

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

VIDEO GAMING

The ILLINOIS GAMING BOARD adopted amendments to "Video Gaming (General)" (11 Ill Adm Code 1800; 37 Ill Reg 9833), effective 11/8/13, amending the definition of adjusted gross receipts to mean gross receipts minus the winnings paid to wagers including the value of any expired vouchers. Additionally, the rules restricting areas for video gaming terminals are clarified to require a physical barrier (e.g., short partition, gate, rope) in locations that do not restrict admittance to people age 21 or older. If a location does restrict admittance to people over 21, no separate restricted area is required. Terminal operators may sell or transfer terminals to another operator but first must receive written authorization from the Gaming Board Administrator. Additional record keeping requirements for locations that make facility payouts are being added. Each location must keep the date and time of payment; the amount paid; the terminal license number, payout device number or ticket number; and the name of the person making the payment. Finally, new requirements are being added for redeeming tickets if the

payout devices are removed or unavailable. If a location changes operator providers or payout systems can no longer redeem existing tickets, the location must provide a facility payout. If a location ceases to be operational for more than 10 consecutive days, it must post a sign at the location and on all internet sites of the name and phone number of the terminal operator where unredeemed tickets can be paid. When patrons cannot redeem tickets because of a change in payout devices or closure of a gaming location, the terminal operator must keep a log or database of all issued and unredeemed tickets for no less than one year. Terminal operators, licensed video gaming locations and prospective terminal operators and video gaming locations may be affected by this rulemaking.

Questions/requests for copies: Emily Mattison, IGB, 160 N. LaSalle St, Chicago, IL 60601, 312/814-7253, email: emily.mattison@igb.illinois.gov.

RECREATION CORPS GRANTS

The DEPARTMENT OF NATURAL
(cont'd next page)

STRIP CLUB TAX

The DEPARTMENT OF REVENUE proposed a new Part titled "Live Adult Entertainment Facility Surcharge Act" (86 Ill Adm Code 900; 37 Ill Reg 18832) implementing PA 97-1037, which imposes an annual surcharge upon strip clubs. The surcharge is \$3 per customer or, alternatively, a flat charge based upon annual gross receipts subject to sales tax (\$5,000 if gross receipts are less than \$500,000; \$15,000 if gross receipts are between \$500,000 and \$2 million; \$25,000 if gross receipts are \$2 million or more). Facilities subject to the charge include any strip club or other facility that serves alcohol or allows its consumption on the premises and which hosts nude or semi-nude dancing/performing at least 30 days per calendar year. The Part details persons subject to the surcharge, returns to be filed, record keeping and penalties and interest assessment procedures. Small businesses that own or operate strip clubs will be affected.

Questions/ requests for copies/comments through 1/6/14: Richard Wolters, DOR, Legal Services, 101 W.

(cont'd page 3)

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

RESOURCES adopted amendments to the Part titled "Illinois Youth Recreation Corps Grant Program" (17 Ill Adm Code 3075; 37 Ill Reg 12678) and adopted a new Part titled "Illinois Veteran Recreation Corps Grant Program" (17 Ill Adm Code 3080; 37 Ill Reg 12687) both effective 11/7/13. These two rulemakings are substantially identical to emergency rulemakings that appeared in the 6/28/13 *Illinois Register*. Part 3075 amendments include numerous clarifications such as tying wages to the State's minimum wage, adding several definitions, establishing a ratio of 1 managing supervisor per 10 youths, requiring more detailed information on grant administrators in order to identify individuals responsible for the administration of the grant monies, and redefining the ages of employment as 14 through 18, with managing supervisors required to be age 19 and over with skills necessary to supervise youth. Local sponsors are responsible for paying the employer's share of any taxes and maintaining compliance with the Illinois Child Labor Law. Part 3080 outlines a similar program for employing veterans in recreation and conservation programs, outlining topics such as grant objectives, eligibility of the local sponsor and employees, eligible project costs, compliance, grant applications and awards. Unlike the youth program that is designed around the summer months, the veterans program allows the local sponsor to implement the program anytime during the year, as long as the hours of an employee do not exceed 1040 hours (40 hrs/week for 26 weeks). Units of local government, small municipalities and not-for-profits may be affected by this rulemaking.

Questions/requests for copies of the 2 DNR rulemakings: Shelly Knuppel, DNR, One Natural Resources Way, Spfld., IL 62702-1271, 217/782-1809.

