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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, 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.

New Rules

■ COSMETOLOGY TRAINING

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Part titled The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 (68 IAC 1175; 42 Ill Reg 3943), effective 8/10/18, implementing two Public Acts: PA 99-427, the 10-year sunset reauthorization of the Act, and PA 99-766, which requires persons licensed under the Act (other than barbers) to complete domestic violence and sexual assault awareness training. The rulemaking streamlines the processes for persons who hold one type of license to apply for and receive another and for license holders moving to Illinois from other states to receive an Illinois license. The rules are also being updated to reflect current business practices. Since 1st

Notice, DFPR has added provisions stating that it will maintain a list of approved domestic violence/sexual assault awareness course instructors on its website and that it will note whether these courses have an associated cost. Those affected by this rulemaking include barbers, beauticians, hair braiders, manicurists, and their employers and instructors.

Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

■ SPECIALIZED MEDICAL CARE

The BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS adopted a new Part titled Program Content and Guidelines for the Division of Specialized

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Proposed Rulemakings

■ WATER POLLUTION

The POLLUTION CONTROL BOARD proposed a new Part titled Design, Operation and Maintenance Criteria (35 IAC 604; 42 Ill Reg 14523) and proposed amendments to the Parts titled Introduction (35 IAC 601; 42 Ill Reg 14474), Permits (35 IAC 602; 42 Ill Reg 14494), and Primary Drinking Water Standards (35 IAC 611; 42 Ill Reg 14663). The new Part 604 is intended to consolidate and update rules for design, operation and maintenance of community water supplies that are now maintained by the Illinois Environmental Protection Agency at 35 IAC 653. Amendments to Parts 601, 602 and 611 make conforming changes to definitions, incorporations by reference, permitting requirements, and other provisions related to those

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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.

New Rules

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Care for Children (89 IAC 1200; 42 Ill Reg 7238) and repealed the former Part with the same title (89 IAC 1200; 42 Ill Reg 7185), both effective 10/1/18. The new Part reflects current eligibility standards and procedures for the DSCC program, which coordinates specialized medical care, diagnostic services and financial assistance for children with physical disabilities or conditions that may lead to physical disabilities. Since 1st Notice, the effective date of these rulemakings was changed to 10/1 to coincide with the federal fiscal year.

Questions/requests for copies of the 2 DSCC rulemakings: Mindy Kolaz, University of Illinois DSCC, 3135 Old Jacksonville Rd., Springfield IL 62704-6488, 217/558-2350 ext. 150, fax 217/558-0773, mmkolaz@uic.edu.

USE TAX

The DEPARTMENT OF REVENUE adopted an amendment to Use Tax (86 IAC

150; 41 Ill Reg 10532), effective 7/27/18, affecting out-of-State retailers who display and sell items at Illinois trade shows. The rulemaking exempts non-Illinois retailers from having to collect and pay use tax on sales made to Illinois purchasers from their out-of-State locations (to which they become subject if they establish a business presence or “nexus” in Illinois) if they meet the following “safe harbor” conditions: the retailer attends no more than 2 Illinois trade shows per calendar year, is physically present and engaged in trade show-related activity at those events for a total of no more than 8 days per calendar year, and the retailer’s combined gross sales receipts from those shows in a single calendar year do not exceed \$10,000. All sales made at trade shows remain subject to State and local sales taxes. Since 1st Notice DOR has clarified the procedure for submitting a special event tax collection report and added examples of when the tax applies or does not apply.

Questions/requests for copies: Jerilynn Troxell Gorden, DOR, 101

Proposed Rulemakings

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in 35 IAC 604. PCB also proposed an amendment to Water Use Designation and Site-Specific Water Quality Standards (35 IAC 303; 42 Ill Reg 14468) instituting a site-specific standard for dissolved nickel in the Sangamon River downstream from the City of Decatur water

treatment plant to Riverton. Those affected by these rulemakings include operators of municipal and community water supplies.

Questions/requests for copies/comments on the 5 PCB rulemakings through 9/24/18: Clerk’s Office, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-3620.

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

ABUSE REPORTS

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Office of Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies (89 IAC 50; 42 Ill Reg 5667), effective 7/26/18, requiring the DHS-OIG to forward unsubstantiated investigative reports without recommendations to the director of the facility or agency where the alleged incident occurred. (Formerly, the DHS-OIG kept these reports confidential.) The facility or agency director who receives such a report is responsible for maintaining its confidentiality under State and federal law.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

Please reference Docket R18-17 for Parts 601, 602, 604 and 611 and Docket R14-24 for Part 303. Comments can also be submitted through the Clerk’s Office On-Line (COOL) at www.pcb.illinois.gov.

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Proposed Rulemakings

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■ FORENSIC TESTING

The DEPARTMENT OF STATE POLICE proposed amendments to Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds (20 IAC 1286; 42 Ill Reg 15020) updating procedures for responding to subpoenas that request accuracy checks, calibrations, tests or maintenance and repair records for evidentiary testing instruments (e.g., breathalyzers). DSP is also removing two models of breathalyzers from its list of evidentiary instruments approved for use in Illinois effective 1/1/19; allowing its director to remove from active service, at his or her discretion, any approved evidentiary instrument from any department,

agency or sheriff's office based on lack of use; and applying the sample collection procedures in the Part to other bodily substances as well as breath, blood or urine. Municipal police departments may be affected by this rulemaking.

Questions/requests for copies/comments through 9/24/18: Matthew R. Rentschler, DSP, 801 S. Seventh St., Suite 1000-S, Springfield IL 62703, 217/782-7658.

■ SCHOOL BUSES

The DEPARTMENT OF TRANSPORTATION proposed repeal of the Parts titled Minimum Safety Standards for Construction of Type I School Buses (92 IAC 440; 42 Ill Reg 15029) and Minimum Safety Standards for Construction of Type II School

Buses (92 IAC 442; 42 Ill Reg 15117) and proposed a new Part titled Construction Standards for School Buses (92 IAC 440; 42 Ill Reg 15079). The new Part 440 will combine the bus construction standards now contained in the current Part 440 and Part 442, incorporate updated federal regulations, require buses manufactured after 1/1/19 to be equipped with a second stop signal arm panel if the bus is 28 feet or more in length, and modify other mechanical requirements. School bus manufacturers and operators will be affected by these rulemakings.

Questions/requests for copies/comments on the 3 DOT rulemakings through 9/24/18: Greg Stucka, DOT, 2300 S. Dirksen Pkwy, Room 317, Springfield IL 62764.

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 August 14, 2018 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

Medical Assistance Programs (89 IAC 120; 41 Ill Reg 11849) proposed 9/29/17

DEPT OF REVENUE

Service Occupation Tax (86 IAC 140; 42 Ill Reg 8445) proposed 5/25/18

Cannabis and Controlled Substances Tax Act (Repealer) (86 IAC 428; 42 Ill Reg 8769) proposed 6/1/18

Telecommunications Excise Tax (86 IAC 495; 42 Ill Reg 8810) proposed 6/1/18

Electronic Filing of Returns or Other Documents (86 IAC 760; 42 Ill Reg 8484) proposed 5/25/18

Invest in Kids Act (86 IAC 1000; 42 Ill Reg 7488) proposed 4/20/18