

The Flinn Report

Illinois

Regulation

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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 is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

WEIGHTS & MEASURES

The DEPARTMENT OF AGRICULTURE adopted amendments to "Weights and Measures Act" (8 Ill Adm Code 600; 33 Ill Reg 7047), effective 9/1/09, increasing fees for inspecting commercial weighing and measuring devices, as well as fees for metrology lab services. The rulemaking creates 5 categories for scale inspection fees based on the capacity of the scales, with fees ranging from \$20 to \$200 (previously, there were 3 categories with fees of \$18 to \$186). The fee for inspecting livestock scales increases from \$186 to \$300. Fees for inspection of railroad track scales, belt conveyor scales, liquefied petroleum gas meters, grain moisture meters, and motor fuel dispensers and meters are also increasing by \$6 to \$27. Finally, the cost for laboratory services to test the accuracy of a device increases from \$140 to \$155 per hour. The same \$155 per hour fee, plus travel expenses, will be charged for on-site field lab services. (In cities that conduct their own weight and measure inspections, the city, instead of DOA, collects the fees.) Small businesses that own or operate commercial scales, meters, or fuel pumps (e.g., grain elevators, gas stations) will be affected by this rulemaking.

Questions/requests for copies: Linda Rhodes, DOA, State Fairgrounds, Springfield IL 62794-9281, 217/785-5713, Fax 217/785-4505.

HORSE RACING

The ILLINOIS RACING BOARD adopted amendments to "Medication" (11 Ill Adm Code 603; 33 Ill Reg 8135), effective 8/25/09, to mirror the Association of Racing Commissioners International (ARCI) furosemide (lasix) and total carbon dioxide (TCO₂) rules. In addition, penalties for exceeding TCO₂ thresholds are generally decreased, and a \$5,000 fine is added for owners for a 3rd or subsequent report of excessive TCO₂. The amendments also ban individuals under 16 years of age from entering detention barns; require persons requesting additional Board lab tests to bear the cost; and require suspended trainers of harness racers to give the Board a current stable list. Owners of horses on the stable list must secure the services of a Steward-approved trainer and stable the horses with an organization licensee for the full term of the penalized trainer's suspension, with certain specified exceptions. A change since 1st Notice increases the maximum duration of a suspension follow-

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Proposed Regulations

POOL & SPA SAFETY

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to "Illinois Swimming Pool and Bathing Beach Code" (77 Ill Adm Code 820; 33 Ill Reg 12459). The rulemaking implements the federal Virginia Graeme Baker Pool and Spa Safety Act (15 USC 8001), which requires public and commercial swimming pools and spas to install protective equipment to prevent small children from becoming trapped in drains and suction outlets. Certified safety covers that do not protrude more than 2 inches from the bottom or sides of a pool are now required for suction outlets, and all vacuum outlets in pools must have covers that automatically close and latch when the vacuum hose is removed. A shut-off valve must be installed in the piping. All suction outlet covers must be clean and free of leaves or other debris that may restrict flow, and covers that are broken or missing must be immediately replaced. The rulemaking implements other federal requirements governing the types of drainage and overflow systems permitted, the safety features required for such systems, and the size and spacing of drains. The amendments also reflect changes to the Illinois Swimming Facility Act [210 ILCS 125], formerly known as the Swimming Pool and Bathing Beach Act. New statutory definitions for "spa", "swimming facility", and "swimming pool" are added, while other defini-

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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

ing a 3rd or subsequent report of an excessive TCO₂ level from 360 to 365 days.

Questions/requests for copies: Mickey Ezzo, IRB, 100 W. Randolph, Ste. 7-701, Chicago IL 60601, 312/814-5017.

