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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

HIGHER EDUCATION GRANTS

The BOARD OF HIGHER EDUCATION adopted a new Part titled "Collaborative Baccalaureate Degree Development Grant Program" (23 Ill Adm Code 1090; 35 Ill Reg 9217), effective 12/14/11. The program provides grants to assist the start-up of cooperative partnerships that provide upper-level classes to students at or near their local community colleges but that are part of the curriculum of, and are administered by, a 4-year public or private nonprofit Illinois university. Eligibility for the program requires a partnership between one or more community colleges and one or more 4-year Illinois institutions, and they must provide a combined investment equal to at least 50% of the grant amount. Both new and existing partnerships may be eligible if they provide a baccalaureate completion program that was not previously offered. Proposals to continue funding for a 2nd or 3rd year must demonstrate a 75% partner retention rate or show low student attrition. Application review criteria include evidence that the program (1) will meet a regional or State need, (2) includes innovative approaches or methods, (3) uses existing resources,

(4) will effectively use grant funds, and (5) will enroll adequate numbers of students. The partnering institutions' record of delivering programs in an effective manner must be satisfactory, and an agreed pathway must exist between the community college classes and the 4-year degree program. Grant funds may be used for instructional space, facility training and education, instructional technology tools, marketing and promotion, salaries, access to resources and services, faculty and administrator travel, auditors, and experience-based learning opportunities. The rulemaking also includes definitions, details on grant agreements, and auditing requirements. This rulemaking may affect municipalities, other units of local government, institutions of higher learning, small businesses, and not-for-profits to the extent that they become involved in promoting or participating in a partnership for workforce training that leads to a baccalaureate degree.

Questions/requests for copies: Karen Helland, BHE, 431 East Adams Street, 2nd Floor, Springfield Illinois 62701, 217/557-7358, Fax 217/782-8548, e-mail: helland@ibhe.org.

(cont'd next page)

FORECLOSURE PREVENTION

The ILLINOIS HOUSING DEVELOPMENT AUTHORITY proposed a new Part titled "Foreclosure Prevention Program" (47 Ill Adm Code 385; 35 Ill Reg 20988) to implement Public Act 96-1419. An identical emergency rulemaking was adopted in the 12/23/11 *Illinois Register*, effective 12/12/11, at 35 Ill Reg 20742. The Authority will administer the new Foreclosure Prevention Program Fund from which grants will be awarded to community-based organizations and counseling agencies for "eligible users" in order to provide housing counseling and foreclosure prevention. Grants will go to both Chicago and non-Chicago entities, and Chicago will also receive funds to cover administrative expenses. Covered topics include grant applicant eligibility criteria, eligible grant uses, the application process, grant monitoring, and required reports. Those affected by this rulemaking include counseling agencies certified by the federal Housing Development Authority and nonprofit entities that provide pre-purchase and post-purchase home ownership counseling, education about the foreclosure process and homeowner options,

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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

☞ LAW OFFICER TRAINING

The ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD adopted amendments to rules titled "Illinois Police Training Act" (20 Ill Adm Code 1720; 35 Ill Reg 10482), effective 1/1/12, implementing Public Act 96-1111. The amendments require ILETSB to offer a training course cul-

minating in certification of law enforcement officers employed in that capacity by any Illinois county or municipality as "lead investigators" in death and homicide cases. The rulemaking prescribes definitions, course requirements, waivers, and certificate issuance and renewal. A change since 1st Notice adds a specified maximum certificate renewal fee

of \$75. Law enforcement entities that choose to utilize this training will be affected by this rulemaking.

Questions/requests for copies: Kevin T. McCain, ILETSB, 4500 S. 6th St. Rd., Rm. 173, Springfield IL 62703-6617, 217/782-4540.

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and foreclosure prevention programs in conjunction with the Authority or a state or federally chartered financial institution.

Questions/requests for copies/copies through 2/14/12: Arthur J. Murphy III, IL Housing Development Authority, 401 N. Michigan Ave., Ste. 700, Chicago IL 60601, 312/836-5200.