STRETCHER VANS

The DEPARTMENT OF PUBLIC HEALTH adopted an amendment to "Emergency Medical Services and Trauma Center Code" (77 Ill Adm Code 515; 37 Ill Reg 12391), effective 11/12/13, implementing a provision of Public Act 97-689 (SMART Act), which redefines the type of patient that may be transported via stretcher van. The definition in the rulemaking reflects the statutory change, which allows patients to be transported by stretcher van if they require no medical monitoring or clinical observation and are not being taken to a hospital for emergency treatment. Medical transportation providers are affected.

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

COMMERCIAL DRIVING SCHOOLS

The SECRETARY OF STATE adopted amendments to "Commercial Driving Training Schools" (92 Ill. Adm. Code 1060; 37 Ill Reg 11985), effective 11/5/13, removing the provision that applicants for commercial driving schools must sign a release for a criminal background check. Additionally, SOS is clarifying commercial driving schools may share building space with another business provided each business has a separate entrance. Under current rule, the school must have direct access from the outside. The rules regarding the driving school facilities are being amended to provide standards for the training area including minimum square footage, lighting and parking space allotment. Finally, a 9 month deadline is set for students to complete training and the number of hours for range, over the road and observation are being raised from

their respective hours to 20 and remedial training is being lowered to 60 hours from 78. Additional changes to course requirements are also being made. Those who own or are prospective owners of a commercial driving school and those who wish to obtain their CDL may be affected by this rulemaking.

Questions/requests for copies: Jennifer Egizii, SOS, 2701 S. Dirksen Parkway, Springfield IL 62723, 217/557-4462.

STATE LIBRARY

The SECRETARY OF STATE (State Library) adopted an amendment to "Illinois State Library, Government Documents Section" (23 Ill. Adm Code 3020; 37 Ill Reg 7929), effective 11/7/13, abandoning the requirement that a depository library may discard a publication deposited in an electronic format only if it keeps the document in a tangible format for the current and previous year.

SOS also adopted amendments to "Illinois State Library Grant Programs" (23 Ill. Adm Code 3035; 37 Ill Reg 7933), effective 11/7/13, completely reordering the organizational structure of regional library systems in the State and their subordinate service entities, such as Talking Book Centers (TLCs), and newly created Advisory and Outreach Centers (AOCs) and Machine Sub-Lensing Agencies (MSLAs), primarily due to State funding shortages. The restriction that no more than one grant contract may be issued to any one applicant in the same fiscal year is being lifted.

Questions/requests for copies of the 2 SOS rulemakings: Joe Natale, Illinois State Library, Gwendolyn Brooks Bldg., Springfield IL 62701-1796, 217/558-4185, e-mail: jnatale@ilsos.net.

Proposed Regulations

Jefferson, Springfield IL 62794, 217/782-2844.

100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-3620. Questions: Michael J. McCambridge the same address, 312/814-6924, e-mail: Michael.McCambridge@illinois.gov. Please reference docket R14-8.

DRINKING WATER

The POLLUTION CONTROL BOARD proposed amendments to "Primary Drinking Water Standards" (35 Ill Adm Code 611; 37 Ill Reg 18417) that reflect USEPA revisions to the total coliform rule, replacing the former maximum contaminant level for total coliforms, fecal coliforms and E. coli with the requirement that the supplier assess the problem, take corrective action upon detection of contamination and update associated microbiological analytical methods and public notice requirements. The amendments also reflect 84 federal alternative equivalent analytical methods for use in demonstrating compliance with the drinking water standards. The rulemaking reflects federal Safe Drinking Water Act amendments adopted by the U.S. EPA during the 1/1/13-6/30/13 time period. Municipalities with water treatment facilities are affected.

Requests for copies/comments through 1/6/14: John Therriault, PCB,

PROFESSIONAL REGULATION

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to "Massage Licensing Act" (68 Ill Adm Code 1284; 37 Ill Reg 18400) updating the fingerprint requirement for applicants. Applicants may now use a vendor agency approved by DFPR in addition to the Illinois State Police or a live scan vendor whose equipment has been certified by the ISP. Additionally, fingerprints must be taken within 60 days before application. Finally, massage therapist training is updated to include equivalent credit hours for the minimum 600 clock hours of instruction. Those affected by this rulemaking include massage therapy students.

DFPR also proposed amendments to "Real Estate Appraiser Licensing" (68 Ill Adm Code 1455; 37 Ill Reg

18407) updating the incorporation by reference of the Uniform Standards of Professional Appraisal Practice to the 2014 edition. Those affected by this rulemaking include persons in the real estate appraisal industry.

Questions/requests for copies/comments on the 2 DFPR rulemakings through 1/6/14: Craig Cellini, 320 W. Washington, 3rd Floor, Springfield IL 62786, 217/785-0813.

