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Joint Committee on Administrative Rules
Illinois General Assembly

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Issue 33

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

ELDER ABUSE TRAINING

The DEPARTMENT ON AGING and the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted joint rules titled "Joint Rules of the Department on Aging and the Department of Financial and Professional Regulation: Financial Exploitation Training by Financial Institutions", both effective 7/28/11. The Department on Aging rulemaking is at 89 Ill Adm Code 271 and was proposed at 35 Ill Reg 324. The Department of Financial and Professional Regulation rulemaking is at 38 Ill Adm Code 220 and was proposed at 35 Ill Reg 340. The rules implement Public Act 96-1103, which directs DonA to develop joint rules with DFPR for minimum training standards for employees and officers of financial institutions to help prevent financial exploitation of the elderly. The rules state a training program will include information on such topics as the Illinois Elder Abuse and Neglect Program, the problem of financial exploitation of older persons in Illinois, recognition of the indicators of such exploitation, properly reporting suspected financial exploitation to the Program or to appropriate law enforcement agencies, and the obligations of a financial institu-

tion under these rules. A training program must be at least 30 minutes long and may be done live or by DVD, videotape, or the Internet. Financial institutions must require all employees and officers on 8/1/11 who have direct contact with customers of the financial institution to satisfactorily complete an approved training program by 2/1/12 and complete refresher training every 3 years. New hires must receive training within 6 months. Changes since 1st Notice clarify that DonA is responsible for developing training standards, and DFPR is responsible for ensuring compliance with training requirements. The definition of "financial institution" is modified to exclude currency exchanges, the minimum length of a training program is reduced from 50 to 30 minutes, the list of subjects to be covered in training is decreased from six to two, and the B*SAFE program developed by DonA may be used to satisfy the training requirements. Additional changes delete a proposed section requiring that DonA design or approve the training programs, modify the training time frame, and delete a requirement that financial institutions report their training activities to DFPR every 6 months. Instead DFPR will make a statewide

(cont'd next page)

ELECTRIC UTILITIES

The ILLINOIS COMMERCE COMMISSION proposed a new Part titled "Obligations of Retail Electric Suppliers" (83 Ill Adm Code 412; 35 Ill Reg 12996) and proposed an amendment to a Part titled "Internet Enrollment Rules" (83 Ill Adm Code 453; 35 Ill Reg 13017). Part 412 establishes requirements for consumer education and protection concerning programs for electric customer choice. Topics covered include marketing practices, sales contract rescission, customer deposits, early termination fees, automatic contract renewal, dispute resolution, and customer complaint reports. A temporary or permanent waiver from the Part's regulations may be granted under specified conditions. An amendment to Part 453 strikes text allowing residential customers to cancel electronic enrollment within 3 business days after enrollment since new Part 412 will provide for a 10-calendar-day rescission. Entities affected by these rulemakings are electric utility or alternative retail electric suppliers serving or seeking to serve residential or small commercial customers.

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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.

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semiannual report to DonA. These rulemakings will affect financial institutions operating in Illinois (i.e., banks, credit unions, savings institutions, and currency exchanges).

Questions/requests for copies: Karen Alice Kloppe, DonA, One Natural Resources Way, Ste. 100, Springfield IL 62702-1271, 217/785-3346 or Craig Cellini, DFPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, Fax 217/557-4451.

☞ STATE VENDOR PAYMENTS

The COMPTROLLER and the DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments for their joint rules titled "Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment", both effective 7/29/11. The DCMS rulemaking was proposed at 35 Ill Reg 4856, and the Comptroller's rulemaking was proposed at 35 Ill Reg 4885. These joint rulemakings concern the same subject matter as emergency amendments that became effective 3/18/11. The State Prompt Payment Act permits vendors of goods and services to the State to receive interest on late payments made by the State. The rulemakings provide that the current list of late payments that do not qualify for interest does not include those made pursuant to a vendor payment program approved by the Department and Comptroller. The rulemakings define key terms of the vendor assistance program, such as assigned penalties and qualified account receivable. Further provisions permit qualified purchasers to purchase from participating vendors certain qualified accounts receivable owed by the State to the participating vendors, who will in return assign to the qualified purchaser all of the vendors' payments, including any current and future prompt payment penalties due in accordance with the Illinois Prompt Payment Act. A vendor may be considered if he or she is owed an account receivable by the State for which prompt payment penalties are accru-

