

*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

### ATHLETIC FACILITIES

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to "Physical Fitness Facility Medical Emergency Preparedness Code" (77 Ill Adm Code 527; 37 Ill Reg 16304) effective 2/11/14 that expand the list of outdoor physical fitness facilities subject to this Part to include public or private secondary schools. High schools with outdoor athletic or fitness facilities are affected by this rulemaking.

### DISEASE REPORTING

DPH also adopted amendments to "Control of Communicable Diseases Code" (77 Ill Adm Code 690; 37 Ill Reg 4479) effective 2/11/14 updating its list of communicable diseases that must be reported, measures to prevent the spread of disease, and persons or entities required to report

communicable disease cases. Diseases that must be reported to a local health department, and by the local department to DPH, within 3 hours of a case being identified or suspected now include polio, diphtheria, and any disease attributable to an "infectious agent of urgent public health significance". Diseases that must be reported within 24 hours include influenza cases where the patient has been admitted to an intensive care unit and animal rabies cases. Illnesses due to extensively drug resistant organisms of public health importance (e.g., MRSA) must be reported within 7 days. Funeral directors, morticians, and researchers are added to the list of persons who must report communicable disease cases to DPH. Also, communicable disease cases occurring aboard aircraft, ships, trains, or buses must be reported by the pilot, captain, or other person in charge of the vehicle or vessel. Other provisions

### TELECOMMUNICATIONS

The ILLINOIS COMMERCE COMMISSION proposed two rulemakings implementing provisions of Public Act 98-45: "Service Quality and Customer Protection Applicable to Wireless Eligible Telecommunications Carriers" (83 Ill Adm Code 736; 38 Ill Reg 5441) and "Standards of Service and Customer Credits for Electing Providers" (83 Ill Adm Code 737; 38 Ill Reg 5475). Amendments to Part 736 make the customer service quality requirements for wireless eligible telco carriers (ETCs) comparable to those imposed by the Public Utilities Act on wireline ETCs. Amendments to Part 737 implement a provision of Public Act 98-45 that, with regard to customer service quality, regulates retail telco services provided by competitive local exchange carriers in the same manner and to the same extent as those services provided by electing providers.

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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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of this rulemaking concern precautions to be taken by food handlers, health care workers, and others against the spread of disease; testing and collection of specimens; electronic reporting; protection of confidential healthcare information; and collection of data by DPH regarding unusual disease or symptom occurrences (syndromic data). Changes since 1<sup>st</sup> Notice include an additional Section creating an Extensively Drug Resistant Organism registry and additional definitions for terms such as "extensively drug-resistant organisms" and "health information exchange". Those affected by this rulemaking include health care providers and workers, food handlers, and employees of schools and day care facilities.

Questions/requests for copies/comments concerning the 2 DPH rulemakings above: Susan Meister, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl., Springfield IL 62761, 217/782-2043, e-mail:

[dph.rules@illinois.gov](mailto:dph.rules@illinois.gov).

## UNIVERSITIES RETIREMENT

The STATE UNIVERSITIES RETIREMENT SYSTEM adopted amendments to "Universities Retirement" (80 Ill Adm Code 1600; 37 Ill Reg 15725) effective 2/11/14 to clarify that the SURS Board of Trustees formally delegates to the SURS administrative staff the responsibility for daily claims processing functions, including making initial determinations on all applications for retirement benefits. SURS staff may also submit a Response to a Statement of Claim when a matter is contested.

Questions/requests for copies: Michael Weinstein, SURS, 1901 Fox Dr., Champaign IL 61820, 217/378-8825.

## WATER QUALITY

The POLLUTION CONTROL BOARD

adopted amendments to "Water Use Designations and Site-Specific Water Quality Standards" (35 Ill Adm Code 303; 37 Ill Reg 2851) effective 2/13/14 establishing numeric water quality standards for fecal coliform bacteria applicable to primary contact recreation waters (waters open to swimming). The amendments also propose designations of aquatic life use (ALU) for the Chicago Areas Waterways System and Lower Des Plaines River. Since 1<sup>st</sup> Notice, the ALU designation has been added to the Lower Des Plaines River from Brandon Road Lock and Dam to the I-55 bridge (Upper Dresden Island Pool).

Questions/requests for copies: Marie Tipsord, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-4925 e-mail: [MarieTipsord@illinois.gov](mailto:MarieTipsord@illinois.gov). Copies may also be downloaded from the Board's website at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). Please reference docket R08-09(C).