RULE WITHDRAWAL

The DEPARTMENT OF INSURANCE has withdrawn a proposed new Part titled "Workers' Compensation Electronic Claims" (50 Ill Adm Code 2908; 36 Ill Reg 16137) which was published in the 11/16/12 *Illinois Register*. DOI has withdrawn these rules so that it may propose new rules in accordance with model rules recently adopted by the International Association of Industrial Accident Boards and Commissions (IAIABC). Comments received on the withdrawn rulemaking during First Notice will be considered when making any changes to future rules.

JCAR Meeting Action

At its 11/19/13 meeting, the Joint Committee on Administrative Rules voted to object to and prohibit filing of one proposed rule, lift a filing prohibition on another rule, and issue a recommendation concerning a third rule.

HEALTH FACILITIES AND SERVICES REVIEW BOARD

JCAR objects to and prohibits the filing of the HFSRB rulemaking titled "Processing, Classification Policies and Review Criteria" (77 Ill Adm Code 1110; 37 Ill Reg 3982) because adoption of this rulemaking would constitute a serious threat to the public interest. HFSRB is requiring an ambulatory surgical treatment center (ASTC) to submit to another review in order to deliver services under a service approval already issued by HFSRB, but under which the ASTC had not yet begun to implement service prior to the effective date of

this rulemaking. This second review procedure will have an undue economic impact on entities to whom service approvals have already been issued.

DEPT OF NATURAL RESOURCES

JCAR withdraws its Filing Prohibition against the DNR rulemaking titled "Grant Review and Processing Fees" (17 Ill Adm Code 3000; 37 Ill Reg 2843) contingent upon and effective with DNR adopting this rulemaking with the agreed upon modifications. This filing prohibition was issued at the 10/22/13 meeting.

IL EMERGENCY MGMT AGENCY

With regard to the rulemaking titled "School and Campus Safety Grants" (29 Ill Adm Code 310; 37 Ill Reg 13963), JCAR recommends that IEMA seek an amendment to 20 ILCS 3305/5(g), the statute authorizing these grants, to clarify that grants can be issued to schools providing K-12 education and to inter-district special education cooperatives as well as to institutions of higher education.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at JCAR's December 17, 2013 meeting.

DEPARTMENT OF TRANSPORTATION

"Disadvantaged Business Revolving Loan Program" (92 Ill Adm Code 5) proposed 9/27/13 (37 Ill Reg 15513)

NATURE PRESERVES COMMISSION

"Inventories, Registers, and Records" (17 Ill Adm Code 4020) proposed 5/24/13 (37 Ill Reg 7111)

SECRETARY OF STATE

"Dealers, Wreckers, Transporters and Rebuilders" (92 Ill Adm Code 1020) proposed 9/27/13 (37 Ill Reg 15503)

DEPARTMENT OF INSURANCE

"Minimum Standards of Individual Accident and Health Insurance" (50 Ill Adm Code 2007) proposed 9/20/13 (37 Ill Reg 15191)

"Long-Term Care Insurance" (50 Ill Adm Code 2012) proposed 8/16/13 (37 Ill Reg 13108)

"Managed Care Reform & Patient Rights" (50 Ill Adm Code 5420) proposed 9/20/13 (37 Ill Reg 15251)

"Navigator, In-Person Counselor and Certified Application Counselor Certification" (50 Ill Adm Code 3125) proposed 9/20/13 (37 Ill Reg 15238)

ILLINOIS STUDENT ASSISTANCE COMMISSION

"Illinois National Guard (ING) Grant Program" (23 Ill Adm Code 2730) proposed 9/20/13 (37 Ill Reg 15332)

"Golden Apple Scholars of Illinois Program" (23 Ill Adm Code 2764) proposed 9/20/13 (37 Ill Reg 15334)

ILLINOIS GAMING BOARD

"Riverboat Gambling" (86 Ill Adm Code 3000) proposed 9/13/13 (37 Ill Reg 14378)

ENVIRONMENTAL PROTECTION AGENCY

"Testing Fees for Analytical Services" (35 Ill Adm Code 691) proposed 7/12/13 (37 Ill Reg 9820)

Joint Committee on Administrative Rules

Senator Pamela Althoff

Senator Don Harmon

Senator Tony Munoz

Senator Sue Rezin

Senator Dale A. Righter

Senator Ira Silverstein

Representative Greg Harris

Representative Lou Lang

Representative David Leitch

Representative Don Moffitt

Representative Tim Schmitz

Representative Andre Thapedi

**Vicki Thomas
Executive Director**