ing, is eligible to receive prompt payment penalty interest, and if the transaction is not a billing under a medical assistance program and is not prohibited from being assigned or transferred by applicable law. Criteria for qualified purchasers of accounts receivable are prescribed, and the State has a right to review and approve sub-participants as qualified purchasers. The program commences in March 2011 and ends on terms dictated in rule, such as the State giving 10 days notice. Changes since 1st Notice add a website address for the Vendor Payment Program, clarify definitions, remove the vendor participation criterion based upon a payment being 60 days overdue, and clarify that DCMS and the Comptroller both have a right to review the performance of a qualified purchaser's obligations. These rulemakings may affect vendors to whom the State owes money.

Questions/requests for copies: Lynn Carter, DCMS, 100 W. Randolph, Ste. 4-607, Chicago IL 60601, 312/814-8213, e-mail: lynnrcarter@illinois.gov or Alissa J. Camp, Office of the Comptroller, 201 State House, Springfield IL 62706, 217/782-0905, e-mail: campaj@mail.ioc.state.il.us.

☞ ECONOMIC DEVELOPMENT

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted an amendment to "Enterprise Zone and High Impact Business Programs" (14 Ill Adm Code 520; 35 Ill Reg 4736), effective 8/1/11, changing a reference to 12-month period to calendar year or State fiscal year in order to standardize the data on unemployment rates and updates eligibility criteria to the most recent census data available. Also, for population loss comparisons, the 2000 and 2010 census data will be used. A change since 1st Notice clarifies that the most recent census data available is the 2005-2009 American Community Survey by the U.S. Census Bureau. Small municipalities that participate in the Enterprise Zone Program

will be affected by the amendment.

Questions/requests for copies: Jolene Clarke, DCEO, 500 E. Monroe, Springfield IL 62701, 217/557-1820, e-mail: jolene.clarke@illinois.gov.

HUNTING & TRAPPING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to the following 6 hunting and trapping rulemakings: "Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting" (17 Ill Adm Code 550; 35 Ill Reg 7078); "Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping" (17 Ill Adm Code 570; 35 Ill Reg 7090); "Duck, Goose and Coot Hunting" (17 Ill Adm Code 590; 35 Ill Reg 7102); "Youth Hunting Seasons" (17 Ill Adm Code 685; 35 Ill Reg 7169); "Dove Hunting" (17 Ill Adm Code 730; 35 Ill Reg 7175); and "Crow, Woodcock, Snipe, Rail and Teal Hunting" (17 Ill Adm Code 740; 35 Ill Reg 7195), all effective 7/26/11. In Part 550, DNR makes a site-specific change at Peabody River King State Fish and Wildlife Area and opens Pyramid State Park and Sam Dale Lake State Fish and Wildlife Area to furbearer hunting. Part 570 amendments make 5 site-specific changes and open the Des Plaines Game Propagation Center and the World Shooting and Recreation Complex to furbearer trapping. In Part 590, the controlled waterfowl permit sites (9 sites total) will accept applications in August with publicly announced acceptance dates and application methods. A hunter may obtain up to 5 duck permits and 5 goose permits via two lotteries. Non-residents and Illinois residents who do not receive a permit in the first lottery are eligible to apply for the second lottery, with residents having priority. Non-residents and residents who do not receive a permit in the second lottery are eligible to apply for the third lottery, with residents having priority. A lottery drawing will be held a total of 5 times. Additionally, the