# 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 March 19, 2014 meeting.

## DEPARTMENT OF INSURANCE

"Summary Document and Disclaimer" (50 Ill Adm Code 3401) proposed 12/20/13 (37 Ill Reg 19998)

## STATE BOARD OF EDUCATION

"Gifted Education" (23 Ill Adm Code 227) proposed 12/6/13 (37 Ill Reg 19525)

"Summer Bridges" (23 Ill Adm Code 232) proposed 12/6/14 (37 Ill Reg 19530)

"Alternative Learning Opportunities Program" (23 Ill Adm Code 240) proposed 12/6/14 (37 Ill Reg 19535)

"Grants for Arts Education and Foreign Language Education" (23 Ill Adm Code 265) proposed 12/6/13 (37 Ill Reg 19555)

## SECRETARY OF STATE

"Lobbyist Registration and Reports" (2 Ill Adm Code 560) proposed 12/27/13 (37 Ill Reg 20628)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

"Pay Plan" (80 Ill Adm Code 310) proposed 1/31/14 (38 Ill Reg 196)

# Proposed Regulations

Telecommunications providers are affected.

Questions/requests for copies/comments for the 2 ICC rulemakings through 4/14/14: Elizabeth Rolando, Chief Clerk, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434.

## INCOME TAX

The DEPARTMENT OF REVENUE proposed an amendment to "Income Tax" (86 Ill Adm Code 100; 38 Ill Reg 5483) addressing the payment of income tax of domestic employees. The rulemaking reflects the termination of the joint filing program between DOR and the Department of Employment Security. The form required by DES is being replaced with the IL-1040 form. Registering with DES is no longer necessary. Taxes may still be paid on annual basis.

Questions/ requests for copies/ comments through 4/14/14: Paul Caselton, Legal Services, 101 W. Jefferson, Springfield IL 62794, 217/782-7055.

## DOR PUBLIC HEARINGS

The DEPARTMENT OF REVENUE will

hold public hearings on proposed amendments to 10 Parts that were published in the 2/7/14 *Illinois Register*. The hearings will take place simultaneously on Friday, March 21, from 10 a.m. to noon at the DOR Media Room at the Willard Ice Building, 101 W. Jefferson, Springfield, and at the James R. Thompson Center (7<sup>th</sup> Fl., Room 7-216), 100 W. Randolph, Chicago. Both hearings will be simulcast as a video conference. Persons intending to present testimony must provide a written summary to DOR no later than 3/17/14, and photo identification will be required to enter the hearing at each location. The hearings concern proposed amendments to "Home Rule County Retailers' Occupation Tax" (86 Ill Adm Code 220, 38 Ill Reg 3502); "Home Rule Municipal Retailers' Occupation Tax" (86 Ill Adm Code 270; 38 Ill Reg 3504); "Regional Transportation Authority Retailers' Occupation Tax" (86 Ill Adm Code 320; 38 Ill Reg 3506); "Metro East Mass Transit District Retailers' Occupation Tax" (86 Ill Adm Code 370; 38 Ill Reg 3508); "Metro-East Park and Recreation District Retailers' Occupation Tax" (86 Ill Adm Code 395; 38 Ill Reg 3510); "County Water Commission Retailers' Occupation

Tax" (86 Ill Adm Code 630; 38 Ill Reg 3512); "Special County Retailers' Occupation Tax for Public Safety" (86 Ill Adm Code 670; 38 Ill Reg 3514); "Salem Civic Center Retailers' Occupation Tax" (86 Ill Adm Code 690; 38 Ill Reg 3516); "Non-Home Rule Municipal Retailers' Occupation Tax" (86 Ill Adm Code 693; 38 Ill Reg 3518); and "County Motor Fuel Tax" (86 Ill Adm Code 695; 38 Ill Reg 3520). Identical emergency amendments to these Parts took effect 1/22/14 for a maximum of 150 days. The amendments implement a decision of the Illinois Supreme Court in *Hartney Fuel Oil Co. v. Hamer*, invalidating current regulation in these 10 Parts assigning the jurisdiction to the location where the sale is made. Instead, the new standard is based upon where the general business of selling is located. Retailers who have entered into agreements with local governments to source the point of sale to their jurisdictions may be adversely affected by these rulemakings.

Questions/requests for copies of the rulemakings or regarding the public hearings: Paul Berks, DOR, 100 W. Randolph St. 7<sup>th</sup> Fl., Chicago IL 60601, 312/814-4680, [Paul.Berks@illinois.gov](mailto:Paul.Berks@illinois.gov).

## Joint Committee on Administrative Rules

**Senator Pamela Althoff**

**Representative Greg Harris**

**Senator Don Harmon**

**Representative Lou Lang**

**Senator Tony Munoz**

**Representative David Leitch**

**Senator Sue Rezin**

**Representative Don Moffitt**

**Senator Dale A. Righter**

**Representative Tim Schmitz**

**Senator Ira Silverstein**

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