

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 is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

Proposed Regulations

STATE EMPLOYEES

illinois.gov.

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to "Pay Plan" (80 Ill Adm Code 310; 35 Ill Reg 19885), effective 3/19/12, updating various job titles and pay rates to reflect earlier rulemakings and to reflect a pay freeze imposed upon employees of certain State agencies who are represented by collective bargaining units. The rulemaking changes the job titles of "pharmacist" technician and lead technician to "pharmacy" and changes their numerical code classifications. Further amendments add pay rates for the public service administrator (PSA) option 8L job title, senior public service administrator (SPSA) option 7 job titles at the Department of Revenue and Illinois Gaming Board, and certain SPSA option 7 job titles of the Illinois State Police to negotiated pay rates affected by the Fiscal Year 2012 pay freeze. According to DCMS, these amendments apply changes made in earlier rulemakings to portions of the Part that had not been updated.

Questions/requests for copies: Jason Doggett, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7964, Fax 217/524-4570, e-mail: CMS.PayPlan@

☞ SURVEYOR LICENSURE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to rules titled "Illinois Professional Land Surveyor Act of 1989" (68 Ill Adm Code 1270; 35 Ill Reg 19570), effective 5/1/12, implementing Public Acts 96-626 and 97-543, that clarify minimum requirements allowing a candidate to sit for the Fundamentals of Surveying licensure examination. The rulemaking also clarifies the type of experience and degree required for licensure application, and applicants who receive their education in a foreign country are required to have their education evaluated on a course-by-course basis. The rulemaking also increases the licensure restoration fee from \$20 to \$50 and strikes attendance at land surveying education programs as a demonstration of competence when applying for license restoration. Further amendments update the American Land Title Association's handbook to reflect 2011 standards. Small businesses employing licensed, professional land surveyors may be impacted by this rulemaking.

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DISABLED PARKING

The SECRETARY OF STATE proposed an amendment to "Cancellation, Revocation or Suspension of Licenses or Permits" (92 Ill Adm Code 1040; 36 Ill Reg 4696) that increases penalties for misuse of a disabled parking placard or decal. Effective 7/1/12, unauthorized use of a disabled parking permit by a person who is not the permit holder, or who is not transporting the permit holder, will incur a 6-month driver's license suspension (currently 1 month) upon conviction for the first offense and a 12-month suspension (currently 6 months) for the second offense. (The penalty for a 3rd or subsequent offense is license revocation.)

Questions/requests for copies/comments through 5/14/12: Jennifer Egizii, SOS, Driver Services Department, 2701 S. Dirsken Pkwy., Springfield IL 62723, 217/557-4462.

☞ BOXING & MARTIAL ARTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed repeal of the Part titled "Professional Boxing and Martial Arts Contests" (68 Ill Adm Code 1371; 36 Ill

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NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating 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/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing volume and issue number of The Flinn Report or the Illinois Register will expedite the process. Some agencies charge copying fees. However, copy requests do not have to be made under the Freedom of Information Act.

New Regulations

ENGINEER LICENSURE

DFPR also adopted amendments to rules titled "The Structural Engineering Practice Act of 1989" (68 Ill Adm Code 1480; 35 Ill Reg 19596), effective 5/1/12. Licensure applicants must be able to provide proof of passage of at least 18 semester hours of courses in analysis, behavior and design of structural elements and systems. The rulemaking adds Test of English as a Second Language (TOEFL) scores for the computer-based version of the test and updates the mailing address for NCEES, the national organization responsible for evaluating foreign applicants' educational credentials. DFPR also differentiates requirements for licensure examinations before and after April 2011. Licensure examinations given prior to April 2011 consisted of three 8-hour examinations (Fundamentals of Engineering, Structural I, and Structural II). After April 2011, licensure applicants are required to take a Fundamentals of Engineering exam (unspecified time limit) and a 16-hour Structural exam. The rulemaking clarifies that credit will not be given if a licensure applicant passes either Structural I or Structural II but not both prior to April 2011. (The text also specifies that after the October 2010 licensure examination, applicants who did not pass both of the Structural I and II exams were required to take and pass the 16-hour Structural exam.) The rulemaking also clarifies that one continuing education hour or credit must represent 50 minutes of instruction or participation in a class and increases the licensure restoration fee from \$20 to \$50. Further changes strike attendance at educational programs, graduate-level engineering courses, or professionally oriented continuing education classes or special seminars as a demonstration of continued competence when

applying for license restoration. This rulemaking may impact structural engineer licensure applicants.

Questions/requests for copies of the 2 DFPR rulemakings above: Craig Cellini, DFPR, 320W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, Fax 217/557-4451.

HEALTH RECORDS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted a new Part titled "Electronic Health Information Technology" (89 Ill Adm Code 150; 35 Ill Reg 19392), effective 3/15/12, implementing the Electronic Health Record Provider Incentive Payment (EHR/PIP) program. The program, which is supported by federal stimulus funds, provides incentive payments to qualifying medical providers who participate in the Department's Medical Electronic Data Interchange and have adopted or upgraded to a certified electronic health record system. Incentive payments to hospitals will be disbursed over a period of 3 to 5 years. Covered topics include definitions, eligibility, registration, payments, appeals, and audits. Hospitals and other medical providers will be affected by this rulemaking.