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rulemaking makes 26 other site-specific changes. A Part 685 amendment removes Banner Marsh State Fish and Wildlife Area as a Youth Waterfowl Hunt site. In Part 730, controlled dove permit sites will accept applications in June with publicly announced acceptance dates and application methods. A hunter may obtain up to 2 dove permits via two lotteries. Non-residents and Illinois residents who do not receive a permit in the first lottery are eligible to apply for the second lottery, with residents having priority. Permit drawings at specific sites may be canceled at any time due to flooding, bad weather, staff shortages, or other adverse conditions beyond DNR's control. The permits are not transferrable and will be issued by the Springfield permit office. The rulemaking also ties season dates, daily limits, and possession limits of white-winged doves to federal regulations. There will no longer be daily bag limits or possession limits on collared and ringed turtle doves. However, hunters may not remain in the field to hunt collared or ringed turtle doves once they have reached their limits of mourning doves and white-winged doves. The rulemaking also makes site-specific changes at Pyramid State Park and the World Shooting and Recreation Complex. Additional site-specific changes concern the youth dove hunt at Silver Springs State Fish and Wildlife Area. In Part 740, DNR makes site-specific changes to the Kidd Lake State Natural Area and Pyramid State Park as well as opening up the Pyramid State Park East Conant Unit to teal hunting. A change since 1st Notice in Part 590 clarifies that permit applications will be accepted starting on August 16th.

DNR REVOCATION PROCESS

DNR also adopted amendments to "Revocation Procedures for Conservation Offenses" (17 Ill Adm Code 2530; 35 Ill Reg 6745), effective 7/26/11, concerning suspension of an individual's privileges and subsequent appeal of the DNR action. Within its point-based system, DNR adds that

violators of Section 20-120(h) (falsifying or illegal transfer of licenses, permits, or tags) and Section 20-125(d) (falsifying or providing false information to DNR) of the Fish and Aquatic Life Code will be assessed 13 points toward the revocation of their conservation privileges. A complaint initiated by DNR may also reference whether the respondent was found guilty, received supervision, or received a conditional discharge by the court at a previous time. As aggravating and mitigating circumstances, DNR may introduce evidence showing that the respondent has committed a prior illegal or unlawful act related to taking or harvesting in violation of DNR statutes or has compensated the State for such activities. A change since 1st Notice removes a proposed new section of text that detailed reinstatement procedures and fees for revoked and suspended licenses. Those affected by this rulemaking include individuals who may have DNR licenses or permits suspended or revoked.

Questions/requests for copies of the 7 DNR rulemakings above: George Sisk for the DNR hunting and trapping rulemakings and Nick San Diego for Part 2530, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

OIL & GAS WELLS

DNR adopted amendments to rules titled "The Illinois Oil and Natural Gas Act" (62 Ill Adm Code 240; 34 Ill Reg 3037), effective 7/26/11, concerning oil and gas drilling operations, owners, and producers. The rulemaking makes numerous clarifications concerning definitions, civil complaints, violations, applications, permitting, hearings, hearing officers, and other legal and administrative procedures. Amendments increase numerous administrative, operating, and specified civil penalties but cap the total at \$1,000 per day for each violation. All new applications to drill, deepen, or convert a production well must provide global positioning system (GPS) coordinates and proof of 100% of the

rights to drill or operate a well on the property in question. No changes will be allowed regarding the injection fluid used in a well without a change to the permit, and new procedures for testing injection fluid in the well are added. No new wells are allowed within 200' of an occupied dwelling unless there is an agreement with the surface owner allowing for a closer well location. Containment dike berms must be bermed at least 18" above the inside of the containment dike and the highest ground surface surrounding the outside of the containment dike and meet other specified standards. Observation wells are not allowed to produce hydrocarbons unless a permit is obtained to convert the well to a production well. In cases where there are leaking unpermitted drill holes and leaking previously plugged wells, the current permittee of the lease has 24 hours to prevent any further leakage migration and environmental damage after receiving notification from DNR of a leak. If the current permittee does not take the required actions in the required time frame, he or she may be fined up to \$2,000. The current permittee has 90 days, or a longer time frame as determined by DNR due to extenuating circumstances, to plug or restore the leaking drill hole or DNR may cease all production on the lease until the issues have been corrected in the presence of a DNR well inspector. The rulemaking contains new regulations concerning post-primary recovery wells, alternative construction of containment dikes, methane monitoring requirements during plugging operations, plugging wells, and drilling methods and procedures. The rulemaking also adds two new sections concerning authorization for a permittee to operate wells that were placed in the plugging and restoration fund program due to abandonment or non-payment of annual well fees. Changes since 1st Notice clarify the American Society for Testing and Materials standards for fresh water analyses; specify that to be considered in making well location decisions, an occupied dwelling must ex-

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ist at the time the permit application is filed with DNR; clarify the 18" berm requirement; and state that a permittee may request in writing that DNR cancel a permit if a well has not been drilled. This rulemaking may affect small businesses engaged in the oil and gas business or small businesses, small municipalities, or not-for-profit corporations that have oil or gas wells on their property.