☞ CHILD ABUSE REPORTING

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amendments to "Reports of Child Abuse and Neglect" (89 Ill Adm Code 300; 35 Ill Reg 20962) implementing three public acts. The rulemaking adds the following persons to the list of mandated reporters who must notify DCFS immediately if they encounter a known or suspected case of child abuse or neglect in their professional capacity: physician assistants; licensed professional and clinical professional counselors; field personnel of the Department of Healthcare and Family Services and Department of Human Services; licensed professional counselors of any facility that provides abortions, abortion referrals, or contraceptives; acupuncturists; animal control officers; Illinois Department of Agriculture animal health and welfare investigators; members of any district school board or of the Chicago Board of Education; and members of the governing body of any private school. The rulemaking also expands the definition of "police station" to include college and university

campus police and Illinois State Police district headquarters and adds a definition of "blatant disregard" of a child's welfare. Finally, the rulemaking adds statutory language and citations for existing provisions regarding clergy and regarding the obligation of mandated reporters to testify at judicial or administrative hearings related to a report of child abuse or neglect. Those affected by this rulemaking include persons in the professions added as mandated reporters and campus police department personnel.

Questions/requests for copies/comments through 2/14/12: Jeff Osowski, DCFS, 406 E. Monroe, Station #65, Springfield IL 62701-1498, 217/524-1983, TDD 217/524-3715, Fax 217/557-0692, e-mail: cfpolicy@idcfs.state.il.us.

☞ SCHOOL PRINCIPALS

The STATE BOARD OF EDUCATION proposed amendments to "Programs for the Preparation of Principals in Illinois" (23 Ill Adm Code 30; 35 Ill Reg 21005) implementing a statute and updating a reference to a national standard. Public Act 97-607 extended the deadline from 6/30/14 to 8/31/14 for SBE cessation of general administrative certificates. Further amendments update, from 2001 to 2011, a reference to national staff development standards that a principal candidate may use to prove competency in hiring, evaluating, and supervising teachers. Those impacted by this rulemaking include certain nonprofit entities approved to offer principal

preparation programs.

Questions/requests for copies/comments through 2/14/12: Shelley Helton, SBE, 100 N. First St., S-493, Springfield IL 62777, 217/782-5270, e-mail: rules@isbe.net.

☞ PROCUREMENT

The OFFICE OF THE ATTORNEY GENERAL proposed amendments to "Attorney General's Procurement" (44 Ill Adm Code 1300; 35 Ill Reg 20859) implementing statutory amendments to the Illinois Procurement Code. Antiquated transition provisions for implementing the OAG's procurement rules in 1998 from the former State Purchasing Act to the Illinois Procurement Code are repealed, and new terms (e.g., concession, consulting services, subcontractor) are defined. The OAG will designate a chief procurement officer (CPO) with at least 5 years of State budgeting or procurement experience or who is a certified professional public buyer or certified public purchasing officer. The Attorney General must appoint a Procurement Policy and Compliance Monitoring Board (PPCMB) consisting of 5 members and a chief internal auditor for the OAG, but also must defer to the State Procurement Policy Board for purposes of following the small purchase threshold under the Procurement Code. State purchasing officers (SPOs) appointed by the AG must maintain procurement files on procurements including such items as bid and solicitation documents; *Procurement Bul-*

Proposed Regulations

letin postings; the contract and any change order, amendment, or extension; any bid protests and resolution; vendor communications; evaluation material (e.g., scoring formulas); and contractor performance reviews. Statutory procedures such as filing an explanation with the OAG's Procurement Policy Board and the Legislative Audit Commission must be followed when the low bid or offer is not accepted. New procedures concerning required public hearings on sole source procurements, emergency procurements, or emergency procurement extensions are added. An SPO may, prior to issuing a solicitation, issue a Request For Proposal to obtain pre-solicitation assistance to help the OAG develop procurement strategy, specifications, and documents and to address related needs. When contract renewals or extensions involve \$250,000 or more, the PPCMB must review the proposal. Subcontractors are to be identified in competitive sealed proposals or prior to award, and the small business sales thresholds for potential purchasing preferences are raised. Regulations concerning vendor registration, certification, and prohibited political contributions are added, as well as procurement communication policies required by statute. This rulemaking will affect small businesses seeking to do business with the Attorney General's office.