Questions/requests for copies: Jeanette Badrov, DHFS, 201 S. Grand Avenue East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233.

UNDERGROUND TANKS

The POLLUTION CONTROL BOARD adopted amendments to "Underground Storage Tanks" (35 Ill Adm Code 731; 35 Ill Reg 16183) and "Petroleum Underground Storage Tanks" (35 Ill Adm Code 734; 35 Ill Reg 16338) and repealed the Part titled "Petroleum Underground Storage

Tanks (Releases Reported September 23, 1994 through June 23, 2002)" (35 Ill Adm Code 732; 35 Ill Reg 16191), all effective 3/19/12. The rulemakings implement Public Act 96-908, which amends provisions of the Illinois Environmental Protection Act concerning cleanup of leaking underground petroleum storage tanks (USTs). Amendments to Part 731 clarify that owners and operators of heating oil USTs are subject to rules in Part 734, while the repeal of Part 732 reflects removal of pre-2002 provisions from the Act. The Part 734 amendments list the types of corrective action costs that are and are not eligible for reimbursement from the State's UST Fund; establish procedures for UST owners and operators to seek competitive bids on cleanup projects when the work cannot be done for less than the maximum payment amounts specified elsewhere in the Part; and remove the requirement to obtain a minimum of 3 bids on such projects. Also, new sections are added concerning use of PCB's Tiered Approach to Corrective Action Objectives (TACO) and corrective action costs that are eligible for payment from the UST Fund. Since 1st Notice, PCB removed the subheading "(Releases Reported On or After June 24, 2002)" from Part 734, and kept a 14-day deadline for reporting certain field activities (originally, to be shortened to 7 days). Those affected by this rulemaking include small businesses, small municipalities, and nonprofit corporations that own or operate USTs or perform cleanup work on leaking USTs.

Questions/requests for copies of the 3 PCB rulemakings above: Timothy J. Fox, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6085. Please reference Docket R11-22 for all 3 rulemakings.

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Reg 4571) and proposed a new Part titled "Boxing and Full-contact Martial Arts Act" (68 Ill Adm Code 1370; 36 Ill Reg 4467). The rulemakings implement Public Act 97-119, which changes the title of the Professional Boxing Act to the Boxing and Full-contact Martial Arts Act and provides for regulation of amateur full contact martial arts contests as well as professional martial arts and boxing matches. (The Act defines "full contact martial arts" as the use of techniques from one or more martial arts disciplines, such as full-force kicking, striking and grappling, with the intent to injure or disable one's opponent. Martial arts disciplines defined in the Act include, but are not limited to, karate, jujitsu, kung fu, tae kwon do, muay thai, and kickboxing. The Act does not apply to amateur martial arts events that prohibit full contact.) The new Part clarifies that boxing and full-contact martial arts require separate licenses. Promoters of amateur full-contact martial arts contests must pay a \$300 initial licensing fee and \$150 license renewal fee, plus a \$500 permit fee for each all-amateur contest. A boxing or martial arts contest promoter is subject to license suspension or revocation if he or she adds bouts to a contest beyond the scheduled permit fee bracket (\$500 for 3-6 bouts, \$750 for 7-10 bouts, and \$1,000 for 11 or more bouts) and fails to pay the additional fee within 24 hours after the contest. The new Part also adds a schedule of fees for restoration of licenses after disciplinary action and lists banned medications, with provisions for exemptions for therapeutic use. Other changes from the current Part include: Contestants must wait at least 15 days (currently 7 days) between contests, and contestants who have lost their last 6 (currently 7) bouts must obtain DFPR approval before competing again. Contestants who have lost 3 successive bouts by knockout or technical knockout, lost 5 bouts in a row for any reason, or who have "an extensive losing record" may be asked to submit results of a CT scan or MRI before being permitted to compete again. Each contestant is

allowed at least 2 seconds (assistants), with a maximum of 5 at DFPR's discretion (currently, no more than 3 seconds per contestant are allowed). The current requirement that 2 paramedics be present at every contest is changed to 2 Emergency Medical Technicians, at least one of whom must be an EMT-Paramedic. Suspensions for professional fighters who compete in non-DFPR approved contests or in amateur contests are limited to 1 year. Suspension for failing to appear or refusing to fight (without a medical reason) in a contest for which a fighter has signed a bout agreement is limited to 6 months. If a professional bout for which a contestant has signed a contract is cancelled due to the contestant's failure to make weight, the contestant is subject to a fine of no more than 25% of the purse amount and any other disciplinary action DFPR deems proper. Those affected by these rulemakings include persons who compete in, officiate, host, or promote boxing and full-contact martial arts contests.

Questions/requests for copies/comments on the 2 DFPR rulemakings above through 5/14/12: Craig Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

HUNTING

The DEPARTMENT OF NATURAL RESOURCES proposed an amendment to "White-Tailed Deer Hunting By Use of Bow and Arrow" (17 Ill Adm Code 670; 36 Ill Reg 4314) stating that non-residents may not purchase a combination archery permit after 9/20/12 if they have previously purchased a single antlerless-only archery deer permit.

