

Claire B. Eberle, Editor  
Elaine Spencer, Assoc. Editor

Joint Committee on Administrative Rules  
Illinois General Assembly

700 Stratton Office Bldg., Springfield IL 62706  
217/785-2254 [ilga.gov/commission/jcar](http://ilga.gov/commission/jcar)

VOL. 35

September 30, 2011

Issue 40

*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

### ☞ CONDO MANAGERS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted a new Part titled "Community Association Manager Licensing and Disciplinary Act" (68 Ill Adm Code 1445; 35 Ill Reg 7258), effective 10/1/11, implementing Public Act 96-726. The statute requires DFPR to regulate managers of community associations. A community association manager is an individual who receives compensation for completing financial, administrative, maintenance, or other duties for a community association (e.g., a condo association). The rulemaking provides for grandfathering of community managers until 4/1/12 and requires individuals to supply specified documentation to DFPR to meet listed licensing requirements. Covered topics include application and education requirements, licensure examinations, licensure by endorsement, license renewal and restoration, and inactive status. The rulemaking also includes fees for initial licensure (\$300), license renewal (\$150 per year), and miscellaneous general fees. Actions that constitute unprofessional conduct are listed, and criteria for granting variances from these regulations

are explained. Community associations employing managers will be impacted by this rulemaking.

Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington, 3<sup>rd</sup> Fl., Springfield IL 62786, 217/785-0813, Fax 217/557-4451.

### ☞ AMERICORPS PROGRAM

The DEPARTMENT OF HUMAN SERVICES adopted a new Part titled "Illinois AmeriCorps Program" (77 Ill Adm Code 2250; 34 Ill Reg 13733), effective 9/16/11, to replace AmeriCorps program rules initially promulgated by the Lieutenant Governor's Office at 47 Ill Adm Code 610. (See the proposed repealer for Part 610 summarized below.) This program is now the responsibility of DHS. New Part 2250 contains a purpose and summary statement, definitions, general federal instructions to states for implementation of the AmeriCorps program, a list of materials that are incorporated by reference, program application and selection procedures, program membership recruitment and selection provisions, and the State Commission's program monitoring (cont'd next page)

### ☞ DCFS GROUP HOMES

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amendments to "Licensing Standards for Group Homes" (89 Ill Adm Code 403; 35 Ill Reg 15502). The rulemaking proposes removal of a provision that became effective 5/1/10 requiring same-gender group home staff to directly supervise children in their sleeping or bathroom areas. (DCFS cites group homes' lack of qualified male staff as the reason for this change. DCFS proposed a similar rulemaking to repeal this provision in August 2010 but never carried through with adopting it.) Small businesses operating group homes (facilities owned and operated by licensed child welfare agencies that house up to 10 children placed by the agency) may be impacted by this rulemaking.

Questions/requests for copies/comments through 11/14/11: Jeff Osowski, Department of Children and Family Services, 406 East Monroe, Station #65, Springfield IL 62701-1498, 217/524-1983, TTY 217/524-3715, Fax 217/557-0692, e-mail: [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us).

(cont'd next page)

*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

---

responsibilities under federal law. The Illinois AmeriCorps Program works with a Governor-appointed State Service Commission that provides grants to public and nonprofit organizations (faith-based and community organizations, higher education institutions, and public agencies) that sponsor service programs. Each organization awarded grants by the Commission is responsible for recruiting, selecting, and supervising AmeriCorps members to serve in their programs. AmeriCorps members provide direct service and capacity-building to address unmet community needs, such as tutoring and mentoring youth, assisting crime victims, building homes, and restoring parks. Public or private non-profit organizations, including labor organizations, community organizations, faith-based organizations, and institutions of higher education; Illinois and government entities within Illinois (e.g., cities, counties); and partnerships or consortia consisting of these groups are eligible to apply for AmeriCorps grant program funding and may be affected by this rulemaking.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. E., 3<sup>rd</sup> Fl., Springfield IL 62762, 217/785-9772.

## STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted peremptory amendments to "Pay Plan" (80 Ill Adm Code 310; 35 Ill Reg 15640), effective 9/15/11, implementing 2 memoranda of understanding between DCMS and the American Federation of State, County and Municipal

Employees (AFSCME). The memoranda assign the senior public service administrator option 7 job title (law enforcement/correctional) at the Department of Revenue and the Illinois Gaming Board and also the senior public service administrator option 8H job title (environmental health practitioner) to AFSCME collective bargaining units.

DCMS also adopted an emergency amendment to "Pay Plan" (80 Ill Adm Code 310; 35 Ill Reg 15605), effective 9/16/11, for a maximum of 150 days. An identical proposed rulemaking is also published in this week's *Illinois Register* at 35 Ill Reg 15496. The rulemakings exclude the public service administrator (PSA) option 8L (law license) job title at the Property Tax Appeal Board from an American Federation of State, County and Municipal Employees collective bargaining unit to reflect that an Illinois Appellate Court directed the Illinois Labor Relations Board to revoke its "certification of representative" because DCMS asserted that the position is managerial/supervisory.

Questions/requests for copies/comments concerning the proposed rulemaking through 11/14/11: 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).

## DHS HOME SERVICES

The DEPARTMENT OF HUMAN SERVICES adopted emergency amendments concerning its Home Services

Program in rules titled "Program Description" (89 Ill Adm Code 676; 35 Ill Reg 15626) and "Service Planning and Provision" (89 Ill Adm Code 684; 35 Ill Reg 15634), both effective 9/15/11, for a maximum of 150 days. These rulemakings repeal earlier emergency amendments that became effective 6/30/11 and were published in the 7/15/11 *Illinois Register*. In Part 676, DHS clarified and added definitions consistent with new text added in Part 684. A new section in Part 684 described service hour parameter maximums and limitations on the number of hours of service an individual could receive for the 5 services called "instrumental activities of daily living" that were identified in the client's determination of need. The rulemakings also included guidelines for providing services to multiple HSP customers living in the same home and explained that exceptions to service limits could be allowed based upon a client's special needs. Proposed rulemakings matching the repealed emergency rules were published in the 7/15/11 *Illinois Register* at 35 Ill Reg 11186 and 35 Ill Reg 11195 and are currently on 1<sup>st</sup> Notice. Service providers contracting with DHS to provide these home services may be impacted by this rulemaking.

Questions/requests for copies: Tracie Drew at the Department of Human Services address and telephone number listed above.

# Proposed Regulations

---

## MERCURY PRODUCTS

The ENVIRONMENTAL PROTECTION AGENCY proposed an amendment to "Procedures for Review of Petitions for Mercury Product Exemptions" (35 Ill Adm Code 182; 35 Ill Reg 15507) that

implements Public Act 97-459 by redefining "mercury switch" to include a mercury-containing product or device that makes, breaks, or changes a connection in an electrical circuit. Affected entities include manufacturers of mercury-containing products.

Questions/requests for copies/comments through 11/14/11: Joanne M. Olson, EPA, 1021 N. Grand Ave. E., Springfield IL 62794-9276, 217/782-5544; e-mail: [joanne.olson@illinois.gov](mailto:joanne.olson@illinois.gov).

# Proposed Regulations

---

## HORSE RACING

The ILLINOIS RACING BOARD proposed amendments to "Charitable Funds" (11 Ill Adm Code 208; 35 Ill Reg 15575) and "Inter-Track Wagering Facilities" (11 Ill Adm Code 435; 35 Ill Reg 15580). The Part 208 rulemaking requires the nonprofit organizations that desire to be awarded funds collected from racetrack owners in order to provide medical and family assistance, counseling, and similar services to persons who reside or work on the backstretch of Illinois racetracks to supply audited financial statements for the preceding year to the Board at the time they apply for the funds. The rulemaking also allows the nonprofits to request an extension of time for filing an audit report up to 30 days before the deadline. The Part 435 rulemaking eliminates the requirement that fire inspection reports must be submitted to IRB by each off-track betting facility by January 15<sup>th</sup> of each year but retains the requirement to submit a July 15<sup>th</sup> report. It also requires updated health and safety reports to be submitted to IRB semi-annually.

