

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

VIDEO GAMING

The ILLINOIS GAMING BOARD adopted an amendment to "Video Gaming (General)" (11 Ill Adm Code 1800; 35 Ill Reg 15418), effective 3/21/12. The amendment requires each licensee to provide a means of "economic disassociation" of any person with "significant influence or control or holder of an ownership interest" if so ordered by the Board after an investigation into the person's character, reputation, experience, associations, business probity, and financial integrity. Licensees who violate the order may be subject to a complaint, a hearing on the merits of the Board's determination, and disciplinary actions.

Questions/requests for copies: Lynn Carter, IGB, 160 N. LaSalle St., Chicago IL 60601, 312/814-7137.

make site-specific changes at 22 different water bodies (e.g., five Bloomington Park District lakes are added to the list of waters where site-specific regulations apply). A change since 1st Notice raises the daily creel limit for white, black, or hybrid crappie at Carlyle Lake from 10 to 15 fish. Those affected by this rulemaking include municipalities that allow public fishing on their lakes or ponds.

👉 HOUND-RUNNING AREAS

DNR also adopted a new Part titled "Hound Running Areas" (17 Ill Adm Code 970; 35 Ill Reg 6742), effective 4/1/12, that outlines the permitting and operation of enclosed areas where hounds may pursue coyote, foxes, rabbits, and raccoons for training purposes. Applicants for a hound-running area permit must also possess a fur-bearing mammal breeders permit for possession of coyotes, foxes, or raccoons and a minimum of a Class B commercial game breeders permit for rabbits. The annual fee for each hound-running area permit is \$250. Applicants must provide a list of licensed trappers and commercial game breeder permit

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Proposed Regulations

👉 OVERSIZED LOADS

The DEPARTMENT OF TRANSPORTATION proposed amendments to "Oversized and Overweight Permit Movements on State Highways" (92 Ill Adm Code 554; 36 Ill Reg 5378) that revise when vehicles carrying oversized or overweight loads may carry those loads on State highways and the application process by which a hauler obtains a permit to carry oversized and/or overweight loads on State highways. The rulemaking clarifies the procedure for issuing a permit and to whom it will be issued, allowing companies to obtain permits under multiple names. The rulemaking also allows oversized and/or overweight movements 7 days per week and removes a provision granting round trip permits for movements when the return trip takes a different route than the initial trip. DOT will also cease issuing more than one revised permit. The rulemaking also expands the hours during which an oversized and/or overweight movement may occur and prohibits a permittee from following any detour in his or her permitted course. If a detour is necessary, the hauler must contact the permit office for further instruction. In addition, the

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👉 SPORT FISHING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to "Sport Fishing Regulations for the Waters of Illinois" (17 Ill Adm Code 810; 35 Ill Reg 15868), effective 3/22/12, that designate June 8-11, 2012, as free fishing days and

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.

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holders from whom animals will be obtained. No more than 3 hounds per animal may be released into an area, and hounds less than 7 months of age may be released only into a rabbit-running area. Perimeter fencing heights for the areas are specified. Furbearers possessed by the facility must be marked with an ear tag provided by the Department. The rulemaking also outlines recordkeeping requirements, maximum allowable animal densities, signage requirements, size and maximum capacity of temporary holding facilities, animal disposition, and penalties. The rulemaking gives specifications regarding acreage, fencing, and usage based on the size and use of the facility. Changes since 1st Notice allow acreage requirements for hound running areas in existence prior to 4/1/12 to be waived for up to 5 years at the request of the permit holder. An additional waiver for up to 5 years will be granted if the permit holder is making "reasonable progress" (having added at least 25% of the remaining acreage needed to comply with these rules) toward meeting acreage requirements. Other changes modify escape area requirements for coyote and fox hound running areas intended for inexperienced hounds 1 year or less in age to 2 dog-proof escape areas for tracts of 40 acres or less, with an additional dog-proof escape area for each additional 20-acre tract or partial tract up to a maximum of 80 (originally 20) contiguous acres. Also, DNR will charge actual procurement and shipping costs for rabbit, coyote, fox, and raccoon ear tags instead of specifying a price in rule. This rulemaking may affect not-for-profit dog organizations that choose to operate a hound-running area.