Questions/requests for copies: Robert Mool at the DNR address and telephone number above.

AIR POLLUTANTS

The POLLUTION CONTROL BOARD adopted amendments for "Definitions and General Provisions" (35 Ill Adm Code 211; 35 Ill Reg 4887), "Organic Material Emission Standards and Limitations for the Chicago Area" (35 Ill Adm Code 218; 35 Ill Reg 4910), and "Organic Material Emission Standards and Limitations for the Metro East Area" (35 Ill Adm Code 219; 35 Ill Reg 5111), all effective 7/27/11. The amendments are intended to satisfy Illinois' obligation to submit a State Implementation Plan to address pollution reduction requirements under the federal Clean Air Act Amendments (CAAA) of 1990 for sources of volatile organic material (VOM) emissions in areas designated as "nonattainment areas" (e.g., Chicago, East St. Louis) with respect to the ozone national ambient air quality standard. The amendments reflect that the U.S. Environmental Protection Agency issued control technique guidelines for VOM emissions from Groups II and IV consumer and commercial product producers classified as moderate VOM emitters and above. (Group II products include industrial cleaning solvents, flat wood paneling coatings, flexible packaging printing materials, offset lithographic printing materials, and letterpress printing materials. Group IV products include miscellaneous metal and plastic part coatings, auto and light-duty truck coatings, miscellaneous industrial adhesives, and fiberglass boat manufacturing materials.)

Among numerous requested federal changes, the compliance date for affected sources is extended from 4/1/11 to 1/1/12, recordkeeping requirements are strengthened, and more stringent VOM limitations for specified categories are established. Amendments for Part 211 add or amend definitions of terms used in Parts 218 and 219 (e.g., hardwood plywood, thin particleboard, tile-board). Changes since 1st Notice for Part 211 add a definition of "antifouling sealer/tie coat" and amend the gloss level for "extreme high-gloss coating". Changes since 1st Notice for Parts 218 and 219 exempt 3 categories of cleaning operations from various requirements, add an "emission adjustment factor" for certain cleaning solvents used with shop towels, expand certain recordkeeping and reporting requirements and decrease such requirements affecting pleasure craft coating operations, clarify monitoring requirements, revise VOM content limits for various coatings, and strike emissions averaging for pleasure craft coating. Testing requirements for lithographic printing are clarified, also. Those affected by these 3 rulemakings include small businesses, small municipalities, and not-for-profit corporations that are designated as Group II or IV product producers falling within specified VOM emitter categories.

Questions/requests for copies: Tim Fox, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6085, e-mail: foxt@ipcb.state.il.us. Please reference docket R11-23.

NURSING HOME SAFETY

DEPARTMENT OF PUBLIC HEALTH adopted amendments to "Hospital Licensing Requirements" (77 Ill Adm Code 250; 35 Ill Reg 6293), effective 8/1/11, implementing Public Act 96-1372 that require hospitals to perform name-based, criminal-history background checks of patients who are being transferred to long-term care facilities regulated under the Nursing Home Care Act. Exceptions to this

requirement are listed (e.g., the patient has been in the hospital 5 days or less, the patient is not independently ambulatory, the patient is expected to remain at the nursing facility 30 days or less). The transfer to the long-term care facility may proceed regardless of the completion of the background check. The amendments further reflect the public act's authorization for DPH to fine hospitals up to \$500 per occurrence for failing to initiate such background checks. Hospitals and nursing homes will be affected by this rulemaking.

