

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

**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

## Proposed Regulations

### ☞ ENDANGERED SPECIES

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to "Illinois List of Endangered and Threatened Fauna" (17 Ill Adm Code 1010; 33 Ill Reg 7498) and "Illinois List of Endangered and Threatened Flora" (17 Ill Adm Code 1050; 33 Ill Reg 7516), both effective 10/30/09, to update the State's official lists of endangered and threatened species of animals and plants according to recommendations made by the Endangered Species Protection Board. Changes to the fauna list include removing the bald eagle and sandhill crane from threatened status; placing the common moorhen, black-billed cuckoo, and loggerhead shrike on the endangered list; moving the redspotted sunfish from threatened to endangered status; adding the mudpuppy salamander and two species of turtle to the endangered list; and adding the ornate box turtle to the threatened list. Changes to the flora list remove 14 plant species and add 2 (plantain-leaved sedge, hedge hyssop) to the endangered list, add 3 species to the threatened list, and move 2 species from endangered to threatened status. Small businesses and non-profits

engaged in rehabilitating wildlife or protecting or restoring endangered or threatened species of plants or animals may be affected by these rulemakings.

### HUNTING

DNR also adopted amendments to "Duck, Goose and Coot Hunting" (17 Ill Adm Code 590; 33 Ill Reg 7402), effective 10/13/09. The rulemaking corrects typographical errors, updates season dates, and changes the name of Falling Down Prairie to Rall Woods State Natural Area. Double T State Fish and Wildlife Area, Marshall State Conservation Area (Duck Ranch unit), and Rice Lake State Fish and Wildlife Area (walk-in units) are added to the list of permit-controlled DNR hunting sites, and other site-specific changes are made.

Questions/requests for copies of the 3 DNR rulemakings above: Stanley Yonkausk, Jr., DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

### ☞ VIDEO GAMBLING

The ILLINOIS GAMING BOARD  
(cont'd next page)

### ☞ WORKPLACE SAFETY

The DEPARTMENT OF LABOR proposed an amendment to rules titled "Health and Safety" (56 Ill Adm Code 350; 33 Ill Reg 14657) to update its incorporation by reference of federal Occupational Safety and Health Administration (OSHA) general health and safety standards and special maritime and construction industry standards contained in federal regulations adopted between 9/30/05 and 10/31/09. The referenced standards are published in the *Code of Federal Regulations* at 29 CFR 1904, 1910, 1915, and 1926. Also, a list of applicable "interpretations" published from 1/18/06 through 9/9/09 by OSHA in the form of final rules and corrections are added on a variety of topics (e.g., occupational exposure to hexavalent chromium, slip resistance of skeletal structural steel, fire protection in shipyards). Those affected by this rulemaking include public sector employers.

Questions/requests for copies/comments through 12/14/09: Cheryl J. Neff, DOL, #1 W. Old State Capitol Plaza, Ste. 300, Springfield IL 62701, 217/782-9386, Fax 217/785-8776.

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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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adopted emergency rules titled "Video Gaming (General)" (11 Ill. Adm. Code 1800; 33 Ill. Reg. 14793), effective 10/19/09, for a maximum of 150 days. Identical proposed rules also appear in this week's *Illinois Register* at 33 Ill Reg 14667. The rules implement Public Acts 96-34, 96-37, and 96-38, which authorize video gambling in certain licensed retail establishments where liquor is served on the premises for consumption, veterans' and fraternal establishments, and truck stops provided the establishments purchase an annual license and satisfy other specified criteria. "Licensed establishment" does not include entities licensed under the Illinois Horse Racing Act of 1975 or the Riverboat Gambling Act. The rules set application and license fees for terminal operators, machine manufacturers and distributors, and technicians servicing the machines. Application fees range from \$50 for a terminal handler to \$5,000 for a terminal operator, and annual license fees range from \$50 for a terminal handler to \$10,000 for a manufacturer or assembler of video gaming terminals. Other provisions detail standards of conduct for licensees, licensee qualifications and procedures, denial of

applications for licensure, grounds for disciplinary action against licensees, and licensees' recourse when a license is denied or disciplinary action is taken against the licensee. Those affected by this rulemaking include the organizations and businesses that seek licensure to offer video gaming and those businesses involved in producing, selling, distributing, or maintaining the necessary gaming equipment.