Questions/requests for copies/comments through 2/14/12: Melissa Mahoney, Office of the Attorney General, 100 West Randolph Street, 12th Floor, Chicago Illinois 60601, 312/814-3950.

TEACHERS' RETIREMENT

The TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS proposed amendments to "The Administration and Operation of the Teachers' Retirement System" (80 Ill Adm Code 1650; 35 Ill Reg 21013). One change restores prior limitations on post-retirement teaching service that may be performed by annuitants to 100 days (currently 120 days) or 500 hours (currently 600). Revisions are also made to the System's investment policies and procedures to reflect "process-related changes" made in the last year. The TRS board will authorize investment allocation targets and investment management structure by recorded vote, and TRS staff may initiate searches as necessary to implement the System's asset allocation and fill vacancies within the "manager structure". Board staff will notify the board's investment committee of any new manager search, the status and outcome of existing searches, and whether there are any "emerging investment managers" (minority, female, or disabled managers with a managed portfolio of \$10 million to \$10 billion) who meet the minimum search criteria. The selection process is explained, and similar selection protocols are stated for small and mid-cap equity firm selections. For private market and commingled fund investment firm searches, all contracts and related documentation relative to hiring a fund or manager should be negotiated in a final form prior to System investment committee selection, but disclosure must be made to the investment committee prior to consideration, and new provisions con-

cerning "co-investment opportunities" are introduced. This rulemaking may affect a very small number of small businesses seeking business with TRS.

Questions/requests for copies/comments through 2/14/12: Cynthia M. Fain, TRS, 2815 W. Washington, Springfield IL 62794-9253, 217/753-0375.

ENVIRONMENTAL LABORATORIES

The ENVIRONMENTAL PROTECTION AGENCY proposed codifying its current administrative and certification fees assessed for a lab's participation in the environmental laboratory certification program in accordance with Section 17.8 of the Environmental Protection Act, which permits the Agency, with the concurrence of the Environmental Laboratory Certification Committee, to determine the amount of those fees based upon actual and anticipated costs of the certification programs. Obsolete 1996 annual administrative fees are replaced by a \$2,400 fee (\$3,900 if the laboratory was not certified at any time during the 6 months immediately preceding its application for certification). For certification to conduct public water supply and water pollution analyses and analyses of solid or liquid samples for hazardous or other waste parameters, obsolete fees are changed to \$1,000 per year. Those affected by this rulemaking include laboratories seeking certification by EPA.

Questions/requests for copies/comments through 2/14/12: Joanne M. Olson., EPA, 1021 N. Grand Ave. E., Spfld., IL 62794-9276, 217/782-5544, e-mail: joanne.olson@illinois.gov.

EDITOR'S NOTE: It has been a privilege to contribute to and edit this newsletter for over 25 years, but now retirement beckons. It is the goal of JCAR and this publication to promote rules oversight and more transparent government for all Illinois citizens. I leave the newsletter in the capable hands of new editor Elaine Spencer and thank you for your readership. Claire Eberle

The Flinn Report

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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 January 10, 2012 meeting.

ENVIRONMENTAL PROTECTION AGENCY

"Procedures to be Followed in the Performance of Inspections of Motor Vehicle Emissions" (35 Ill Adm Code 276) proposed 10/21/11 (35 Ill Reg 16918)

NOTICE TO READER: Beginning with issue 1 of 2012, *The Flinn Report* will be available only on the internet at www.ilga.gov/commission/jcar/ rather than through bulk mail. This change is necessitated by budget reductions throughout State government.