Questions/requests for copies: Susan Meister, DPH, 535 W. Jefferson, 5th Fl., Springfield IL 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

HORSE RACING

The ILLINOIS RACING BOARD adopted amendments to "Pick (N) Pools" (11 Ill Adm Code 308; 35 Ill Reg 7567) and "Pentafecta" (11 Ill Adm Code 324; 35 Ill Reg 7574) and also proposed new rules titled "Quinella Double" (11 Ill Adm Code 326; 35 Ill Reg 7581), all effective 7/28/11. The Part 308 amendments add a 7th method for conducting the "Pick (n) Pool" with a unique winning ticket provision. (The Pick (n) Pool is an "n" number of races in which the bettor selects the first-place finisher.) Major share proceeds and any carryover (from races in which there was not a unique winning ticket) are distributed to the sole winner who selected all first place finishers. The minor share will be distributed to the bettors selecting the second most first-place finishers. In the event that no one picks the first-place finisher in all contests, the major share and the carryover are reserved for the next racing day in the Pick (n) contests. The amendments also repeal subsections that made all bettors winners in a Pick (n) race if the race moved from a turf course to a dirt track and specified that the entire major share (but not the carryover) was to be distributed to those whose selections finished first in the greatest number of Pick (n) contests. The Part 324 amend-

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ments add an additional distribution option in the "Pentafecta" race. The entire distribution is given to the one person who selects the correct order in which the first five horses finish. If there is more than one bettor who picks the winning combination, the major pool is carried over to the next Pentafecta race, and the minor pool is distributed to bettors selecting the correct combination. If no bettors select the correct combination, the entire distribution is carried over. The amendments also reduce the minimum number of horses racing in a Pentafecta race to 8 and allow one horse to be scratched for a 7-horse contest. Finally, the regulation governing minimum entries is repealed. The Part 326 rules add provisions for a "Quinella Double". The rulemaking explains pool distribution in various situations, how dead heats will be treated, scratches, and race cancellations.

IRB also adopted an amendment to "Entries, Subscriptions, and Declarations" (11 Ill Adm Code 1413; 35 Ill Reg 6325), effective 7/28/11. A companion emergency rulemaking became effective 4/4/11. The amendment does not limit an owner's right to scratch his or her horse if more than eight horses are scheduled to race. However, if more than one owner wishes to scratch, the scratches will be determined by lot. (Scratches that would have resulted in fewer than eight horses racing were previously allowed with permission of the Stewards for reasonable cause or for a medical reason.) The rulemaking also allows such scratches upon request of the Racing Secretary in order to allow the horse to enter a different race.

Questions/requests for copies of the 4 IRB rulemakings above: Mickey Ezzo, IRB, 100 W. Randolph, Ste. 7-701, Chicago IL 60601, 312/814-5017.

(74 Ill Adm Code 800; 35 Ill Reg 1566), effective 8/1/11, concerning the Board's management rules. The amendments abolish the practice of ex officio Board members (e.g., the State Treasurer) designating proxies to take their place on the Board, raise the maximum amount of investments that can be held by an "emerging manager" (qualified investment adviser that is also a minority or female-owned business) from \$2 billion to \$10 billion, add a business owned by a person with a disability to the types of businesses included in the category of "emerging manager", and change the Board's long-term investment objective from the current 8.5% compounded return to a rate of return consistent with that adopted by the State Retirement System of Illinois. A change since 1st Notice clarifies that the new objective is 7.75%. Those affected by this rulemaking include investment managers seeking contracts to handle ISBI investments.

DEFERRED COMPENSATION

ISBI also adopted an amendment to "State (of Illinois) Employees' Deferred Compensation Plan" (80 Ill Adm Code 2700; 35 Ill Reg 1579), effective 8/1/11, concerning hardship withdrawals. The amendment changes the time limit for filing an appeal of an ISBI Hardship Committee decision from 15 days after receipt of the decision to 20 days after the mailing date of the decision. (The Hardship Committee determines whether deferred compensation participants may be permitted to make hardship withdrawals from their accounts.)

