electronic mail containing a link directly to the disclosed information.

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

AIR POLLUTION

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY adopted amendments to Procedures for Collection of Air Pollution Site Fees (35 IAC 251; 43 Ill Reg 1452) and Clean Air Act Permit Program Procedures (35 IAC 270; 43 Ill Reg 1456) effective 8/27/19, both of which allow electronic payment of permitting fees. Additionally, the Part 270 amendment updates statutory cross references to fee amounts for CAAPP permits.

Questions/requests for copies of the 2 IEPA rulemakings: Charles E. Matoesian, IEPA, 1021 N. Grand Ave. East, PO Box 19276, Springfield IL 62794-9276, 217/782-5544.

■ MEDICAL WASTE

The POLLUTION CONTROL BOARD adopted amendments to

(cont. page 4)

Proposed Rulemakings

(cont. from page 1)

Rehabilitation Services divisions; the Department of Employment Security; the Department of Financial and Professional Regulation; the Department of Natural Resources; and other agencies that have contracted with SBEL to participate in the automatic voter registration program. Each week, SBEL will make available to the designated agencies an electronic list of active and pending registered voters so that the registration status of all dual-purpose applicants may be checked. The rulemaking outlines the process for verifying the status of dual-purpose applicants, which includes obtaining signatures and reliable personal information regarding the applicant's residency and citizenship. Agencies may institute an "opt-in" policy whereby the applicant affirms his or her intention to register to vote or update the name or address on an existing registration and attests via a separate signature, under penalty of perjury, that he/she meets the qualifications for Illinois voter registration. Alternatively, an agency may adopt an "opt-out" policy under which it collects the following documents with every dual-purpose application: proof of identity demonstrating U.S. citizenship (birth certificate, valid passport, naturalization certificate, Real ID compliant identification); the applicant's full Social Security number (Social Security card, W-2, pay stub, IRS Form 1099); and two documents proving residency (current photo ID, utility bill, bank statement, other document

showing applicant's name and address). SOS may treat applications for Real ID compliant driver's licenses or ID cards (which require proof of citizenship) as opt-out dual-purpose applications unless the applicant specifically declines voter registration. Agencies must inform all dual-purpose applicants of the qualifications for Illinois voter registration and inform them that they will be registered to vote (or their registration will be updated) if they agree to register under an opt-in program or do not decline to register under an opt-out program. Agencies must also conspicuously inform the public of deadlines for electronic voter registration in the current election cycle and continue to submit registrations to SBEL after registration for the current cycle has closed. SOS also proposed an amendment to the Part titled General Rules, Definitions (92 IAC 1000; 43 Ill Reg 9926) removing redundant language from the Part concerning the SOS automatic voter registration program (contained entirely in 26 IAC 220). Applicants for driver's licenses; state ID cards; unemployment, Medicaid, or other benefits; and licenses issued by DNR or DFPR may be affected by these rulemakings.

Questions/requests for copies/ comments on the SBEL rule and the 2 SOS rulemakings through 10/28/19: Kenneth R. Menzel, SBEL, 2329 S. MacArthur Blvd., Springfield IL 62704, 217/782-4141, fax 217/782-5959, kmenzel@elections.il.gov; or Pamela Wright, SOS, 298 Howlett

Bldg., Springfield IL 62756, 217/785-3094, pwright@ilsos.gov

WORKER'S COMPENSATION

The WORKERS' COMPENSATION COMMISSION proposed an amendment to the Part titled Miscellaneous (50 IAC 9110; 43 Ill Reg 9945) implementing Public Act 100-1117, which sets standards for necessary data to be included in a payor's explanation of benefits explaining the basis for denial of a medical bill. The rulemaking defines what documents meet the criteria for an explanation of benefits in this situation and list the data elements that must be included. It also allows employers or payers and health care providers to exchange data in nonprescribed formats by mutual agreement and prohibits any party from rejecting a paper or electronic transaction on the grounds that it contains data beyond that required for a complete bill. Health insurance companies are affected by this rulemaking.