Questions/requests for copies/comments through 11/14/11: Mickey Ezzo, IRB, 100 W. Randolph, Ste. 7-701, Chicago IL 60601, 312/814-5017.

proposed amendments to rules titled "The Professional Engineering Practice Act of 1989" (68 Ill Adm Code 1380; 35 Ill Reg 15512) implementing Public Act 96-626, which was the reauthorization of the Act. The rulemaking clarifies that a foreign degree approved by the American Board for Engineering and Technology (ABET) will require course-by-course evaluation to determine if the degree meets DFPR standards, and a list of ABET accredited programs for which Illinois has withdrawn program approval is added. Criteria used for determining approval for graduate engineering programs is stricken, and the rulemaking specifies that acceptable structural engineering experience must be supervised by a legally practicing engineer and all experience verified and submitted on DFPR forms. Additional amendments provide specific experience requirements for graduates from an approved curriculum or from a related science or non-approved curriculum. New regulations are added allowing engineering students to take the Fundamentals of Engineering exam (Part I) prior to their graduation or completion of the experience requirement and then apply for engineer "intern" status. Additional new regulations explain how both engineer interns and non-interns proceed through their training, passage of the Part II engineering exam, and attainment of licensure as a professional engineer. Licensure restoration and licensure by endorsement requirements are updated for clarity, and the licensure

restoration fee is increased. Licensure by endorsement applicants licensed prior to 1/1/96 may be required to submit proof of passage of the Test of English as a Foreign Language. The rulemaking also updates the appendix that details the chronology of significant changes to these professional engineering regulations since 1945. Engineering licensure applicants, licensed professional engineers, and engineering firms employing engineering interns and professional engineers may be impacted by this rulemaking.

Questions/requests for copies/comments through 11/14/11: Craig Cellini at the DFPR address and telephone number above.

## ILLINOIS AMERICORPS

The LIEUTENANT GOVERNOR proposed repeal of rules titled "Illinois Americorps Program" (47 Ill Adm Code 610; 35 Ill. Reg. 15553) in order to implement a Public Act that transferred authority over the Illinois Americorps program from the Office of the Lieutenant Governor to the Department of Human Services. (See the DHS Americorps adopted rulemaking above.)

Questions/requests for copies/comments through 11/14/11: Mark Schauerte, Office of the Lieutenant Governor, 100 W. Randolph, Ste. 15-200, Chicago IL 60601, 312/814-3309, e-mail: [Mark.Schauerte@Illinois.gov](mailto:Mark.Schauerte@Illinois.gov).

## PROFESSIONAL ENGINEERS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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

### BOARD OF HIGHER EDUCATION

"Collaborative Baccalaureate Degree Development Grant Program" (23 Ill Adm Code 1090) proposed 6/24/11 (35 Ill Reg 9217)

### DEPARTMENT OF NATURAL RESOURCES

"Snowmobile Trail Establishment Fund Grant Program" (17 Ill Adm Code 3020) proposed 7/29/11 (35 Ill Reg 12624)

**The Flinn  
Report**

**Illinois  
Regulation**

*Illinois General Assembly*

Joint Committee on Administrative Rules  
700 Stratton Building Springfield IL 62706

PRSRT STD  
U.S. Postage  
PAID  
Springfield IL  
Permit NO. 870

RETURN SERVICE REQUESTED

***Joint Committee on Administrative Rules***

**Senator Pamela Althoff**

**Representative Gregory Harris**

**Senator Maggie Crotty**

**Representative Louis Lang**

**Senator Don Harmon**

**Representative Don Moffitt**

**Senator John O. Jones**

**Representative Rosemary Mulligan**

**Senator Dale A. Righter**

**Representative Angelo "Skip" Saviano**

**Senator Ira Silverstein**

**Representative Andre Thapedi**

**Vicki Thomas  
Executive Director**