Questions/requests for copies of the 2 ISBI rulemakings above: Linsey Schoemehl, ISBI, 180 N. LaSalle, Ste. 2015, Chicago IL 60610, 312/793-1486, e-mail: Linsey.Schoemehl@illinois.gov.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted a peremptory amendment to "Pay Plan" (80 Ill Adm Code 310; 35 Ill Reg

13966), effective 7/29/11, adding the senior public service administrator option 8E job title (engineer) to a collective bargaining unit. (One position was exempted from the unit by the Illinois Labor Relations Board.)

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

VIDEO GAMING

The ILLINOIS GAMING BOARD adopted emergency amendments to "Video Gaming" (11 Ill Adm Code 1800; 35 Ill Reg 13949), effective 7/29/11, for a maximum of 150 days. An identical proposed rulemaking is published in this issue of the *Illinois Register* at 35 Ill Reg 13021. A new section of text allows licensure applicants to withdrawal applications without approval of the Illinois Gaming Board unless the administrator of the Board objects. If the administrator objects, Board approval of the withdrawal is required, and reapplication may not be made for a period of one year without Board approval. Further amendments change the definition of "person with significant interest and control" to "person with significant interest or control" and add the ability to "influence" the activities of an applicant or licensee to the definition. Those affected by these rulemakings include game localities, manufacturers, distributors, suppliers, and others who desire to be licensed for video gaming by IGB.

Questions/request for copies/comments concerning the proposed rulemaking through 9/26/11: William Bogot, IGB, 160 N. LaSalle St., Chicago IL 60601, 312/814-4654, Fax 312/814-4143, e-mail: william.bogot@igb.illinois.gov.

COMMUNITY CARE PROGRAM

The DEPARTMENT ON AGING adopted an emergency amendment to "Community Care Program" (89 Ill

STATE INVESTMENT

The ILLINOIS STATE BOARD OF INVESTMENT adopted amendments to "Rules and Regulations of the Board"

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Adm Code 240; 34 Ill Reg 13936), effective 7/28/11 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 35 Ill Reg 12993. The rulemaking clarifies that participants in the Community Care Program are not permitted to be enrolled in another Home and Community-Based Service (HCBS) Waiver program. A Social Security Number or application for one is now mandatory for

eligibility in CCP. All other exceptions to the Medicaid enrollment requirement are eliminated, except, if the value of non-exempt assets that are owned by the applicant exceeds twice the level of the asset disregard limit for medical assistance. The rulemaking also clarifies that "a good faith effort" is not limited to those actions listed in the rule and eliminates the use of an obsolete title in favor of the current term of Care Coordinator. Participants,

care coordination units, and service provider agencies receiving assistance under the Community Care Program will be affected by these rulemakings.

Questions/requests for copies/comments concerning the proposed rulemaking through 9/26/11: Karen Alice Kloppe at the DonA address and telephone number above.

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Questions/requests for copies/comments concerning the 2 ICC rulemakings above through 9/26/11: Elizabeth Rolando, Chief Clerk, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434.

ELECTIONS

The STATE BOARD OF ELECTIONS proposed amendments to "Miscellaneous" (26 Ill Adm Code 207; 35 Ill. Reg. 13098) concerning Board policy for publishing the Internet Voters' Guide as required by Section 12A-5 of the Election Code. The rulemaking implements a statutory requirement that the Board must publish a guide no later than 45 days before a general election in which a statewide candidate appears on the ballot. Notification by mail, electronic mail, telephone, or fax that an Internet Voters' Guide will be published must go out not later than 5 days after certification to all candidates who have been certified by the Board to appear on the general election ballot. No statements or photographs will be accepted by the Board for inclusion in the voters' guide after 5 p.m. on the 50th day before the election. If an amended certification has been issued by the Board adding a candidate's name to the ballot, and at least 55 days remain until the election, 5 days' notice shall be provided by the Board to the new candidate as well. For purposes of contacting a candidate to have his or her photo-

graph or statement revised, the Board may use any of the methods stated above to notify candidates.

Questions/requests for copies/comments through 9/26/11: Steven S. Sandvoss, SBEL, 1020 S. Spring St., Springfield IL 62708, 217/782-0608.