BOATING

DNR adopted amendments to "Designation of Restricted Waters in the State of Illinois" (17 Ill Adm Code 2030; 35 Ill Reg 19045), effective 3/

22/12, designating a portion of the Vermillion River near the Cement Plant Dam in Oglesby as "no entry" and changing the boundaries of the "no wake" zone at Quincy Bay Harbor along the Mississippi River.

Questions/requests for copies of the 3 DNR rulemakings above: George Sisk for Parts 810 and 970 and Robert Mool for Part 2030, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

DRIVER'S LICENSES

The SECRETARY OF STATE adopted amendments to rules titled "Illinois Safety Responsibility Law" (92 Ill Adm Code 1070; 35 Ill Reg 20125), effective 3/26/12, implementing Section 7-306.1 of the Illinois Vehicle Code. The rulemaking exempts certain non-residents and former Illinois residents who have met all requirements for reinstatement of their driving or registration privileges from filing proof of financial responsibility if they reside outside Illinois, have applied for a driver's license in another state, and present an affidavit of out-of-state residency to the Illinois SOS. Further amendments require an individual who was released from the financial responsibility requirement, but moves or returns to Illinois within 3 years, to present proof of insurance coverage for that time period to the SOS.

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

SCHOOLS

The STATE BOARD OF EDUCATION adopted amendments to its rules titled "Public Schools Evaluation, Recognition and Supervision" (23 Ill Adm Code 1; 35 Ill Reg 17572) to implement provisions in 3 Public Acts, update a document incorporated by reference and reflect current requirements for special education supervisors. PA 97-8 requires

that all voting school board members elected or appointed after June 2011 complete 4 hours of professional development leadership training in education and labor law, financial oversight and accountability and fiduciary responsibilities of a school board member. The training may be provided by an association responsible for training school board members or by another qualified provider approved by SBE. The requirements for providers seeking SBE approval to provide this training to school board members are set out, as well as SBE's approval criteria. SBE will post the names of all approved providers on its website. Approval is valid for 2 calendar years. The rulemaking also implements a provision in PA 97-339 that specifies how pupils enrolled in a remote educational program will have their clock hours of instruction counted for purposes of general State aid (each clock hour of remote educational program instruction equals 1/5 day of attendance). SBE is also implementing PA 97-87 that extends violence prevention and conflict resolution education to kindergarten students (now grades 1 through 12). Other amendments update national standards for eye and face protection devices and clarify that special education supervisors holding a teaching certificate must have that certificate endorsed for supervision. Those affected by this rulemaking include small business or non profit entities that offer school board members professional development leadership training.

SBE also adopted amendments to its rules titled "School Construction Program" (23 Ill Adm Code 151; 35 Ill Reg 17597), effective 3/20/12, to implement Public Act 97-205 extending school energy efficiency project grants to special education cooperatives that serve multiple school districts. Those affected by this rulemaking include special education cooperatives.

SCHOOL DISTRICT ACCOUNTING

SBE adopted emergency amendments

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to its rules titled "Requirements for Accounting, Budgeting, Financial Reporting, and Auditing" (23 Ill Adm Code 100; 36 Ill Reg 5625), effective 3/21/12, for a maximum of 150 days, to provide a method for school districts to account for Race to the Top funds they receive. Identical proposed amendments appear in this week's *Illinois Register* at 36 Ill Reg 5309. SBE has received about \$43 million under the Race to the Top 3 Program and more than 100 school districts will be participating in the program. The rulemakings include new Race to the Top revenue codes for participating districts to use with budget forms and fiscal information included in the Race to the Top application package. (Districts must account for Race to the Top funds separately from other funds.)

Questions/requests for copies of the SBE emergency and adopted rulemakings: Debbie Vespa, SBE, School Business Services Division, 100 North 1st Street, N-330, Springfield, Illinois 62777; Questions/requests for copies/comments concerning the proposed rulemaking through 5/21/12: Shelley Helton, SBE, 100 N. First St., S-493, Springfield IL 62777, 217/782-5270, e-mail: rules@isbe.net.