PUBLIC SCHOOLS

The STATE BOARD OF EDUCATION adopted emergency amendments for "Requirements for Accounting, Budgeting, Financial Reporting, and Auditing" (23 Ill Adm Code 100; 33 Ill Reg 12589), effective 8/26/09, for a maximum of 150 days. Companion, but not identical, proposed amendments are also in this week's *Illinois Register* at 33 Ill Reg 12538. The emergency amendments update the Part to assure uniformity in accounting for the

federal economic stimulus funds that school districts will receive under the American Recovery and Reinvestment Act of 2009 (ARRA). New account numbers are established to track expenditures from ARRA federal funds, as distinguished from expenditures from other federal funds under the normal budget process. A separate procedure for school district treatment of these ARRA funds includes accounting, budgeting, reporting, and auditing measures. The SBE proposed amendments to this same Part include these ARRA emergency amendments and also replace an obsolete reference to the fall enrollment and housing report with the currently required September 30th enrollment count and update career and technical education revenue accounts. Also, revenue accounts are added for education of

homeless children and the Youth State Grant Program, Title I school improvement, Carol D. Perkins initiatives, and fresh fruits and vegetables for child nutrition. In addition to the rulemakings above, SBE withdrew proposed amendments originally published at 33 Ill Reg 6257 in the 5/1/09 *Illinois Register* on the same subject matter. SBE states that this week's proposal provides additional flexibility for fund accounting.

Questions/requests for copies of the emergency amendments: Debbie Vespa, SBE, 100 N. First St., N-330, Springfield IL 62777-0001, 217/785-8779. Questions/requests for copies/comments concerning the proposed rulemaking through 10/26/09: Shelly Helton at the same address, 217/782-5270, e-mail: rules@isbe.net

Proposed Regulations

tions are updated and incorporations by reference added or updated. The Department adopted substantially similar emergency amendments to this Part, effective 5/18/09 for a maximum of 150 days, that were published in the 5/29/09 *Illinois Register*. Those affected by this rulemaking include small businesses (e.g., motels, apartment complexes), small municipalities, and non-profit organizations (e.g., clubs, camps, schools) that own swimming pools or spas open to their residents, members, or the public.

Questions/requests for copies/comments through 10/26/09: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761-0001, 217/782-2043, e-mail: dph.rules@illinois.gov

12446). Amendments to Parts 808 and 809 exempt used oil that meets criteria set forth in Part 739, as well as four specific mixtures of used oil and other materials, from the requirement that a manifest accompany any shipment of hazardous waste to its final destination. Amendments to Part 739 require generators, transporters, and processors of the specified oil or waste mixtures to keep records of each shipment containing information currently required on the manifest (origin of the waste shipment; classification and quantity of waste; special handling instructions in the event of an accident; certification that the shipment is properly classified, marked, and packaged). Businesses that generate, transport, or process used oil (e.g., auto maintenance shops, waste haulers, oil recyclers) will be affected by this rulemaking.

Requests for copies/comments concerning the above 3 rulemakings through 10/26/09: John Therriault, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-3620, or download copies at www.ipcb.state.il.us. Questions: Tim Fox at the same address, e-mail: foxt@ipcb.state.il.us, 312/814-

6085, Please reference docket R06-20.

👉 SOS INFORMATION SALE

The SECRETARY OF STATE proposed amendments to "Sale of Information" (92 Ill Adm Code 1002; 33 Ill Reg 12520). The rulemaking clarifies that SOS will not give refunds to any person who purchases information after the information has been furnished. Additional changes further clarify that all entities, whether they are a commercial or business purchaser or government entity, must enter an access agreement in order to receive such information. (SOS sells information collected in the process of issuing driver's licenses, vehicle titles, vehicle registrations, and driving and identification card abstracts that are compiled into lists. SOS rules explicitly prohibit the sale of personally identifying information from the driver, vehicle, or title lists or from a driving or identification card abstract for commercial solicitation purposes.) Small businesses and municipalities that purchase driver, vehicle, or title lists or driving or identification card abstracts may be impacted by this rulemaking.

👉 USED OIL MANAGEMENT

The POLLUTION CONTROL BOARD proposed amendments to rules titled "Standards for Management of Used Oil" (35 Ill Adm Code 739; 33 Ill Reg 12426), "Special Waste Classifications" (35 Ill Adm Code 808; 33 Ill Reg 12439), and "Nonhazardous Special Waste Hauling and the Uniform Program" (35 Ill Adm Code 809; 33 Ill Reg