Questions/requests for copies/comments concerning the proposed rules through 12/14/09: Michael Fries, IGB, 160 N. LaSalle St., Chicago IL 60601, 312/814-7137, Fax 312/814-4143, e-mail: [michael.fries@igb.illinois.gov](mailto:michael.fries@igb.illinois.gov). A public hearing on the proposed rulemaking is scheduled for Friday, 11/6/09, 9:00 a.m. at the Michael A. Bilandic Bldg., Rm. C-500, 160 N. LaSalle St. in Chicago.

## CLEAN DIESEL GRANTS

The ENVIRONMENTAL PROTECTION AGENCY adopted a new Part by emergency rulemaking titled "Procedures for Providing Grants from the Illinois Clean Diesel Grant Program" (35 Ill

Adm Code 261; 33 Ill Reg 14764), effective 10/14/09, for a maximum of 150 days. Identical proposed rules are also published in this week's *Illinois Register* at 33 Ill Reg 14664. (The program, which is designed to reduce polluting emissions from diesel-powered vehicles, is funded by various sources, including funds from the federal stimulus package.) Covered topics include grant application procedures, project operation requirements, grant disbursements, sanctions for failure to properly comply with grant procedures, and auditing and recordkeeping requirements. Those affected by these rulemakings include small businesses, small municipalities, and not-for-profit corporations seeking program grants to improve their existing vehicles or equipment, including trucks and busses, or to purchase new vehicles or equipment.

Questions/requests for copies/comments concerning the proposed rules through 12/14/09: Kent Mohr, Jr., EPA, 1021 N. Grand Ave. E., Springfield, IL 62794-9276, 217/782-5544, e-mail: [kent.mohr@illinois.gov](mailto:kent.mohr@illinois.gov)

# Proposed Regulations

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## STATE OFFICE BUILDINGS

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed an amendment for "Acquisition, Management and Disposal of Real Property" (44 Ill Adm Code 5000; 33 Ill Reg 14650) to add standards for allocating office space per person (275 rentable sq. ft./person or 200 usable sq. ft./person) in facilities owned or leased by the State. (This week's proposal replaces a proposed rulemaking concerning the same policy published in the 8/14/09 *Illinois Register* and later

withdrawn.) The square footage standards will apply to existing and newly acquired facilities with a gross or rentable area greater than or equal to 10,000 sq. ft. that is classified for office occupancy if the building's useful life is extended through a capital appropriation in excess of 40% of the building's replacement cost or if the tenant improvements to a lease exceed the current annual base rental cost. For smaller buildings, the same space per person standard applies unless the cost savings taken over a 5-year period are less than the cost of

structural and interior alterations required to comply with the standard. Additional regulations specify which interior spaces (e.g., waiting rooms, restrooms) are not included in calculations of office area per person. Those affected by this rulemaking include businesses that rent or sell office space to the State.

Questions/requests for copies/comments through 12/14/09: Gina Wilson, DCMS, 720 Stratton Bldg., Springfield IL 62706, 217/785-1793.

## 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. The rulemakings will be considered at JCAR's November 17, 2009 meeting.

### DEPARTMENT OF HUMAN SERVICES

"Child Care" (89 Ill Adm Code 50) proposed 6/5/09 (33 Ill Reg 7258)

### DEPARTMENT OF HUMAN RIGHTS

"Procedures of the Department of Human Rights" (56 Ill Adm Code 2520) proposed 9/4/09 (33 Ill Reg 12314)

### DEPARTMENT OF VETERANS' AFFAIRS

"Rules Governing Payment of War on Terrorism Compensation Act" (95 Ill Adm Code 123) proposed 8/28/09 (33 Ill Reg 12222)

### STATE UNIVERSITIES RETIREMENT SYSTEM

"Universities Retirement" (80 Ill Adm Code 1600) proposed 9/4/09 (33 Ill Reg 12381)

## 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.

Copies of this annual report are available to the public. The volume may be ordered for \$3.41 (\$5.79 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](http://www.ilga.gov/commission/jcar).

# The Flinn Report

# Illinois Regulation

*Illinois General Assembly*

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