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Illinois General Assembly

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Issue 19

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

MEDICAL WASTE

The ENVIRONMENTAL PROTECTION AGENCY adopted amendments to "Procedures for Operation of the Potentially Infectious Medical Waste Transporter Fee System" (35 Ill Adm Code 1450; 32 Ill Reg 16662), effective 4/23/09, that reflect a provision of Public Act 93-32, which increases the fee for transporters of potentially infectious medical waste (PIMW) from 1.5¢/pound to 3¢/pound. The amendments strike the specific rule text stating the fee amount and retain the statement that the fee is specified in Section 56.2 of the Environmental Protection Act [415 ILCS 5/56.2]. Further, in response to an adjusted standard granted by the Pollution Control Board, the requirement that PIMW be weighed with a device for which certification has been obtained under the Weights and Measures Act is revised to allow the waste to be weighed by another acceptable method as specified in the Environmental Protection Agency permit. Finally, statutory citations and EPA's address are updated.

Questions/requests for copies: Stephanie Flowers, EPA, 1021 N. Grand Ave. E., Springfield IL 62794-9276, 217/782-5544.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to "Merit and Fitness" (80 Ill Adm Code 302; 32 Ill Reg 19844) and "Conditions of Employment" (80 Ill Adm Code 303; 32 Ill Reg 19846), both effective 4/23/09. Companion emergency amendments for both became effective 12/9/08. The Part 302 amendment makes DCMS rules consistent with the Uniformed Services Employment and Reemployment Rights Act. That Act extends the time period during which an employee rehabilitating from an injury incurred in the line of duty may apply for reinstatement from one year to 2 years. Also, pursuant to an American Federation of State, County and Municipal Employees bargaining agreement, the amendment increases from 4 to 5 years the time period a State employee may take for a leave of absence to join the military and still be reinstated to a same or similar position with the State. The Part 303 amendments allow sick leave, personal leave, and vacation time to be taken in quarter hour increments after an initial ½ hour; clarify definitions of immediate family and catastrophic ill-

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Proposed Regulations

CHILD SUPPORT COLLECTION

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed an amendment to "Child Support Enforcement" (89 Ill Adm Code 160; 33 Ill Reg 6377) allowing DHFS to collect any additional debt from a non-custodial parent that accrues after an advance notice is sent to the non-custodial parent without DCFS having to send additional notice. Current rule allows collection only of the amount stated on the notice (e.g., a specific amount that will be intercepted from a non-custodial parent's income tax refund to pay past-due child support).

Questions/requests for copies/comments through 6/22/09: Tamara Tanzillo Hoffman, DHFS, 201 S. Grand Ave. E., 3rd Fl., Springfield IL 62763-0002, 217/557-7157.

DEER & GOOSE HUNTING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments for 6 Parts concerning deer and goose hunting: "White-Tailed Deer Hunting by Use of Firearms" (17 Ill Adm Code 650; 33 Ill Reg 6409), "White-Tailed Deer Hunting by Use of Muzzleloading Rifles" (17 Ill Adm Code 660; 33 Ill Reg 6430), "White-Tailed Deer Hunting by Use of Bow and Arrow" (17 Ill Adm Code 670; 33 Ill Reg 6446), "Special White-Tailed Deer Season for Disease Control" (17 Ill Adm Code 675; 33 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

ness in sick leave bank provisions; limit employees to using 25 days of sick leave bank time per "12-month period" rather than per calendar year; and double the amount of paid leave an employee who is a veteran may take to visit a veterans hospital, in addition to a clinic, to 4 days per year. Additional amendments require employees to provide proof of their pregnancy or that of their partner at least 30 days prior to the due date to qualify for maternity/paternity leave; include multiple births within rule provisions; authorize DCMS to require non-married male employees to provide proof of paternity; increase from 3 to 4 weeks the amount of paid leave when adopting a child; and authorize 4 weeks paid leave after the birth of a stillborn, full-term infant.

Questions/requests for copies: Margaret van Dijk, DCMS, 720 Stratton Bldg., Spfld., IL 62706, 217/782-5778.