Proposed Regulations

☞ VEHICLE PERMITS

SOS proposed amendments to "Certificates of Title, Registration of Vehicles" (92 Ill Adm Code 1010; 33 Ill Reg 12527) clarifying procedures for denying or revoking any dealer, remittance agent, or currency exchange's authorization to issue temporary permits on behalf of SOS if the entity is found to have violated any chapter 3 (Certificates of Title and Registration of Vehicles) or chapter 5 (Dealers, Transporters, Wreckers and Rebuilders) provisions of the Illinois Vehicle Code or any applicable SOS administrative rule. (A "temporary permit" is a temporary vehicle plate issued by SOS pending the vehicle owner's receipt of registration plates and/or a sticker.) The rulemaking requires SOS to notify the entity in writing by mail and allows an appeal via administrative hearing to review the denial/revocation order if requested. Entities whose authority to issue temporary permits has been denied or revoked may not issue or apply to issue permits for a period of 90 days, and a second or subsequent offense may result in an entity being prohibited from receiving and issuing permits. Dealers, remittance agents, small businesses employing these individuals, or currency exchanges may be impacted by this rulemaking.

☞ SOS OFFICE ADDRESS

SOS also proposed an amendment to the SOS organizational rules titled "Departmental Duties" (2 Ill Adm Code 552; 33 Ill Reg 12515). The amendment updates the addresses where the Secretary receives service of process for cases involving securities, non-Illinois drivers involved in motor vehicle accidents in Illinois, business corporations, and administrative reviews. Statutory citations are also updated. Persons involved in such cases will be affected by this rulemaking.

Questions/requests for copies/comments concerning the 3 SOS rulemakings above through 10/26/09: Brenda Glahn for Part 1002 and Cynthia Grant for Parts 552 and 1010, 298 Howlett Bldg., Springfield IL 62756, 217/782-3094, e-mail: bglahn@ilsos.net or cgrant@ilsos.net

☞ HUMAN RIGHTS TRAINING

The DEPARTMENT OF HUMAN RIGHTS proposed an amendment to "Access to Information" (2 Ill Adm Code 926; 33 Ill Reg 12421) adding a new section on training. Requests for training may be submitted by telephone, mail, or e-mail to DHR's Insti-

tute for Training and Development with the course desired, number of attendees expected, and contact person's name included. Course examples include Sexual Harrassment Prevention and Diversity Awareness. The Institute will provide the cost of training and dates that staff is available. Open-to-the-public training sessions are free. Effective 1/1/10, the cost for on-site training for non-governmental entities, regardless of number of employees, and not-for-profit entities with more than 50 employees will be \$1,050 for a 3-hour training session for up to 35 attendees, plus reimbursement for travel expenses. For each additional attendee, there will be a charge of \$5. The amendment also gives payment information, including that the session may be cancelled by DHR if payment is not received at least 5 days prior to the scheduled training date. Any entity requesting training may be affected by this rulemaking.

Questions/requests for copies/comments through 10/26/09: David T. Rothal, DHR, 100 W. Randolph, Ste. 10-100, Chicago IL 60601, 312/814-6257 or TTY 217/785-5125.

Second Notices

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 October 14, 2009 meeting.

DEPT. OF CENTRAL MANAGEMENT SERVICES

"Merit and Fitness" (80 Ill Adm Code 302) proposed 7/6/09 (33 Ill Reg 9208)

"Pay Plan" (80 Ill Adm Code 310) proposed 7/17/09 (33 Ill Reg 10098)

DEPARTMENT OF TRANSPORTATION

"Roadside Memorials" (92 Ill Adm Code 549) proposed 7/17/09 (33 Ill Reg 10207)

DEPARTMENT OF HUMAN SERVICES

"Vending Facility Program for the Blind" (89 Ill Adm Code 650) proposed 5/15/09 (33 Ill Reg 6621)

"Temporary Assistance for Needy Families" (89 Ill Adm Code 112) proposed 6/5/09 (33 Ill Reg 7274)

"Aid to the Aged, Blind or Disabled" (89 Ill Adm Code 113) proposed 6/5/09 (33 Ill Reg 7277)

"General Assistance" (89 Ill Adm Code 114) proposed 6/5/09 (33 Ill Reg 7280)

"Food Stamps" (89 Ill Adm Code 121) proposed 4/24/09 (33 Ill Reg 6009)

"Food Stamps" (89 Ill Adm Code 121) proposed 6/5/09 (33 Ill Reg 7283)

"General Administrative Provisions" (89 Ill Adm Code 10) proposed 6/5/09 (33 Ill Reg 7244)

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