

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, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

Proposed Rulemakings

■ INCOME TAX

The DEPARTMENT OF REVENUE proposed amendments to Income Tax (86 IAC 100; 40 Ill Reg 15878) implementing PA 98-478. The amendments provide for an alternative formula for apportioning business activities to Illinois when current rules do not fairly represent the apportionment. Exclusions from the sales factor for the following are allowed: Incidental or occasional sales not made in the market; sale of assets is a recapture of depreciation; sale is attributable to goodwill or similar intangibles; or sales of assets are made in a connection with a partial or complete withdrawal from the market. The amendments also update DOR policy on petitions for alternative allocation or apportionment. Some small businesses may be affected by this rulemaking.

Questions/requests for copies/comments through 1/17/17: Brian Stocker, DOR Legal Services, 101 W. Jefferson St, Springfield IL 62796, 217/ 782-2844.

■ HFS APPEALS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to Practice in

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Administrative Hearings (89 IAC 104; 40 Ill Reg 15830) that repeal redundant and obsolete HFS appeal procedures for public assistance recipients and add new provisions for medical vendors enrolled in the Medical Assistance Program. Appeals of denials or reductions in medical assistance, TANF, SNAP, AABD or

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Emergency Rulemaking

■ HIGH SCHOOLS

The STATE BOARD OF EDUCATION adopted emergency amendments to the Part titled Public Schools Evaluation, Recognition, and Supervision (23 IAC 1; 40 Ill Reg 15957) effective 11/18/16 for a maximum of 150 days. Companion proposed amendments appear in this week's *Illinois Register* at 40 Ill Reg 15915. The emergency and proposed amendments implement Public Act 99-674, the Postsecondary Workforce Readiness Act [110 ILCS 148], which establishes the Competency-Based High School Graduation Requirements Pilot Program. The emergency and proposed amendments establish the Pilot Program requirements and the application process for

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.
PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.
PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.
■ Designates 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: Submit mail, email or phone calls to the agency personnel listed below each summary.
RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Proposed Rulemakings

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other forms of public assistance will be handled by the Department of Human Services under its administrative hearing rules at 89 IAC 14. The rulemaking also adds two new Sections clarifying medical assistance vendor requirements established under the SMART Act in 2012. HFS may require vendors who have previously been barred, terminated or suspended from participation in the Medical Assistance Program to post surety bonds upon reenrollment, and may also immediately terminate a vendor without a prior hearing if the Department determines that the vendor poses an immediate danger to the public. A hearing must be scheduled within 15 days after an immediate temporary suspension. Small businesses that are Medical Assistance vendors may be affected.

Questions/requests for copies/comments through 1/17/17: Mollie K. Zito, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233, HFS.Rules@illinois.gov

■ WASTEWATER DISCHARGE

The POLLUTION CONTROL BOARD proposed amendments to Sewer Discharge Criteria (35 IAC 307; 40 IR 15854; PCB Docket R17-8) that incorporate USEPA's new pretreatment standards for facilities involved in unconventional oil and gas extraction. These standards

■ INSURANCE

The DEPARTMENT OF INSURANCE will hold a public hearing on a proposed new Part titled Misrepresentation and False Warranties (50 IAC 941; 40 Ill Reg 11232) on **Monday, Dec. 19, from 10 a.m. to noon** at the Assembly Hall Auditorium, James R. Thompson Center, 100 W. Randolph St., Chicago. The hearing concerns a rulemaking published in the 8/26/16 *Illinois Register* that prevents insurance companies from rescinding or voiding automobile, fire, or personal line policies after a loss occurs or a claim is filed if the insurer opted not to obtain readily available information

prohibit the discharge of wastewater pollutants (e.g., drilling muds, drill cuttings, produced sand or produced water) into publicly owned water treatment works.

Requests for copies/comments on this rulemaking through 1/17/17: John Therriault, Clerk, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-3620. Questions may be directed to Michael McCambridge at the same address, 312/814-6924, Michael.McCambridge@illinois.gov. Please reference the PCB docket number. Copies of the Board's opinion and order can be obtained from <http://www.ipcb.state.il.us/COOL/external/cases.aspx> or by calling 312/814-3620.

DOI Public Hearing

(e.g., Secretary of State motor vehicle records) for named insureds and covered drivers prior to issuing the policy. Persons wishing to provide oral testimony at this hearing must submit a written copy of their remarks to the DOI contact person listed below no later than Monday, Dec. 12. Copies of planned oral testimony received after that date will be entered into the record of the hearing, but DOI will decide if this testimony will be included in the hearing itself.

Contact person for public hearing: Barbara Delano, DOI, 122 S. Michigan Ave., 19th Fl., Chicago IL 60603, 312/814-0919, Barbara.Delano@illinois.gov

Emergency Rulemaking

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school districts that intend to participate in the program. The proposed amendments also contain additional provisions establishing the Illinois Global Scholar Certificate, in accordance with Public Act 99-780.

Questions/requests for copies/comments on the proposed rulemaking through 1/17/17: Lindsay Bentivigna, SBE, 100 N. First St. S-493, Springfield IL 62777-0001, 217/782-5270, rules@isbe.net

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 the Committee's December 13, 2016 meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF HEALTHCARE AND FAMILY SERVICES

Child Support Services (89 IAC 160; 40 Ill Reg 5256) proposed 4/1/16

STATE BOARD OF EDUCATION

Public Schools Evaluation, Recognition and Supervision
(23 IAC 1; 40 Ill Reg 12896) proposed 9/9/16

Charter Schools (23 IAC 650; 40 Ill Reg 12908) proposed 9/9/16

SECRETARY OF STATE

Regulations Under Illinois Securities Law of 1953
(14 IAC 130; 40 Ill Reg 4835) proposed 3/18/16

Procedures and Standards (92 IAC 1001; 40 Ill Reg 11136) proposed 8/19/16

Issuance of Licenses (92 IAC 1030; 40 Ill Reg 11246) proposed 8/26/16

Joint Committee on Administrative Rules

Senator Bill Brady

Representative Tom Demmer

Senator Karen McConnaughay

Representative Greg Harris

Senator Don Harmon

Representative Lou Lang

Senator Tony Muñoz

Representative André Thapedi

Senator Ira Silverstein

Representative Michael Tryon

Senator Chuck Weaver

Representative Keith Wheeler

**Vicki Thomas
Executive Director**