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Joint Committee on Administrative Rules
Illinois General Assembly

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VOL. 36

April 13, 2012

Issue 15

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

INTERNET LOTTERY SALES

The DEPARTMENT OF THE LOTTERY adopted emergency amendments to "Lottery (General)" (11 Ill Adm Code 1770; 36 Ill Reg 5856), effective 3/27/12 for a maximum of 150 days, establishing a pilot program for the sale of lottery tickets via the internet. A companion proposed rulemaking will be published at a later date. The rulemaking authorizes establishment of Internet Lottery Player Accounts to keep records of an individual's purchases, winnings and prize redemptions, as well as Lottery Internet Accounts individuals can use to hold money for purchasing tickets online or for receiving prize money. The rulemaking establishes procedures for identification, security, and eligibility verification of online lottery players and for purchase of individual tickets and subscriptions (automatic ticket purchases for each drawing of a specified game over a period of time). Internet lottery players must be at least 18 years of age and must complete their purchases from computers located within Illinois. Prizes up to \$600 won by an internet player as the result of an online ticket purchase will be deposited automatically into the

player's Lottery Internet Account, while prizes between \$600 and \$25,000 will be posted to the account after Department verification. All prizes of more than \$25,000 will be paid by the Comptroller. The rulemaking also updates references to multi-state games in which the Illinois Lottery participates and extends the voluntary self-exclusion program (by which compulsive gamblers may bar themselves from purchasing tickets or receiving prizes) to internet purchases.

Questions/requests for copies: Lisa Crites, Department of the Lottery, 101 W. Jefferson, MC5-950, Springfield IL 62701, 217/524-5253, fax 217/558-2168, e-mail: lisa.crites@illinois.gov.

PUBLIC INFORMATION

The ILLINOIS STUDENT ASSISTANCE COMMISSION adopted amendments to "Public Information, Rulemaking and Organization" (23 Ill Adm Code 5375; 35 Ill Reg 5840) and "Information Requests" (23 Ill Adm Code 5376; 35 Ill Reg 5850). Amendments to Part 5375 incorporate the rulemaking procedures of the Illinois Administrative Procedure Act by reference. Specific references to public hearings and to

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CHILD CARE FACILITIES

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed a new Part titled "Residential Services Construction Grant Program" (89 Ill. Adm. Code 363; 36 Ill. Reg. 5656) that implements Public Act 96-1192 establishing the Residential Services Construction Grant Program for residential child care facilities. The rulemaking sets grant application procedures, criteria for determining grant approval, requirements for post-award grant issuance and administration, definition of allowable and disallowable costs, and grant recordkeeping requirements. Those affected by this rulemaking include residential child care facilities that wish to apply for grants.

Also, DCFS proposed amendments to "Licensing Standards for Day Care Homes" (89 Ill. Adm. Code 406; 36 Ill. Reg. 5663) and "Licensing Standards for Group Day Care Homes" (89 Ill. Adm. Code 408; 36 Ill. Reg. 5678) that implement a federal regulation. The rulemaking requires these licensees to meet federal safety standards found in 16 CFR 1219 or 1220 for all baby cribs by 12/28/12. Licensed day care homes and group day care homes

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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.

F: 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

exempt matters that do not require rulemaking (e.g., personnel rules, loans, contracts) are removed. The amendments also eliminate the need for re-submission of all changes or agreements made during the rulemaking process to ISAC for ap-

proval prior to adoption. The rulemaking replaces a sliding scale quorum based on the number of active appointees to the Commission with a fixed quorum of 6 members and updates the organizational chart of ISAC. Amendments to Part 5376 up-

date the email and website addresses of ISAC.

Questions/requests for copies: Lynn Hynes, ISAC, 1755 Lake Cook Rd, Deerfield IL 60015, 847/948-8500, ext. 2216, e-mail: lhynes@isac.org.

Proposed Regulations

may be impacted by this rulemaking.

Questions/requests for copies/comments concerning the 3 DCFS rulemakings above through 5/29/12: Jeff Osowski, DCFS, 406 E. Monroe, Station #65-D, Springfield IL 62701-1498, 217/524-1983, TTY 217/524-3715, Fax 217/557-0692, e-mail: cfpolicy@idcfs.state.il.us.

RIVERBOAT GAMBLING

The ILLINOIS GAMING BOARD proposed amendments to "Riverboat Gambling" (86 Ill Adm Code 3000; 36 Ill Reg 5694) expanding the definition of "electronic gaming device" and applying the same identification requirements to chips that now exist for tokens. The rulemaking recognizes multiple-position reel-type, single-game video and multi-game video devices as electronic gaming devices (currently, only single position devices of these types are included in this definition). Also, chips issued by any owner's license holder must be permanently impressed, engraved or imprinted with the location of the riverboat gaming operation where they are used, as required for tokens under current rules.

Questions/requests for copies/comments through 5/29/12: Lynn J. Carter, IGB, 160 N. LaSalle St., Chicago IL 60601, 312/814-7137, fax 312/814-7253, e-mail: lynn.carter@igb.illinois.gov.