DNA SAMPLING

The DEPARTMENT OF STATE POLICE adopted amendments to "Sample Collection for Genetic Marker

Indexing" (20 Ill Adm Code 1285; 36 Ill Reg 1), effective 1/1/12, to implement Public Act 97-383. An identical emergency rulemaking was adopted at 36 Ill Reg 342, effective 1/1/12. (This Part concerns procedures and responsibilities for collecting body fluid samples from offenders and other individuals eligible for collection and databasing to enable genetic marker analysis and indexing for use in future criminal investigations and for other forensic purposes.) The amendments require that if a sample is determined to be ineligible for inclusion in the database but was matched in a search, the laboratory will proceed as if the sample had been eligible, the profile will be removed from the Combined DNA Index System, and the sample will be retained until an expungement order is received. Offenders convicted of home invasion, first degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, or criminal sexual assault must submit samples of DNA. Also, offenders who transfer to Illinois under the Interstate Compact for Adult Offender Supervision or the Interstate Agreements on Sexually Dangerous Persons Act must submit samples. County sheriffs are designated to collect samples from offenders required to provide a sample before conviction if the offender did not provide one previously. The agency designated to collect the DNA must also ensure that a complete set of fingerprints is on file

with DSP. Finally, the amendments provide guidance concerning court orders required for expungement of samples.

Questions/requests for copies: Suzanne L. Y. Bond, DSP, 801 S. 7th St., Ste. 1000-S, Springfield IL 62794-9461, 217/782-7658.

UNEMPLOYMENT BENEFITS

The DEPARTMENT OF EMPLOYMENT SECURITY adopted an emergency amendment to "Recovery of Benefits" (56 Ill Adm Code 2835; 36 Ill. Reg. 5619), effective 3/21/12, for a maximum of 150 days, to raise the percentage of a claimant's unemployment check that can be withheld to recoup fraudulently obtained federal Emergency Unemployment Compensation benefits from 50% to 100%. An identical proposed amendment appears in this week's *Illinois Register* at 36 Ill Reg 5072. The rulemakings implement a recent federal law change and match the percentage of Illinois unemployment benefits that can be withheld as a result of obtaining fraudulent State unemployment benefits.

Questions/requests for copies/comments concerning the proposed rulemaking through 5/21/12: Gregory J. Ramel, DES, 33 S. State St., Rm. 937, Chicago IL 60603, 312/793-4240, e-mail: gregory.ramel@illinois.gov.

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rulemaking makes numerous technical changes, such as updating DOT contact information; revises permit application form numbers; changes all references to a grantee to permittee and increases speed limit for permitted moves based on 2009 speed limit increases. Small businesses hauling oversized and/or overweight loads throughout Illinois may be affected.

Questions/requests for copies/comments through 5/21/12: Steven Todd,

DOT, 2300 S. Dirksen Pkwy., Room 009, Springfield IL 62764, 217/785-8967.

LAW ENFORCEMENT INTERNS

The LAW ENFORCEMENT TRAINING AND STANDARDS BOARD proposed a new Part titled "Intern Training Program" (20 Ill Adm. Code 1725; 35 Ill. Reg. 5077). The rules implement Public Act 90-259, which specifies requirements for civilians seeking admission to basic law enforcement

courses and sets eligibility criteria to take the exam to become a law enforcement officer. The rules detail the application and participation process, testing (cognitive, psychological, drug and physical agility), and background investigation of candidates. Program applicants are responsible for 100% of the costs incurred by their participation, must maintain personal health insurance, and hold harmless any persons or groups associated with the program. Applications must be

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filed at least 90 days prior to the start of instruction and LETSB has 30 days after receipt of the application to notify the applicant. Other topics covered in this rulemaking include training standards, minimum curriculum requirements, minimum intern requirements, certification of training academies, and procedures for the administration of the law enforcement certification examination. Municipalities and other entities that hire law enforcement officers trained in the intern program may be affected by this rulemaking.

Questions/requests for copies/comments through 5/21/12: Kevin T. McClain, LETSB, 4500 S. Sixth St. Rd., Room 173, Springfield IL 62703-6617 217/782-4540.