CHILD CARE

DEPARTMENT OF HUMAN SERVICES proposed amendments to "Child Care" (89 Ill Adm Code 50; 35 Ill Reg 13024) implementing Senate Bill 1236, which was sent to the Governor for his signature on 6/17/11. SB 1236 requires DHS to establish by rule a copayment scale that provides for cost-sharing by families that receive child care services based on family income, family size, and other factors. SB 1236 also allows DHS to waive copayments for families whose incomes are less than 185% of the most current federal poverty level (FPL). The rulemaking reduces the monthly maximum family income guidelines to reflect the shift from 200% of the 2009 FPL to 185% of the 2011 FPL. (FPL is set by the federal Census Bureau, and 185% of FPL is \$41,348 per year or \$3446 per month for a family of 4.) The rulemaking clarifies that parents of school-age children who are approved for part-time day care services from September through May are required to pay 50% of the copayment that corresponds to their listed family size and

monthly income. DHS also revises maximum monthly income and parent copayment fees that are payable by corresponding family size and income level. Child care providers may be impacted by this rulemaking.

Questions/requests for copies/comments through 9/26/11: Tracie Drew, DHS, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/785-9772.

DRIVER'S LICENSES

The SECRETARY OF STATE proposed amendments to "Issuance of Licenses" (92 Ill Adm Code 1030; 35 Ill Reg 13054) revising definitions and specific endorsements required for driving specific types of vehicles. The rulemaking adds a definition for "S endorsement", which designates that the commercial driver's license (CDL) holder may additionally operate a school bus to transport pre-primary, primary, or secondary students to and from home, school to home, and to and from school-sponsored events. SOS also strikes the definition of school bus CDL and the "J48 restriction", thus replacing the school bus CDL with the S endorsement. (The "J48 restriction" limits the driver to operating only a school bus and no other type of commercial motor vehicle.) The rulemaking also updates all school bus endorsement references to reflect the new S endorsement designation, updates obsolete effective dates for cited fed-

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eral regulations, and removes obsolete J48 restrictions and related J48 fees. SOS also revises the list of identification documents an individual may present when applying for a driver's license, permit, or identification card. Small businesses, small municipalities, and not-for-profit corporations that employ CDL holders may be affected by this rulemaking.

Questions/requests for copies/comments through 9/26/11: Jennifer Egizii, SOS, 2701 S. Dirksen Pkwy., Springfield IL 62723, 217/557-4462.

DEER HUNTING

The DEPARTMENT OF NATURAL RESOURCES proposed an amendment to "Special White-Tailed Deer Season For Disease Control" (17 Ill Adm Code 675; 35 Ill Reg 13049) opening up the counties of Stephenson, Ogle, LaSalle, JoDaviess, and Grundy to the special chronic wasting disease (CWD) season. DNR will sell a special hunt area CWD season deer permit to resident hunters that allows the permit holder to hunt for antlerless-only deer in special hunt areas for

\$17.50. Applications to hunt such special areas will be accepted from the last Tuesday in October through the fourth Monday in November, and permits will be allocated via a lottery drawing.

Questions/requests for copies/comments through 9/26/11: George Sisk at the DNR address and telephone number above.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period, and will be considered at JCAR's September 13th meeting.

ILLINOIS HEALTH FACILITIES AND SERVICES REVIEW BOARD

"Long-Term Care" (77 Ill Adm Code 1125) proposed 5/13/11 (35 Ill Reg 7504)

DEPARTMENT OF AGRICULTURE

"Insect Pest and Plant Disease Act" (8 Ill Adm Code 240) proposed 5/13/11 (35 Ill Reg 7439)

BOARD OF HIGHER EDUCATION

"Nursing School Grant Program" (23 Ill Adm Code 1100) proposed 4/29/11 (35 Ill Reg 7038)

POLLUTION CONTROL BOARD

"Nitrogen Oxides Emissions" (35 Ill Adm Code 217) proposed 6/3/11 (35 Ill Reg 8363)

The Flinn Report

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JCAR 2010 ANNUAL REPORT

The Joint Committee on Administrative Rules' 2010 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.

Copies of this annual report are available to the public. The volume may be ordered for \$2.63 (\$5.11 with postage included) by sending a check to JCAR at the address listed on the front of this newsletter. It is also available on the General Assembly website at www.ilga.gov/commission/jcar.