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Joint Committee on Administrative Rules  
Illinois General Assembly

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*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

### MOTORCYCLE SAFETY COURSES

The DEPARTMENT OF TRANSPORTATION adopted amendments to "Illinois Cycle Rider Safety Training Program" (92 Ill Adm Code 455; 35 Ill Reg 8151), effective 9/7/11. This program offers motorcycle, motor-driven cycle, and moped safety instruction through DOT contracts with State colleges, community colleges, and universities or various community agencies. Updates change the term "motorized pedalcycle" to "moped", strike a provision requiring a "range aide" who prepares a paved area for a training course to complete an instructor program, and add the position of an assistant coordinator (if the regional center employs one) with the same requirements as the program coordinator. Other covered topics include required liability insurance for cycles used in beginner courses, class size, course completion criteria, regional center contracts and funding, DOT address corrections, and website addresses for 3 regional centers. In addition, incorporations by reference of Motorcycle Safety Foundation materials are updated, larger counties may be divided into 2 regional centers, and program coordinators or their assistants will not be compensated

for teaching certain basic courses. Concerning course instructor qualifications, amendments explain what constitutes a safe driving record and specify the types of traffic violations (e.g., DUI) that may result in a 3-year suspension from the program. Those affected by this rulemaking include the various entities listed above that serve as regional centers for this program.

Questions/requests for copies: Catherine Allen, DOT, 1340 N. 9<sup>th</sup> St., Springfield IL 62794-9212, 217/785-3031.

### HIGHWAY CONSTRUCTION

DOT also adopted an emergency amendment for "Prequalification of Contractors, Authorization to Bid, and Subcontractor Registration" (44 Ill Adm Code 650; 35 Ill Reg 15485, effective 9/9/11, for a maximum of 150 days. An identical proposed rulemaking is published in this week's issue of the *Illinois Register* at 35 Ill Reg 15454. The sole change is an increase from \$500,000 to \$750,000 in the maximum threshold of a contractor's financial rating if he or she is seeking to be prequalified to bid on DOT contracts in "unaudited

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## Proposed Regulations

### VIDEO GAMING

The ILLINOIS GAMING BOARD proposed an amendment to "Video Gaming (General)" (11 Ill Adm Code 1800; 35 Ill Reg 15418). The amendment requires each licensee to provide a means of "economic disassociation" of any person with "significant influence or control or holder of an ownership interest" if so ordered by the Board after an investigation into the person's character, reputation, experience, associations, business probity, and financial integrity. Licensees who violate the order may be subject to a complaint, a hearing on the merits of the Board's determination, and disciplinary actions.

Questions/requests for copies/comments through 11/7/11: Lynn Carter, IGB, 160 N. LaSalle St., Chicago IL 60601, 312/814-7137, Fax 312/814-4143, e-mail: [lynn.carter@igb.illinois.gov](mailto:lynn.carter@igb.illinois.gov).

### STATE LIBRARY

The SECRETARY OF STATE proposed amendments to "Illinois State Library, Library Services Division" (23 Ill Adm Code 3010; 35 Ill Reg 15424)

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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

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status" (not requiring verification by a certified public accountant). DOT reports that it is implementing elements of Public Act 96-795 that empower DOT to establish a committee to evaluate its prequalification rule and determine whether existing rule is any bar-

rier to small and minority and female-owned business contractors becoming prequalified for DOT projects. This rulemaking was a result of that effort and will affect small businesses in the construction industry that desire to obtain DOT contracts.

Questions/requests for copies/comments concerning the proposed rulemaking through 11/7/11: Michael Copp, DOT, 2300 S. Dirksen Pkwy., Rm. 322, Springfield IL 62764, 217/782-3413.

## Proposed Regulations

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to add the Illinois Interlibrary Loan Code (2008 version), approved by the Illinois State Library Advisory Committee and adopted by the Library, as an exhibit at the end of this Part and apply it to libraries that are in the Illinois Library and Information Network (ILLINET). Key provisions provide that interlibrary loan activities are an adjunct to, not a substitute for, collection efforts in individual libraries, and libraries should place their holdings in electronic databases, ensure the user's confidentiality, comply with applicable copyright laws, identify a library that owns requested material, and avoid charging fees among interlibrary loan parties. Procedures governing violations of the Illinois Interlibrary Loan Code up to and including suspension of a library's privileges are prescribed, also. Other covered topics specific to the Illinois State Library in Springfield include access to the stacks, various material fees (e.g., computer printouts, photocopies, scanning), wireless internet services, researchers' use of USB portable storage devices, and use of public areas.

Questions/requests for copies/comments through 11/7/11: Joe Natale, Illinois State Library, Gwendolyn Brooks

Bldg., Springfield IL 62701-1796, 217/558-4185, e-mail: [jnatale@ilsos.net](mailto:jnatale@ilsos.net).

### STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to "Pay Plan" (80 Ill Adm Code 310; 35 Ill Reg 15345). The amendments change the Teamsters Local union number to 700 to reflect an Illinois Labor Relations Board decision, eliminate the step 1 pay rate for employees who possess a non-computer-science degree and work outside of Cook County as an information services intern, and lower the salary range for the librarian II job title. Job title codes and salary ranges for end-user computer services specialist I and II and end-user computer systems analyst job titles are added pursuant to memoranda of agreement between DCMS and the union. Additional changes bring rate tables up to date through Fiscal Year 2012 for highway maintainers (snow birds) and update rule text pursuant to previous preemptory rules regarding the assignment of the senior public service administrative option 7 job title (law enforcement/correctional) to a collective bargaining unit.

Questions/requests for copies/comments through 11/7/11: Jason Doggett, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7964, Fax 217/524-4570, e-mail: [CMS.PayPlan@Illinois.gov](mailto:CMS.PayPlan@Illinois.gov).

### RULE CORRECTION

The Joint Committee on Administrative Rules announced correction of a preemptory rulemaking for "Pay Plan" (80 Ill Adm Code 310; 35 Ill Reg 15178) that was published in the 9/9/11 *Illinois Register* with a typographical error on the notice page indicating that the rulemaking became effective on April 29, 2011 rather than August 29, 2011. The text of the rulemaking, as filed by the Department of Central Management Services with the Secretary of State, was correctly stamped with the August date. JCAR regrets any confusion this unintentional discrepancy may have caused.

Questions/requests for copies: Edward Stasiewicz, JCAR, 700 Stratton Bldg., Springfield IL 62706, 217/785-2254.

# JCAR Meeting Action

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At its 9/13/11 meeting, the Joint Committee on Administrative Rules issued the 4 Recommendations summarized below. Also, the Committee removed the Department of Public Health's rulemaking titled "Illinois Vital Records Code" (77 Ill Adm Code 500; 35 Ill Reg 750) from the No Objection List. This rulemaking may proceed to adoption after the Second Notice period ends.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JCAR considered amendments to "Hospital Services" (89 Ill Adm Code 148; 34 Ill Reg 15705) and recommends that DHFS, in the future, take measures to ensure that gaps do not occur between the expiration of an emergency rule and adoption of the companion proposed rulemaking to avoid creating a time period in which it is enforcing policy not in rule.

## DEPARTMENT OF HUMAN SERVICES

The Committee considered 3 DHS rulemakings titled "General Assistance" (89 Ill Adm Code 114; 35 Ill Reg 6740), "Aid to the Aged, Blind or Disabled" (89 Ill Adm Code 113; 35 Ill Reg 6738), and "Temporary Assistance for Needy Families" (89 Ill Adm Code 112; 35 Ill Reg 6736) and issued the same Recommendation for each one. JCAR recommends that DHS, in the future, take measures to ensure that gaps do not occur between the expiration of an emergency rule and adoption of the companion proposed rulemaking to avoid creating a regulatory gap.

## Second Notices

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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 October 11<sup>th</sup> meeting.

### OFFICE OF ATTORNEY GENERAL

Repeal of "Programmatic and Fiscal Requirements for Administering Funds under the Violent Crime Victims Assistance Act" (89 Ill Adm Code 1100) proposed 11/29/10 (34 Ill Reg 17939)

"Programmatic and Fiscal Requirements for Administering Funds under the Violent Crime Victims Assistance Act" (89 Ill Adm Code 1100) proposed 11/29/10 (34 Ill Reg 17977)

### POLLUTION CONTROL BOARD

"Solid Waste" (35 Ill Adm Code 807) proposed 7/8/11 (35 Ill Reg 10490)

"Standards for New Solid Waste Landfills" (35 Ill Adm Code 811) proposed 7/8/11 (35 Ill Reg 10505)

### DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

"Illinois Occupational Therapy Practice Act" (68 Ill Adm Code 1315) proposed 4/15/11 (35 Ill Reg 6253)

### SECRETARY OF STATE

"Illinois State Library Grant Programs" (23 Ill Adm Code 3035) proposed 7/29/11 (35 Ill Reg 12686)

"Departmental Duties" (2 Ill Adm Code 552) proposed 7/22/11 (35 Ill Reg 12267)

### DEPARTMENT OF PUBLIC HEALTH

"Heartsaver AED Grant Code" (77 Ill Adm Code 530) proposed 7/15/11 (35 Ill Reg 11197)

### DEPARTMENT OF STATE POLICE

Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds" (20 Ill Adm Code 1286) proposed 7/29/11 (35 Ill Reg 12741)

### DEPT. OF HUMAN SERVICES

"Supplemental Nutrition Assistance Program (SNAP)" (89 Ill Adm Code 121) proposed 6/10/11 (35 Ill Reg 8754)

"Supplemental Nutrition Assistance Program (SNAP)" (89 Ill Adm Code 121) proposed 6/24/11 (35 Ill Reg 9228)

**The Flinn  
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*Illinois General Assembly*

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