Questions/requests for copies/comments through 5/14/12: George Sisk, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

PUBLIC ASSISTANCE

The DEPARTMENT OF HUMAN SERVICES proposed amendments to "Child Care" (89 Ill Adm Code 50; 36 Ill. Reg. 4648) that change child care service eligibility guidelines for its Non-TANF Education and Training Program. The rulemaking allows students whose current GPA, instead of cumulative GPA, is 2.0 on a scale of 4.0 to participate in the program.

Also, DHS proposed amendments to "Temporary Assistance for Needy Families" (89 Ill Adm Code 112; 36 Ill. Reg. 4658) and "Supplemental Nutrition Assistance Program" (89 Ill Adm Code 121; 36 Ill Reg 4670) that implement a provision of federal Public Law 111-226. The federal law repealed the advance payment option for the earned income tax credit (EITC), and, beginning 12/31/10, workers were unable to receive an advance payment of the EITC through their employers. (Under the advance payment system, eligible taxpayers could receive the EITC credit amounts in their paychecks instead of waiting to claim a refund on their federal income tax return.) These rulemakings remove all references to the advance payment of EITC.

Questions/requests for copies/comments concerning the 3 DHS rulemakings above through 5/14/12: Tracie Drew, DHS, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/785-9772.

TAXES

The ATTORNEY GENERAL proposed amendments to "Illinois Estate and Generation-Skipping Transfer Tax Return" 86 Ill Adm Code 2000; 36 Ill. Reg. 4462) to conform to the Illinois Religious Freedom Protection and Civil Union Act, which grants parties to a civil union the same legal status as spouses in Illinois law. Civil union partners who elect a marital deduction or qualified terminal interest property (Q-TIP) election for Illinois estate tax purposes are required to file the

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following returns with the Attorney General: a Form 700 Illinois Estate and Generation-Skipping Transfer Tax Return; a pro forma Federal Form 706 United States Estate (and Generation-Skipping Transfer) Tax Return; and for a federally filed taxable estate, a copy of the Federal Form 706 United States Estate (and Generation-Skipping Transfer) Tax Return actually filed with the IRS.

Questions/requests for copies/comments through 5/14/12: Lynn Patton, Office of the Attorney General, 500 S. 2nd

Street, Springfield IL 62706, 217/782-9070.

STATE LIBRARY

The SECRETARY OF STATE (State Library) proposed amendments to "Illinois State Library System Act" (23 Ill Adm Code 3030; 36 Ill. Reg. 4688) to make minor adjustments in defined terms and in the Library's internal policies. "Intra-system reciprocal borrowing" is defined as the right of a person holding a valid registration card from a full member System public library or

a library system to borrow on site from other public libraries that are full members within the System without using interlibrary loan mechanisms. Plans of library service now will require a certification provided by the State Library that a library's plan of service is up to date, rather than a cover letter.

Questions/requests for copies/comments through 5/14/12: Joe Natale, Illinois State Library, Gwendolyn Brooks Bdg., Springfield IL 62701-1796, 217/558-4185, email: jnatale@ilsos.net.

Second Notice

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 JCAR's April 17, 2012 meeting.

ILLINOIS COMMERCE COMMISSION

"Obligations of Retail Electric Suppliers" (83 Ill Adm Code 412) proposed 8/12/11 (35 Ill Reg 12996)

"Internet Enrollment Rules" (83 Ill Adm Code 453) proposed 8/12/11 (35 Ill Reg 13017)

IL HOUSING DEVELOPMENT AUTHORITY

"Foreclosure Prevention Program" (47 Ill Adm Code 385) proposed 12/30/11 (35 Ill Reg 20988)

POLLUTION CONTROL BOARD

"Standards and Limitations for Organic Material Emissions for Area Sources" (35 Ill Adm Code 223) proposed 1/20/12 (36 Ill Reg 727)

DEPARTMENT OF PUBLIC HEALTH

"HIV/AIDS Confidentiality and Testing Code" (77 Ill Adm Code 697) proposed 1/27/12 (36 Ill Reg 960)

"Illinois Health and Hazardous Substances Registry" (77 Ill Adm Code 840) proposed 1/6/12 (36 Ill Reg 84)

DEPARTMENT OF HUMAN SERVICES

"Child Care" (89 Ill Adm Code 50) proposed 11/14/11 (35 Ill Reg 18475)

SECRETARY OF STATE

"Issuance of Licenses" (92 Ill Adm Code 1030) proposed 1/13/12 (36 Ill Reg 461)

OFFICE OF THE AUDITOR GENERAL

"Code of Rules" (74 Ill Adm Code 440) proposed 1/6/12 (36 Ill Reg 3)

STATE BOARD OF EDUCATION

"Early Childhood Block Grant" (23 Ill Adm Code 235) proposed 10/28/11 (35 Ill Reg 17365)

"Programs for the Preparation of Principals in Illinois" (23 Ill Adm Code 30) proposed 12/30/11 (35 Ill Reg 21005)