Questions/requests for copies/ comments through 10/28/19: Ronald A. Rascia, WCC, 100 W. Randolph St., Suite 8-200, Chicago IL 60601, IWCC.Rules@illinois.gov

New Rules

(cont. from page 2)

General Provisions (35 IAC 1420; 43 Ill Reg 2966), Activity Standards (35 IAC 1421; 43 Ill Reg 2983), and Design and Operation of Facilities (35 IAC 1422; 43 Ill Reg 2994), all effective 8/30/19. These amendments update and clarify PCB standards for handling potentially infectious medical waste, which were last amended in 1993. Facilities that segregate, transport, handle, store or dispose of infectious medical waste are affected by these rulemakings.

Questions/requests for copies of the 3 PCB rulemakings: Tim Fox, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-6085, tim.fox@illinois.gov. Please reference Docket R18-29. Copies of the Board's opinions and orders can also be downloaded at <https://pcb.illinois.gov/>.

■ DFPR HEARINGS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to Rules of Practice in Administrative Hearings (68 IAC 1110; 43 Ill Reg 43), effective 9/13/19, updating its general rules for hearings conducted by the Divisions of Professional Regulation and Real Estate concerning appeals of license denials, refusals to renew licenses,

or other actions of the Department. The rulemaking allows service of various notices by e-mail; replaces the term "hearing officer" with "administrative law judge"; establishes requirements for filing intent to deny, intent to refuse to renew, and show cause cases; aligns rules for legal representation with those of Illinois courts; establishes the burden of proof for each type of case; addresses pleadings, discovery, agreed dispositions, and rules of evidence; and adds a new Section on privacy. Since 1st Notice, DFPR has made changes to conform the rules more closely to the Civil Administrative Code and the Illinois Administrative Procedure Act concerning administrative hearings. Those affected by this rulemaking include persons contesting or appealing adverse decisions regarding professional licenses or real estate licenses.

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

HORSE RACING

The ILLINOIS RACING BOARD adopted amendments to the Part titled Illinois Racing Board (11 IAC 200; 43 Ill Reg 5189) effective 9/1/19, implementing a provision of the Illinois Horse Racing Act under which IRB shall appoint a State

Director of Inter-Track and Simulcast Wagering. The duties of this position include: supervising and verifying all Illinois simulcast wagering pools for each wagering day; inspecting inter-track and simulcast wagering facilities for compliance with the Horse Racing Act and IRB rules; and reporting any irregularities to the State Director of Mutuels. The rulemaking authorizes the IRB Executive Director to make this appointment and to appoint the State Director of Mutuels to assume these duties. IRB also adopted amendments to the Parts titled Identification of Horses (11 IAC 1307; 43 Ill Reg 5193) and Drivers, Trainers and Agents (11 IAC 1317; 43 Ill Reg 5198) effective 9/1/19, that repeal outdated provisions and update provisions in Part 1307 for horse identification to current industry standards that allow microchipping as an option (in addition to tattooing or freeze branding). Since 1st Notice, IRB has retained a Section in Part 1317 that had originally been slated for repeal, concerning objections to horses participating in a race.

Questions/requests for copies of the 3 IRB rulemakings: Mickey Ezzo, IRB, 100 W. Randolph St., Suite 5-700, Chicago IL 60601, 312/814-5017, mickey.ezzo@illinois.gov

Second Notice

The following rulemaking was moved to Second Notice this week by the agency listed below, commencing the JCAR review period. This rulemaking will be considered at the October 8, 2019 JCAR meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning this rulemaking should be addressed to JCAR using the contact information on page 1.

SECRETARY OF STATE

Cancellation, Revocation or Suspension of Licenses or Permits (92 IAC 1040; 43 Ill Reg 6246)
proposed 5/31/19

Joint Committee on Administrative Rules

Senator Don Harmon, *co-chair*

Representative Tom Demmer

Senator Kimberly Lightford

Representative Michael Halpin

Senator Tony Muñoz

Representative Frances Ann Hurley

Senator Sue Rezin

Representative Steven Reick

Senator Paul Schimpf

Representative André Thapedi

Senator Chuck Weaver

Representative Keith Wheeler, *co-chair*

**Vicki Thomas
Executive Director**