UNIV. RETIREMENT SYSTEM TRUSTEE ELECTIONS

The STATE UNIVERSITIES RETIREMENT SYSTEM (SURS) adopted emergency amendments, effective 4/27/09, for a maximum of 150 days for "Universities Retirement" (80 Ill Adm Code 1600; 33 Ill Reg 6525) establishing election procedures for trustees elected to the SURS Board pursuant to Public Act 96-6. The public act terminated incumbent Board trustee terms of office on 4/3/09 and requires 6 trustees to be elected by 7/2/09. Prior to Public Act 96-6, the Governor appointed all SURS Board members. The rulemaking establishes minimum requirements for contributing member trustee and annuitant trustee positions on the Board. (A "contributing member" candidate must be a SURS covered employee certified by his or her employer, with a petition signed by no fewer than 400 SURS partici-

pants; an "annuitant" candidate must be an annuitant for at least one year prior to the date of the election and be nominated in a written petition signed by no fewer than 100 individual annuitants.) Individuals may sign petitions for as many candidates as desired, and petitions must be in the form prescribed by SURS and include the notarized signature of the petition circulator. Covered topics include voter eligibility; election day procedures; ballot return, tabulation, and certification; ballot challenges; and initial special election procedures.

Questions/requests for copies: Kelly Jenkins, State Universities Retirement System, 1901 Fox Drive, Champaign Illinois 61820, 217/378-8825.

Proposed Regulations

Reg 6468), "Late-Winter Deer Hunting Season" (17 Ill Adm Code 680; 33 Ill Reg 6476), and "Youth Hunting Seasons" (17 Ill Adm Code 685; 33 Ill Reg 6484). In Parts 650 and 660, amendments shorten the "September Drawing – Multiple Permits" application period to end the first weekday in October. Both Parts allow over-the-counter sales of remaining permits after the conclusion of random daily drawings beginning the 3rd Monday in October on a first-come, first-served basis until the permits are exhausted. Individuals may purchase more than one permit, subject to availability. Also, Parts 650 and 660 make 15 and 8 site-specific changes, respectively. In Part 670, DNR reconfigures the hunting dates to lengthen the season by 3 days, ending the first Sunday after January 13th, and makes 15 site-specific changes. Part 675 increases the length of the special season from 3 to 7 days, with archery no longer an

option for this special season. The procedures for attaching a harvest tag and transporting game are simplified and standardized to correspond with the other deer hunting seasons. The use of check stations is phased out, and hunters must instead use the automated telephone or on-line reporting systems. Also, DNR will not issue new permits for those individuals who take diseased or spoiled deer, and the hunter must dispose of the carcass. Those hunters participating in the chronic wasting disease (CWD) surveillance program whose animal tests positive for CWD will be issued a permit for the same county or special hunt area next year. In Part 680, the length of the season increases from 3 to 7 days, and DNR creates a two-tiered system for counties open for the late-winter deer season. Unit A counties are those with deer herds that are overpopulated and require a significant harvest. Unit B counties

require less significant harvests to achieve deer population goals. The resident permits will go on sale via over-the-counter vendors starting December 1st through the last day of the season. Unit A counties have no limit on the number of permits an individual may purchase, while individuals hunting in Unit B counties are restricted to one permit per county. DNR clarifies that hunting outside of season hours is a Class A misdemeanor with a minimum \$500 fine up to a \$5,000 maximum. Other covered topics concern the permit application process, application rejection, permit revocation, and permit replacement. Certain DNR sites having a daily hunter quota will hold daily drawings at 5:00 a.m. if more hunters show up than can be reasonably accommodated. Part 685 amendments make youth deer permits available for over-the-counter sales beginning August 1st through the last day of the youth deer season,

Proposed Regulations

and hunters may purchase only one either-sex permit. Text that obligates DNR to provide deer hunting seminars to participating youth deer hunters is stricken. The rulemaking also amends provisions related to statewide regu-

lations, permit requirements, application rejection, and permit revocation. In addition, Part 685 contains the rules concerning youth waterfowl hunting, which are amended to change that hunt's date to December 27th.

Questions/requests for copies/comments through 6/22/09: William K. Richardson, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

Second Notices

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 JCAR's May 19, 2009 meeting in Springfield.

SECRETARY OF STATE

"Uniform Partnership Act (1997)" (14 Ill Adm Code 166) proposed 3/6/09 (33 Ill Reg 3956)

JCAR 2008 ANNUAL REPORT

The Joint Committee on Administrative Rules' 2008 annual report is now available. The report summarizes agency rulemaking, JCAR actions, and public act reviews in addition to legislative and judicial actions that affected rulemaking last year.

Copies of the 2008 Annual Report of the Joint Committee on Administrative Rules are available to the public. The volume may be ordered for \$3.41 (\$5.64 with postage included) by sending a check to JCAR at the address listed on the front of this newsletter. It is also available online at our website at www.ilga.gov/commission/jcar.

The Flinn Report

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