VETERANS' HOMES

The DEPARTMENT OF VETERANS' AFFAIRS proposed amendments to "Payment of Maintenance Charges and Income Management at the Illinois Veterans Homes" (95 Ill Adm Code 108; 36 Ill Reg 5450). The amendments increase from \$100 to \$200 the amount of monthly income each resident of a veterans' home may exempt from maintenance charges. (The maintenance charge is 90% of all income in excess of excluded amounts.) Also, any allowance for the support of a dependent (spouse, parent, or minor child of a resident) must be subtracted from the resident's income before the maintenance fee is calculated. DVA will establish the allowance amount and periodically review it to insure it is adequate.

Questions/requests for copies/comments through 5/21/12: James Robideau, DVA, 100 W. Randolph St., Ste. 5-570 Chicago IL 60601-3219, 312/814-5391.

TEACHER CERTIFICATION

The STATE BOARD OF EDUCATION proposed amendments to its rules titled "Certification" (23 Ill. Adm. Code 25; 36 Ill. Reg. 5135) to implement

some provisions from Public Act 97-607 that establish the educator licensure system beginning 7/1/13 and to implement several policy changes. In anticipation of licensure system changes that will be proposed later this year, this rulemaking updates statutory citations, changes the name of the State Teacher Certification Board to the State Educator Preparation And Licensure Board, and modifies requirements to conform to the new law. Other amendments redesign the teacher leader endorsement to implement changes recommended by the Illinois P-20 Council, as well as statutory changes; codify the special education endorsements required by the *Corey H.* settlement in this Part; add new language proficiency tests for transitional bilingual education and special education, as well as new texts (principal, test of academic proficiency) that will replace old tests (e.g., general administrative, basic skills test); and add statutory ending dates to certain certificates (e.g., part-time provisional and master principal). The rulemaking also requires candidates, beginning 9/1/15, who are completing a teacher preparation program to pass the Teacher Performance Assessment (a portfolio-based assessment conducted during student teaching, that is subject specific). Institutions of higher education with approved educator preparation programs must begin piloting the TPA by 7/1/13, but candidates who complete the program earlier than 9/1/15 will not be penalized. The rulemaking clarifies that the statutory 5 year limitation on basic skills test scores does not apply to additional certificates or endorsements. Other changes lower from 120 to 60 days the interval after which an individual may retake a computer test, and stipulate that cancellation or voiding of a test score still counts toward the 5 time limit on how many times a candidate may take a certification test. Not-for-profit entities and nonpublic colleges and universities that are recognized to offer educational preparation programs will be impacted.

TEXTBOOK LOAN PROGRAM

SBE proposed a repeal of its rules titled "Secular Textbook Loan Program" (23 Ill. Adm. Code 350; 36 Ill. Reg. 4363) to implement Public Act 97-570 that repeals Section 18-17 of the School Code and replaces it with the Textbook Block Grant Program. The PA defines textbook and provides a formula for annual funding, subject to appropriations, for K-12 public school districts and State-recognized, non-public schools to purchase textbooks. SBE notes that since each of the new block grant program components is defined in statute, rules are no longer necessary to implement and administer the program, so Part 350 is being proposed for repeal.

VOCATIONAL SCHOOLS

SBE also proposed a repeal of its rules titled "Private Business and Vocational Schools" (23 Ill. Adm. Code 451; 36 Ill. Reg. 5319) to implement Public Act 97-650 that transferred SBE's statutory authority over approval procedures for private business and vocational schools to the Board of Higher Education. BHE adopted emergency rules implementing these procedures effective 2/8/12 and has proposed permanent replacement rules, so the SBE rules are no longer necessary.

Questions/requests for copies/comments concerning the 3 SBE proposed rulemakings through 5/21/12: Shelley Helton at the SBE address and phone number on page 3.