STATE LIBRARY

The SECRETARY OF STATE (State Library) proposed the repeal of the

Part titled "The Illinois State Library Talking Book and Braille Service (TBBS)" (23 Ill Adm Code 3025; 36 Ill. Reg. 5761) and proposed amendments to "Illinois State Library Grant Programs" (23 Ill Adm Code 3035; 36 Ill. Reg. 5770). The Part 5770 rulemaking incorporates provisions from Part 5761 and makes numerous changes for Library grant programs. Special library services for blind or physically handicapped persons are being re-titled as services for those with a "print disability"; library organizations comprised of librarians or libraries and headquartered in Illinois will be eligible for Educate & Automate Automation/Technology Grants; and grant applications and annual certification shall be conducted online. Adult, workplace and family literacy programs are available to persons 17 years or older who read or write below a 9th grade level or below student performance level 7 in English language skills. Names, addresses and contact persons for a library, child education agency, or adult service agency that are partnering for literacy services must be provided in grant applications. Restrictions or exclusions from the program are listed (e.g., persons failing to certify they will comply with the Illinois Human Rights Act, SOS employees used as a manager, staff convicted of various offenses named within the rulemaking, or breach of a previous grant agreement or any violation of the Grant rules) and onsite visits by SOS staff are required. No literacy program may transfer internally more than 10% of the budget line items from which the funds are transferred. Construction grants must include a facility plan projecting future growth of a

facility and plans for accommodating persons with disabilities. Restructuring of parking spaces to meet accessibility standards of the Capital Development Board are now acceptable project expenditures. The maximum grant amount for construction mini-grants is raised from \$25,000 to \$35,000. Elements required in the construction phase of a grant project (e.g., competitive bidding, submission of plan changes to SOS) are amended to require only "an assurance" that the grant recipient will perform or complete these elements. Provisions for the Talking Book and Braille Service (TBBS) define "accessible electronic information services", "competent authority" (medical or library authorities able to make an assessment and diagnosis of disability) and "eligible patron" (optometric standards describing the level of blindness required). Other topics covered include eligibility criteria to obtain the free TBBS material, patron application requirements, abbreviated TBBS grant requirements and grant requirements for the Library Services and Technology Act (a federally funded grant program with the SOS State Library as Administrator).

Questions/requests for copies/comments on the 2 SOS rulemakings above through 5/29/12: Joe Natale, Illinois State Library, Gwendolyn Brooks Bdg., Springfield IL 62701-1796, 217/558-4185, e-mail: jnatale@ilsos.net.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to "Extensions of Juris-

Proposed Regulations

diction" (36 Ill. Reg. 5652) to bring six formerly excluded job titles under coverage of the Personnel Code, pursuant to six Memorandums of Understanding signed between the American Federation of State, County, and Municipal Employees and the State of Illinois. The titles include a nuclear safety information specialist II title at the Department of Central Management Services and the following 5 titles at the Illinois Commerce Commission: management secretary I, human resource analyst, senior financial and budget assistant, human resource clerk, and transportation industry customer service representative I. Effective 7/1/12, the persons in these titles either must already have been determined qualified or must test in examinations for comparable position titles within 6 months. All other regular personnel rules will be applicable to these titles effective 7/1/12.

Questions/requests for copies/comments through 5/29/12: Mary Matheny, 720 Stratton Bdg., Springfield IL 62706, 217/557-5404.

WATER QUALITY

The POLLUTION CONTROL BOARD proposed amendments to Parts titled "Introduction" (35 Ill Adm Code 301; 36 Ill Reg 5713), "Water Quality Standards" (35 Ill Adm Code 302; 36 Ill Reg 5721), and "Water Use Designations and Site-Specific Water Quality Standards" (35 Ill Adm Code 303; 36 Ill Reg 5756). All three rulemakings update water quality standards based upon a review required every 3 years by federal law. Amendments to Part 302 update standards for boron, fluoride, and manganese, correct a zinc standard, and repeal an outdated site-specific fluoride standard. Also, the schedule for publishing derived water quality criteria in the *Illinois Register* is

changed from quarterly to annually. The Part 301 amendment updates an incorporation by reference to include a new cyanide testing method, and the Part 303 amendment removes fluoride drainage standards that applied to now-defunct fluorspar mining operations in southern Illinois.

Questions/requests for copies/comments on the 3 proposed rulemakings above through 5/29/12: John Therriault, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-3620. Copies of these rulemakings may also be downloaded from the Board's website, www.ipcb.state.il.us. Please reference docket R11-18 for all inquiries or requests.

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 May 15, 2012 meeting.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

"Homeownership Mortgage Loan Program" (47 Ill Adm Code 300) proposed 2/13/12 (36 Ill Reg 1097)

DEPARTMENT OF HUMAN RIGHTS

"Procedures of the Department of Human Rights" (56 Ill Adm Code 2520) proposed 2/17/12 (36 Ill Reg 2408)

DEPARTMENT OF REVENUE

"Income Tax" (86 Ill Adm Code 100) proposed 2/17/12 (36 Ill Reg 2485)