SPECIAL WASTE

The POLLUTION CONTROL BOARD proposed amendments to rules titled "Nonhazardous Special Waste Hauling and the Uniform Program" (35 Ill Adm Code 809; 36 Ill Reg 5095) that implement provisions of Public Act 97-220, withdrawing the State from the federal Uniform Hazardous Materials Transportation Registration and Permit Program. PCB will require all transporters of both hazardous and

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non-hazardous special waste to obtain a single special waste hauler permit from the Illinois Environmental Protection Agency, instead of requiring a separate permit for hazardous special waste under the Uniform Program. Those affected by this rulemaking include small businesses, small municipalities, and non-profits that generate or haul special waste in Illinois.

Requests for copies/comments through 5/21/12: John Therriault, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-3620 or download copies at www.ipcb.state.il.us. For more information: Tim Fox at the same address, 312/814-6085, e-mail: foxt@ipcb.state.il.us. Please reference docket R12-13.

VOCATIONAL REHABILITATION

The DEPARTMENT OF HUMAN SERVICES proposed a new Part titled "Referral for VR Services" (89 Ill. Adm. Code 552; 36 Ill. Reg. 5047) applicable to all DHS vocational rehabilitation (VR) customers. The rulemaking

states that referrals for VR services are required to be officially recorded on the dates received. DHS VR customers must have completed their initial interview and be placed into application status within 30 days after the date of the referral. VR customers who do not complete the application process will have their cases closed.

Questions/requests for copies/comments through 5/21/12: Tracie Drew, DHS, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/785-9772.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to "Pay Plan" (80 Ill Adm Code 310; 36 Ill Reg 4991) removing references to fiscal year 2012 from provisions implementing a pay freeze for merit compensation and union represented positions at 14 State agencies. Other provisions implement new pay scales for various technical positions at the Illinois Department of Transportation; implement pay increases of 1.5% (general) and 3% (for

employees who have been in a title 5 years or more and are below the mid-range of pay for that title) for certain positions at IDOT, CMS and the Department of Natural Resources that are represented by a Teamsters bargaining unit; and add the Departments of Corrections and Juvenile Justice to the list of agencies with a Public Service Administrator Option 8K (Special License-Licensed Psychologist) title assigned to an Illinois State Employees' Association-Laborers' International Union of North America bargaining unit. Finally, the rulemaking implements two memoranda of understanding adding the titles of Cancer Registrar II and Human Rights Mediator to lists of those represented by an AFSCME bargaining unit and to the list of frozen negotiated rates of pay.

Questions/requests for copies/comments through 5/21/12: Jason Doggett, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7964, fax 217/524-4570, e-mail: CMS.PayPlan@illinois.gov.

Second Notice

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 April 17, 2012 meeting.

ILLINOIS STUDENT ASSISTANCE COMMISSION

"Illinois Prepaid Tuition Program" (23 Ill Adm Code 2775) proposed 1/13/12 (36 Ill Reg 550)

"Illinois National Guard (ING) Grant Program" (23 Ill Adm Code 2730) proposed 1/13/12 (36 Ill Reg 505)

"Grant Program for Dependents of Correctional Officers" (23 Ill Adm Code 2731) proposed 1/13/12 (36 Ill Reg 511)

"College Planning Act" (23 Ill Adm Code 2774) proposed 1/13/12 (36 Ill Reg 543)

"Grant Program for Dependents of Police or Fire Officers" (23 Ill Adm Code 2732) proposed 1/13/12 (36 Ill Reg 517)

"Illinois Veteran Grant (IVG) Program" (23 Ill Adm Code 2733) proposed 1/13/12 (36 Ill Reg 523)

"Monetary Award Program (MAP)" (23 Ill Adm Code 2735) proposed 1/13/12 (36 Ill Reg 529)

"John R. Justice Student Loan Repayment Program" (23 Ill Adm Code 2754) proposed 1/13/12 (36 Ill Reg 545)

DEPARTMENT OF PUBLIC HEALTH

"Health Care Data Collection and Submission Code" (77 Ill Adm Code 1010) proposed 1/27/12 (36 Ill Reg 1009)

IL COMMERCE COMMISSION

"Collateral Recovery" (92 Ill Adm Code 1480) proposed 12/23/11 (35 Ill Reg 19995)

DEPT. OF VETERANS' AFFAIRS

"MIA/POW Scholarship" (95 Ill Adm Code 116) proposed 6/3/11 (35 Ill Reg 8413)